

CITY OF AMERICUS

Personnel Manual

“A Shining City on a Hill”



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Revised: January 2017

CHAPTER 1. GENERAL PROVISIONS

Section 1. Authority

The Governing Body, pursuant to its authority under Article III of the Personnel Ordinance adopted at its Council meeting of November 18, 1975 and amended by Ordinance of September 19, 1977, September 24, 1979, October 8, 1979, April 27, 1981, May 25, 1981, November 23, 1981, October 25, 1982, December 27, 1984, November 24, 1986, June 1, 1987, March 28, 1988, December 26, 1990, February 1, 1991, June 1, 1991, June 20, 1991, October 26, 1992, January 1, 1993, June 1, 1993, October 1, 1993, January 1, 1994, May 1, 1994, May 1, 1995, June 1, 1995, April 1, 1996, September 1, 1996, May 1, 1997, August 1, 1997, December 1, 1997, January 1, 1998, June 1, 1998, February 1, 1999, November 1, 1999, January 1, 2000, April 1, 2000, July 1, 2000, October 1, 2000, November 1, 2000, December 1, 2000, July 1, 2001, and August 1, 2001, January 1, 2002, May 1, 2002, August 1, 2002, December 1, 2002, January 1, 2003, August 1, 2003, October 1, 2003, April 1, 2004, September 1, 2004, November 1, 2004, April 1, 2005, November 1, 2005, May 1, 2006, December 1, 2006, January 1, 2007, April 1, 2007, July 1, 2007, November 1, 2007, January 19 2017 hereby adopts the following Personnel Policies for the City of Americus.

Section 2. Positions Covered

These policies shall apply to all regular positions in the city and to such temporary or part-time positions as may be specifically covered by action of the Governing Body. A "regular position" is any full-time year-round position which exists or which is created in any agency of the City of Americus government, if salary or wages of the employee is paid in whole or in part by the City.

Section 3. Administration

These Policies shall be administered by and under the direction of the Human Resources Director and in conformity with the Personnel Ordinance. Throughout these policies, powers and duties, implied or expressed as pertaining to the Human Resources Director, may be delegated to department heads, who may further delegate such authority to subordinates with the approval of the Human Resources Director. Departmental operating rules and regulations, not in conflict with these policies, may be established by the department head with the prior approval of the City Manager. Such approved rules shall have the same force and effect as these policies and shall be posted in a prominent place in the department. Any violation of these policies shall be subject to disciplinary action. Employees have right of appeal according to the Appeals policy listed in Chapter 13, Section 3.

Section 4. Amendment

These Policies may be amended at any regular or special meeting of the Governing Body by adoption of an appropriate amendment by ordinance, as may be necessary to provide for adequate and systematic handling of personnel affairs.

Section 5. Interpretation

The Policies are intended to cover most personnel situations which may arise during City employment. Those situations not specifically covered in the Policies shall be interpreted by the Human Resources Director with the advice of the Governing Body consistent with the intent of the Personnel Ordinance and these Policies. All persons employed by the Governing Body shall be deemed employees at-will regardless of any conflicting provisions of in these Policies, as now existing or hereafter amended. The provisions herein are not intended to create, nor are these provisions to be construed to constitute, a contract between the Governing Body and any one or all of its employees; nor shall the provisions herein create or be construed to create a right, including a property right, in continued or continuing employment with the City.

Section 6. Veterans' Preference

Procedures concerning hiring honorably discharged veterans shall conform to federal and state law.

Section 7. Employment-At-Will

Nothing in this Personnel Policy is intended to create, comprise, or define, nor should it be construed to constitute, any type of oral or written employment contract, promise, or guarantee, express or implied, between the City and any one or all of its employees. Nothing in this Personnel Policy is intended to provide any assurance of continued employment.

In the absence of a specific agreement to the contrary, authorized in writing by the City's Mayor, employment with and compensation from the City are for no definite period of time and may be terminated by the City or the employee at any time, for any reason, with or without cause, and with or without notice. Any written or oral statements or promises to the contrary are hereby expressly disavowed and should not be relied upon by prospective or existing employees.

CHAPTER 2. EQUAL EMPLOYMENT OPPORTUNITY POLICY

Section 1. Statement of Policy

The City of Americus is an Equal Employment Opportunity Employer. As such, the City is committed to providing equal employment and advancement opportunity for all employees and applicants for employment without regard to:

(a) Race, color, creed or religion, sex (including pregnancy), marital or family status, sexual orientation, gender identity, national origin or ethnicity, citizenship (except to the extent citizenship constitutes a mandatory qualification under federal or state law), age, disability, genetic information, political affiliation, military or veteran status, or any other classification or status protected by applicable federal, state and local laws;

(b) Current or previous (i) opposition to an alleged violation of this Policy or any federal, state, or local law prohibiting employment discrimination or (ii) participation in a complaint, investigation, lawsuit or other official proceeding relating to any such alleged violation; or

(c) Association with or support of others who fall within any such classification or status or who engaged in any such protected opposition or participation.

To implement these policies, the Governing Body of Americus, Georgia, and all department heads of the City will:

(a) Recruit, hire, train and promote persons in all job classifications without regard to race, color, creed or religion, sex (including pregnancy), marital or family status, sexual orientation, gender identity, national origin or ethnicity, citizenship (except to the extent citizenship constitutes a mandatory qualification under federal or state law), age, disability, genetic information, political affiliation, military or veteran status, or any other classification or status protected by applicable federal, state and local laws.

(b) Base decisions on employment so as to further the principle of Equal Employment Opportunity.

(c) Insure that all personnel actions, including, but not limited to, compensation, benefits, transfers, layoffs, return from layoffs, and any City sponsored training, education and tuition assistance programs are administered without regard to race, color, creed or religion, sex (including pregnancy), marital or family status, sexual orientation, gender identity, national origin or ethnicity, citizenship (except to the extent citizenship constitutes a mandatory qualification under federal or state law), age, disability, genetic information, political affiliation, military or veteran status, or any other classification or status protected by applicable federal, state and local laws.

(d) Insure that promotion decisions are in accord with the principles of Equal Employment Opportunity by imposing only valid requirements for promotion.

Equal Employment Opportunity is not only the law, but is a principle of the Governing Body of Americus and all of its Departments operations. The Governing Body, which consists of all the elected officials of the City, expects each employee and elected official to cooperate to achieve this goal, and they personally stand behind this principle.

Section 2. Coverage and Applicability

This Policy covers all applicants for employment and City employees (including supervisors, managers, and department heads), as well as non-employees associated with the City (including elected officials, appointed officials, volunteers, contractors, sub-contractors, vendors, and program participants). All such employees, applicants, and other covered individuals are expected to adhere to the standards of conduct that this Policy

establishes, to support and cooperate in its enforcement, and to report any violations that they observe or experience themselves.

This Policy applies to all terms and conditions of employment, including but not limited to, recruitment, testing, hiring, placement, assignment, transfer, promotion, performance review, discipline, termination, layoff, recall, leave of absence, compensation, benefits, training, testing, and work environment.

Section 3. Administration

The Human Resources Director will be responsible for overseeing all employment practices in each Department of the City and the title shall be deemed "Equal Employment Opportunity Officer", hereinafter called "Human Resources Director."

The Human Resources Director will be given necessary support and staffing to execute the assignments by the Governing Body of Americus. The Human Resources Director is responsible for:

- (a) Developing policy statements and, Equal Employment Opportunity Programs.
- (b) Identifying problem areas.
- (c) Designing and implementing an annual reporting system that will measure the effectiveness of the Equal Employment Opportunity Program.
- (d) Keeping all the City staff informed of the latest developments in the entire Equal Employment Opportunity area.
- (e) Assisting in identifying problem areas and establishing local goals and objectives.
- (f) Conducting regular discussions with department heads of the City who are charged with hiring to insure implementation of this Equal Employment Opportunity Program.

Section 4. Internal and External Dissemination of Policy

The City's policy concerning its Equal Employment Opportunity Programs will be disseminated internally as follows:

- (a) The policy will be included in all Personnel Policy Manuals.
- (b) The City's policy toward Equal Employment Opportunity will be posted on the City's bulletin board in the Municipal Building of the City and during the distribution of the City's personnel manual
- (c) The City will inform, verbally and in writing, all recruiting sources of the City's Equal Employment Opportunity Policy,
- (d) The following Equal Opportunity Clause shall be inserted in each advertisement for employees and on each job application: "The City of Americus, Georgia is an Equal Employment Opportunity Employer."
- (e) The Human Resources Director shall prepare an annual report for the City Manager and all department heads. The report will include a list of the City's employees by department, indicating for each name: race, sex, and date of hire, present salary, and present position.

Section 5. Reporting Procedure; Investigations

No employee or applicant should assume that the City is aware of a problem. To the contrary, employees and applicants who believe that they have experienced or observed discrimination or retaliation in violation of this EEO Policy are expected and strongly encouraged to report the matter promptly through the Reporting Procedure set forth in the City's Anti-Harassment Policy so that it may be investigated and remedied as quickly as possible.

All reports of alleged violations of this Policy will be investigated promptly, thoroughly, and impartially. The investigation may include interviews with the parties involved and, where necessary, with individuals who may have observed the alleged violation or may have other relevant knowledge. To the extent practical and consistent with the City's obligations under the Open Records Act and other applicable federal, state, or local laws, confidentiality will be maintained throughout the investigatory process.

Any employee, applicant, or other covered individual with any questions or concerns relating to any aspect of this Policy may contact the Human Resources Director for assistance.

Section 6. Policy Violations

The City is serious about enforcing this Policy. Any employee determined to have engaged in discrimination or retaliation in violation of this Policy will be subject to disciplinary or other corrective action, up to and including termination of employment.

CHAPTER 3. ANTI-HARASSMENT POLICY

It is the firm policy of the City of Americus to maintain a workplace free from unwanted harassment based upon race, color, creed or religion, sex (including pregnancy), marital or family status, sexual orientation, gender identity, national origin or ethnicity, citizenship (except to the extent citizenship constitutes a mandatory qualification under federal or state law), age, disability, genetic information, political affiliation, military or veteran status, or any other classification or status protected by applicable federal, state and local laws. All such harassment is prohibited. Retaliation against employees or prospective employees reporting harassment or participating as a witness or otherwise in any investigation or other proceeding relating to a complaint of workplace harassment is also prohibited.

Workplace Harassment Defined.

Workplace harassment is verbal or physical conduct that is either (a) directed toward an individual or (b) reasonably offensive to an individual on the basis of race, color, creed or religion, sex (including pregnancy), marital or family status, sexual orientation, gender identity, national origin or ethnicity, citizenship, age, disability, genetic information, political affiliation, military or veteran status, or any other classification or status protected by applicable federal, state or local laws.

All employees, including supervisors and managers, as well as all City officials are covered by this Policy and are prohibited from engaging in any form of harassing or retaliatory conduct. In addition, harassment or retaliation of any employee in connection with the employee's work by non-employees is also prohibited. Moreover, this Policy is applicable to and prohibits all forms of harassment that adversely affects the workplace, regardless of whether it actually takes place in the workplace or during work hours.

Examples of Workplace Harassment.

Workplace harassment may include, but is not limited to, the following:

- (a) Epithets, slurs, negative stereotyping, jokes, or threatening, intimidating or hostile acts that relate to race, color, creed or religion, sex (including pregnancy), marital or family status, sexual orientation, gender identity, national origin or ethnicity, citizenship, age, disability, genetic information, political affiliation, military or veteran status, or any other classification or status protected by applicable federal, state or local laws;
- (b) Written or graphic materials which are offensive to an individual related race, color, creed or religion, sex (including pregnancy), marital or family status, sexual orientation, gender identity, national origin or ethnicity, citizenship, age, disability, genetic information, political affiliation, military or veteran status, or any other classification or status protected by applicable federal, state or local laws, and which are displayed or distributed in the workplace, including via social media or any other electronic means; or
- (c) Threatening, intimidating, abusive, or hostile acts directed to an individual because of his or her report or complaint of workplace harassment or participation as a witness or otherwise in any investigation or other proceeding relating to such a report or complaint.

This Policy prohibits harassing conduct as defined herein, without regard to whether such conduct would also violate state or federal anti-harassment laws.

Sexual Harassment Defined.

All City of Americus employees must be allowed to work in an environment free from unsolicited and unwelcome sexual conduct and comments. Sexual harassment is a violation of the law and of this Policy. Sexual harassment is defined by the Equal Employment Opportunity Commission as any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature when:

- (a) Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or
- (c) The conduct has the purpose or effect of unreasonably interfering with the individual's performance or of creating an intimidating, hostile or offensive working environment.

Examples of Sexual Harassment.

Sexual harassment may include, but is not limited to, the following:

- Verbal conduct, such as derogatory comments, slurs, unwanted sexual advances, or sexually-oriented verbal references, jokes, kidding, or abuse;
- Physical conduct, such as unwanted touching, patting, pinching, blocking normal movement, or assault;
- Subtle or explicit pressure for sexual activity;
- Demands to submit to sexual requests, accompanied by implied or direct promises of preferential treatment or threats concerning an individual's employment status;
- Visual harassment such as sexually-explicit or sexually-derogatory posters, obscene gestures, cartoons, photographs, or drawings including those in electronic format; and
- Any conduct that insults, demeans, or in any way treats differently an individual who is perceived as not conforming to certain male or female gender role expectations.
- This Policy prohibits harassing conduct as defined herein without regard to whether such conduct would also violate state or federal anti-harassment laws.

Employee Responsibility.

Employees should not tolerate harassing conduct. Any employee who believes that he or she has experienced prohibited harassment in connection with his or her employment or who is aware of the harassment of other employees or prospective employees has a duty to report the potential policy violation so that appropriate corrective action may be taken. Any such complaints or reports should be made to the employee's supervisor, or the Human Resources Director, or the Human Resources Specialist or the Community Development Director, or the Department Head.

While not mandatory, complaints or reports of workplace harassment (including sexual harassment) should be made in writing whenever possible and should include all details, specifying all names, dates, times, etc.

Employees are prohibited from participating in, promoting, or supporting any form of workplace harassment (including sexual harassment) as defined by this Policy. This Policy extends to all electronic and voice mail communications.

Management Responsibility.

Department Heads and supervisors are to comply with the City's Anti-Harassment Policy and to work to prevent, detect, and correct any harassment occurrences in their areas of responsibility. Managers and supervisors are responsible for ensuring that the employees under their supervision are aware of the Policy and that all complaints or reports of workplace harassment (including sexual harassment) are promptly reported and properly investigated, and that any appropriate corrective action is taken. Managers and supervisors are also responsible for cooperating with the scheduling of employees under their supervision for any mandatory anti-harassment training

The Human Resources Department is available for consultation.

Training.

Employees must participate in any anti-harassment training provided by the City related to harassment prevention. Participation in training is necessary to achieve and maintain our goal of a harassment-free workplace.

Complaint Procedure.

Any employee or prospective employee who believes that he or she has been subjected to workplace harassment (including sexual harassment) or retaliation as defined by this Policy or who is aware of the harassment of or retaliation against other employees or prospective employees, should immediately contact his or her supervisor, or the Human Resources Director, or the Human Resources Specialist or the Community Development Director, or the Department Head. If an employee believes his or her complaint or report of harassment or retaliation is not being properly addressed, he or she should immediately contact the City Manager. Complaints should be in writing where possible and should include all details, specifying all names, dates, times, etc. Any reported violation of this Policy will receive prompt and appropriate action. The City will investigate all complaints alleging harassment and all instances potentially constituting harassment that come to its attention. When conducting an investigation, care will be taken to protect confidentiality to the degree possible, while still permitting the City to conduct a meaningful investigation.

Following an investigation, the City of Americus will take prompt and appropriate corrective action to remedy any harassment. Any employee found to have engaged in workplace harassment (including sexual harassment) or retaliation as defined by this Policy will be subject to appropriate corrective and/or disciplinary action, up to and including termination of employment.

Retaliation Strictly Prohibited.

As stated herein, employees have a duty to report any harassing conduct they either experience or observe. Retaliation against any individual for reporting conduct which he or she believes to constitute workplace harassment (including sexual harassment) or for otherwise participating in any investigation or other proceeding relating to such a complaint or report is a serious violation of this Policy and will be subject to appropriate corrective and/or disciplinary action, up to and including termination of employment.

ACKNOWLEDGMENT OF RECEIPT OF ANTI-HARASSMENT POLICY

I hereby acknowledge that I have received this date a copy of the Anti-Harassment Policy of the City. I understand that it is my responsibility to read, understand, and follow this Policy during my employment. If at any time I have any questions about this Policy or the meaning of any provisions of this Policy, I will contact _____ for such information and answers.

Witness

Employee

CHAPTER 4. CODE OF ETHICS

Each city employee shall conduct their actions in public and private to earn the respect and confidence of elected officials, fellow employees and the general public.

Each employee of the City should:

1. Put loyalty to moral principles above loyalty to persons or department.
2. Uphold the laws, rules and regulations of the City, State and Federal Government.
3. Give a full day's work for a full day's pay and perform each task to the best of your ability.
4. Seek to find and use more efficient and economical ways of accomplishing tasks.
5. Never grant special favors or privileges to anyone and never accept favors or benefits which might be considered by others as influencing the performance of your duties.
6. A City employee can make no private promises binding upon the duties of office, which can be binding on public duty.
7. Engage in no business with the City, either directly or indirectly, which can affect the performance of your duties.
8. Never use any information coming to you confidentially in the performance of City duties as a means for making private profit.
9. Report corruption wherever discovered.
10. Not abuse or misuse City property or equipment.
11. Treat all citizens and fellow employees equally, fairly and with courtesy and respect.
12. Uphold these principles, ever conscious that public service is public trust.

Any employee who is found to be in violation of this policy may be subject to disciplinary action up to and including termination from employment. Depending upon the seriousness of the action, other appropriate civil or criminal sanctions may also be pursued.

CHAPTER 5. THE JOB CLASSIFICATION LIST

Section 1. Definitions

- (a) The "Job Classification List" is the official or approved system of grouping positions into appropriate classes approximately equal in difficulty and responsibility and training and experience requirements, including (1) a schematic index of all class titles under appropriate occupational breakdowns; (2) class specifications; and (3) guidelines for administration.
- (b) A "position" is a group of currently assigned duties and responsibilities requiring the full-time or part-time employment of one person. A position may be occupied or vacant.
- (c) A classification specification is the official designation or name of the position as stated in the job classification list. It shall be used on all personnel records and actions.
- (d) A "class" is a group of positions (or one position) that: (1) has similar duties and responsibilities; (2) requires like qualifications and; (3) can be equitably compensated by the same salary range.
- (e) "Classification specification" is a written description containing a general definition of the position; examples of duties; desirable knowledge, skills and abilities; desirable training and experience; and necessary special requirements.
- (f) "Human Resources Director" shall be the employee appointed by the City Manager who shall be responsible for the administration and technical direction of the personnel program. The Human Resources Director may delegate all or part of those duties in accordance with these policies.

Section 2. Responsibility for Administration

The Human Resources Director shall be responsible for administering the position classification plan, personnel policies and such other personnel-related matters as may now or hereafter be required, and may request other city officials or employees to assist in this capacity.

Section 3. Establishment and Amendment

The "Position Classification and Pay Plan of the City of Americus" shall be considered to be a part of this policy and shall have the same force and effect as these personnel policies. Classes may be added to or removed from the classification schedule by approval of the City Manager, or in such other manner as the City Manager may prescribe.

Section 4. Allocation of Positions: Creation of Classes

After the establishment of a new position has been approved, the Human Resources Director along with the appropriate City Department Head, as the case may be, shall complete a position description covering the duties and responsibilities of each proposed new position. The Human Resources Director shall allocate the position to one of the classes in the classification plan. If a suitable class does not exist, the Human Resources Director shall recommend the establishment of a new class and allocate the position to it.

Section 5. Allocation Appeals

If an employee has facts which indicate that a position is improperly allocated, the employee may request, through his or her department head, the Human Resources Director to review the allocation of this position. Such request shall be submitted by the department head in writing and shall contain a statement of justification.

Section 6. Maintenance of Plan

- (a) The Human Resources Director shall, review any or all classification specifications to determine if there have been significant changes of responsibilities on an annual basis. .
- (b) Each time a department or division is reorganized, classification specifications for all affected employees should be submitted to the Human Resources Director for review.
- (c) The Human Resources Director may require departments or employees to submit classification specifications on a periodic basis, or any time there is reason to believe that there has been a change in duties and responsibilities of one or more positions.
- (d) Each time a new position is established, a classification specification shall be written and incorporated into the existing plan. The specification classification shall be added to the Job Classification List. Likewise, an abolished position shall be deleted from the Job Classification List by removing the classification specification and eliminating the classification specification from the Job Classification List.

Section 7. Official Copy of the Job Classification List

The Human Resources Director shall be responsible for maintaining an official copy of the Job Classification List. The official copy shall include policies for administration, scheme of class codes, and position specifications plus all amendments thereto. The Human Resources Director shall be responsible for supplying each department head with access to an up-to-date copy of the List with subsequent notice of any change made therein. Each department shall maintain a copy of the official Job Classification List that shall be available for inspection by all employees and the general public under reasonable conditions during business hours.

Section 8. Public Safety Departmental General Orders and Procedure Manuals.

The Police Department and Fire Department of the City of Americus shall maintain Departmental procedure manuals for the purpose of establishing general responsibilities and duties of the Police and Fire personnel, operational guidelines, and standard operating procedures. In the event that there is any conflict between the Fire and Police departmental manual and duly adopted Ordinances of the City, the duly adopted Ordinances of the City shall control.

CHAPTER 6. THE PAY PLAN

Section 1. Purpose

The purpose of the pay plan is to establish and maintain a pay system for City employees which is equitable and uniform, which provides comparable pay for comparable work, and which will allow the City to attract and retain employees and to compete in the job market with other private and public employers (with similar responsibilities) in the area.

Section 2. Composition of Plan

The Pay Plan includes the basic salary schedule as adopted by the Governing Body and subsequent amendments thereto, and the schedule of salary ranges consisting of minimum, mid-point, and maximum rates of pay for all classes of positions included in the Job Classification List.

Section 3. Maintenance and Amendment of Pay Plan

The Pay Plan is intended to provide fair compensation for all classes in the Job Classification List with regard to range of pay for other classes, general rates of pay for similar employment in private establishments and other public jurisdictions, cost of living data, the financial condition of the City, and other factors. In maintaining this plan the Human Resources Director shall:

1. Based on the financial condition of the City, with approval from the Governing Body, the Human Resources Director shall choose a group of comparable cities, regional market studies for similar information concerning the general level of salaries paid and fringe benefits provided comparable to other municipal, county and state employees.
2. Conduct continuing studies of the internal relationships between classes in order to reduce or eliminate inequities between classes of positions.

Based on the studies and recommendations, the Human Resources Director shall recommend to the Governing Body such increases, reductions, or amendments to the pay plan as deemed necessary to maintain the fairness and adequacy of the pay plan. Amendments to, or changes in, the pay plan shall be made by ordinance of the Governing Body provided, however, the Governing Body may amend or make changes to the plan if deemed necessary.

Section 4. Payment at a Listed Rate

All employees covered by the salary plan shall be paid at a listed rate within the salary ranges established for the employee's respective job classifications except employees in a "trainee" status, or employees whose salaries are above the established maximum rate.

Section 5. Use of Salary Ranges

1. New Appointments The entrance salary for all new employees shall be at the minimum salary level of the position to which he or she is appointed, except in those cases where unique circumstances appear to warrant appointment of an employee at a higher rate. Any department head desiring to appoint an applicant at a salary above the minimum level shall submit in writing an explanation

enumerating the reasons why the applicant should be appointed above the minimum. With appropriate justification, the Department Head, with the approval of the Human Resources Director, may appoint above the minimum salary level an amount commensurate with the education and experience of the chosen candidate. Reasons for appointment above the minimum level may include previous specific experience in that job field either with the City of Americus or with another employer. A city employee who terminates employment with the city also terminates all seniority and is not automatically entitled to be rehired.

2. Salary of Trainee A new employee who does not meet all of the established qualifications for a position may be appointed at a "training" salary no more than five percent below the probationary salary level established for the position. The employee shall continue to receive a reduced salary during the probationary period until the appointing department head determines that the trainee is qualified to assume the responsibilities of the position, or until the end of the probationary period when the employee is either discharged or moved to the beginning listed rate in the salary range established for his/her position.
3. Salary upon Promotion, Demotion, or Transfer
 - (a) Promotion: An employee promoted to a position in a class having a higher pay range shall receive a 5% salary increase, or an increase to the beginning step of the new salary range, whichever is higher in amount. The new salary of the employee promoted shall not exceed the maximum step of that pay range. If an employee fails to complete successfully the probationary period following promotion, the employee shall be reinstated in his/her former position or a comparable position. An employee must have attained status as a regular employee to be eligible for promotion to a higher grade position.
 - (b) Demotion: The salary of an employee demoted to a position in a class with a lower salary range shall be adjusted to the maximum of the new range or to 5% below his former salary, whichever is the lowest salary. If the demotion is non-disciplinary, the Department Head may, if the employee's present salary falls within the range of the new position, elect to leave the employee's salary at the same level as his salary prior to the demotion. In no case will an employee who is demoted after receiving a promotion in the previous year be reduced in pay below the pay the employee was receiving at the time of the promotion.
 - (c) Transfer: The salary of an employee reassigned to a position in the same class or to a position in a different class with the same salary range shall not be changed by the reassignment. Completion of a probationary period and scheduled pay increases shall not be affected by an employee transfer.
4. Salary Range Adjustments In accordance with recommendations made by the Human Resources Director as provided in this plan or because of other considerations, the Governing Body may adjust the total wage structure of the pay plan. In the event of such an adjustment, each range in the plan will be increased or decreased a specified percent and each employee's salary will be adjusted to reflect the employee's respective pay level.

Section 6. Salary of Part-Time Employees

The pay plan established by the Policies is for full-time service. An employee appointed for less than full-time service shall be paid at a rate determined by converting the established monthly salary of the position into an hourly rate.

Section 7. Pay Upon Separation from Employment

1. An employee who has accumulated vacation leave at the time of separation from employment shall be entitled to be paid for such accumulated vacation leave.

2. An employee with approved accumulated compensatory time shall be entitled to pay for such compensatory time at his/her final hourly rate or the average hourly rate received by such employee during the last three years of employment whichever is higher.
3. An employee due to receive pay for accumulated vacation leave shall only receive such pay upon the secure return of all equipment and property owned by the City of Americus.

Section 8. Effective Date of Salary Adjustments

Salary adjustments approved after the first working day of a pay period shall become effective at the beginning of the next pay period.

Section 9. Compensatory Time

Compensatory time may be granted to non-exempt employees in lieu of overtime pay for hours worked in excess of the normal work period. Non-exempt employees will be awarded compensatory time at the rate of one and one-half hours for each overtime hour worked. Police Officers and Firefighters may accrue up to 480 hours of compensatory time (320 hours of actual overtime work). All other employees may accrue up to 240 hours of compensatory time (160 hours of actual overtime work). All overtime hours must have prior approval before actual overtime work is performed and limit requirements are met.

All compensatory time accrued shall be taken as compensatory time within a reasonable period after making the request, if such use does not unduly disrupt the operations of the agency. Any employee who does not take such compensatory time off prior to the anniversary date of the employee in which such compensatory time is earned, shall be paid for such compensatory time at the regular rate of pay earned by the employee during the anniversary period such compensatory time was earned, and such payment shall be made by the City by the end of the anniversary year in which such compensatory time was earned by the employee.

Section 10. General Wage Increase

As part of its approval of the annual city operating budget each year the Governing Body shall establish any general adjustment to the pay plan. The Governing Body will review conditions such as the effect of inflation on the cost of living and the financial condition of the City to determine the desirability and extent of implementing such adjustments. Adjustments may be made upward or downward and shall be implemented by changing the minimum, mid-point, and maximum range in each grade. All salaries within the grade range shall be affected accordingly. If the Governing Body determines adjustments are warranted from this review, they shall become effective at the beginning of the first full pay period in January, or as the Governing Body may otherwise establish.

Section 11. Emergency Pay During a City Declared State of Emergency

In the event that a State of Emergency is declared in the City of Americus by the Mayor and/or the City Council, those employees required to work at their job with the City any extra time that is in addition to their normal work schedule (hereinafter referred to as "extra work time") during the period of the State of Emergency shall be compensated as follows:

- (a) Non-Exempt: Employees not exempted from Fair Labor Standard Act: Such employees, if required to work extra work time during the period of the State of Emergency, shall be compensated at their regular hourly rate for each hour of extra work time actually worked. Such employees are entitled to overtime as set forth in this Personnel Manual.
- (b) Exempt: Employees exempted from Fair Labor Standard Act: Such employees, if required to work extra work time during the period of the State of Emergency, shall be compensated for each hour of extra work time actually worked at an hourly rate determined by dividing the employee's annual base salary by 2080 hours. Exempt employees working extra work time in the Fire and Emergency Services Department shall be compensated for each hour of extra work time actually worked at an

hourly rate determined by dividing the employee's annual base salary by 2904 hours. Exempt employees working voluntarily and not directed to work shall not receive extra pay.

- (c) In order for an employee to be compensated for extra work time under this provision, such extra work time must be authorized by employee's Department Director as a result of the State of Emergency, and the Department Director shall communicate that work requirement to the employees directly or through the employee's supervisor(s). With respect to a City Department Director, such extra work time must be authorized by the City Manager of the City. As to the City Manager of the City, such extra work time must be authorized by the Mayor.
- (d) All extra work time hours required to be worked by any employee during a State of Emergency shall be documented on the employee's time sheet or other written record of hours worked by such employee.

CHAPTER 7. RECRUITMENT, APPLICATIONS AND APPLICANTS

Section 1. Employment Policy

Discrimination in the employment or the provision of services of any person who is an applicant for a position based upon race, color, creed or religion, sex (including pregnancy), marital or family status, sexual orientation, gender identity, national origin or ethnicity, citizenship, age, disability, genetic information, political affiliation, military or veteran status, or any other classification or status protected by applicable federal, state or local laws is prohibited.

Section 2. Notification

The Human Resources Director shall use various methods of publicity in the area of recruitment as may be reasonably expected to bring notice of vacancies in the City's job force to as many qualified persons as possible and so as to assure obtaining qualified applicants. Job vacancy notices for all vacancies shall be posted in City Hall and in all departments of the City. All vacancies shall also be advertised in the legal gazette of the City, and in such other locations as the Human Resources Director may determine with the following exceptions:

1. Positions which by action of the Human Resources Director have been restricted to promotion from within (see Chapter II, Promotions and Chapter 2, Equal Employment Opportunity Policy).
2. Positions in job classifications with sufficient numbers of names on a current eligible list from previous public announcements or from previous examinations. (See CHAPTER 2, Equal Employment Opportunity Policy).

Section 3. Recruitment and Selection

- (a) Applications will be accepted by the City:
 1. Only when a vacancy has been announced;
 2. Within the time period as provided for in the public advertisement;
 3. Any application shall remain in an active status (i.e., eligible for consideration) with reference to the position applied for a period of 60 days from the receipt of the application by the Human Resources Department.
- (b) Each applicant for a position within the City of Americus service shall make application on a standard application form approved by the Human Resources Department. The application may be obtained from the Human Resources Department or the City's web site. All applications must be completed and returned to the Human Resources Department to verify minimum qualifications for the position. When deemed necessary, the Human Resources Director may require the assistance of administrative and supervisory officials in reviewing, evaluating, and ranking applications, and in conducting oral interviews of applicants. The Human Resources Director shall establish whatever reference and investigation requirements are deemed necessary to determine the competence, honesty, stability, and dependability of each applicant and promotional candidate for job positions.

Step 1. Verification of Personnel Requisition - Upon receipt of a written and signed personnel requisition from a department head, the Human Resources Director shall first check to see that the requisition is within the limits of the department's personnel budget. The requesting Department Head must be notified of personnel requisitions not within the department's budget limits. Exceptions to the department's personnel budget must be approved by the Governing Body responsible for that department.

Step 2. Advertising Job Vacancies - The Human Resources Director shall advertise by posting notice for a minimum of five (5) work days throughout the municipal offices. If the Human Resources Director deems that an insufficient number of qualified applications are received from within, then the Human Resources Director shall advertise outside in accordance with the rest of this step. The Human Resources Director shall advertise in the legal gazette of the City, for a minimum of five (5) days all job vacancies, except as provided in hereof. In addition, the Human Resources Director may choose to use other forms of public advertisement such as: radio, professional magazines, state employment agencies, other newspapers, Internet and others. The public advertisements shall specify the classification specification and salary range of the position, minimum qualifications of the job, and the period in which applications will be accepted by the Human Resources Department for that particular job vacancy.

Step 3. Submission of Applications - All applications shall be made on forms prescribed by the Human Resources Department and must be submitted to the Human Resources Department on or before the closing date as specified in the public advertisement, or postmarked before midnight of that date. The Human Resources Director shall be the custodian of all such applications.

Step 4. Primary Application Review - Upon receipt of the timely and proper applications as outlined above, the Human Resources Director, or designee shall review the applications to determine that all necessary information has been included and that the applicant meets the minimum requirements for the job for which the applicant has applied.

Step 5. Personal Interview - The Human Resources Director shall then schedule personal interviews with those applicants remaining in consideration for the job vacancy with the appropriate Department Head. The interviewing Department Head or supervisor will conduct all interviews in the presence of a Human Resources Department employee in a standard manner, using the same questions and conditions.

Step 6. Secondary Application Review - The Human Resources Director will conduct further reviews of those applications that have satisfactorily met the requirements of Step 4 above and have performed satisfactorily in Step 5 so as to warrant the applicant's continued consideration for City employment. This review may consider employment history and educational and training background. This review may also consider other sources of information on the applicant, such as credit reporting agencies, law enforcement agency records, and others, if deemed necessary or appropriate by the Human Resources Director or Department Head. The Human Resources Director and the Department Head may reject an application at this step based on information which evidences unsatisfactory past employment or other negative factors to a degree so as to reasonably demonstrate likely unsuitability for employment.

Step 7. All successful applicants shall be offered conditional employment pending successful completion of a medical examination, drug screening, and other examinations that may be required, at the City's expense.

Step 8. Formal Examination for Specified Positions - Assessment Center or other validated oral or written examination procedures may be required by the Human Resources Director for specified positions, including Police and Fire positions through the level of Division Commander. Rules and procedures for such examination processes shall be proposed by the Human Resources Director and approved by the Governing Body. Applicants will be listed on eligible lists in accordance with total ratings from the examination process as specified for the particular class of positions. Such eligibility lists may be valid for no more than twelve months. New examinations will be scheduled yearly or as needed as determined by the Human Resources Director and Department Head.

Step 9. Notification of Applicant(s) - The Human Resources Director or the appropriate designee will notify the successful applicant or applicants. The Human Resources Director/designee will also notify all unsuccessful applicants.

Step 10. Retention of Applications - Applications of candidates who are not selected will be retained in the active file for future consideration for a period of 60 days from the date of receipt of application by the Human Resources Department. All applications which remain in the active file at the end of his/her respective 60 day period will be removed and placed in the inactive file for a period of two (2) years. All applications over two (2) years old will be removed from the file and destroyed.

Step 11. Complaints - Complaints alleging a violation of this policy will be referred to the City Manager for an investigation. The City Manager will take such corrective action as may be deemed necessary.

Section 4. Wages and Benefits for Employees Returning To Work after a Break in Service

- (a) Employees Reinstated After Voluntary Discharge - A regular employee who has resigned in good standing from the service of the City may be reinstated to the employee's former position when it is deemed in the best interest of the City. In order for an employee to be reinstated to his/her former position the following conditions must be met:
 - 1. A position must be vacant.
 - 2. Must have re-employment pre-approved by the accountable Department Head.
- (b) An employee reinstated to his/ her former position may be compensated at the salary step and level of the previously held position provided that:
 - 1. He/she is rehired within one year.
 - 2. Performance prior to separation was appraised as effective overall in the last appraisal prior to separation, and
 - 3. The employee is assuming the same position.
- (c) Employees who assume the same position will not serve a new hire probationary period and will not receive an end of probation increase.
- (d) Employees who assume a position which is not the same previously held position will be considered as all other new employees. Their prior City work experience will be considered when determining their returning rate of pay.
- (e) All employees returning after a break in service not due to lay-off are considered new employees for all leave accrual and will obtain the date re-hired as their official anniversary date.

Section 5. Nepotism Prohibited

- 1. No relative of the mayor, any council member, the City Manager, or any staff member of the Human Resources Department shall be employed in any position with the city. Individuals may be hired or employed in any department of the City where there is already one of his or her relatives as long as there is no direct line of supervision or supervisory influence or relationship, as herein defined, employed. This shall not prohibit relatives from being employed in separate departments within the City as long as neither of the related parties are employed in a supervisory role in which they might have direct effect on the other party's progress, performance, or welfare as a City employee.

2. For the purpose of this policy, the term " relative" shall mean wife, husband, mother, father, brother, sister, son, daughter, grandmother, grandfather, grandson, granddaughter. Also included are the step, half and in-law relationships as appropriate based on the above listing.
3. In the event of a job change, promotion or transfer of an employee to a position directly supervising a relative or a position in which there is a supervisory influence or relationship, one employee is required to make prior arrangements for a transfer or submit his or her resignation within thirty (30) calendar days of such event. If no prior arrangements are made with the Human Resources department, the employee hired last will forfeit their position.
4. In the event of a marriage between two employees of the same department in which there is a supervisory influence or relationship, one employee is required to make arrangements for a transfer or submit his or her resignation within thirty (30) calendar days of such event. If no prior arrangements are made with the Human Resources department, the employee hired last will forfeit their position.
5. Any person who is a relative of the mayor, city council member, or the City Manager who is employed by the city at the time such mayor, council member, City Manager is elected or appointed to office may continue in his/her employment with the city.

CHAPTER 8. ENTRY LEVEL POSITIONS: EXAMINATIONS AND RATING LISTS

ENTRY LEVEL POSITIONS: EXAMINATION AND RATING LISTS

Section 1. Examination Program and Procedures

The Human Resources Director may initiate and implement (with the approval of the City Manager, a suitable examination program for any class of positions for candidates to demonstrate skill verification, along with procedures to implement such a program. Such programs may be carried out in cooperation with other governmental agencies as outlined in the Personnel Ordinance. Any written or performance test must be validated as to its ability to test for job performance, and must not be discriminatory based upon race, color, creed or religion, sex (including pregnancy), marital or family status, sexual orientation, gender identity, national origin or ethnicity, citizenship, age, disability, genetic information, political affiliation, military or veteran status, or any other classification or status protected by applicable federal, state or local laws..

Section 2. Rating Examinations and Examines

The Human Resources Director shall determine and establish ranking systems to rank applicants when determining eligible applicants to move forward to the next step in the selection process. As a general practice, the following ranking will be used: "Qualified", or "Not Qualified". The Human Resources Director may choose, when several candidates for a vacancy have participated in a competitive examination, to rank such candidates in the numerical order of each candidate's total score or require the candidate's qualifications to supersede the ranking of scores, in order to select the candidate to best fit the position that has proven to be most qualified.

Section 3. Rejection/ Disqualified

The Human Resources Director may remove from consideration the application of any applicant who:

- (a) Does not possess the minimum qualifications for the position for which application is made.
- (b) By reference check is revealed to have an unsatisfactory employment history.
- (c) Has evidence discovered during reference checks or background investigations indicating any false statements or deception on the application form and insufficient explanation given by applicant.
- (d) Does not reply to an email inquiry or does not return a telephone inquiry within two days.
- (e) Fails to accept appointment or to report to duty within the time prescribed in an employment offer.
- (f) Has been employed previously by the City and has been removed for cause, did not resign in good standing, or is not recommended for re-employment by the Department Head of the department in which the applicant was previously employed.

CHAPTER 9. APPOINTMENT AND CERTIFICATION

Section 1. Types of Appointments

The following types of appointments may be made to the City of Americus service in conformity with rules established.

1. Full Time Positions: This is defined as an appointment to a position which has been created by the Governing Body with the anticipation that it will be necessary to maintain the existence of such position on a continuous full-time year-round basis. Such employee is subject to all rules and regulations and receives all benefits and rights as provided by these Personnel Policies, except where otherwise provided herein.
2. All other positions: This is defined as an appointment to a temporary, part-time seasonal or interim position. Non-regular appointees shall be eligible for those rights and privileges specifically provided for in these Policies. A non-regular employee (with exception for substitute appointment as noted below) shall not be eligible for regular status as an employee or for the rights and benefits reserved for regular status employees. An employee serving in an interim or acting capacity who immediately prior to the interim or acting appointment held a regular appointment, shall not suffer loss of status, vacation, sick leave, or other rights or privileges while so serving.

Section 2. Method of Filling Vacancies

In all cases, except those positions for which a formal examination procedure has been established, the Department Head will make a final selection. The Department Head will notify the Human Resources Director of the selection in writing, giving reasons for such selections.

In those positions for which formal examination procedures have been established, applicants may be listed on an eligibility list for the class of positions in rank order according to the total score achieved under the established examination procedure. The Human Resources Director will provide the Department Head with the names on the appropriate eligibility list. An individual will be appointed as vacancies become available provided the employee's eligibility status is unchanged since establishment of the list. Positions with the City shall be offered to applicants according to rank order as established by such formal examination procedures.

Section 3. Certification

The Department Head, after selecting an eligible applicant, shall submit a written appointment to the Human Resources Director. The appointment should be made pursuant to applicable provisions of the Personnel Policies. The Human Resources Director shall certify employment of the applicant. Employment documents must be completed and signed by the Human Resources Department, the Department Head (and supervisor if necessary) and the new employee before the employee actually begins work.

Section 4. Interim/Temporary Appointments

The City Manager may approve interim employment for no longer than 6 months or until the vacancy is filled. Provisional employment may not be advertised and only allowed with written justification by a Department Head and approval by the City Manager prior to the start date of such appointment.

CHAPTER 10. PROBATIONARY AND REGULAR STATUS

Section 1. Probationary Status

Each applicant appointed, transferred, or promoted to a regular position shall be designated as a probationary employee for a period of six months from the date of employment, or for a period not exceeding one year if such extension is recommended by the Department Head and approved by the Human Resources Director. During the probationary period, close observation of the conduct and capacity of all probationers shall be made by the Department Head, and counseling sessions shall be held at least bimonthly regarding overall job performance of such employees. All counseling sessions shall be documented and specific recommendations made for improvement and a time set for further review. If the employee's performance is unsatisfactory after time is allowed for improvement as accorded in the counseling session or sessions, the employee shall be notified in writing of the reasons for such failure and terminated from the position. Each probationary employee may be subject to personnel action (i.e., transfer, lay-off, dismissal and other personnel action) without the right of appeal. Each probationary status promoted employee who has regular status as a regular employee shall retain appeal privileges with the exception that the employee may be demoted without the right of appeal.

Section 2. Regular Status

At least two weeks prior to the expiration of the employee's probationary period, the Department Head shall notify the Human Resources Director in writing whether or not the employee has satisfactorily completed the probationary period through the evaluation process. The notification shall state:

- (a) the employee's accomplishments, failures, strengths, and weaknesses discussed with the employee;
- (b) whether the employee is performing satisfactory work;
- (c) whether the employee should be retained in the position, or if a new appointee, discharged, or;
- (d) whether the employee, if on probation following a promotion, should be reinstated to the former class only if the former position is available, or;
- (e) whether the employee should have the probationary period extended for a specified period of time, not to exceed six months.

If a probationary status employee fails to qualify for regular status at the end of an extended probationary period, the employee shall be discharged. A probationary status promoted employee who had regular status in another classification may be reinstated to a position in the regular service in the classification occupied by the employee immediately prior to promotion only if the former position is available and a selection to fill the position has not been made.

The Human Resources Director shall review recommendations from the Department Head. The effective date of regular status for original or promotional appointments shall be as designated by the Department Head. In no case shall an employee be assumed to have attained regular status without approval by the Department Head.

CHAPTER 11. PROMOTIONS

Section 1. Policy

The following principles shall be observed in all promotional situations:

1. All job openings will be posted throughout the City buildings and offices for a minimum of five (5) work days. Application will be limited to regular status employees only. If the Human Resources Director deems that an insufficient number of internal qualified employees have applied for a job opening, then the opening shall also be advertised in the legal gazette of the City for a minimum of five (5) days and other job boards and networks.
2. Qualification standards shall not exceed those that have been specifically stated in the job description on file in the Human Resources Department.
3. Vacancies in higher positions in the regular service shall be filled as far as practicable by promotion from lower classes. To accomplish this purpose the Human Resources Director may recommend that any employee shall be allowed to apply for the existing vacancy.
4. Except as otherwise indicated in this Policy, the procedures outlined in the Recruitment and Selection section of this manual shall be followed for promotional recruitment and selection.
5. Qualification standards and evaluation methods for a position shall be (a) reasonable, (b) applied with fairness and equity to all candidates, and (c) developed with the intent of obtaining the highest degree of validity and reliability possible.
6. Selection shall be made from the qualified candidates without discrimination among them for any unlawful reason, such as race, color, creed or religion, sex (including pregnancy), marital or family status, sexual orientation, gender identity, national origin or ethnicity, citizenship, age, disability, genetic information, political affiliation, military or veteran status, or any other classification or status protected by applicable federal, state or local laws..
7. Matters concerning promotions should be discussed by the employee with his/her supervisor, who may refer the employee to the Human Resources Director for consultation.

Section 2. Promotional Examinations

The Human Resources Director may conduct competitive promotional evaluations or examinations, including assessment centers where laboratory models are available and are found to be content valid for City positions impacted by nationally recognized job analysis methods, in accordance with these regulations. Such promotional examinations may consist of the same or a different type than that normally prescribed for entrance examination for the class. In competitive promotional evaluations, the Human Resources Director shall admit to the

competitive process all applicants who meet the published qualification requirements. The Human Resources Director may require each applicant who chooses to compete for a promotion to complete an application for the position on or before a specified date.

Section 3. Hiring and Promotion Practices of Police and Fire Departments

General Purpose

The purpose of additional requirements for the hiring and promotion of employees in the Police and Fire Departments is to establish a uniform policy under the provisions of the Personnel Policies of the City of Americus.

Applicability

This policy is applicable to all sworn members of the Police and Fire Departments from entry-level up through the ranks of Division Commander. Procedures outlined for selection of Police Chief, and Fire Chief shall be for the purpose of advising the Governing Body on qualifications of applicants and shall not be binding on any action the Governing Body may take in selecting employees for these positions.

Minimum Requirements for Applicants

1. Entry-level Police Officer or Firefighter

- (a) A high school education or its equivalent recognized by the Georgia Department of Education;
- (b) Minimum age of 21 years for police officer and 18 years for firefighters;
- (c) Pass background check requirements;
- (d) Possess or be able to readily obtain a valid State of Georgia driver's license; and
- (e) Willing to work on any shift assigned.
- (f) All sworn Police and Fire department personnel, excluding clerical staff, employed by the City of Americus are required to live within a reasonable response time of the Public Safety Building as determined by the Department Head as long as response time does not exceed sixty minutes.

2. Fire Engineer

- (a) Completion of mandated training and certified as a Firefighter by State of Georgia;
- (b) Successful completion of 24 months continuous service as a Firefighter;
- (c) No disciplinary actions which resulted in suspension in the past six months;
- (d) Satisfactory or above rating on most recent periodic performance evaluation;
- (e) Pass medical examination if required;
- (f) Valid Georgia driver's license for vehicle required; and
- (g) If open to outside applicants by action of the Human Resources Director, requirements

shall include at least 24 months continuous experience in a fire department of comparable size or larger, completion of mandated training and certification by State of Georgia, pass medical examination, satisfactory references and background checks, and possession of valid Georgia driver's license for vehicle required.

Section 4. Examination Process

1. Entry Level Police Officer or Firefighter

- (a) Check of application by Human Resources Director for timeliness and conformity with minimum requirements (see Section 3 of this CHAPTER). Process may require applicant to produce documents to verify education, age, driver's license, etc.)
- (b) Applicants passing the above shall be scheduled for an Entry Level Testing Process after completion of a criminal conviction record and driving history check. All applicants for the entry level position of Firefighter must show proof of successfully passing the Georgia Work Ready Entry Level Profile test at time of applying.
- (c) Police Officer applicants who are certified by the Peace Officer Standards and Training Council (POST) are subjected to the normal hiring criteria.
- (d) Complete background check, including references, fingerprint and other investigation measures deemed necessary to determine the competence, honesty, stability, and dependability of the applicant.
- (e) A validated job related physical conditioning or physical agility test may be used as a pre-offer screening device if required by the Chief.
- (f) Pass final medical examination, drug testing and psychological evaluation.
- (g) Applicants are put on an eligibility list according to the Banding scores and/or ranking scores, calculated by the Examination Testing Process.

2. Above Entry-Level, through Administrative Level (i.e., Fire Engineer, Fire Captain, Police Sergeant, Police Lieutenant, Police Major.

- (a) Check of application by Human Resources Director for timeliness and conformity with minimum requirements established for position (see Section 3 of this CHAPTER). Application form for employees applying for promotion may be established by the Human Resources Director and shall include: name, present position, and length of time in City employment. Regular application forms shall be used for non- employee applicants.
- (b) All applications for above entry level positions must have successfully completed 24 months of continuous service in the previous positions: Firefighter for Fire Engineer, Fire Engineer for Fire Captain, Police Officer for Police Sergeant, Police Sergeant for Police Lieutenant, Police Lieutenant for Police Major. Provided however, that if there is only one (1) applicant with the required 24 months of continuous services with the Police Department or the Fire Department, then the respective Department shall be authorized to solicit and accept applications from applicants who have not completed such period of continuous service with the respective departments as long as such additional applicants have the same or substantially the same experience in another jurisdiction or department.
- (c) Applicants passing the above shall be scheduled for the Assessment Center Test or Examination Testing Process.
- (d) Upon completion of the assessment center phase, participants shall, based on their

performance in the assessment center, be assigned to one (1) of three (3) bands:

Band 1: Highly Recommended for Promotion. This section includes those candidates whose average score on the assessment center rating scale placed them in the "outstanding" or "very acceptable" category.

Band 2: Recommended for Promotion. This section includes those candidates whose average score on the assessment center rating scale placed them in the "marginally acceptable" or the "acceptable" category.

Band 3: Not Recommended for Promotion. This section includes those candidates whose average score on the, assessment center rating scale placed them in the "unable to perform" or "needs much improvement" category.

- (e) Upon completion of the examination testing process, participants will be scored in accordance with their performance in the testing process.
- (f) Promotional Decisions - Upon authorization by the City of Americus Human Resources Director, the Chief of Police and Fire Chief shall promote based on the testing procedures for the department.

Section 5. Assessment Center and Examination Process Test Requirements

Assessment Center

Definition - An Assessment Center consists of a standardized evaluation of behavior based on multiple inputs. Multiple trained observers and techniques are used. Evaluations about behavior are made, in part, from specially developed assessment simulations. These evaluations are pooled by the assessors at a consensus meeting and assessors agree on the overall evaluation that is made.

Essential Elements for Assessment Center - The following seven elements (as defined by the Task Force on Assessment Center Standards, December 1978) shall be a part of any Assessment Center used by the City of Americus.

- (a) Multiple assessment techniques must be used. At least one of these techniques must be a simulation.
- (b) Multiple assessors must be used. These assessors must receive thorough training prior to participating in a center.
- (c) Judgments resulting in an outcome (i.e., recommendation for promotion, specific training or development) must be based on pooling information from assessors and techniques.
- (d) An overall evaluation of behavior must be made by the assessors at a separate time from observation of behavior during the exercises.
- (e) Simulation exercises are used. These exercises are developed to tap a variety of predetermined behaviors and have been pretested prior to use to ensure that the techniques provide reliable, objective and relevant behavioral information for the organization in question. The simulations must be job related.
- (f) The dimensions, attributes, characteristics, qualities, skills, abilities or knowledge evaluated by the Assessment Center are determined by an analysis of relevant job behaviors.

- (g) The techniques used in the Assessment Center are designed to provide information which is used in evaluating the dimensions, attributes or qualities previously determined.

Examination Process

Definition - An Examination Testing Process shall be practical in nature and constructed to reveal the capacity of the candidate for the particular class or position; their general background and related knowledge, skills and abilities; and shall be rated impartially. The Human Resources Director may use any job related selection methods that will maximize validity, reliability and objectivity. The selection procedures shall measure or sample job behaviors or knowledge, skills and abilities required to perform the job. Examinations may consist of written tests; performance tests; representative work samples, and physical fitness, either singly or in combination, which, in the judgment of the Human Resources Director, relates to those matters which will test fairly the ability and fitness of the applicant to discharge efficiently the duties of the position to be filled.

Essential Elements for Examination Testing Process - The following six elements shall be a part of any Examination Testing Process used by the City of Americus.

- (a) The Examination Testing Process will be administered by a Proctor selected by the Human Resources Director to conduct the test.
- (b) Each candidate will be notified of the date, time and place of the Examination Testing Process.
- (c) Applicants will be advised of or issued any study materials that will be sufficient for each candidate to study to successfully pass the Examination Testing Process.
- (d) There will be an appropriate time limit for each Examination Testing Process as stated by the testing company that is responsible for completion of the examination testing process.
- (e) After the test is administered, the Proctor will collect all examination tests from candidates and properly box material to be shipped to the proper company for scores to be calculated.
- (f) The testing company will grade and issue a validated listing to the City of Americus as to the names of the successful candidates and also those candidates who were not successful in completing the Examination Testing Process procedures.

Policy Statement

The following policies will apply to Assessment Centers and Examination Testing Process Procedures used by the City of Americus.

- (a) Assessment Centers and Examination Testing Process may be used for selection, promotion, evaluation, or any combination of these.
- (b) Assessment Centers and Examination Testing Process may be used for entry level positions through Division Commander. For promotional positions, the Human Resources Director must confine applicants to current employees unless there are less than two qualified employee applicants. Those candidates who apply within the time limits who meet the basic qualifications and pass the pre- screening requirements established for the position shall be notified of the time, date and place of the Assessment Center or the Examination Testing Process.

- (c) Assessors for the Assessment Center shall be drawn from among those trained and qualified by procedures established by the Assessment Centers. Minimum standards for assessors shall include: the ability to administer the exercises and techniques the assessor uses in the center; the ability to recognize, observe, and report the behaviors measured in the center; and the ability to classify behaviors into the appropriate behavior or skill. In the case of promotional assessment centers only those assessors holding the rank equal to or above the rank being considered shall be used. In order to reduce assessor bias, an adequate number of assessors shall be used.
- (d) Detailed reports of assessor and examination testing process ratings shall be furnished only to the Human Resources Director who shall compile the eligibility list composed of all applicants according to the banding process or the scoring process. The Human Resources Director shall notify each applicant with a passing score and shall maintain all records of the Assessment Center and Examination Testing Process for at least twelve months.
- (e) Chief Officers will be appointed as designated by the Chief. These shall include but not limited to:
 - 1. Battalion Chief
 - 2. Police Major

Validation Assessment Centers and Examination Testing Process Procedures are based on content validity of exercises developed to test dimensions, attributes or qualities identified by job analysis as necessary to successful job performance. The City of Americus will provide data and cooperate in continuing validity studies being conducted by other cities and counties which have participated in the development of Assessment Centers and Examination Testing Process Procedures for police and fire positions.

Section 6. Oral Interview Boards

For positions above Chief Officers (i.e., Fire Chief, Police Chief)

If required by action of the City Manager, this Oral Interview Board shall be established and shall consist of not less than three professional police officers whose rank shall be equal to or higher than the rank of the promotional candidate. The Board Officers shall be members of a municipal, county, or state police or fire organization (as the case may be). No officer of the City of Americus may serve on the Board.

The Human Resources Director shall be responsible for contacting and arranging with other police or fire organizations (as the case may be) to cooperatively provide the members to serve on the Board each time the services of a Board are required. Any travel, food or lodging expenses incurred by the Board members shall be paid for by the City or be reimbursed to the appropriate party.

Section 7. Requirements and Procedures for Evaluation of Applicants for Positions above Administrative Level

The Human Resources Director shall review all applications for compliance with minimum qualifications and shall schedule an interview with the Oral Interview Board for each applicant judged to meet the following basic requirements.

Police Chief or Fire Chief

Departmental Applicants - At least 36 months continuous experience at level of Battalion Chief (Fire); Administrative Level (Police) or above; satisfactory or above rating on most recent periodic performance rating, no written reprimand or disciplinary action in last six months; pass required medical examination;

possess valid Georgia driver's license.

Outside Applicants – A minimum of five years continuous supervisory experience at level of Captain or above in department of comparable size or larger; completion of mandated training and certification by State of Georgia, pass required medical examination, satisfactory reference check and background check, possess valid Georgia driver's license.

Procedures for Evaluation of Applicants

These positions are to be formally appointed by the City Manager who may in their discretion direct assessment of minimum qualifications by the Human Resources Director and review any recommendations to be made by an Oral Interview Board. If authorized, such Board shall be structured as outlined in Section 6 of this chapter.

Section 8. General Rules

1. Positions created by technological advances that require a high degree of knowledge or skill and cannot be filled adequately from present police or fire department personnel (as the case may be) without extensive training may be filled upon recommendation of the Chief and approved by the City Manager, and a rating by the Oral Interview Board shall not be required.
2. If an employee declines a promotion or if the employee is promoted and resigns the position by requesting a voluntary demotion, or if an employee is involuntarily demoted for cause, then the employee's name will be removed from all promotion eligibility lists and may not reapply for promotion for one year from date of action, and the employee must again qualify as herein provided.
3. Eligibility lists for classes of positions may be valid for *twelve (12)* months from date of examination from which the list was compiled. The Human Resources Director shall certify vacancy or vacancies. If deemed necessary, due to scarcity of qualified names on the eligibility list, the Human Resources Director may reopen applications at any time and establish a new eligibility list. Those persons left on the old eligibility list may elect either to have his previous score govern his position on the new eligibility list, or they may reapply and establish a new score.
4. Applicants may not reapply for the same class or position for one year after the establishment of the eligibility list, or until a new eligible list is established by action of the Human Resources Director or Chief.

CHAPTER 12. SEPARATIONS

Section 1. Types of Separation Methods

An employee may be separated from the service of the City by any one of the eight different methods as described below:

1. **Resignation** - To resign in good standing, an employee should give their notice in writing to the Department Head or Supervisor at least fourteen calendar days prior to the effective resignation date. Normally, failure to comply with this rule shall be entered on the service record of the employee and may result in a denial of re-employment rights. However, the Human Resources Director may exempt an employee who has given less than the required notice from these penalties if exceptional circumstances warrant it.
2. **Compulsory Resignation** - An employee who is absent from work for a period of three days or more without notifying the Department Head or Supervisor of the reasons for the absence and receiving permission to remain away from work, shall be considered as having resigned without notice and not in good standing; provided, however, that the failure to contact the Department Head or Supervisor was not caused by unavoidable circumstances. Such an employee is normally not eligible for re-employment.
3. **Disability/Impairment** - The Human Resources Director, upon conferring with a Department Head, may direct any City employee to submit to a physical and/or a psychological exam, if the exam is job-related and consistent with business necessity. When an impairment, whether considered a short term or long term disability of any kind is discovered which inhibits the ability of an employee to perform the essential functions of his/her job, or creates a risk of harm to the employee or others, one of the following actions shall be taken:
 - (a) If the impairment or disability is correctable, a specified period of time shall be allowed for its correction or provision of an available, reasonable accommodation. Failure to willingly seek correction shall be grounds for disciplinary action, leave of absence, or discharge.
 - (b) If in the opinion of the examining physician, the impairment or disability cannot be corrected, the Department Head may place the employee in another position which the employee can perform satisfactorily or take steps to separate the employee from city service through discharge.
4. **Death** - An employee who dies while in City service shall be separated effective as of the date of

death. Accumulated vacation leave and any salary due the employee shall be paid to the estate of the deceased.

5. **Lay-off** - Lay-off is the discharge of an employee when, for any valid reason, it may be necessary to abolish one or more positions or reduce the number of employees in the City service. Lay-off does not reflect discredit upon the service of the employee. Prior to the lay-off, the Department Head shall make recommendations to the Human Resources Director who shall consider work records, employee evaluation ratings and length of service in determining which employees shall be laid off. If it is found that two or more persons in the organizational unit in which lay-off is to be made have equal ratings as determined by review of employee records and evaluation ratings, the order of lay-off will be determined after the consideration of the employee's hiring date and position in rank within the department. Regular employees shall be notified in writing at least fourteen calendar days prior to the effective date of any layoff.
6. **Loss of Job Requirements** - Any employee who is unable to do a job adequately because of loss of or inability to obtain a necessary license or other job requirements, including but not limited to physical and/ or psychological capability, may be separated from service if no reasonable accommodation can be made and/or another position for which the employee is qualified is unavailable.
7. **Discharges** - Discharges for disciplinary reasons may be instituted without prior notice when deemed necessary to protect the City, or the employee concerned, or the citizens of the City. Discharges due to failure to perform work up to the standard required shall occur only after the Supervisor and/or Department Head have counseled with the employee, explained how the employee needs to improve, and stipulated a time or times for further review and evaluation. Failure of the employee to effect such required improvements in the time stipulated may result in discharge. Less serious disciplinary problems shall be handled in like manner to those of failure to perform work up to standard. A record shall be made of such counseling sessions and shall be signed by the employee and the Supervisor or Department Head concerned.

Discharge for cause shall be initiated by the Department Head when alternative personnel actions (reprimand, suspension, demotion, etc.) are not deemed sufficient, appropriate or in the best interest of the City. The employee shall be furnished a written notice of discharge containing the nature of the proposed action, the reasons therefore, the effective date of discharge, and the appeals rights available to the employee. The employee shall also be given a chance to respond to the charges prior to the discharge becoming effective. An employee discharged for cause shall be paid accumulated vacation, holiday, and compensatory pay.
8. **Retirement** - Regulations for separation by retirement shall be those contained in the Code of Ordinances (see City of Americus, GA Code of Ordinances, Ch. 5 Sec. 3-503).

Section 2. Separation Process

After the Department Head makes the recommendation to discharge an employee either voluntarily or involuntarily, or an employee is to be otherwise separated from City employment, the Human Resources Department will prepare all separation documents. The approval of the Human Resources Director is necessary for all discharges. These documents must be completed and signed by the Human Resources Department and the Department Head (and Supervisor if necessary) no later than the last working day of the discharged employee. The final payroll check may not be given to the discharged employee until all documents have been signed accordingly and not until the Department Head or authorized representative completes his portion of the Separation Interview Sheet. In the event of an involuntary discharge, all documents must be completed and signed by the Human Resources Department and the Department Head (and Supervisor if necessary) in advance before notifying the employee of the discharge. The Human Resources Director, or designee, must be present during the actual discharge of the employee.

CHAPTER 13. DISCIPLINARY ACTIONS, APPEALS, GRIEVANCES

Section 1. Disciplinary Action Policy Overview

PURPOSE

The purpose of this policy is to detail the guidelines and procedures regulating disciplinary actions and appeals of such actions. This policy is for the exclusive review of administrative matters, and not criminal investigations. This policy provides the disciplinary process for all employees.

POLICY

It is the policy of the City of Americus to provide for a progressive discipline process. This means that the level of disciplinary action taken increases with each infraction. Actions may range from counseling to dismissal from employment with the City. However, the procedures listed in this policy are not intended to restrict or limit the City's discretion in any way, and the City reaffirms that the employment relationship is "at-will".

SUPERVISOR'S RESPONSIBILITY FOR DISCIPLINE

Disciplinary action is taken to:

1. correct inappropriate behavior (i.e., policy violations, mistakes, inefficiency, inability to efficiently and effectively carry out his/her duties and responsibilities),
2. protect the general public, and
3. protect the employee and other employees.

Each and every level of supervision within the established chain of command is responsible for administering proper and timely discipline in an appropriate manner. It is necessary that all supervisors of the City make a commitment to ensure that this policy and its procedures are enforced. It is supervisors' responsibility to endeavor to maintain consistent, fair, and high standards of discipline. It is also the supervisor's responsibility to determine if the underlying cause of inappropriate behavior is due to lack of training, and if so, to arrange for additional training.

EMERGENCY DISCIPLINARY ACTION

Supervisors may temporarily relieve an employee from duty with pay in emergency situations (such as an employee reporting to work obviously under the influence of alcohol or drugs, or clearly unable to perform their job duties, or engaging in dangerous or threatening actions) and as soon as possible refer the situation up the chain of command for further consideration and investigation. If this action is taken, the Human Resources Manager and Department Head, or in their absence or unavailability, the City Manager, will be notified immediately.

DEFERRAL OF ACTION TO A HIGHER LEVEL

Following an initial investigation, a supervisor may defer any disciplinary incident to the next level in the chain of command, usually the Department Head, for resolution. As first line supervisors generally have insight into the practical consequences of departmental actions, their investigation of the infraction is critical to the proper administering of any disciplinary action.

HUMAN RESOURCES INVESTIGATIONS

A Department Head may request the Human Resources Manager to conduct a complete and thorough investigation of any situation concerning potential disciplinary action. The Human Resources Manager, serving as the City's designated investigator, may call on additional personnel to assist as required and will make a full and complete report to the Department Head. In the case of harassment or discrimination complaints, investigation by the Human Resources department is mandatory, and may not be conducted by any other Department, unless so directed by the City Manager.

Section 2. Types and Levels of Disciplinary Action

PROGRESSIVE DISCIPLINE

The City government advocates progressive discipline when applicable. Progressive discipline is a process in which disciplinary action is taken in degrees of increasing severity. The level of disciplinary action will depend on:

- (a) the nature, seriousness, and circumstances of the violation(s) or negligence;
- (b) the number and seriousness of prior offense(s) or negligence,
- (c) frequency of previous problems;
- (d) employee's work record; and
- (e) the judgment of supervisors in the chain of command.

At each level, the supervisor should privately explain to the employee the disciplinary action being taken, review any previous disciplinary actions (and outcomes), the actions necessary to correct the problem or improve performance, and (for other than dismissal) describe the probable consequences of not correcting the problem.

This list of recognized disciplinary actions below is not intended to preclude other forms of discipline when, in the Department Head's judgment, other types of actions are appropriate, either instead of, or in addition to those choices listed below.

NON-DISCIPLINARY ACTIONS

1. **Training** - Where the inappropriate action was due to lack of training, the supervisor is responsible for ensuring that proper training is provided or arranged for.
2. **Counseling** - Non-Disciplinary Counseling is a verbal statement to an employee about a minor performance issue that needs to be corrected. Non-Disciplinary Counseling, or notes about them, will be retained at the Departmental level and will not become part of the employee's discipline file unless used as substantiation of recurring problems.

DISCIPLINARY ACTIONS (ADVERSE AND NON-ADVERSE)

1. Disciplinary actions fall into two (2) general categories: **non-adverse actions, and adverse actions.**
 - (a) A non-adverse action is discipline in the form of counseling statements, and verbal or written reprimands.
 - (b) An adverse action is a disciplinary action that results in an employee losing wages or losing the ability (or potential ability) to earn wages. Some adverse actions include salary reduction, demotion, dismissal, etc.
2. All disciplinary actions go in the employee's personnel file.

Non-Adverse Disciplinary Actions Include but are not Limited to the Following:

1. **Counseling Statement** - Counseling Statements are verbal or written statements to an employee about a minor policy violation that needs to be corrected. A copy of the Counseling Statement must go into their personnel file.
2. **Verbal Reprimand** - A verbal reprimand is a formal means of communicating to the employee a warning that a problem exists and that it must be corrected. In a verbal reprimand, the manager should verbally and privately explain to the employee that he or she is being officially reprimanded. The supervisor should make a note of this action in the employee's personnel file.
3. **Written Reprimand** - A written reprimand is a formal means of communicating to the employee a warning that a problem exists and that it must be corrected. In the written reprimand, the employee should receive a written statement describing the problem, and what must be done to correct the deficiency. If the employee is at work, the written statement should be given to the employee by the department head or designee during a private interview. The employee should sign and date the reprimand indicating they received it. A copy of the reprimand must go into their personnel file.
4. **Suspension with Pay** - The suspension with pay can be for any length of time, but usually will not exceed ten (10) days unless otherwise approved by the City Manager. A suspension can be immediate, or it can be scheduled to take effect when it will be most effective.

Adverse Disciplinary Actions Include but are Not Limited to the Following:

1. **Salary Reduction** - An employee's rate of pay may be reduced on a short- or long-term basis.
2. **Demotion** - An employee may be demoted for disciplinary reasons from one job title to another job title at a lower pay grade. The lower paid job should be an available position, and the employee

qualified to perform the work of the lower position. A disciplinary demotion should generally include a decrease in salary, however, the Department Head may exercise discretion based on the totality of the circumstances. Demotion is more severe than a salary reduction. If the demotion is specified as temporary, the length of the demotion shall be stated. Any conditions of the demotion should also be stated.

3. **Disciplinary Probationary Period** - A disciplinary probationary period is considered to be a very serious disciplinary action. When an employee is placed on disciplinary probation, the employee is usually only one step away from termination. The supervisor will prepare a written memorandum outlining the provisions of the disciplinary probationary period.
4. **Dismissal** - An employee may be dismissed when it is necessary to remove the employee from the work place permanently. This is the most severe adverse action. Dismissals are effective immediately, unless the department head determines, for good reason that the effective date of the dismissal should occur at a later date.

Section 3. Notice of Disciplinary Action

The supervisor taking disciplinary action should give the employee a written notification of the action that contains the following:

1. The background events (including past disciplinary actions) which led up to and necessitates the need to take disciplinary action.
2. The specific charges or reasons for the action. Quote the policy, regulation, or procedure the employee violated which forms the basis for the disciplinary action whenever possible.
3. Briefly describe the employee's actions which violated the policy.
4. Identify the specific disciplinary action being taken and invite the employee to respond to the content of the memo.
5. The effective date of the action.

Section 4. Grounds for Disciplinary Actions

Listed below are some of the grounds which might be cause for the disciplinary action authorized in this personnel manual, but disciplinary action is not limited to the grounds listed and disciplinary action may be initiated as to any employee for any other ground or reason which may be deemed necessary in order to protect the City, the employee, or the citizens of the City.

1. Failure to do work at an acceptable level of competence as determined by the Department Head (may include excessive tardiness, lost time or inefficiency).
2. Abuse, misuse, carelessness, negligence, or improper use of City property or equipment
3. Violation of federal or state law or City ordinances; or city, departmental, or division administrative orders, rules, regulations, policies or procedures (including state or federal regulations related to City functions)

4. Failure to fully and completely cooperate with any administrative investigation, to include giving false or misleading information or concealing information
5. Commission of a crime
6. Conviction of a felony or crime involving moral turpitude
7. Inefficiency, ineffectiveness, carelessness, negligence, or incompetence in the performance of job duties
8. Inability or unfitness to perform job duties with or without reasonable accommodations
9. Use, possession, distribution, manufacture, sale, or transfer of alcohol, dangerous or illegal drugs, or being under the influence of alcohol or illegal drugs in the workplace, while on duty, when reporting to work, while performing official work related activities, while clearly identifiable as a City employee, or while operating City vehicles or equipment; except that prescribed medication may be taken within the limits set by a physician so long as it does not impair job performance
10. Drinking alcoholic beverages or using dangerous or illegal drugs outside working hours in such a manner as to adversely affect attendance or job performance
11. Misrepresentation or failure to adequately document the need to be off work
12. Absence without approval, including failure to call in to notify supervisor of tardiness or absence
13. Theft, conversion, misuse, misappropriation, inappropriate removal or inappropriate possession of City monies and/or property, regardless of value, to include items earmarked for disposal or salvage
14. Providing false or misleading information on any record or document, upon which the City relies to provide accurate information; including falsifying, misrepresenting or omitting information
15. Boisterous or disruptive activity in the workplace, including horseplay
16. Violation of safety procedures or health rules
17. Violation of the Tobacco Free Workplace Policy
18. Failure to maintain or operate equipment, tools, or vehicles in a safe and appropriate manner
19. Violation of the City's Equal Employment Opportunities Policy and/or Anti-Harassment Policy
20. Discourteous treatment of others
21. Possession of dangerous or unauthorized explosives, firearms, weapons, illegal drugs, alcohol or any other inappropriate item or material in the workplace (i.e., jobsite, vehicle or any location while engaged in city business)
22. Chronic tardiness or absenteeism
23. Abuse of sick leave
24. Engaging in behavior, either on duty or while off duty, which is incompatible with public service or which reflects adversely upon the City (and/or its departments) or is detrimental to the public's trust; such as but not limited to, public intoxication; criminal activity; illegal drug activity; slandering or defaming public officials, appointees, or staff; and any other conduct which could damage/harm the public's perception and/or trust of the City and any of its officials, appointees, or staff.

25. Engaging in political activity which is prohibited by policy
26. Insubordinate or uncooperative behavior
27. Acceptance of gratuities in conflict with City policy
28. Sleeping while on the job
29. Refusal to work overtime or working unauthorized overtime
30. Willfully giving false statements to supervisors, officials, or the public
31. Gambling on City property
32. Any traffic offenses that would result in the City's insurance being canceled on that employee
33. Engaging in behavior which is inappropriate or disruptive in the workplace
34. Giving or accepting gifts, money or favors in exchange for some benefit to self or others.
35. Misuse or misrepresentation of one's position or authority
36. Fighting or threatening violence in the workplace
37. Unauthorized absence from work station during the workday
38. Unauthorized use of telephones, mail system, or other City-owned equipment
39. Unauthorized disclosure of confidential information
40. Refusal to be examined by a City designated, licensed physician when so directed
41. Use of City equipment or facilities for personal use or benefit
42. Use of City employees to perform work or duties for the personal benefit or gain of another City employee
43. The employment or contracting with a subordinate employee by supervisory personnel to perform work after duty hours on a personal residence, automobile, or other personal property; or to solicit any type of service for personal gain from the subordinate
44. Instigation of, participation in, or leadership of an illegal strike, work stoppage, slowdown, or artificial restriction of productive work

Section 5. Appeals

- (a) **Employees Eligible for Appeal.** Any regular, non-probationary employee who has been demoted suspended without pay, dismissed, or who alleges discrimination in promotional procedures or lay-offs in violation of established policy shall have the right of appeal to the City Manager or his/her Designee. The employee or authorized agent shall file such an appeal in writing, with the office of the Human Resources Director, within (5) five business days of the effective date of such action appealed and shall file a copy of such an appeal at the same time with the employee's Department Head.
- (b) **Time and Place of Hearing.** The City Manager or his/her Designee shall set a time and place for a

hearing. Employee shall be notified of the date and time of the hearing not less than (10) ten or no more than (20) twenty business days after receipt of the appeal request.

- (c) **Hearing Procedures.** The hearing shall be conducted informally and technical rules of evidence shall not apply. All testimony shall be under oath. The decision of the City Manager or his/her Designee shall be final.
- (d) **Notification of Results of Hearing.** The affected employee shall be notified in writing within (10) ten business days by the Human Resources Director of the final determination with respect to the disciplinary action.
 - 1. In the event the City Manager or his/her Designee finds that the disciplinary action was not well founded, the affected employee shall be paid in full for such portion of time as the employee was suspended, reduced in pay, or removed. In the event that the disciplinary action taken was removal or reduction in pay, the employee affected shall be restored to his former position and pay status.

(e) **Rules for Conduct of Appeals.**

- 1. The time limits specified above may be extended to a definite date at the discretion of the City Manager or his/her Designee.
- 2. The employee may request the assistance of another person of his own choosing in preparing and presenting the appeal.
- 3. The employee and representative may use a reasonable amount of work time, as determined by the appropriate Department Head, to confer about and present the appeal.
- 4. Employees shall be assured freedom from reprisal for using the appeal procedure.

Section 6. Grievances

- (a) **Policy.** In order for a harmonious relationship to exist between the City of Americus and the employees of the City of Americus (hereinafter referred to as "Employee"), prompt consideration and equitable adjustment must be made of employee grievances. It is desirable for all grievances to be settled informally. Both supervisors and employees are expected to make every effort to resolve complaints as they arise. It is to be expected, however, there will be grievances that can only be resolved after an informal or formal airing of the complaint.
- (b) **Non-Grievable Matters.** The following are considered to be non-grievable issues:
 - 1. Termination due to layoff within a department;
 - 2. Issues which are pending or have been concluded by other administrative or judicial procedures;
 - 3. Temporary work assignments which do not exceed 90 days and for which there is no salary reduction;
 - 4. The content or rating of a performance appraisal except when the employee can show that they have been adversely affected because of unlawful discrimination;
 - 5. Change in budget and organization structure, including the person or number of persons assigned to particular positions;
 - 6. Any matter which is not within the jurisdiction or control of the Department Head;

7. Internal security practices established by the Department Head;
8. Decisions, policies, practices, resolutions, or ordinances made, or passed by the City Council which are not job or work related and which do not contradict these policies;
9. Demotion, transfer, termination of a probationary employee;
10. Counseling and verbal or written reprimands;
11. Transfer of an employee in same class from one Division to another in the same department with no change in pay;
12. Changes from one location to another or one shift to another;
13. Actions subject to the Appeals procedure described herein, including disciplinary demotions, suspensions without pay, dismissals, and allegations of discrimination in promotional procedures or lay-offs.

(c) **Files Involving Grievances.** The Human Resources Director shall maintain a file involving each grievance which shall contain all written materials submitted by any employee and by any of the employee's supervisors or department heads. .

(d) **Informal Grievance Procedure**

1. Within five (5) business days after an event has occurred to an employee, the employee shall clearly inform his or her immediate supervisor in writing of his or her specific grievance who shall make careful inquiry into the facts and circumstances of the employee's complaint. The supervisor shall attempt to resolve the complaint properly and fairly and shall give a response to the employee within five (5) business days after the grievance is reported to the supervisor.
2. If the Employee is not satisfied with the decision of his or her immediate supervisor, or if the employee's supervisor fails to comply with the time limits set for rendering a decision involving an informal grievance, the employee shall, within five (5) business days, present his or her grievance to his or her supervisor's immediate superior, if any, in the chain of command. Every effort should be made to find an acceptable solution by informal means at the lowest possible level of supervision. If the employee is not satisfied with the decision reached by the informal discussion with his or her immediate supervisor or thereafter, with his or her supervisor's immediate superior, then the employee shall have the right to file a formal grievance.

(e) **Formal Grievance Procedure**

1. Within five (5) business days after an employee receives a decision involving an informal grievance that is not satisfactory to the employee, the employee shall file a written complaint with his or her Department Head with a copy to the Human Resources Director. The written complaint shall state the nature of the grievance, the supervisors through which the employee has attempted to resolve the grievance and the relief that the employee seeks. The employee's department head shall promptly investigate the employee's grievance, including but not limited to, discussing the grievance with the employee, his or her authorized representative, if any, and with any other appropriate persons.

2. Within ten (10) business days after receiving a written complaint from an employee involving a grievance, the department head shall render his or her decision in writing. Notice of the decision shall be sent to the Human Resources Director and to the employee or his or her authorized agent, if any.
3. If the decision reached by the employee's department head is not satisfactory to the employee, the employee shall have the right to file a written Request for Review with the City Manager of the City of Americus setting forth with particularity the grounds wherein such employee contends that the decision of the department head was in error. The Request for Review shall be filed with the City Manager within five (5) business days after a final decision has been reached by the department head. The Request for Review shall comply with the requirements of Section 4, E. 1. Upon receiving the Request, the City Manager shall investigate the employee's grievance by discussing the grievance with the employee, his or her authorized representative, if any, or with any appropriate persons and shall review the decisions of the employee's supervisor and department head.
4. Within ten (10) business days after receiving a Request for Review from any employee, the City Manager shall issue a ruling concerning the employee's grievance. A copy of the ruling shall be sent to the employee or his or her authorized agent, if any, by the City Manager. The ruling of the City Manager involving a grievance shall be final.

CHAPTER 14. ATTENDANCE AND LEAVE

Section 1. Hours of Work

The work period shall be established by the Governing Body, and shall be the same for all persons occupying full time positions in the same class under the same conditions. The work schedules for each department shall be established by the appropriate Department Head.

The normal work period (14 days) for fire protection employees and law enforcement employees shall begin 7:00 a.m. Wednesday and 6:59 a.m. second Wednesday. The normal work period (7 days) for all other employees shall begin 12:00 a.m. Wednesday and end 11:59 p.m. the following Tuesday.

The following table sets forth the applicable work periods:

Classification of Employees	Work Period (days)	Maximum Hours
Fire Protection	14	106
Law Enforcement	14	86
All others (eligible)	7	40

Section 2. Attendance

Each Department Head shall be responsible for the punctual attendance of all employees under his/ her administrative supervision and shall keep such attendance records as shall be required by the Human Resources Director.

Section 3. Overtime

An employee must work in excess of the regularly scheduled hours of work before being eligible for overtime pay. Hours that are paid but not actually worked (vacation, holiday, sick, personal, etc.) shall not be used in calculating overtime. All overtime must be determined by and have prior approval of the Department Head. In cases of extreme emergencies, the Department Head may approve additional overtime. The following rules shall apply:

- (a) All overtime eligible employees shall be paid for overtime at the rate of one and one-half times their regular rate of pay. All employees may be paid for overtime or earn compensatory time off in lieu of overtime pay at the rate of one and one-half times the number of hours worked upon approval of the employee's Department Head.
- (b) Non-Exempt employees may not perform overtime work without the prior knowledge and consent of the Department Head. Under no circumstances may a non-exempt employee donate work time to the City. Exempt employees will receive their normal salary for any work period regardless of the number of hours worked, except as allowed under applicable law.

Section 4. Holidays

1. **General Policy:** Holidays Designated. It shall be the policy of the City to insure that all full-time employees enjoy the same number of holidays each year at their regular number of hours at their regular rate of pay. All full-time employees shall be eligible for 10 holidays: New Year's Day, Martin L. King, Jr.'s Birthday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Day after Thanksgiving, Christmas Eve and Christmas Day. Regular employees working less than full-time shall also be eligible to observe the above named holidays with pay for their regular number of hours at their regular rate of pay. An employee who is not on approved leave and who fails to report on a scheduled work day before or after a holiday shall not be paid for the holiday. Holidays which occur during annual or sick leave shall not be charged against annual or sick leave. Any other holiday leave shall be upon specific authorization of the City Council.
2. **Official Holiday Which Falls on Saturday or Sunday:** When a holiday falls on a Saturday, it shall be observed on a Friday, when a holiday falls on a Sunday, it shall be observed on a Monday.
3. **Employees required to work holidays:** Any employee who is required to work during holidays shall receive pay for the hours worked plus holiday pay or hours off equivalent to the hours worked during the holiday at another time as may be determined appropriate by the department head. Holiday hours earned must be used within 6 months of the holiday for which they were given or that time will lost.

Section 5. Annual Leave (Vacation)

1. **Persons Entitled.** All regular employees, after 6 months of continuous employment, working full or part-time in a regular capacity, are eligible to accrue vacation leave. Regular full time employees will accrue as outlined in Section 5. Part- time regular employees will accrue one half of the hours earned outlined below. Temporary, seasonal and other part-time or substitute employees are not eligible for vacation leave.
2. **Accrual of Annual Leave.** Annual leave shall be earned by full-time eligible employees and received on the employee's anniversary date according to the following schedule:

Classification	Length of Service	Hours Earned
Fire Department Working Shift Basis	After 6 months	72
	2-9 years	120
	10+ years	192
Police Department 12 Hour Shift Basis	After 6 months	48
	2-9 years	84
	10 + years	132
All Other	After 6 months	40
	2-9 years	80
	10+ years	120

For those employees **hired before 12-31-93**, annual leave shall be earned as per the following schedule:

<u>Classification</u>	<u>Length of Service</u>	<u>Hours Earned</u>
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Fire Department Working Shift Basis	After 1 year	60
	2-9 years	120
	10-19 years	180
	20+ years	240
Police Department 12 Hour Shift Basis	After 1 year	48
	2-9 years	84
	10-19 years	132
	20+ years	168
All Other	After 1 year	40
	2-9 years	80
	10-19 years	120
	20+ years	160

3. Time for Using Vacation Leave. Vacation leave assignments will be made in accordance with the preference of the employee where possible; however, leave must be taken at the convenience of the department, and the Department Head's decision as to when leave may or may not be taken will be final. All requests for leave must be submitted to the supervisor within a reasonable length of time before the leave is to start. Vacation leave must be used within the anniversary year after it is earned, or it will be forfeited. With Department Head written approval and in cases of emergency, an employee may be granted an additional 60 days extension in which the vacation leave must be used.
4. Purchase of Annual Leave by City. All employees who have earned more than 3 weeks or who have accumulated 240 hours (Fire Employees working Shift Basis), 168 hours (Police Employees working 12 Hour Shift Basis), and 160 hours (All Others) of annual leave shall be eligible to sell one week vacation back to the City if they are unable to use all the vacation by their anniversary date. This will consist of 60 hours for Fire Employees working Shift Basis, 48 hours for Police employees working 12 hour shift basis, and 40 hours for all other employees. The reimbursement will be at the present salary which is in effect at the time of the request, and will be subject to all federal and state tax withholdings. All requests for payment of annual leave must be approved by the Department Head.

Section 6. Sick Leave

(a) Sick Leave Defined

1. Sick leave is paid leave that may be granted to each eligible employee who through sickness or injury becomes incapacitated to a degree that makes it impossible for the employee to perform the duties of the position, or for childbirth.
2. Sick leave also includes paid leave that may be granted to each eligible employee for medical, dental or optical examination or treatment, or for sickness of immediate family. For purposes of this section immediate family shall mean the employee's spouse and dependent children, or any other person or dependent for whom you are primary care provider.

(b) Persons Entitled

All employees working full-time or part-time and regular employees serving temporarily in substitute or acting capacity are eligible to accrue sick leave as outlined in "c" below. Temporary, seasonal, volunteers and other part-time or substitute employees are not eligible for sick leave.

(c) Accrual of Sick Leave

Full-time eligible biweekly paid employees shall accrue sick leave at the rate of 3.08 hours per pay period for a total of 80 hours per pay year. If unused, such hours may be carried over each year and added to previously accumulated sick leave. Sick leave may be accumulated up to 720 hours. Regular employees working less than full-time shall have their sick leave reduced proportionately to the number of hours worked during each bi-weekly pay period. Sick leave time shall accrue from the date of employment, but no employee shall be entitled to take sick leave and receive sick leave pay until they have completed six months of continuous service. Fire Department employees shall accrue sick leave at the rate of 4.62 hours per pay period for a total of 120 hours per year. Sick leave for firefighters may be accumulated up to 1,008 hours. Employees working on a twelve hour shift basis shall accrue sick leave at the rate of 3.24 hours per pay period for a total of 84 hours per year. Sick leave for Police Officers may accumulate up to 756 hours. When an employee has accumulated up to their maximum limit, sick leave will not accumulate until the amount of accumulated sick leave falls below the maximum amount.

(d) Reporting of Sick Leave

An employee who is absent from work because of illness is responsible for reporting to the appropriate Supervisor or Department Head at least one half hour before the designated reporting time on the day of absence, unless otherwise impracticable, and will be expected to keep the Supervisor or Department Head informed of the anticipated return date. Such leave will be charged as sick leave. Where a relief employee is required in a department which must provide 24 hours of sustained service (e.g. the Police Department and Fire Departments), the employee must report the absence two hours before the designated reporting time. If an employee fails to comply with this provision, the employee will be charged on the payroll with leave without pay.

(e) Use of Sick Leave

Sick leave is not to be considered a right which employees may use at their discretion, but a privilege not to be abused. Department Heads or his/her designee who feel an employee is abusing the sick leave privilege may require the employee to furnish a doctor's certificate for each period of absence regardless of the provisions of "f" below.

(f) Doctor's Certificate

Sick leave with pay in excess of three consecutive business days for reasons of personal illness or physical incapacity shall be granted only after presentation of a written statement by a licensed Healthcare provider, certifying that the employee's condition prevented them from performing the duties of his position.

(g) Sick Leave on Separation of Employment

An employee, upon separation from the City service, shall not receive payment for accumulated sick leave.

(h) Payment for Unused Sick Leave

A regular status employee who has accumulated the maximum amount of sick leave hours at the beginning of the fiscal year will be entitled to the following payment for sick leave. An employee with 540 hours or more of unused sick leave may be entitled to receive payment for 24 hours at the end of the calendar year. Fire Department employees with 810 hours or more of unused sick leave may be entitled to 72 hours. Police Department employees working shift basis with 566 hours or more of unused leave may be entitled to 36 hours per year. An employee must not have used any sick leave hours during the relevant fiscal year to be eligible to receive payment.

Section 7. On-The-Job-Injury

PURPOSE

To establish clear guidelines regarding the City's *Workers' Compensation* program and to ensure compliance with all applicable workers' compensation laws of the State of Georgia.

STATEMENT OF POLICY

It is the policy of the City of Americus to fully comply with all applicable laws, rules, and regulations of the Georgia State Board of Workers' Compensation. All City of Americus employees are covered by workers' compensation insurance for injuries arising out of and occurring within the course of their employment in accordance with City of Americus policy, the Georgia Workers' Compensation Act, and the rules of the State Board of Workers' Compensation.

Workplace injuries must be properly reported by the employee as detailed in this policy and approved for payment by the insurer prior to the employee's receiving any benefits under Workers' Compensation.

Not Covered – The following are examples of activities that may not be covered by the City's Workers' Compensation Program: This list is not intended to be exhaustive, and other acts, missions, or circumstances may render a claim to be non-compensable under the Georgia Workers' Compensation Act. The compensability of each accident/injury will be determined on a claim-by-claim basis.

Willful acts of the employee. There is no compensation for injuries caused by an employee's willful misconduct, including intentional self-injury and injury sustained during an attack on another person.

1. **Failure to follow safety rules.** There may be no compensation for injuries caused by the employee's willful breach of a safety rule. This includes the employee's disregarding of his or her responsibility to use protective equipment as required by the City.
2. **Intoxication.** There is no compensation for injuries caused by the employee's intoxication or being under the influence of controlled substances as defined by Georgia law.
3. **Recreational activities.** There is no compensation for injuries incurred during voluntary participation in recreational activities unless participation is required by the City or the activity is part of a recreational period that is a regular incidence of employment. Participation may be considered "required" if the City derives a substantial, direct benefit from the activity beyond the boost in morale that is common to all forms of recreation.
4. **Heart disease.** There is no compensation for injury caused by heart disease unless it can be demonstrated that the disease is attributable to the usual work environment.
5. **Drug addiction.** There is no compensation for alcoholism or addiction to drugs and/or other controlled substances.

PROCEDURES

Record Only - Every incident must be reported, even if no medical treatment is needed. Minor injuries that can be treated solely with first aid on the job site should be identified as Record Only.

Medical – If the injury requires medical treatment (other than first aid), the employee should be escorted by another employee designated by management to an outside facility. The facility should be informed that the employee sustained a work-related injury and be given the City name and address.

Every employee has the right to select a physician from a panel of physicians compiled by the city which includes at least six physicians or professional associations that are readily accessible to employees. Employees will receive a copy of the panel of physicians during new hire orientation and immediately following any revisions. This panel of physicians will be maintained in the Human Resources Department and copies of the panel shall be placed in all buildings regularly utilized by City employees. The panel shall be placed in a conspicuous place in accordance with state law.

As required by O.C.G.A. 34-9-81.1, a copy of the “Workers Compensation Bill of Rights” shall be posted alongside the panel of physicians. Except in extreme emergency situations, choosing to see a physician who is NOT on the City's list will jeopardize the receipt of Workers' Compensation benefits by the employee.

Emergency Situations - If the nature of the injury is so serious that the closest, most appropriate emergency medical treatment must be immediately obtained, or if the injury is sustained away from the City of Americus or surrounding vicinity in the course of employment, the employee may be sent to the nearest emergency medical facility for treatment. **Special Note:** Benefits may be denied an employee whose death or disability results directly from a refusal to undergo treatment.

Testing - Any employee involved in accidents occurring during the performance of City business or on City property that result in injuries requiring medical treatment to themselves or others or damage to property shall be subject to undergoing a drug and/or alcohol test at the City's expense. Refusal to consent to a test when required will result in disciplinary action, up to and including termination. Failure to successfully pass such testing will also be grounds for disciplinary action, up to and including termination.

RESPONSIBILITIES

Department Head/Supervisor - Upon notification by an employee of a work-related injury, the supervisor and/or the department head should notify the Human Resources Department immediately, if possible, or within 24 hours. (Note: If an accident or incident takes place during the weekend or on a City holiday, a report must be filed by 12:00 noon the following Monday or 12:00 noon the next regular City workday, respectively.) **Special Note:** When a hospitalization or fatality is involved, the department head should notify the City Manager and Human Resource Department immediately.

The Departmental head, or his or her designee, should thoroughly and without delay investigate any work-related accident or incident which caused an employee's injury. He or she should then immediately:

- (a) Complete a Supervisor Investigation Report Form and the Employee must complete an Employee Statement of Injury Form. These forms can be delivered or faxed (229-924-2012) to the Human Resources Department, who will forward the report to the City's Workers Compensation Carrier.
- (b) **If a claim is approved and found to be compensable, workers' compensation insurance will pay the costs of reasonable and necessary medical treatment when the employee follows all required procedures.**

Indemnity Benefits - To compensate for wages lost during a period of disability due to a work-related injury, the City's Workers' Compensation insurer will provide payments, calculated as two thirds (2/3) of the employee's average weekly wages, up to the maximum prevailing rate in compliance with Georgia Workers' Compensation law. These payments will be mailed directly to the employee by the Workers'

Compensation insurer. Indemnity benefits are NOT available **for the first seven days** of disability unless the disability continues for 21 **consecutive** days or longer (an employee MAY choose to use accrued annual or sick leave during the seven day period and may not be received in addition to indemnity benefits if leave is used during this period). The employee shall not be allowed to accrue sick leave during such absence due to disability. As to vacation hours to which the employee was entitled prior to the accident/injury, such vacation hours must be used prior to the employee's next anniversary date, but no vacation hours shall be taken by such employee, and no salary or wages shall be paid to such employee except for the first seven day period, for or during any time period which coincides with the employee's absence from work as a result of such injury.

(c) **Classification of Disabilities** – Weekly indemnity benefits will be classified as one of the following:

1. Temporary Total Disability - A City employee who is unable to work at any job due to an injury sustained in the course of employment will be classified as totally disabled.
2. Temporary Partial Disability - A partial disability is one that is not serious enough to keep the injured employee from all work but that, nevertheless, interferes with the employee's ability to perform his or her regular job and earn regular pay.

In the case of catastrophic injury, the employee's rehabilitation needs will be evaluated and appropriate rehabilitation arranged as consistent with Georgia law. If an employee refuses rehabilitation, benefits may be suspended during the period of refusal.

Death Benefits - The survivors of an employee who dies of a workplace injury will receive benefits as consistent with Georgia law.

For Report Purposes Only - If an accident or incident occurs with no apparently significant injury (and no actual claim for medical treatment is being filed by the employee), the claim should be marked "FOR REPORT PURPOSES ONLY" and sent to the Human Resources Department so that they have a report on file for future reference.

Employee Responsibility –

An employee MUST notify his or her supervisor or department head **immediately** or as soon after a work-related injury as possible (but no later than the end of the work shift). In cases where the employee is incapacitated, the appropriate supervisor must notify the department head or his or her designee as soon as feasible (by the end of the work shift, if possible). **Claims which are not properly reported within the above time limits may be denied.**

It is the employee's responsibility to obtain the proper forms to be completed by the treating physician(s) whenever work is missed due to a work-related injury and to return the form to the Human Resources Department on a timely basis so that Workers' Compensation insurance payments may be promptly processed. Each physician's report should include an estimated time during which the employee is expected to be absent due to the work-related injury.

If physician's reports are not received, (except for hospital admissions due to emergencies), then the City's absenteeism policy will be enforced.

Return to Work - It is the employee's responsibility to obtain written authorization from the treating physician which should be documented on the Authorization for Medical Treatment Form before being permitted to return to work, whether for light/modified duties or full duty without restrictions, following treatment due to a work-related injury. This authorization must be provided to the Human Resource Department before the employee returns to work.

Light/Modified Duty - Occasionally, an employee who has suffered a work-related injury is temporarily partially disabled but is able to perform other productive duties in his/her department or elsewhere in the City.

If light/modified duty is authorized, the physician must include specific restrictions in order to properly assign duties without further injury when and if such work is available.

Department heads will make every effort to work closely with the Human Resource Department to return employees to work in some productive capacity from work-related injuries as soon as possible.

If light/modified duty work or appropriate duties within the skill level and physical capability of the employee is not available, the employee will remain off-duty on Workers' Compensation for a period that may extend up to 18 months or until he or she is released to return to work with less-restricted duties or without restrictions by the treating physician. The respective department head will notify the Human Resource Department of the exact date when an employee returns to work after being absent due to a work-related injury.

Leave Accrual - An employee absent from and on unpaid status due to Workers' Compensation or FMLA will not be permitted to accrue annual or sick leave' .

Medical Benefits - The city will continue all health care benefits for the duration of leave, provided the employee pays the employee's portion of the health care benefit premiums. Any employee on leave will be required to continue to pay health care benefit premiums during the time the employee is on leave, by submitting to the city at the beginning of each month an amount equal to the monthly premiums that would have been deducted from the employee's pay were the employee not on leave. The city may cancel all health care benefits if the employee's premium payment is more than thirty days late, and if the city has provided fifteen days written notice to the employee prior to cancellation. The city will continue health benefits during these thirty days. In no event, shall such insurance payments extend for more than 18 months beyond the first day on which the employee is unable to work as a result of such injury. Subject to the provisions of federal law, at the conclusion of such 18 month period, the employee can choose to select health insurance coverage under the COBRA plan provided by the City's health insurance provider.

Section 8. Funeral Leave - Death in the Family

Leave with pay not exceeding three working days shall be granted, with Department Head's approval, to any employee in the event of a death in the employee's immediate family. Immediate family in this case shall include the employee's spouse, child, parent, parent-in-law, brother, sister, grandchild, grandparent, spouse's grandparent, son-in-law, daughter-in-law, sister-in-law, brother-in-law, step-parent, step-brother, step-sister or any other relative living under the same roof. Additional time off can be requested and approved by Department Heads; however, other leave may be used or time off will go unpaid.

Section 9. Military Leave

The City will comply with all applicable federal and state laws concerning employee requests for military leave and reemployment. Eligible employees may receive paid leave in accordance with applicable federal and/or state law.

Section 10. Civil Leave

Any employee shall be given necessary time off without loss of pay when performing jury duty or when required by proper authority to be a witness in legal proceedings, provided such call to duty is reported in advance to the individual's Department Head and documentation supporting the request is provided (e.g., summons or subpoena). City employees who perform jury duty or who are required to be a witness in a legal proceeding will be permitted to retain all fees and allowances received.

Section 11. Family and Medical Leave

Employees of the City of Americus are eligible for family and medical leave if they have at least 12 months of service, have worked at least 1,250 hours within the preceding 12-month period, and at a worksite where there are at least 50 employees within a 75-mile radius. If eligible, an employee may be able to take up to 12 weeks of paid or unpaid leave during a 12-month period for the following reasons:

1. The birth of a child or to care for a child within the first 12 months after birth;
2. The placement of a child with the employee for adoption or foster care and to bond with and care for the child (within the first 12 months after placement);
3. To care for an immediate family member which includes employee's spouse, son or daughter, or parent, who has a serious health condition;
4. For a serious health condition that makes the employee unable to perform the functions of his/her position; or
5. If the employee experiences a qualifying exigency that arises out of the fact that a spouse, parent, or child has been called to or is on covered active duty status). The definition of an "any qualifying exigency" shall be the same definition of such phrase as adopted by the United States Department of Labor under 29 C.F.R. 825.126.

The method for determining the 12 month period is based on the rolling 12-month period measured backward from the date an employee uses Family and Medical Leave.

Military Caregiver Leave.

In addition, an employee who is the spouse, son, daughter, parent, or child or next of kin is eligible for family and medical leave for up to twenty-six (26) weeks for the purpose of caring for a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

Notice of Leave. When requesting leave, the employee must:

1. Supply sufficient information for the City of Americus to be aware that the FMLA may apply to the leave request, as well as information regarding the anticipated timing and duration of leave;
2. Provide notice of the need for leave at least 30 days in advance or as soon as practicable;
3. Cooperate with all requests for information regarding whether absences are FMLA-qualifying.
4. Failure to comply may result in leave being delayed or denied.

Intermittent Leave. When medically necessary, employees may take FMLA leave intermittently, or on a reduced schedule basis for their own serious health condition, the serious health condition of a family member, or for military caregiver leave. Employees are required to cooperate with the City of Americus to arrange reduced work schedules or intermittent leave so as to minimize disruption of business operations.

Qualifying exigency leave may be taken intermittently without regard to medical necessity or disruption of business operations.

Leave because of the birth or adoption of a child may not be taken intermittently and must be completed with the 12-month period beginning on the date of birth or placement of the child.

Medical and Other Certifications. Employees will be required to provide a medical certification if the leave request is: 1) for the employee's own serious health condition, 2) to care for a family member's serious health condition, or 3) military caregiver leave. Failure to provide the requested certification in a timely manner may result in denial of the leave until it is provided. If an employee refuses to provide a certification, his/her leave

request may be denied and the employee may be disciplined.

The City of Americus, at its expense, may require a medical examination by a health care provider of its choosing if it has a reasonable question regarding the medical certification provided by the employee. The City of Americus may also contact the health care provider directly to clarify or authenticate a medical certification, including certifications for military caregiver leave. Second opinions may not be required for military caregiver leave.

Separate certification may also be required regarding the nature of the family member's military service and/or the existence of a qualifying exigency.

Fitness for Duty Certifications. Because the City of Americus wishes to ensure the well-being of all employees, any employee returning from FMLA leave for his/her own serious health condition will need a Fitness for Duty (FFD) certification signed by his/her health care provider. An employee who fails to provide a FFD certification will be prohibited from returning to work until it is provided. An employee who fails to provide a FFD certification may be disciplined or terminated.

FFD certifications may be required when an employee returns from intermittent FMLA leave if serious concerns exist regarding the employee's ability to resume his/her duties safely.

Maintenance of Benefits. The City of Americus will maintain health care benefits for the employee if covered by the plan, but the employee is responsible for paying the normal monthly premium contribution. 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 of Americus for the cost of premiums paid for maintaining coverage during the leave period, except as prohibited by applicable law. All other benefits cease to accrue during the unpaid portion of the leave.

Concurrent Leave. Employees must use any accumulated sick leave, vacation leave, personal leave, and earned holiday pay to the extent available during FMLA before being placed in a non-pay status. All employees who are placed in a non-pay status must follow the guidelines to request a leave without pay as outlined in section 12 of this chapter. No holiday, sick leave, vacation leave or personal leave will be accrued by an employee for the time that such employee is on leave without pay.

Married Couples Who Work for The City of Americus. If an employee and his/her spouse both work for the City of Americus, they are both eligible for FMLA leave. The employee and employee's spouse may be limited to a combined total of 12 weeks of FMLA leave in a 12-month period if the leave is taken for:

- (a) The birth, adoption, or foster placement of a child;
- (b) To care for and bond with such child who does not suffer from a serious health condition;
- (c) To care for a parent with a serious health condition; or
- (d) A combination of the above.

For military caregiver leave, the employee and employee's spouse may be limited to a combined total of 26 weeks of leave in a 12-month period, including the types of leave listed above in this paragraph.

Absenteeism. Upon return from leave, the employee will be restored to his/her original or an equivalent position. An employee who fails to return at the end of FMLA leave will in most cases be considered to have voluntarily resigned his/her position with the City of Americus, unless additional leave is approved as a reasonable accommodation under the American with Disabilities Act, or otherwise.

Section 12. Leave Without Pay

1. Leave Without Pay Defined. When it is deemed in the best interest of the City service, a regular employee may be granted leave without pay for a period not to exceed one (1) year for personal or other reasons, provided such leave is recommended by the Department Head, and approved by the City Manager. Non regular employees are not eligible for grants of leave without pay.
2. Procedure for Requesting Leave Without Pay. Application for leave without pay shall be submitted in writing in advance showing the employee's reason for requesting such leave and shall contain a statement that the employee desires to return to the City service upon expiration of such leave, and that the employee agrees to the terms and conditions as outlined in these Policies.
3. Temporary Filling of Position of Employee on Leave Without Pay. During the employee's approved leave of absence, the position may be filled by temporary appointment or substitution. At the expiration of leave without pay, the employee (subject to "4(a)" below) shall be reinstated in his/her former position, and the substitute employee returned to his/her former position without loss of status or benefits.
4. Rights of Employee on Leave Without Pay.
 - (a) Reinstatement of Former Position. Employees, other than those affected by the Family and Medical Leave as outlined in Section 11, who are granted leave without pay not exceeding two calendar months shall be entitled to reinstatement in their former positions. For employees granted leave without pay exceeding two calendar months, every effort will be made to return the employee to his former position, or the employee will be listed on re-employment lists in the same manner as employees who are laid off in good standing.
 - (b) Continuity of Service. Employees granted leave without pay shall not be considered to have affected a break in service except as outlined below.
 1. In case of a probationary status employee from promotional appointment, the effective date of the end of the probationary period shall be adjusted month for month for each month the employee is on leave without pay.
 2. For purposes of retirement benefits for eligible employees, breaks in service shall be defined as set forth in the Retirement Ordinance.
 3. Continuation of insurance benefits for eligible employees during the time the employee is on leave without pay shall be in accordance with the provision of employee group insurance contracts. Employees who are on leave without pay other than those affected by the Family and Medical Leave policy in Section 11 of this chapter will be required to reimburse the City for the cost of the premiums on such insurance.
 4. Employees granted leave without pay under this policy shall not accrue sick and annual leave while in leave status. However, any sick leave accrued at the time leave is granted shall be continued upon return to duty. Any employee who elects not to return to duty and resigns shall forfeit any sick leave that had been accumulated.

Section 13. Birthday Leave

General Policy. It shall be the policy of the City of Americus to insure that all full-time employees enjoy their birthday off as paid leave. Employees will be allowed to take his/her actual birthday off provided it doesn't

create scheduling problems within their respective department. If for some reason, the employee cannot take their actual birthday, due to scheduling, the employee must take their day off within the month of their birthday or lose it. Each department will be provided a birthday list of their employees in order to make sure he/she can plan for each employee's day off.

Probationary Employees: Probationary Employees will receive their birthday off the same as regular employees.

Section 14. Personal Leave

It is the policy of the City of Americus to grant eligible employees the right to use three (3) days as personal days in recognition of the fact that some legal, private business or family matters must be carried out during normal work hours.

An eligible employee must meet the criteria as a full-time or part-time regular employee who has met the requirements for the probationary period.

Procedures:

Eligibility to use Personal Leave will be on a fiscal year basis. Employees who work an eight (8) hour work schedule will receive twenty-four (24) hours of personal leave. Employees who work a twenty-four hour shift schedule will receive seventy-two (72) hours of personal leave. Employees who work on a twelve hour shift basis will receive thirty-six (36) hours of personal leave.

- (a) Following the last pay period of the fiscal year, any unused Personal Leave shall be converted to Sick Leave. If the employee has accrued the maximum limit of sick leave allowed, personal leave will not be converted. The employee will not be paid for unused Personal Leave at any time.
- (b) Personal Leave may be charged in minimum units of one (4) hour increment.
- (c) Employees may use Personal Leave only for the days and hours for which they normally would have been scheduled to work, but not to include scheduled overtime.
- (d) Personal Leave may not be used to cover un-excused absences or to make up time.
- (e) Personal Leave may not be used to extend an employee's active pay status for the purpose of accruing overtime or compensatory time. It may not be used to extend an employee's date of resignation or retirement.
- (f) All Personal Leave must have the prior approval of the Department Head or Supervisor before the time can be taken.

Section 15. Leave Donation

It is the policy of the City of Americus to grant regular employees that have worked for the City for a period of 12 months the right to donate vacation leave or holiday time to other employees. Leave may be donated to any employee who voluntarily identifies themselves as unable to perform the essential functions of their job due to a terminal illness, critical injury or other serious medical conditions, and has exhausted all paid leave benefits and are therefore not eligible to request leave without pay. Any city employee who has vacation or holiday time, may voluntarily and irrevocably donate their own vacation or holiday time to the ill employee by written

notification on the proper form to their Department Head. The Department Head will send the form to the Human Resources Department and in turn have the City Manager approve the leave. After the leave is approved, the Human Resources Department will credit the ill employee with the donated time and remove the amount of hours from the employee donating the leave. No leave of absence without pay shall be affected as long as such credited vacation or holiday time has been made available. Vacation or holiday time donated to an employee will not be allowed for any other reasons beyond this policy. All other leave such as sick and personal does not fall under this policy and will not be included in the time to be donated to other employees. Donated vacation or holiday time will not affect the requirements that are established by the Family and Medical Leave Act as outlined in section 11 of this chapter.

No employee shall threaten, coerce or attempt to threaten or coerce another employee for the purpose of interfering with rights involving the donation, receipt or use of leave. Such prohibited acts shall include, but not be limited to, promising to confer or conferring a benefit such as appointment, promotion or salary increases, or making a threat to engage in, or engaging in an act of retaliation against an employee. Any violations shall be considered to be misconduct and shall be subject to disciplinary action up to and including termination of employment.

Section 16. Mandatory Use of Leave

When a non-exempt employee is required to be absent from work as a result of employee illness, employee doctor visits, illness of a “qualified family member”, a doctor visit by a “qualified family member” or for any other personal reason or reasons, such employee shall be required to use his or her accumulated leave time in connection with such absences. Such an employee shall not be deemed to have a “non-pay” status as a result of such absences unless the employee has exhausted all of his or her authorized leave time. Any absences while such employee is in a “non-pay” status as a result of having exhausted all of his or her authorized leave time must be approved in advance by such employee’s Supervisor and the Head of the Department in which the employee is employed. The provisions of this section shall not be construed to affect, limit, or alter the provisions of the Attendance and Leave policy of the City’s Personnel Ordinance.

CHAPTER 15. EMPLOYEE DEVELOPMENT

Section 1. Educational Enrichment

Upon the recommendation of the Department Head and with the prior approval of the City Manager, regular employees may receive reimbursement for cost of tuition and books for any job related course successfully completed (grade of C or higher). Prior approval of the course as being job related shall be obtained from the City Manager before payment will be made by the City. The employee shall submit proof of successful completion of the course along with paid receipts to the Human Resources Department, through the Department Head. The City will pay only for job related courses. Such courses shall be taken during employee off duty hours unless it is necessary training for the job which is specifically approved by the Department Head. The Human Resources Department shall forward the request for reimbursement to the City Manager for review.

Employees must agree to continue to work for the City for at least two years after completion of any course taken by the employee under this Section.

If such employee does not continue to be an employee of the City for two years after completion of such course, then the employee shall reimburse the City for the cost for such courses paid by the City within two years prior to the employee leaving the City's employment.

Section 2. Retirement System

Provisions for retirement for City employees shall be as outlined in any Retirement Ordinance passed or amended by the Governing Body.

Section 3. Insurance Benefits

Provisions for group life insurance and group medical coverage for employees shall be as outlined in existing group contracts and plans, or as they may be amended.

Section 4. Educational Incentives

The City of Americus encourages its employees to participate in job related post-secondary education programs. Employees participating in this program are required to review the type of degree/certification and amount with the Department Head prior to enrolling into a program to ensure eligibility for the educational incentive. Proof of completion must be submitted to the City Manager for final approval and is based on the financial situation of the City.

If a job related post-secondary education program is completed before employment with the City of Americus the education incentive will not apply.

State or national accreditation or certification that requires a minimum of 100 hours of class time:

- **\$1000.00**

College/University or Technical Institute degree or certification:

- **Two year degree or certification - \$1000.00**
- **Four year degree or certification - \$2000.00** (If an employee has previously-received payment for a two year degree or certification, this payment will be reduced to \$1,000 for the four year degree or certification)
- **Above four year degree or certification - \$3000.00** (If an employee has previously received payment for a four year degree or certification, the payment will be \$1,000 for the degree or certification above this level)

Section 5. Performance Appraisal

Annual Appraisal - Performance of all regular employees (supervisory and non-supervisory) except Department Heads, shall be evaluated at least annually, such rating to be made the month prior to the employee's anniversary date.

Probationary Review - Probationary employees from initial transfer or promotion appointments shall be evaluated and counseled bi-monthly during the probationary period and two weeks prior to the end of the designated probationary period. When the employee's performance proves to be marginal, the Department Head may request extension of the probationary period for an additional six-month interval. Such request will be supported by appropriate performance evaluation documents and submitted to the Personnel Department for review. Employees whose performance fails to reach an acceptable level of performance shall be returned to their former level/position (if available), reassigned (if a job vacancy for which they are qualified exists), or dismissed under provisions of these Policies.

Supervisory and Non-Supervisory Appraisals - All eligible employees shall be evaluated (where possible) by their immediate supervisor and any appropriate intermediate supervisor, with final approval by the Department Head.

1. Immediate supervisor (where possible) shall use the employee evaluation form approved by the Human Resources Director and issued through the Human Resources Department.
2. The supervisor shall carefully evaluate the employee's overall performance for the past year using job related criteria, classification specifications, on the job performance, related personnel records, and standards of judgment that reflect a fair assessment of the employee's performance.
3. Overall Performance Level shall be assigned related to specific ratings as instructed by the Human Resources Department.
4. The evaluating supervisor shall submit the completed evaluation form to his/her immediate supervisor and department head for review and final submission to the Human Resources Department for review prior to discussing it with the employee. A failure of any endorsing

supervisor to agree with the evaluating supervisor's evaluation may result in the Department Head's making the final decision unless appealed by the affected employee under the grievance procedure as outlined in grievance procedure policy.

5. The employee and the immediate supervisor shall discuss the appraised evaluation, career growth, areas of needed improvement and training or self-help opportunities.
6. The employee shall sign the evaluation form acknowledging an understanding of the evaluation, but not necessarily agreement.
7. The completed evaluation form shall be sent to the Human Resources Department for inclusion in the employee's personnel file.

Reevaluation of Unsatisfactory Performance - An employee who receives a performance rating of below satisfactory will be reevaluated in two months or a time frame set by the Department Head. If the employee receives a second evaluation of below satisfactory, the employee may be subject to discharge.

Change in Supervisor - Employees transferred from one supervisor to another shall be rated by the releasing supervisor on an interim basis and approved by the Department Head when the releasing supervisor has supervised the employee thirty or more work days. This evaluation shall be signed by the employee and made available to the new supervision.

CHAPTER 16. DRESS CODE AND UNIFORM POLICY

Section 1. General Policy

PURPOSE & POLICY

The purpose of this Policy is to establish dress code and personal grooming guidelines for City employees. In most cases a generic standard applies to all employees, but different standards may apply to those in City uniforms or issued clothing. Standards may also vary as applied to male and to female employees. It is the policy of the City that employees shall project a positive and professional image toward the community. All employees are reminded that the first impression on the public is their dress and grooming appearance.

All employees are required to dress and be groomed in a manner that presents a conservative appearance and is appropriate to a professional business environment. Clothing shall always be neat, clean, and pressed when reporting for duty.

Due to the unique nature of public safety, the Police Department and Fire Service Department will maintain their own policies on the wearing of uniforms, clothing, and grooming requirements for both sworn and civilian police personnel.

ISSUED CLOTHING, UNIFORMS, AND EQUIPMENT

Any issued clothing, uniforms, equipment and similar type items remain the property of the City. Employees have the responsibility to maintain all issued items with due diligence and to report all losses, thefts, or damage of items to their immediate supervisor in writing. Employees deemed responsible for the loss or damage of issued items may, in addition to any disciplinary action given, be required to compensate the City for loss or damage occurred outside of the normal wear and tear that may be related to the aging of the item.

Uniform items and equipment issued by the City or a department will be replaced by the department as authorized and required. Employees in need of replacement items will advise their immediate supervisor, preferably in writing, of such need. If approved, the items will be ordered and provided to the employees.

Employees shall not wear any clothing which is a recognizable part of their issued uniform or clothing of the City while under disciplinary suspension, except as authorized by their Department head. Employees who leave employment with the City must return all issued clothing, uniforms, equipment and other similar items cleaned and intact or make monetary compensation for replacement costs. Police clothing and uniform items must be turned in dry cleaned, pressed, on hangers and in protective plastic bags. Other City issued clothing or uniform items must be cleaned in the normal manner before being turned in. When issued items are not returned in accordance with this policy, the employee will have the cost of such cleaning deducted from their last paycheck; however, the amount deducted for cleaning cost shall not cause wages to be reduced to an amount below the minimum wage amount.

DRESS CODE & GROOMING STANDARDS

(a) General Standards

Suits, dress trousers, and conservative sportswear trousers, khaki or others colors are considered appropriate. Jeans must be clean, neat and wrinkle free.

Short or long sleeve dress shirts, golf type shirts, denim shirts, or other conservative casual shirts are acceptable. Shirts may have City or departmental logos.

Suits, dresses, skirts, pants, and a suitable blouse, conservative in nature, is appropriate attire for wear. Skirts and dresses may have a hemline no higher than two inches above the knee, or may not fall below the knee to such an extent as to impede the ability to move safely. The length of capris pants must be closer to the ankle than the knee. Jeans must be clean, neat and wrinkle free.

Blouses, shirts and other top garments shall not expose the midriff. Semi-transparent or sheer clothing is not acceptable. A dress commonly referred to as a sun dress may be authorized as long as it presents an acceptable business like appearance. Excessive exposure of skin is not permitted. Leggings that are tight, form fitting and expose the backside are not appropriate office wear and shall not be worn to the office or in any other capacity while conducting City business.

(b) Shoes

Shoes may be dress or casual, but must be businesslike. Shoes shall be shined (if appropriate) and free of dirt. Sandals should present a professional appearance. Shoes must be conservative and professional and must be able to be worn safely in the working environment.

(c) Jewelry

Necklaces of excessive length shall not be worn if they present a safety hazard such as they could be caught in equipment or machinery. Excessive jewelry, to include body piercings, should not be worn so as to detract from a professional appearance. Rings may be worn provided they are conservative and professional in appearance. Rings which create a safety concern are prohibited. Earrings which are conservative and professional in appearance are allowed.

(d) Fingernails & Fingernail Polish

All employees' fingernails are to be cleaned and maintained at a moderate length so as not to impede the employee's ability to successfully perform their job functions. Fingernail polish (clear or colored) shall be subdued in color and must present a conservative, professional and business-like appearance. Employees may wear only clear or colored fingernail polish that is compatible in color if wearing a uniform or issued clothing.

(e) Cosmetics

Employees may wear facial cosmetics, which are conservative and business like in nature.

(f) Hair

Hair shall be conservative, neat, and professional in appearance. Hair appearing to be shabby, unkempt and generally unmanageable is not acceptable. Hair should be a reasonable length and cannot be so long, or of such a style as to create a safety hazard in the working environment.

Hair must be regularly shampooed, cut and shaped. Hair must not be so long as to interfere with the wearing of any equipment required to perform the job assignment.

Hair styles of a bizarre nature such as spikes, unusual colors, bright streaks, shaved in designs and those commonly known as "Punk" are not acceptable.

(g) Facial Hair (Beards & Mustaches)

Facial hair may be worn provided that it presents a professional appearance at all times. Facial hair must be clean, neat and well-groomed at all times, and should never be so long as to have a general appearance of being unruly. Facial hair cannot interfere with any equipment required to perform the job assignment. "Frizzy" sideburns are not permitted.

(h) Body Piercing

Employees may not wear jewelry in a visible body piercing. Visible body piercing includes, but is not limited to: the piercing of the tongue, eyebrows, cheeks and nose. The temporary wearing of an inconspicuous clear post during the initial stage of the piercing is authorized; not to exceed six weeks. Employees are encouraged to seek guidance regarding any visible body piercing to avoid confusion regarding their acceptability.

(i) Tattoos

A tattoo is a permanent mark or design made on the skin by a process of pricking and ingrainings an indelible ink pigment or by raising scars. The wearing of visible tattoos that depict violent, vulgar, obscene or racially/culturally/religiously prejudicial designs are not permitted. Employees are encouraged to seek guidance regarding any visible tattoos to avoid confusion regarding their acceptability.

(j) City Issued Uniforms or Clothing

Employees who are issued uniforms or other standardized clothes to wear must wear them correctly and appropriately.

(k) Attire Appropriate to the Environment

Employees may dress in a manner appropriate to the environment. For example, an employee who knows they will be doing work in a dirty or dusty environment, and is not provided a city uniform, may wear jeans and a sweat shirt for that day.

(l) Classroom Training and Departmental Meeting Attire

Employees assigned to training or departmental meetings should report for this assignment in appropriate attire consistent with a professional working environment. Employees should never wear to any City or departmental function any item of clothing that is offensive or with a logo that may present an unprofessional appearance.

(m) Court Appearance

Employees must wear professional attire in all courts.

PROHIBITED ITEMS OF ATTIRE

Employees may not wear for general work duty attire which is inappropriate to a professional business working environment, including but limited to, the following:

1. revealing hip hugger pants
2. leggings
3. halter tops
4. flip-flops
5. bedroom shoes
6. frayed clothing
7. pajamas
8. torn, or excessively tattered or frayed clothing
9. improper fitting clothing
10. revealing clothing
11. dirty or wrinkled clothing
12. athletic shorts or shirts or jerseys (except for Parks & Recreation activities)
13. clothing with vulgar or obscene words or which have logos for alcoholic beverages, logos that are sexually offensive, contain profanity or logos that are indecent

DUTY OF SUPERVISORS

All supervisors will instruct their assigned subordinates of this policy and will be responsible for its enforcement. Supervisors who observe a violation will counsel the employee on appropriate clothing and/or grooming. If the infraction is of an obvious nature as to cause embarrassment to the City or is a safety hazard, the supervisor will take immediate corrective action and send the offending employee home to correct their dress or grooming. The employee will clock out and will not be compensated for any lost time, and may be subject to disciplinary action as well.

Section 2 Uniforms (All employees except Fire personnel and sworn Police.)

Uniforms for employees authorized by the Governing Body other than Fire and Police personnel may be furnished by the City. Equipment deemed essential to job performance may also be furnished if authorized by both the Department Head and the City Manager. Certain employees as designated by the Governing Body may receive a clothing allowance in lieu of uniforms. The amount of the allowance shall be set by the Governing Body.

Public Works, Water and Sewer Maintenance, Meter Readers, Grounds & Maintenance, Van Drivers, Correctional Officers, Building Inspectors and Custodian

1. The complete uniform shall be worn only during working hours and during commute to and from work locations.
2. Definition of a uniform - A uniform is considered to be a shirt, pants, cap, jacket, work gloves and rain suits.
3. Shirt and Pants - The City of Americus shall rent the pants and shirts from a Rental Company of choice.
4. Jacket - One winter jacket shall be provided to each of the employees by the City of Americus. That jacket shall be cleaned and maintained by the employee. Any replacement of the jacket shall be on an as needed basis as determined by the Supervisor. Any employee who neglects or abuses the jacket shall be required to pay for the replacement.
5. Caps - Only City of Americus caps shall be worn while on duty. No other cap will be acceptable. City of Americus caps will be provided by the City on an as needed basis. The employee may be required to pay for the replacement if he/she is negligent. This will be determined by the Supervisor.
6. Alterations - No alterations shall be made to the uniforms except those made by the Uniform Rental Company or unless approved by a supervisor for them to do so.
7. Insignia, pins, etc. - No employee shall wear any type of emblem, patch, insignia, or ribbon upon his uniform unless authorized by the Department Head. No political material may be worn on the uniform. The City of Americus Service Pin may be worn, but it is not mandatory.
8. Cleaning - Rental uniforms shall be turned in weekly on a prescribed day to be cleaned. Employees shall wear clean uniforms.
9. Shirts shall be completely buttoned with only the collar button left unfastened. Pants must be buttoned and zipped.
10. Uniforms shall be issued to new employees approximately two weeks after the initial employment. The employee will be measured by the Uniform Rental Company at their earliest convenience after employment date.
11. Safety Equipment - Safety Equipment shall be issued by the Supervisor as needed. (Ex. Glasses, vests, hard hats, etc.)
12. Uniform Color - The official uniform of the employees shall be light blue shirts with navy blue pants. Supervisors and general office personnel's uniforms shall be white shirts and navy pants. Correctional Officers uniforms shall be light brown shirts and dark brown pants. Building Inspectors uniforms shall be khaki pants and an oxford cloth shirt.
13. Other parts of uniforms shall be issued as needed by the particular department. (Ex. Rubber footwear, shoes, rain gear)
14. Turning in Equipment - When an employee leaves the City service, he/she shall turn in to the Department Head or the Human Resources Department all city issued property before being paid for any accrued, unused vacation to which the employee may be entitled.

CHAPTER 17. RECORDS AND RETENTION

Section 1. Records Open to Public

All personnel records, employee performance reports, personnel histories, and such other as may be specified in these rules or by action of the Human Resources Director as confidential, shall be public records and shall be open to public inspection during office hours and reasonable times in accordance with such procedures as the Human Resources Director may prescribe, subject to the provisions and requirements of the State of Georgia Open Records as may be now or hereafter amended.

Section 2. Establishment and Retention of Records

There shall be established and maintained such personnel records as the Human Resources Director deems necessary for the administration of the Personnel System. The Human Resources Director shall prescribe the form and scope of these records. When not in conflict with State or Federal laws, the Human Resources Director shall determine the time limit that personnel records shall be kept on file, and shall determine the final disposition of such records.

Section 3. Employee Performance Reports

The Human Resources Director shall be charged with the maintenance of an effective performance evaluation system for all employees covered by provisions of the Personnel Policies. The performance evaluation program is designed to require each supervisor to effectively evaluate the performance of each employee on a regularly scheduled basis and to advise the employee of his progress, strengths and weaknesses in carrying out the assigned duties and responsibilities. It is the responsibility of the Human Resources Director to maintain a roster of employees who are due performance evaluations during probationary periods. The Human Resources Director will further advise the departments that evaluations are due and follow up to ensure that each employee is evaluated as scheduled.

CHAPTER 18. OUTSIDE EMPLOYMENT

OUTSIDE EMPLOYMENT

No employee shall engage in any other employment, or in any private business during the hours for which the employee is employed to work for the City, or outside such hours in a manner or to an extent that affects or is deemed likely to affect the effectiveness as an employee of the City. All outside employment must be reported to and approved by the department head and reported to the Human Resources Department.

CHAPTER 19. CONFLICT OF INTEREST

CONFLICT OF INTEREST

Employees covered by the provisions of the personnel system shall not:

1. Engage in any business or transaction or have a financial interest or other personal interest, direct or indirect, which is incompatible with the proper discharge of his/her official duties or which would tend to impair independence of judgment or action in the performance of official duties;
2. Engage in or accept private employment or render services for private interest when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties;
3. Disclose confidential information concerning the property, agency, or affairs of the City without proper authorization, or use such information to advance his financial or other private interests or that of others;
4. Accept or give any gift, whether in the form of service, loan, thing, or promise, from or to any person, firm, corporation or Council member which to his knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the City;
5. Participate, on behalf of the City in negotiations or contracts with any business or entity in which they have a financial interest.

Any employee subject to these Policies who violates the provisions of this section shall be guilty of misconduct and subject to appropriate disciplinary action or dismissal.

CHAPTER 20. USE OF CITY VEHICLES

1. PURPOSE

This policy establishes procedures regarding the effective and economical usage of city owned vehicles. The policy for the use of city owned vehicles is to provide for the greatest control over operating costs, usage, maintenance, inspection, and insurance.

2. AUTHORITY

This has been approved by the elected officials of the city for use in matters regarding the use of all vehicles operated during the course of city business.

3. ASSIGNMENT OF RESPONSIBILITY

- (a) Department Heads: Department Heads shall keep a list of all employees who may be required to drive city owned vehicles. They shall also be responsible for ensuring that each employee who may drive a city owned vehicle attend the required defensive driving courses and other safety related courses as established and determined to be mandatory.
- (b) Human Resources Administrator: The Human Resources Administrator shall coordinate all required training and maintain related records. Additionally, the Human Resource Administrator shall ensure driver's license information on each employee who may drive a city owned vehicle is verified through the State of Georgia Department of Motor Vehicles on at least an annual basis.
- (c) Employee Safety Committee: The Safety Committee shall review all accidents to determine whether an accident was preventable or non-preventable, and to make any necessary recommendations - both disciplinary and otherwise.
- (d) Supervisors: Supervisors shall routinely monitor the driving of each employee during the course of performing the employee's job-related driving responsibilities. In addition, supervisors shall include the driving record as part of the employee's annual evaluation. Supervisors shall also perform necessary accident reporting requirements as addressed in the Accident Reporting policy.
- (e) City Shop Manager: The Shop Manager is responsible for the general operation of the City's fleet, including receiving notification from any employee who report unsafe conditions or defects in any City owned vehicle. Upon receiving such notification, the Manager shall determine whether or not the vehicle is unsafe for continued operation.
- (f) Employees: Each city employee shall provide driver license information when notified that their job duties include driving a City owned vehicle. Employees are to comply with all training and other reporting requirements of this policy.

4. DEFINITIONS

- (a) Preventable Collision: the vehicle operator failed to do everything reasonably possible to prevent the collision.
- (b) Non-Preventable Collision: the vehicle operator did everything reasonably possible to prevent the collision.

- (c) City Owned Vehicle: any vehicle owned by the City, and assigned on a shared, designated, or permanent basis.
- (d) Vehicle Operator: any employee who is operating a city owned vehicle.
- (e) City Business: activities that require the use of a vehicle and are authorized by the employee's supervisor. In the use of personal vehicles, City business also means that the operator is being reimbursed for mileage expenses according to Internal Revenue Service guidelines.

5. VEHICLE TYPES AND USE

1. Use of City Owned Vehicles

- (a) City owned vehicles fall into the following three categories, and have restrictions based upon type and use:
 - 1. Vehicles that are kept overnight at City facilities, and are assigned for use on a shared or designated basis during the course of daily City business. Personal use is expressly prohibited.
 - 2. Vehicles that are assigned to the City Manager and some Department Heads on a permanent basis, and used for daily commuting to and from the City. According to the Internal Revenue Service, commuting to and from work and any other incidental personal usage is not considered official use, and shall be reported as taxable income.
 - 3. Vehicles that are designed for emergency or on-call use, and authorized for use to and from work in order to respond on a 24-hour basis. Employees authorized to operate emergency or on-call vehicles may make reasonable, but limited stops before and after assigned work shifts while traveling to and from work.
- (b) Only City employees are authorized to operate City owned vehicles.
- (c) City owned vehicles are for transporting only those employees whose duties require the use of a motor vehicle, and such other persons whose business activities are important to City interests.
 - 1. Under no circumstances shall family members or friends be transported in City owned vehicles, including those that are authorized for use commuting to and from the City or designated for emergency or on-call use.
- (d) Employees who have a City owned vehicle permanently assigned to them and/or City owned vehicles assigned for use within their department are responsible for ensuring that only those city employees with a valid driver's license and on official City business are allowed the use of the City owned vehicle.

2. Use of Privately Owned Vehicles

There are times in which the use of an employee's personal vehicle is preferable because either a City owned vehicle is not available or because the use of a privately owned vehicle is deemed more efficient. However, if a city vehicle is available, it must be used unless the Department Head approves otherwise. When such is the case, the following shall be adhered to:

- (a) An employee may use his/her privately owned vehicle when he/she has transportation needs for City business and upon written authorization by his/her supervisor.
- (b) Employees who regularly use their own privately owned vehicles on City business must notify their insurance company of such use.
- (c) It is the responsibility of the individual utilizing his/her privately owned vehicle to maintain accurate records of the purpose and extent of his/her travel, and to make substantiated claims for reimbursement per the City's reimbursement policy. The vehicle and/or mileage allowance is intended to cover the employee's cost of operating the vehicle on City business, including the cost of insurance. Further, all operating expenses of the privately owned vehicles are to be borne by the employee. This includes, but is not limited to, gasoline, oil, maintenance, wear and tear, depreciation and insurance.
- (d) The City is not liable for any damage to an employee's privately owned vehicle, unless caused by the City's negligence (employee's negligence excepted). It is the responsibility of the employee operating the vehicle to notify his/her immediate supervisor, the Department of Motor Vehicles, and the employee's insurance company in the case of any accident. If an employee is responsible for an accident either while driving a City owned or personally owned vehicle, his/her own automobile insurance premiums may be increased.

6. DRIVER TRAINING

Those employees who drive or who may occasionally drive City owned vehicles are required to complete a defensive driver training course.

- (a) New employees shall complete a defensive driver training at the first available course date after the commencement of employment. Instruction shall also be provided to make certain that such employees are familiar with this policy.
- (b) Current employees who change assignments to include driving a City owned vehicle are similarly required to complete the provisions as stated in this section.
- (c) All employees who are required to participate in defensive driver training shall be required to repeat such training as often as the Human Resources Department deems necessary.
- (d) All other employees that are not required to drive can take advantage of participating in the course when defensive driving classes are offered.

7. GENERAL GUIDELINES

- 1. Employees shall obey all Federal, State and local laws while operating either City owned or privately owned vehicles on official City business.
- 2. Employees driving City vehicles are required to have such driver's license for the vehicles being driven as is required by Georgia State Law, irrespective of whether the employee drives the vehicle on regular, occasional or other basis, and whether or not this requirement is included or omitted in the description of the class to which the employee is assigned.

3. It is required by Georgia State Law that all drivers and passengers in motor vehicles wear safety belts. All City employees and personnel are required to use safety belts when driving city owned motor vehicles or in their personal vehicles when conducting city business.
4. Violation citations, fines or other actions taken by any police jurisdiction against any employee while driving a City vehicle in violation of these rules shall be the responsibility of the employee and may be cause for disciplinary action.
5. Anyone misusing or abusing City vehicles, using City vehicles for other than approved purposes, transporting non-city employees (except official visitors) or taking a vehicle home when not approved by the City Manager shall be subject to appropriate disciplinary action, including dismissal if deemed appropriate.
6. Smoking in City vehicles is strictly prohibited and violators shall be subject to appropriate disciplinary action.
7. It is the responsibility of the employee operating either a City owned or privately owned vehicle to ensure that all persons in the vehicle use properly adjusted seat belts before starting the engine of the vehicle.
8. When cargo, materials or tools are being transported, the vehicle operator is responsible for assuring that all items are properly secured.
9. 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 shall be vehicles designed and equipped for passengers outside the cab area.
10. Any injuries sustained by the vehicle operator or other employees while operating a vehicle on City business shall be covered by workers' compensation if this falls within the state worker's compensation guidelines.
11. When the vehicle operator is determined to be involved in a preventable accident, the Safety Committee shall recommend disciplinary action subject to review and approval by the Department Head.
12. Alcoholic beverages and drugs shall not be transported or placed in any City owned or city leased vehicle except in a police vehicle and only as it relates to an official police incident.

Any employee who operates a City owned vehicle, regardless of frequency, is responsible for the proper care and operation of that vehicle.

- (a) Before operating the vehicle and at least once a day, the employee shall check to make certain that all vehicle safety equipment including headlights, turn signals, brake lights and windshield washers are functioning properly.
- (b) Any vehicle damage beyond normal wear and tear or that includes defects affecting the safe operation of the vehicle must be documented and reported to the employee's supervisor and the Shop Manager.
- (c) No employee shall operate a City owned vehicle found to be in an unsafe condition.
- (d) Smoking in a City vehicle is strictly prohibited

8. USE OF ELECTRONIC DEVICES

Employees are encouraged to refrain from operating electronic devices, i.e., cellular telephones, laptop computers, navigational devices and any other device that may cause vehicle operator to become distracted while operating any vehicle in the course of conducting City business. The employee is encouraged to pull over in a safe manner and in a safe location to use these devices.

9. ACCIDENT REPORTING REQUIREMENTS

Any accident involving a City owned vehicle, rented or leased vehicle or privately owned vehicle used in the performance of City duties shall be reported as follows:

- (a) The vehicle operator shall summon medical care for any injured parties.
- (b) The vehicle operator shall notify appropriate law enforcement agencies.
- (c) The vehicle operator shall notify his/her supervisor. The supervisor shall be responsible for initiating the departmental investigation of the accident, completing all required City reports and recommend action to the Safety Committee. The supervisor shall notify immediately the Community and Economic Development Director or her designee in order to prepare the necessary paperwork and documentation for our insurance carrier.
- (d) The vehicle operator must report the accident regardless of the severity or seriousness of the damage. The report must be filed, whether the vehicle operator caused the accident or not and even if the accident occurred on private property. Failure to do so may result in termination.

10. INSURANCE

Proof of insurance is required and should be placed in the glove compartment or other readily available location within the city owned vehicle. Insurance cards may be obtained from the office of the Finance Director.

Should an employee using his/her privately owned vehicle on City business be involved in an accident with resulting injury or property damage, the employee's own insurance carrier shall respond to defend the employee.

11. DRIVER'S LICENSE

- (a) All City employees authorized to use City owned or privately owned vehicles on City business must possess a valid Georgia driver's license
- (b) All City employees must maintain a driver's license appropriate for the class of vehicle to be driven.
- (c) An employee whose driver's license is suspended or revoked for any reason must notify their supervisor no later than the first workday following suspension or revocation of their driver's license.

Such employee shall not be allowed to operate any City owned or privately owned vehicles on City business. If the suspension or revocation is not remedied within 3 working days, the employee will be deemed to have lost his job requirements and may be terminated.

- (d) Employees who possess temporary driving permits or hardship licenses shall not be permitted to operate City or privately owned vehicles in the performance of official City duties.

12. REVIEW OF DRIVING RECORD

1. The City shall review the driving records of employees that operate City owned vehicles on City business through the Department of Motor Vehicles (DMV).
2. All information received from the DMV shall be used solely for the intended purpose, and kept in locked storage. Under no circumstances shall addresses or other information be given to a third party.
3. Any employee involved in a preventable collision or demonstrating questionable driving capabilities may be required to (1) attend remedial training in defensive driving and (2) be suspended, (3) pay a portion of the cost of the repair, (4) and any other disciplinary action recommended by the supervisor and/or department head including termination.
4. An employee may be regarded as having questionable capabilities based on a review his driving record from the DMV in connection with citations and/or vehicular accidents.
5. Employees involved in additional preventable accidents or have a disqualifying action taken against their driver's license shall be subject to disciplinary action, the severity of which will be determined by the nature of the offense and the employee's past driving and disciplinary action records.
6. An employee who has been determined to be involved in two or more preventable accidents within a 24 month period while operating an City owned or privately owned vehicle in the performance of official City business shall be subject to disciplinary action up to and including suspension of City driving privileges and termination. The employee may also be required to pay the cost of the accident.
7. Any conviction resulting from driving while under the influence of drugs or alcohol (DUI) or refusal to submit to a lawful roadside sobriety test shall result in disciplinary action up to and including suspension of City driving privileges and termination.
8. Intentional abuse, moving violations, reckless operation, or negligent actions while operating any vehicle may result in the suspension of the employee's driving privileges, and is grounds for further disciplinary action.
9. Temporary or permanent suspension of City driving privileges for employees whose position requires operation of a vehicle shall be considered a loss of the ability to perform an essential job function.
10. If an employee has City driving privileges suspended, the City shall attempt to arrange for the employee to perform the essential functions of the job. If such accommodation is not possible or creates an unreasonable hardship for the City or coworkers, loss of City driving privileges shall be considered just cause for reassignment to a position that does not require operation of a vehicle at a pay rate commensurate with that position. If no such position is open, the employee may be terminated.

13. DEPARTMENTS

Authorized employees can drive their vehicle to and from work as long as they live within 30 miles driving distance of the employee's workplace. All positions are authorized to transport non-city employees for business purposes only.

Department Heads

Vehicles shall be provided to Department Heads as deemed necessary by the City Manager.

Fire Department vehicles

There are no vehicles provided to individual employees for the purpose of driving to and from work except for the Fire Chief and the Fire Marshal.

Non - fire fighting vehicles are to be used for city business only and are not to be taken outside the city limits unless required for an emergency response or upon approval of the Fire Chief.

Police Department vehicles

Patrol Division- Police patrol cars are to be assigned by the Police Chief to each patrol officer, sergeant, and lieutenant. This vehicle is to be used for travel back and forth to their assigned shifts as long as their home is within 30 miles of the Police Department. This vehicle is neither to be used for personal reasons nor to be taken out of the county unless for official reasons.

Command Staff- Majors are to be assigned a vehicle. This vehicle is to be used for travel back and forth to their assigned shifts as long as their home address is within 30 miles driving distance of the employee's workplace. This vehicle is not to be used for personal reasons, to transport family or non-city employees, nor to be taken out of the county unless for official reasons.

Detective Division - The members of the Detective Division are to be assigned a vehicle. This vehicle is not to be used for personal reasons, to transport family or non-city employees, nor to be taken out of the county unless for official reasons.

Animal Control Officer - The Animal Control officer will be assigned a vehicle for official use.

No civilian personnel of the police department is to be assigned a vehicle for driving back and forth to work.

Public Works Department vehicles

The Public Works Director is allowed to take his vehicle home as long as he/she resides within 30 miles driving distance of the employee's workplace.

No other Public Works employee is allowed to take the vehicle home unless he/she is on-call and unless he lives within 30 miles driving distance of the employee's workplace.

Natural Gas Department vehicles

The Natural Gas Director is allowed to take his vehicle home as long as he/she resides live within 30 miles driving distance of the employee's workplace.

No other Natural Gas employee is allowed to take the vehicle home unless he/she is on-call.

All Vehicles

- (a) City vehicles are to be driven only by city employees who have taken the Defensive Driving Course offered by the city.
- (b) City vehicles are to be used for city business only.

- (c) City vehicles are to be driven safely and all traffic laws obeyed at all times.
- (d) Only city employees are allowed in the vehicles unless stated otherwise in the above policy.

CHAPTER 21. GARNISHMENTS

GARNISHMENT

An employee's indebtedness is a personal concern of each employee, but multiple garnishments of an employee's salary creates administrative difficulties that may lead to disciplinary action. The Human Resources Department shall notify the respective Department Head or immediate Supervisor of all garnishments levied against an employee.

CHAPTER 22. SAFETY

SAFETY

It is the policy of the City of Americus that every employee is entitled to work under the safest possible conditions. To this end, every reasonable effort will be made to provide and maintain a safe and healthy work place, safe equipment, proper materials and to establish and insist upon safe methods and practices at all times.

Accidents injure people, damage machinery or equipment, and destroy materials or property, causing needless suffering, inconvenience and expenses.

Our safety rules and regulations have been developed for your protection. These rules and regulations are to be complied with and are applicable to all employees.

It is a basic responsibility of everyone to make safety a part of his daily concern. Employees are obligated to observe the rules of conduct and safety, and to properly use the safety equipment provided.

CHAPTER 23. TRAVEL EXPENSE POLICY

TRAVEL EXPENSE POLICY

Section 1. General

- (a) No employee or officer shall be paid any travel expenses unless it is in accordance with the following policies.
- (b) Unless it is explicitly authorized to the contrary below, all expense reimbursement shall require the submission of the actual receipt.
- (c) All employees and officers are required to use the Hotel/Motel tax exemption certificate for all stays in Georgia. As such, no employee shall be reimbursed for Hotel/Motel tax in Georgia.
- (d) No City funds are to be spent for or used to reimburse for the expense of the purchase of alcoholic beverages.
- (e) All travel expense reimbursement requests shall be submitted within 10 days of the completion of the trip.
- (f) Any out of state travel by any employees other than those of the Governing Body must be approved by the City Manager prior to registration or attendance at the meeting.

Section 2. Governing Body

- (a) A per diem of \$80.00 shall be paid for each night which involves an overnight stay away from the City and \$65.00 for the return day's trip and no accounting shall be required therefore.
- (b) A per diem of \$65.00 shall be paid for each day which does not involve an overnight stay away from the City.
- (c) The per diem shall cover meals and cab fares and other inner city travel expenses, etc., including incidentals.

Note: If the City pays all expenses, there is no per diem as set forth in A, B and C.

- (d) The City shall pay actual air or rail transportation costs, computed at tourist class rates for its Council members, plus cab fares to and from the airport.
- (e) The City shall pay actual hotel room costs, computed at single room rates, and conference registrations for its Council members only, except for the GMA Convention and the annual Council Workshop, when spouses may be included.

- (f) If any member of Council chooses to drive his personal car out of the State, he may do so but only be reimbursed the cost of air tickets. However, in such an instance, he shall defray all costs connected with the travel to and from the meeting and per diem shall begin the first day of the meeting or the day prior for any meeting which begins at such an hour that a day of the meeting arrival is not feasible, and shall be paid through the last day of the meeting or through the day following the meeting where the concluding banquet or conference session is at night. (This is based on the theory that air transportation is sufficient to get anywhere within the continental United States in one day of travel).
- (g) When a personal car is used for trips other than those set forth in F, at the option of the member, the City shall pay the amount per mile allowed by the IRS for income tax purposes for the use thereof.

Section 3. Department Heads

- (a) A per diem of \$60.00 shall be paid for each night spent away from the City and \$45.00 for the return day's trip and no accounting shall be required therefore. For trips not requiring an overnight stay, Section IV hereof shall apply.
- (b) It is the intent of this section that Department Heads shall receive (2) per diems per year and shall apply to annual professional conferences only. All other meetings, trips, etc., shall conform to Section IV below.
- (c) The per diem shall cover meals, tips, cab fares and all incidentals.
- (d) The City shall pay actual air or rail transportation costs computed at tourist rates, plus cab fares to and from the airport for department heads only. Transportation reimbursement shall not include spouses.
- (e) The City shall pay actual hotel room costs, at single room rates, and registration fees which shall be based upon a copy of the official conference brochure indicating such fees, for its department heads only.
- (f) If any member chooses to drive his personal car out of state, he may do as provided in Section 1 (F).
- (g) When a personal car is used on trips other than those set forth in F of this section and a City car is unavailable, the City shall pay the amount allowed by the IRS for income tax purposes.
- (h) The time allowed attendance at the meeting shall be limited to the actual conference schedule plus round trip travel time by air (if out of state). When the beginning session of the conference is such that a day of the meeting arrival is not feasible, the time allowed for attendance may include the day prior to the start of the conference. When the concluding banquet or conference session is at night, the time allowed for attendance may include the following day for travel.

Section 4. Actual Expense

For all employee trips not included in Sections II or III, actual expenses shall be itemized on an official expense form available from the City Clerk and Treasurer and signed by the appropriate City department head prior to submission to the Finance Department for payment.

The City shall pay for actual costs of meals each day up to a daily maximum amount of \$35.00. The City shall pay actual costs of tips, inner city cab fares, hotel room costs and conference registration fees. Travel in personal vehicles shall be computed at the amount per mile allowed by the IRS for income tax purposes. A City vehicle shall be utilized when possible. All Department Head travel must be approved in advance by the City Manager and subsequent expense sheets must be approved by the City Manager before reimbursement is made.

Section 5. Travel Advances

The City Manager is authorized to permit travel advances in such cases where the costs of attending a conference would work an undue hardship on the representative of the City. The advance should approximate the costs of attending the conference including travel costs, hotel room costs and meal costs up to the maximum allowed. Upon returning from the conference the representative of the City should itemize the actual expense form. Any moneys not used by the representative should be returned to the City Clerk and Treasurer. If actual expenses were more than the advance, the representative shall be reimbursed for the difference. All advances should be cleared out within one week after the conference.

CHAPTER 24. ANNUAL PHYSICAL EXAMINATION POLICY

Section 1. Statement of Policy

It is the obligation of the City of Americus to provide safe and effective public service. Toward this end, the City of Americus requires that annual physical examinations be administered to employees in certain positions to alert the employee and the City to any illnesses or impairments that might prohibit the employee from performing his/her assigned job duties. The purpose of this policy is to establish procedures for the administration of annual physical examinations for certain positions in the classification plan of the City.

Section 2. Responsibility for Administration

The overall responsibility for the physical examination policy lies with the City of Americus Human Resources Department. Expenditures for the examination process will be approved by the Human Resources Department, subject to funds being annually appropriated therefore.

Section 3. Positions Covered

The requirement for an annual physical examination applies to all sworn police officers, firefighters, correctional officers, transit system drivers, heavy equipment operators, natural gas department field personnel, Fire Marshal, Code Enforcement Officer, Chief Building Inspector and other positions, deemed appropriate by the City Manager, that are exposed to environments that places the employee at risk of illness or impairments.

Section 4. General Procedures

- (a) The Human Resources Department shall schedule the annual physical examinations with physician selected by the City to perform such examinations. The examinations will be scheduled as close as possible to the employee's anniversary date with the City. The Human Resources Department will notify the affected employee at least 48 hours in advance of the time of the employee's appointment.
- (b) The physical examination consists of the following: Physical Examination - this will be a thorough examination by the same physicians performing the City's employment physical examinations. The City Human Resources Department will provide the medical examination report and physician's affidavit form for use by the physician.
- (c) The City of Americus Human Resources Department shall maintain the confidentiality of the physical exam findings, results, and medical opinions contained therein and obtained as a result thereof, and shall release said information only to the subject of the exam provided, however, that the findings, results and medical opinions may be used by the City regarding personnel decisions.

- (d) The physician will render an opinion regarding the status of the employee's health at the time of the physical examination based upon the tests outlined above. The medical judgment is not and should not be taken as a guarantee, and the City shall not be responsible or liable to the employee or to any third party based upon the accuracy or inaccuracy of the results of such examination. Abnormal results and physician recommendations shall be discussed with the Employee by the physician and shall be part of the physician's report.
- (e) The City of Americus shall be responsible for the costs of the exams. All expenditures for the examination process shall be approved by the Human Resources Department.
- (f) If the physician's report indicates a disability which may impair the effectiveness of the employee to perform his/her job or makes continuance on the job a danger to the employee or others, then appropriate action as deemed necessary by the City shall be taken in accord with the City's Personnel Ordinance.
- (g) The Human Resources Department of the City shall prepare and utilize forms for such medical examinations. Such forms may be in the general format as suggested in the forms attached to this Ordinance and incorporated herein, but such forms are suggested forms only and are updated as needed.

**CITY OF AMERICUS
MEDICAL EXAMINATION REPORT**

TO BE FILLED IN BY CITY OF AMERICUS:

Employee's Name: _____

Date of Birth: __/__/__ Race: _____ Sex: _____

Description of Duties: _____

x _____
Authorizing Signature

TO BE FILLED IN BY EXAMINING PHYSICIAN {Please comment in each space; enter 0 for negative.}

MEDICAL HISTORY:

Present state of health - Statement of employee: _____

Illnesses:

___ Lung Infections	___ Stomach Ulcer	___ Hernia
___ Tuberculosis	___ Diabetes	___ Convulsions/Seizures
___ Chronic Cough	___ Cancer	___ Emotional Illnesses
___ Shortness of breath	___ Kidney Trouble	___ Asthma
___ Cardio-vascular	___ Rheumatic Fever	___ Chest Pain

Injuries and broken bones:

____head ____neck ____back ____arms ____legs____other

Operations:

Familial Diseases: ____Heart ____Cancer ____Stroke ____Mental Illnesses

____Tuberculosis ____Diabetes _____Other

Height (in stockings) _____ Weight (indoor clothing) _____ Temperature _____

Blood Pressure _____ Pulse _____ Respiration _____ Eyes _____ Ears _____

Vision (State Methods Used):

	<u>Distant</u>		<u>Near</u>
Right _____	Corrected Right _____	Right _____	Corrected Right _____
Left _____	Corrected Left _____	Left _____	Corrected Left _____

Visual Acuity Testing _____ Peripheral Vision Testing _____

Color (Enforcement Officers and Professional Drivers): _____

Skin _____ Head _____ Neck _____

Nose _____ Mouth _____ Teeth _____

Throat _____ Thyroid _____

Thorax: Heart _____ Lungs _____

(Re-examined heart after exercise in those over 35):

Vascular system _____

Abdomen _____

Hernia _____

Musculo-Skeletal: Arms _____ Legs _____ Digits _____
Back _____ Joints _____

Emotional Stability: _____

Genitalia _____ Rectal _____

Pelvic or Rectal _____ Breasts _____

Neurological _____

LABORATORY:

(All Departments)

Hemoglobin _____

WBC _____

Chapter XXI

Urinalysis: Spec. Gr. _____ Albumin _____ Sugar _____ Microscopic _____

(Fire Department Only)

HIV _____

(Fire and Police Department Only)

Hepatitis _____

Cholesterol: _____

HDL _____ Triglycerides _____

LDL _____

OCCUPATIONAL HISTORY: (Exposure-duration and time)

Dusts _____ Fumes _____ Radiation _____

Other _____

ALLERGIES: _____

What Medications are you presently taking?

The above information, to the best of my knowledge, is accurately recorded with no pertinent medical data omitted.

Signature of Applicant

THE ABOVE NAMED INDIVIDUAL HAS BEEN ADVISED OF THE FINDINGS OF THIS EXAMINATION. YES _____
NO _____

_____ RECOMMENDED _____ NOT RECOMMENDED

_____ HAS BEEN _____ HAS NOT BEEN ADVISED TO CONSULT PERSONAL PHYSICIAN

PHYSICIAN'S

COMMENTS: _____

PHYSICIAN'S AFFIDAVIT

To the best of your knowledge, is the above named employee free from any physical, emotional or mental condition which might adversely affect his performing the duties of his position?

Yes _____ No _____

Physician's Name (please print)

Physician's Address (please print)

Attest X _____
Signature of Examining Physician

Date _____

CHAPTER 25. ALCOHOL AND CONTROLLED SUBSTANCE POLICY

Section 1. Statement of Policy

It is the position of the City of Americus that alcohol and controlled substance abuse is the number one health problem in the United States today. The costs involved with this problem include human costs such as lost jobs, morale problems, injuries, illnesses, and deaths, as well as economic costs such as property damage, tardiness, absenteeism, lost productivity, increased health insurance costs, and the costs involved in replacing and retraining new employees. It is a problem of epic proportion, reaching every community in the United States.

The use of alcohol or controlled substances by City of Americus employees while on the job constitutes a direct threat to property and the safety of others. The work involved in many positions may be dangerous, and the safety of citizens and employees depends upon the ability of employees to think clearly with unimpaired faculties.

It is the objective of the City of Americus to provide safe and effective public service. To meet this objective, the problem of alcohol and controlled substance abuse must be identified, confronted, and defeated. In order to achieve this, the City of Americus has developed a comprehensive alcohol and controlled substance policy.

Section 2. Overview of the Policy

The Alcohol and Controlled Substance Policy of the City of Americus is made up of three separate but interrelated programs:

1. An Employee Awareness/Supervisor Training Program
2. An Employee Assistance Program (EAP)
3. Alcohol and Controlled Substances Screening Test Program

The overall responsibility for the Alcohol and Controlled Substance Policy lies with the City of Americus Human Resources Office. Drug tests and any other expenditure for program costs will be approved by the Human Resources Office subject to funds being annually appropriated therefor. The Alcohol and Controlled Substances Policy was developed to prevent the illicit use of alcohol or controlled substances by City of Americus employees without violating the legal rights of those employees.

The policy has five primary goals. These are:

1. To prevent the abuse of alcohol and controlled substances by City of Americus employees.

2. To combat the abuse of alcohol and controlled substances in a way that is cost effective;
 3. To clearly communicate the position of the City of Americus regarding the abuse of alcohol and controlled substances;
 4. To provide assistance to employees who need it.
 5. To provide a legal means of employee control.
- (a) Prevention - It is universally accepted that alcohol and controlled substance abuse is destructive. Yet many individuals start or continue these habits because they lack reliable information about the devastating effects of alcohol and controlled substance abuse. The policy seeks to educate the employees about the facts behind substance abuse so that they can see the potential effects of this behavior. This should help prevent employees from developing alcohol or controlled substance-related problems. The policy also seeks to educate and motivate the "non-using" co-workers so that they will encourage employees with alcohol or controlled substance related problems to seek help. The policy also seeks to communicate to the employees the fact that the City of Americus is concerned about alcohol and controlled substance abuse among its employees, and that the City will do everything within its power to prevent such abuse.
 - (b) Cost Effectiveness - Although alcohol and controlled substance abuse is recognized primarily for its "human" costs, the economic costs associated with the problem are also unacceptable. Properly instituted, the policy will increase worker productivity and decrease absenteeism, accidents, and health care costs.
 - (c) Since generally the workers affected by the policy are in safety-sensitive positions, the policy will also help decrease the chances of the City being held legally liable for acts committed by an impaired employee.
 - (d) Finally, the policy should improve employee retention rates, thereby lowering employee "turn over" costs such as hiring and training new employees to replace those who have quit or have been terminated due to alcohol or controlled substance abuse.
 - (e) Clear Communication of City's Position - The policy seeks to effectively communicate to each employee and the general public the position that alcohol and controlled substance abuse will not be tolerated among employees of the City of Americus. Employee awareness of this position and of the mechanisms to enforce this position should act as a deterrent to substance abuse. Additionally, awareness on the part of employees may encourage those who believe they might have a problem to seek assistance. Awareness of the provisions of the policy should lead to greater compliance with the policy by all employees. Furthermore, publicity about the policy should act to increase public respect for the employees of the City. Implementing such a policy reassures the citizens that City employees are not entitled to a double standard, that they do in fact obey the law, and that they will continue to serve as role models for citizens of all ages. The policy will also reassure the public that City services paid for by tax dollars are the safest and most effective services available.
 - (f) Provide Assistance to Alcohol/Controlled Substance Dependent Employees - The policy provides for discretionary supervisor referral to the Employee Assistance Program in order to assist a City employee where such is deemed appropriate under this policy. This is not a device for the employee to use to "get around the rules", rather, the decision to discharge or to refer to the EAP is to be made in accordance with the Personnel System policies.
 - (g) Legal Method of Control - It is necessary for the city to control its employees, as it may be held liable for injuries to co-workers or the public caused by impaired employees. At the same time, the City of Americus employees have rights that need to be protected. The policy balances these two interests, by

stating precisely what is expected of the employees as well as explaining what will happen should a violation of the policy occur.

Section 3. Responsibility for Administration

The overall responsibility for the Alcohol and Controlled Substance policy lies with the City of Americus Human Resources Office. Drug tests and any other expenditure for program costs will be approved by the Human Resources Office, subject to funds being annually appropriated therefor. Although these programs cost money to implement, they should prove to be cost effective if they eradicate alcohol and controlled substance abuse among all employees. As used in this Policy, the term "controlled substance" shall have the meaning and include the substances defined as "controlled substances" in the Georgia Controlled Substances Act, O.C.G.A. §16-13-20, et seq., and particularly O.C.G.A., §16-13-21(4), as said provisions shall now appear or hereafter be amended.

Section 4. Specific Guidelines on Policy Administration and Implementation

1. Listed below are acts or actions which are expressly prohibited under the regulations of this policy:

- (a) The use or possession of alcohol or any controlled substance while on work time or work premises.
- (b) The sale, distribution, or provision of alcohol or any controlled substance while on work time or work premises.
- (c) Reporting to work, or working, while intoxicated or otherwise impaired by alcohol or controlled substance use.
- (d) Alcohol or controlled substance-related off-duty conduct that tends to undermine the reputation, authority, safety, or efficiency of the City of Americus, a department of the City and its citizens.
- (e) The use or possession of prescribed narcotics or dangerous substances while on work premises, or while working, unless:
 - 1. The prescribing physician has been notified of the duties involved with the employee's position, and has approved the use of the drug while that employee is performing those duties; and
 - 2. The employee's immediate supervisor has been notified in writing by the employee that he is using a prescription drug and that the employee's physician has approved the use of the drug while the employee is at work.
- (f) Arrest or conviction (including a plea of nolo contendere) for a violation of any criminal drug statute of any jurisdiction (federal or state) regardless of whether the alleged violation occurred at the workplace or elsewhere.
- (g) Failure to comply with any provision of the City's Drug Free Work Place Ordinance as now or hereafter amended.

2. Implementing the Alcohol/Controlled Substance Awareness Program

The basic idea behind the City's Awareness program is that employee alcohol/controlled substance abuse can be prevented by supplying the employees with information about the problems alcohol/controlled substance

can create.

The awareness program is subdivided into two sections, an Employee Education section to include all City employees and a Supervisor Training section.

The City of Americus will contract with an EAP firm to provide the instruction and materials for the two sections. In choosing an Awareness Program service, the City will determine that: (1) the firm is accredited; (2) it regularly provides Awareness Program services; (3) it is willing to provide the names of other corporate/municipal clients as references; and (4) the institution would be willing to establish an Alcohol/Controlled Substance Treatment relationship with the City of Americus.

For the Employee Education section, the Alcohol/Controlled Substance Awareness service that is selected will provide (1) educational seminars; (2) questionnaires at both the start and completion of the program (to chart any belief/knowledge changes); (3) audiovisual programs; (4) group discussions; (5) a presentation of what a treatment program is, what it does, and how to take advantage of one; and (6) a description and discussion of the City of Americus Alcohol and Controlled Substance Policy.

The Supervisor Training section will focus on the important role supervisors have in preventing alcohol/controlled substance abuse. The program will include: (1) instruction in identifying warning signs of alcohol/controlled substance abuse by employees; (2) role playing scenarios; (3) group discussions; (4) first line supervisors and upper level supervisors, during which first line supervisors should be assured of the support they will receive should they intervene with a problem employee; and (5) a thorough presentation of the Alcohol and Controlled Substances Policy, with particular emphasis placed upon the procedural requirements involved with disciplining an employee.

3. Implementing the Employee Assistance Program

(a) The Employee Assistance Program (EAP)

The reference point and clearinghouse for the EAP will be the City of Americus Human Resources Office. The EAP will be provided with proper resources to interview employees and refer them to appropriate rehabilitation/treatment programs. The EAP office will be located in the City offices complex, or at some other location as determined by the City Manager which is feasible under the circumstances.

The confidentiality of the records of the coordinator will be assured to further promote employee trust and confidence in the EAP. For purposes of statistical reporting, names and dates will not be released. However, the coordinator will have the authority to suspend with or without pay an employee who has informed the coordinator that he is presently impaired. The notion of confidentiality does not give an impaired employee the right to continue working simply because he has accessed the EAP. In such a situation, the coordinator will seek a "general medical suspension" or some other type of disciplinary action that will not label the employee as an alcoholic or drug user.

(b) Supervisor Referral to the EAP

The Alcohol and Controlled Substance Policy allows a supervisor to refer an employee to the EAP, rather than discharge the employee, for a violation of the policy. After alcohol or controlled substance screening tests have confirmed employee alcohol/controlled substance use, or after the employee has been found by his supervisor to have violated one or more of the provisions of Section 4 of this Drug Policy contained herein, the supervisor may refer the employee to the EAP rather than discharge the employee, if he has exhibited dependence

upon the substance, and the chances of rehabilitation are high. All referrals to the EAP will be coordinated through the City of Americus Human Resources Office. Factors to take into account when making this decision include:

(1) the employee's length of service; (2) the employee's position; (3) the severity of the policy violation; (4) publicity concerning the violation; and (5) whether the violation involved substance dependence, or an incident(s) motivated by reasons other than substance dependence (for example, the sale of drugs to other employees).

After a decision to refer the employee to the EAP has been made, the employee will be counseled. At this counseling session the policy shall be reviewed with the employee, and the employee shall sign such forms as may be required by the City Human Resources Office. It must be made clear to the employee at this time that the referral is his last chance prior to disciplinary action for substance abuse, and that he must make the firm choice between rehabilitation or discharge.

(c) Employee's Completion of EAP

If an employee must take time off to take part in a rehabilitation program, the absence will be treated as sick leave.

If the employee was referred to the EAP by his supervisor, upon returning to work, the employee will be subject to unannounced alcohol/controlled substance screening tests for a period of 12 months. The administration of more than one screening test per month, unless the circumstances clearly require more frequent testing, should be avoided if feasible.

(d) Financing the EAP

An outside EAP professional organization will be hired as the EAP coordinator. The cost of the rehabilitation programs will be hereby outlined in accordance under the contract of the organization presently serving as the EAP coordinator for the City.

4. Implementing the Alcohol and Controlled Substances Abuse Testing Program

(a) Findings

The Governing Body reiterates its commitment to an alcohol and drug free workplace. Not only does such commitment require testing of City employees upon reasonable cause to believe that an employee is in violation of the City's alcohol or drug abuse policies, it also requires testing of city employees who are uniquely involved, because of their duties as City employees, in dangerous occupations, those involved in utilizing their judgment, dexterity, physical abilities, or those whose duties involve a risk of physical injury to fellow employees or citizens, or those involved in duties where inattention to duty or errors in judgment while on duty will have the potential for significant risk of harm to the employee, other employees, or the general public. As a result, the Governing Body deems it necessary to require alcohol and controlled substances testing for its employees who have police powers, police dispatchers, communication specialist, employed as fire service employees not including clerical personnel, correctional officers, and operators of heavy equipment (As hereby defined in the Job Classification description of the City's Ordinance.), not only upon reasonable cause, but also as a condition of employment and as part of the annual physical

examination for such employees.

(b) Establishing the Necessary Test Procedures

The first step in implementing the screening test program will be to provide employees with proper notice. Copies of the Alcohol and Controlled Substance Policy shall be distributed to each affected employee through bulletin board posting and to each applicant for City employment at the time he obtains his application for employment.

After policy distribution has occurred, the City of Americus will establish a professional relationship with a qualified laboratory for the purpose of conducting controlled substance screening. A pre-contract award assessment will occur before the laboratory is actually utilized. When testing for controlled substances, urine samples will be used. Samples will be collected at a doctor's office, a hospital or an ancillary facility by medically qualified personnel. The samples will be carefully checked and marked with the name of the employee, the date the sample was collected and the location where the sample was collected. A chain of custody will be established so that samples are properly handled before and after testing occurs.

When testing for alcohol, the standard Breathalyzer test will be used. Although all on-job use of or impairment by alcohol is prohibited by the policy, a blood alcohol content of .04 grams per cent or greater shall be conclusive proof of the employee's violation of the City's alcohol policy. A blood alcohol content of .04 grams per cent or less shall also be proof of the employee's violation of the City's alcohol policy if the employee is sufficiently impaired so as to be unable to carry out his duties as determined by the employee's supervisor and such employee shall be subject to the remedies provided in this policy. The employee has the right to request a blood test if he desires. The blood test will be at the employee's expense and may be considered as evidence by the appropriate city official, but shall not be deemed conclusive.

(c) Types of Alcohol and Drug Testing

a. The Alcohol or Drug Test Based Upon "Reasonable Cause"

A drug and or alcohol screening test should be administered pursuant to this policy if a supervisor or other person has a reasonable cause to believe that an employee has violated the policy. This basis for an alcohol or controlled substance test may be utilized when such reasonable cause exists, as to any employee of the city.

A "reasonable cause" determination must be based upon objective indications of substance abuse, or other policy violations. Some of the more obvious indications of alcohol and/or controlled substance abuse which, when taken alone or in combination with other observable facts and circumstances include, but are not limited to:

1. Sudden unexplained changes in work performance;
2. Failure to follow instructions or procedures;
3. Violations of safety policies and other rules and regulations;
4. Involvement in an accident or near-accident in which safety precautions were

violated or unusually careless acts were performed;

5. Discovery or presence of alcohol or controlled substances in an employee's possession, vehicle, or near the individual's workplace;
6. Odor of alcohol or residual odor peculiar to some drug or chemical substance;
7. Appearance that the employee is "unfit for duty";
8. Unexplained or frequent absenteeism or tardiness; or
9. Personality changes, unusual appearance, or disorientation; or
10. Bloodshot eyes, slurred speech, lethargic behavior or behavior inappropriate or inconsistent with circumstances.

There are a few considerations to keep in mind before a test upon reasonable cause is administered. Thorough documentation of all steps of the investigation is required. This will include such items as (1) memos to the personnel file of the employee, stating why a reasonable cause exists; (2) notes placed in the file stating the date and time of any discussions with the employee regarding substance abuse, and the employee's reaction; and (3) documentation of any evidence suggesting alcohol or controlled substance abuse. However, in documenting the investigation, every reasonable effort shall be made to assure the confidentiality of the employee and the results of any tests administered under this Policy.

After it has been determined that a "reasonable cause" exists, the employee shall be tested for the presence of alcohol and/or controlled substances. The employee will be called into the Human Resources Office, informed of the allegations of policy violation, and be requested to sign the "Employee Consent and Notice" form. If the employee refuses to consent to the testing, he will be either referred to the EAP or disciplined, up to and including discharge.

If the employee consents to the screening test, and the confirmed results indicate the presence of alcohol or controlled substances in the employee's system, the employee will be discharged or referred to the EAP. The fact that the employee's alcohol or controlled substance abuse had affected the employee's work performance to the degree that a reasonable cause was developed in the first place, should be considered when deciding whether to discharge the employee or refer him to the EAP.

At the time the employee is called to the Human Resources Office, where reasonable cause is established, the employee shall be suspended with pay pending the outcome of the investigation for the safety and welfare of the individual, other employees, and the public. If the investigation reveals that the employee has not violated the Policy, the employee will report back to work.

b. The Pre-employment Testing of Applicants

During the final interview process, all job applicants who are selected to fill a position will be provided with a copy of the "pre-employment Consent and Notice" form. At that time, the Alcohol and Controlled Substance Policy should be

explained to the applicant and the "Pre-employment Consent and Notice" form should be signed by the applicant.

Should the applicant refuse to sign the consent form, the application process will continue. On the application it will be noted only that the applicant "refused screen". It will not mention suspected alcohol or drug use by the applicant. The applicant has a right to refuse to consent to the test, but the City of Americus has the parallel right to refuse to hire the applicant. However, should an inquiry as to that specific application be made by the applicant or a third party at a later date, the City must be sure to protect the confidentiality of the application process. The City shall not authorize release of the fact that the applicant refused to consent to an alcohol/controlled substances screen.

If the applicant being considered for the position has consented to the test and the test results are negative, the applicant will continue with the hiring process. However, should the test results come back positive for controlled substance, the test result must be confirmed. This will involve a decision to either (a) re-test the sample using the same technique; or (b) test the sample using a "confirmatory" technique. This decision may be made for the City of Americus by the testing laboratory itself.

c. Post-Hire Testing

Post-Hire controlled substance testing shall be conducted for all safety sensitive and sworn police personnel, police dispatchers, communication specialist, and fire service employees not including clerical personnel. (As hereby defined in the Job classification description of the City Ordinance). These tests shall be scheduled on a random basis by the Human Resources Office.

Any employee who refuses to sign the consent form associated with these tests will either be referred to the EAP or be disciplined up to and including discharge, depending on the circumstances.

If the confirmed results indicate the presence of controlled substances in the employee's system, the employee will be either referred to the EAP or disciplined up to and including discharge in accordance with Chapter X of this Personnel Ordinance.

Employees of the City of Americus Gas Services Department shall be required to undergo such controlled substance testing as is required by the Anti-Drug Program Policy established by the City of Americus effective September 1, 1996 and June 1, 1998, as required by the U.S. Department of Transportation anti-drug program pursuant to the Pipeline Safety Regulations, Code of Federal Regulations, Title 49 (49CFR), Part 192, 193, 195, and 199. Such pipeline safety employees shall be subject to the drug and alcohol testing provisions of this ordinance.

Employees of the City of Americus Transit System shall be required to undergo such controlled substance testing as is required by the Anti- Drug Program Policy established by the City of Americus effective September 1, 1996, as required by the Federal Transit Administration (FTA) of the US Department of Transportation publication 49CFR Part 655 and publication 49 CFR part 40 as outlined in the City Ordinance.

Section 5. Use of Forms in Connection with Alcohol and Drug Testing

In connection with alcohol and drug testing, the Human Resources Office of the City shall prepare and utilize forms for such testing. Such forms may be in the general format as suggested in the forms attached to this Ordinance and incorporated herein, but such forms are suggested forms only and are updated as needed.

CITY OF AMERICUS
EMPLOYEE CONSENT AND NOTICE
SUPERVISOR REFERRAL
EMPLOYEE ASSISTANCE PROGRAM

It has been determined that you have violated the City of Americus Alcohol and Controlled Substance Policy. You have been referred to the Employee Assistance Program. By signing this form, you acknowledge that you understand this referral is your "last chance", that you will cooperate with the EAP coordinator and follow any directions the EAP coordinator may give you, and that you understand you will be subject, upon completion of the program, to random alcohol and controlled substances screening tests for a period of 12 months.

If you fail to abide by this agreement, you will be discharged consistent with the procedural guidelines set forth in the City of Americus' Personnel Policies and Procedures.

Date: _____

Signature: _____

Print Name: _____

Social Security #: _____

Witnessed by Authorized

City of Americus Employee: _____

CITY OF AMERICUS

PRE-EMPLOYMENT CONSENT AND NOTICE:

ALCOHOL AND CONTROLLED SUBSTANCE TESTING

As a condition of employment by the City of Americus, you must submit to a physical examination. This examination will include an alcohol and controlled substance screening test. In order to be employed by the City of Americus, you must successfully pass this physical examination, including the alcohol and controlled substance screening test.

By signing this form, you are acknowledging that you consent to such a physical examination and that you understand that such a screening test is part of the City of Americus' Alcohol and Controlled Substance Policy. You hereby agree to abide by this policy.

Date: _____

Signature: _____

Print Name: _____

Social Security #: _____

Witnessed by Authorized

City of Americus Employee: _____

CITY OF AMERICUS

EMPLOYEE CONSENT AND NOTICE:

ALCOHOL AND CONTROLLED SUBSTANCE TESTING

UPON REASONABLE CAUSE THAT VIOLATION OF

ALCOHOL AND CONTROLLED SUBSTANCE POLICY HAS OCCURRED

It is the opinion of the City of Americus that there is reasonable cause 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 of Americus Employee, you must successfully pass this screening test or participate in the Employee Assistance 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 of Americus' 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 #: _____

Witnessed by Authorized

City of Americus Employee: _____

Attachment B Contacts

Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the following individual(s).

The CITY OF AMERICUS TRANSIT SYSTEM Drug and Alcohol Program Manager (DAPM)

Name: Dee Jones

Title: Human Resources Director

Address: 101 West Lamar Street – Americus, Georgia 31709

Telephone Number: 229-924-4411

Alternate

Name: Jenny Smirthwaite

Title: Human Resources Specialist

Address: 101 West Lamar Street – Americus, Georgia 31709

Telephone Number: 229-924-4411

Medical Review Officer (MRO)

Name: Dr. Crystal Brown

Address: Valley Medical Building

701 North Camellia Blvd.

Fort Valley, GA 31030

Telephone Number: 478-827-1971 (Phone)

478-827-1973 (Fax)

Substance Abuse Professional (SAP)

Name: Laura DePaola, PHD

Title: Providence Psychological Services, P.C.

Address: 615 Barlow Street - Americus, Georgia 31709

Telephone Number: 229-928-9887

HHS Certified Laboratory Primary Specimen

Name: Quest Diagnostics Clinical Labs Inc. (DE)

Address: 1777 Montreal Circle – Tucker, Georgia 30084

Telephone Number: 866-697-8378

HHS Certified Laboratory Split Specimen

Name: Quest Diagnostics Clinical Labs Inc. (DE)

Address: 1777 Montreal Circle – Tucker, Georgia 30084

Telephone Number: 866-697-8378

CHAPTER 26. CONTROLLED SUBSTANCE AND ALCOHOL MISUSE PREVENTION PROCEDURE AND DRUG TESTING FOR NATURAL GAS SERVICES DEPARTMENT

Section 1. Introduction to Anti-Drug Plan

The purpose of this Plan is to help prevent accidents and injuries resulting from the use of prohibited drugs by employees who perform covered functions subject to 49 CFR Part 192, 193 and 195.

Employer Responsibilities

1. City of Americus Designated Employer Representative (DER) is responsible for meeting all applicable requirements and procedures of 49 CFR Parts 199 and Part 40.
 - 1(a) City of Americus Designated Employer Representative (DER) is responsible for all actions of its officials, representatives, and agents (including service agents) in carrying out the requirements of the DOT agency regulations.
 - 1(b) City of Americus Designated Employer Representative (DER) is responsible for all agreements and arrangements, written or unwritten, between and among City of Americus Designated Employer Representative (DER) and service agents concerning the implementation of DOT drug and alcohol testing requirements are deemed, as a matter of law, to require compliance with all applicable provisions of Part 40 and DOT agency drug and alcohol testing regulations. Compliance with these provisions is a material term of all such agreements and arrangements
2. City of Americus Designated Employer Representative (DER) may use a service agent to perform the tasks needed to comply with this part and DOT agency drug and alcohol testing regulations, consistent with the requirements of Subpart Q and other applicable provisions of this part.
3. City of Americus Designated Employer Representative (DER) is responsible for ensuring that the service agents meet the qualifications set forth in this part (e.g., §40.121 for MROs). City of Americus Designated Employer Representative (DER) may require service agents to show documentation that they meet the requirements of this part (e.g., documentation of MRO qualifications required by §40.121(e)).
4. City of Americus Designated Employer Representative (DER) remains responsible for compliance with all applicable requirements of this part and other DOT drug and alcohol testing regulations, even when using a service agent. If this part or other DOT drug and alcohol testing regulations are violated because a service agent has not provided services as required, sanctions may be imposed by the applicable DOT agency. A good faith use of a service agent is not a defense in an enforcement action initiated by a DOT agency in which alleged noncompliance with this part or a DOT agency drug and alcohol regulation may have resulted from the service agent's conduct.
5. City of Americus must not permit a service agent to act as their DER.

Management Information System (MIS) Data

1. City of Americus Designated Employer Representative (DER) will use the form and instructions in Appendix H of Part 40. A copy of this form can also be found in Appendix D, *Drug Alcohol Testing MIS Form*.)
2. City of Americus Designated Employer Representative (DER) will submit the MIS report in accordance with rule requirements (e.g., dates for submission; selection of companies required to submit, and method of reporting) as established by the DOT and outlined below.
3. City of Americus Designated Employer Representative (DER) has 50 or less covered employees and has either a compilation of data or statistical information regarding drug and alcohol testing which, upon written

request, can be used to submit a MIS report in accordance with the form and instruction requirements of §40.26 and Appendix H of Part 40; not later than March 15 of each year for the prior calendar year (January 1 through December 31).

4. City of Americus Designated Employer Representative (DER) has identified all contractors who perform covered functions, as defined in this plan, in a given calendar year; and, if required by either mandated annual or PHMSA written request, will or has submitted an MIS report for each of these contractors.

Preemption Of State And Local Laws

1. Except as provided in paragraph (1.d) of this section, this plan preempts any State or local law, rule, regulation, or order to the extent that:
 - 1(a) Compliance with both the State or local requirement and this part is not possible;
 - 1(b) Compliance with the State or local requirement is an obstacle to the accomplishment and execution of any requirement in this part; or
 - 1(c) The State or local requirement is a pipeline safety standard applicable to interstate pipeline facilities.
 - 1(d) This plan will not be construed to preempt provisions of State criminal law that impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees or employers or to the general public.

DOT Drug And Alcohol Tests In Relation To Non-DOT Tests

1. DOT tests will be completely separate from non-DOT tests in all respects.
 - 1(a) DOT tests will take priority and will be conducted and completed before a non-DOT test is begun. For example, all excess urine left over from a DOT test must be discarded and a separate void for the subsequent non-DOT test must then be taken.
 - 1(b) Except as provided in paragraph 1.c of this section, City of Americus Designated Employer Representative (DER) will not perform any tests on DOT urine or breathe specimens other than those specifically authorized by this part or DOT agency regulations. For example, DOT urine specimens may not be tested for additional drugs, and a laboratory is prohibited from making a DOT urine specimen available for a DNA test or other types of specimen identity testing.
 - 1(c) The single exception to paragraph 1.b of this section is when a DOT drug test collection is conducted as part of a physical examination required by DOT agency regulations. It is permissible to conduct required medical tests related to this physical examination (e.g., for glucose) on any urine remaining in the collection container after the drug test urine specimens have been sealed into the specimen bottles.
 - 1(d) No one is permitted to change or disregard the results of DOT tests based on the results of non-DOT tests. For example, as an employer City of Americus will not disregard a verified positive DOT drug test result because the employee presents a negative test result from a blood or urine specimen collected by the employee's physician or a DNA test result purporting to question the identity of the DOT specimen.
 - 1(e) City of Americus Designated Employer Representative (DER) will not use the CCF or the ATF in City of Americus's non-DOT drug and alcohol testing programs. This prohibition includes the use of the DOT forms with references to DOT programs and agencies crossed out. City of Americus Designated Employer Representative (DER)

Consent or Release Requirement

1. City of Americus Designated Employer Representative (DER) will not require an employee to sign a consent, release, waiver of liability, or indemnification agreement with respect to any part of the drug or alcohol testing process covered by this plan, however, the employee will be required to sign an acknowledgement form stating that they have been made aware of the Anti-Drug plan and acknowledge that they Reference(s): §40.26
2. City of Americus Designated Employer Representative (DER) will use the form and instructions in Appendix H of Part 40. A copy of this form can also be found in Appendix D, *Drug Alcohol Testing MIS Form.*)
3. City of Americus Designated Employer Representative (DER) will submit the MIS report in accordance with rule requirements (e.g., dates for submission; selection of companies required to submit, and method of reporting) as established by the DOT and outlined below.
4. City of Americus Designated Employer Representative (DER) has 50 or less covered employees and has either a compilation of data or statistical information regarding drug and alcohol testing which, upon written request, can be used to submit a MIS report in accordance with the form and instruction requirements of §40.26 and Appendix H of Part 40; not later than March 15 of each year for the prior calendar year (January 1 through December 31). City of Americus Designated Employer Representative (DER) has identified all contractors who perform covered functions, as defined in this plan, in a given calendar year; and, if required by either mandated annual or PHMSA written request, will or has submitted an MIS report for each of these contractors.
5. City of Americus Designated Employer Representative (DER) is prohibited from releasing individual test results or medical information about an employee to third parties without the employee's specific written consent.

General Confidentiality Rule

1. City of Americus Designated Employer Representative (DER) is prohibited from releasing individual test results or medical information about an employee to third parties without the employee's specific written consent.
2. A "third party" is any person or organization to whom other subparts of this regulation do not explicitly authorize or require the transmission of information in the course of the drug or alcohol testing process.
3. "Specific written consent" means a statement signed by the employee that he or she agrees to the release of a particular piece of information to a particular, explicitly identified, person or organization at a particular time. "Blanket releases," in which an employee agrees to a release of a category of information (e.g., all test results) or to release information to a category of parties (e.g., other employers who are members of a C/TPA, companies to which the employee may apply for employment), are prohibited under this part.

Public Interest Exclusion (PIE)

1. City of Americus Designated Employer Representative (DER) is deemed to have notice of the issuance of a PIE when it appears on the list mentioned in §40.401(a) or the notice of the PIE appears in the Federal Register as provided in §40.401(d). City of Americus Designated Employer Representative (DER) should check this List to ensure that any service agents you are using or planning to use are not subject to a PIE.
2. If City of Americus Designated Employer Representative (DER) is using a service agent concerning whom a PIE is issued, City of Americus Designated Employer Representative (DER) must stop using the services of the service agent no later than 90 days after the Department has published the decision in the Federal Register or posted

it on its web site. An application may be made to the ODAPC Director for an extension of 30 days if it can be demonstrated that a substitute service agent cannot be found within 90 days.

3. Except during the period provided in paragraph (2) of this section, City of Americus Designated Employer Representative (DER) must not, use the services of a service agent that are covered by a PIE that the Director has issued under this subpart or this may result in a violation of the Department's regulations and subject to applicable DOT agency sanctions (e.g., civil penalties, withholding of Federal financial assistance).

Example to Paragraph (3): Service Agent R was subject to a PIE with respect to SAP services. As an employer, not only must you not use R's own SAP services, but you also must not use SAP services you arrange through R, such as services provided by a subcontractor or affiliate of R or a person or organization that receives financial gain from its relationship with R.

4. City of Americus Designated Employer Representative (DER) also must not obtain drug or alcohol testing services through a contractor or affiliate of the service agent to whom the PIE applies.
5. This section's prohibition on using the services of a service agent concerning which the Director has issued a PIE applies to employers in all industries subject to DOT drug and alcohol testing regulations.

Example to Paragraph (5): The initiating official for a PIE was the FAA drug and alcohol program manager, and the conduct forming the basis of the PIE pertained to the aviation industry. As a motor carrier, transit authority, pipeline, railroad, or maritime employer, you are also prohibited from using the services of the service agent involved in connection with the DOT drug and alcohol testing program.

6. The issuance of a PIE does not result in the cancellation of drug or alcohol tests conducted using the service agent involved before the issuance of the Director's decision or up to 90 days following its publication in the Federal Register or posting on the Department's web site, unless otherwise specified in the Director's PIE decision or the Director grants an extension as provided in paragraph (b) of this section.

Example to Paragraph (6): The Department issues a PIE concerning Service Agent N on September 1. All tests conducted using N's services before September 1, and through November 30, are valid for all purposes under DOT drug and alcohol testing regulations, assuming they meet all other regulatory requirements.

Release Of Drug Test Information

LEGAL PROCEEDINGS

1. City of Americus Designated Employer Representative (DER) may release information pertaining to an employee's drug or alcohol test without the employee's consent in certain legal proceedings.
 - 1(a) These proceedings include a lawsuit (e.g., a wrongful discharge action), grievance (e.g., an arbitration concerning disciplinary action taken by the employer), or administrative proceeding (e.g., an unemployment compensation hearing) brought by, or on behalf of, an employee and resulting from a positive DOT drug or alcohol test or a refusal to test (including, but not limited to, adulterated or substituted test results).
 - 1(b) These proceedings also include a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information sought is relevant to the case and issues an order directing the employer to produce the information. For example, in personal injury litigation following a truck or bus collision, the court could determine that a post-accident drug test result of an employee is relevant to determining whether the driver or the driver's employer was negligent. The employer is authorized to respond to the court's order to produce the records.

2. In such a proceeding, City of Americus Designated Employer Representative (DER) may release the information to the decision maker in the proceeding (e.g., the court in a lawsuit). City of Americus Designated Employer Representative (DER) may release the information only with a binding stipulation that the decision maker to whom it is released will make it available only to parties to the proceeding.
3. The Designated Employer Representative (DER) for City of Americus, will immediately notify the employee in writing of any information City of Americus Designated Employer Representative (DER) releases under this section.

Release Of Information To Additional Parties

City of Americus Designated Employer Representative (DER) will release information under the following circumstances:

1. If City of Americus Designated Employer Representative (DER) receives a specific, written consent from an employee authorizing the release of information about that employee's drug or alcohol tests to an identified person, City of Americus Designated Employer Representative (DER) must provide the information to the identified person. For example, when City of Americus Designated Employer Representative (DER) receives a written request from a former employee to provide information to a subsequent employer, it must do so. In providing the information, City of Americus Designated Employer Representative (DER) must comply with the terms of the employee's consent.
2. If City of Americus Designated Employer Representative (DER) must, upon request of DOT agency representatives, provide the following:
 - 2(a) Access to City of Americus facilities used for Part 40 and DOT agency drug and alcohol program functions.
 - 2(b) All written, printed, and computer-based drug and alcohol program records and reports (including copies of name-specific records or reports), files, materials, data, documents/documentation, agreements, contracts, policies, and statements that are required by this part and DOT agency regulations. City of Americus Designated Employer Representative (DER) must provide this information at its principal place of business in the time required by the DOT agency.
 - 2(c) All items in paragraph (2.2) of this section must be easily accessible, legible, and provided in an organized manner. If electronic records do not meet these standards, they must be converted to printed documentation that meets these standards.
3. If requested by the National Transportation Safety Board as part of an accident investigation, City of Americus Designated Employer Representative (DER) must provide information concerning post-accident tests administered after the accident. See Appendix B, *Anti-Drug Post-Accident Guidance Material* and Appendix C, *Post Accident Testing Determination Checklist*.
4. If requested by a Federal, state or local safety agency with regulatory authority over City of Americus or the employee, City of Americus Designated Employer Representative (DER) must provide drug and alcohol test records concerning the employee.
5. Except as otherwise provided in this part, the laboratory must not release or provide a specimen or a part of a specimen to a requesting party, without first obtaining written consent from ODAPC. If a party seeks a court order directing City of Americus Designated Employer Representative (DER) to release a specimen or part of a specimen contrary to any provision of this part, City of Americus Designated Employer Representative (DER) must take necessary legal steps to contest the issuance of the order (e.g., seek to quash a subpoena, citing the requirements of §40.13). However, this part does not require a court order to be disobeyed.

Release Of Medical Information Gathered In The Verification Process

1. The MRO, except as provided in paragraph (3) of this section, report drug test results and medical information you learned as part of the verification process to third parties without the employee's consent if determined, in the MRO's reasonable medical judgment, that
 - 1(a) The information is likely to result in the employee being determined to be medically unqualified under an applicable DOT agency regulation; or
 - 1(b) The information indicates that continued performance by the employee of his or her safety-sensitive function is likely to pose a significant safety risk.
2. The third parties to whom **City of Americus Designated Employer Representative (DER)** are authorized to provide information by this section include the employer, a physician or other health care provider responsible for determining the medical qualifications of the employee under an applicable DOT agency safety regulation, an SAP evaluating the employee as part of the return to duty process (see Appendix K, *Substance Abuse Professionals and the Return to Duty Process (Subpart O)*), a DOT agency, or the National Transportation Safety Board in the course of an accident investigation.(c
3. If the law of a foreign country (e.g., Canada) prohibits **City of Americus Designated Employer Representative (DER)**, as the MRO, from providing medical information to the employer, the MRO may comply with that prohibition. See Appendix S, *Release of Information Form* for releasing information to employees §40.329

Review Of Drug Testing Results

MRO appointment.

City of Americus Designated Employer Representative (DER) may contract for the provision of MRO services as part of its anti-drug program.

MRO qualifications.

Each MRO will be a licensed physician who has the qualifications required by DOT Procedures. See Appendix M, *Medical Review Officers and the Verification Process (Subpart G)* for Qualification Requirements.

MRO duties.

The MRO will perform functions for **City of Americus Designated Employer Representative (DER)** as required by DOT Procedures.

MRO Reports.

The MRO will report all drug test results to the **City of Americus Designated Employer Representative (DER)** in accordance with DOT Procedures.

1. Evaluation and Rehabilitation may be provided by **City of Americus Designated Employer Representative (DER)**, by a substance abuse professional under contract with City of Americus Designated Employer Representative (DER), or by a substance abuse professional not affiliated with City of Americus Designated Employer Representative (DER). The choice of substance abuse professional and assignment of costs will be made in accordance with City of Americus Designated Employer Representative (DER)/employee agreements and City of Americus Designated Employer Representative (DER)/employee policies. See Appendix K, *Substance Abuse Professionals and the Return to Duty Process (Subpart O)* for Qualification Requirements.

2. City of Americus Designated Employer Representative (DER) will ensure that a substance abuse professional, who determines that a covered employee requires assistance in resolving problems with drug abuse, does not refer the covered employee to the substance abuse professional's private practice or to a person or organization from which the substance abuse professional receives remuneration or in which the substance abuse professional has a financial interest. This paragraph does not prohibit a substance abuse professional from referring a covered employee for assistance provided through:

Section 2. Drug Tests Required

Pre-Employment Testing

City of Americus Designated Employer Representative (DER) will conduct the following drug tests for the presence of a prohibited drug:

1. City of Americus Designated Employer Representative (DER) may not hire or contract for the use of any person as an employee unless that person passes a drug test or is covered by an anti-drug program that conforms to the requirements of 49 CFR Part 199 and Part 40.
2. City of Americus Designated Employer Representative (DER) may not use any contractor or contractor employee unless that person passes a drug test or is covered by an anti-drug program that conforms to the requirements of 49 CFR Part 199 and Part 40.
3. Employees who are promoted or transferred from a non-covered to a covered position shall be pre-employment tested.

Post-Accident Testing

As soon as possible, but no later than 32 hours after an accident or incident, City of Americus Designated Employer Representative (DER) will drug test each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident. City of Americus Designated Employer Representative (DER) may decide not to test under this paragraph but such a decision will be based on the best information available immediately after the accident that the employee's performance could not have contributed to the accident or that, because of the time between that performance and the accident, it is not likely that a drug test would reveal whether the performance was affected by drug use.

Random Testing

Except as provided in paragraphs 3.2 through 3.3 of this section, the minimum annual percentage rate for random drug testing will be 50 percent of covered employees. See Appendix T, *Current Random Testing Rates*.

1. The Administrator's decision to increase or decrease the minimum annual percentage rate for random drug testing is based on the reported positive rate for the entire industry. All information used for this determination is drawn from the drug MIS reports required by this subpart. In order to ensure reliability of the data, the Administrator considers the quality and completeness of the reported data, may obtain additional information or reports from City of Americus Designated Employer Representative (DER), and may make appropriate modifications in calculating the industry positive rate. Each year, the Administrator will publish in the Federal Register the minimum annual percentage rate for random drug testing of covered employees. The new minimum annual percentage rate for random drug testing will be applicable starting January 1 of the calendar year following publication.

2. When the minimum annual percentage rate for random drug testing is 50 percent, the Administrator may lower this rate to 25 percent of all covered employees if the Administrator determines that the data received under the reporting requirements of §199.119 for two consecutive calendar years indicate that the reported positive rate is less than 1.0 percent. See Appendix T, *Current Random Testing Rates* for determining the minimum annual percentage rate for Random Testing.
3. When the minimum annual percentage rate for random drug testing is 25 percent, and the data received under the reporting requirements of §199.119 for any calendar year indicate that the reported positive rate is equal to or greater than 1.0 percent, the Administrator will increase the minimum annual percentage rate for random drug testing to 50 percent of all covered employees.
4. The selection of employees for random drug testing will be made by the following scientifically valid methods noted below:
 - (a) A Computer-based random number generator that is matched with employees' other comparable identifying numbers.

Under the selection process used, each covered employee will have an equal chance of being tested each time selections are made.

City of Americus Designated Employer Representative (DER) will randomly select a sufficient number of covered employees for testing during each calendar year to equal an annual rate not less the minimum annual percentage rate for random drug testing determined by the Administrator. If City of Americus Designated Employer Representative (DER) conducts random drug testing through a consortium, the number of employees to be tested may be calculated for each individual operator or may be based on the total number of covered employees covered by the consortium who are subject to random drug testing at the same minimum annual percentage rate under this section or any DOT drug testing rule.

City of Americus Designated Employer Representative (DER) will ensure that random drug tests conducted under this plan are unannounced and that the dates for administering random tests are spread reasonably throughout the calendar year, as outlined below:

Random Drug Tests Will Be Performed At Least Quarterly.

If a given covered employee is subject to random drug testing under the drug testing rules of more than one DOT agency for City of Americus Designated Employer Representative (DER), the employee will be subject to random drug testing at the percentage rate established for the calendar year by the DOT agency regulating more than 50 percent of the employee's function.

If City of Americus Designated Employer Representative (DER) is required to conduct random drug testing under the drug testing rules of more than one DOT agency, City of Americus Designated Employer Representative (DER) may—

1. Establish separate pools for random selection, with each pool containing the covered employees who are subject to testing at the same required rate; or
2. Randomly select such employees for testing at the highest percentage rate established for the calendar year by any DOT agency to which City of Americus Designated Employer Representative (DER) is subject.

Guidance: To calculate the total number of covered employees eligible for random testing throughout the year, add the total number of covered employees eligible for testing during each random testing period for the year and divide that total by the number of random testing periods

Reasonable Cause

City of Americus Designated Employer Representative (DER) will drug test each employee when there is reasonable cause to believe the employee is using a prohibited drug. The decision to test will be based on a reasonable and articulable belief that the employee is using a prohibited drug on the basis of specific, contemporaneous physical, behavioral, or performance indicators of probable drug use. (See Appendix E, *Reasonable Cause Observation Checklist* and Appendix F, *Anti-Drug Reasonable Suspicion Guidance Material*).

City of Americus Designated Employer Representative (DER) has 50 or fewer employees subject to testing under this part, and employs at least one supervisor trained in detecting possible drug use symptoms to substantiate the decision to test for reasonable cause.

Table 4.1. Training Supervisors

Name	Training Method
	Classroom Training for Drug and Alcohol

Return-To-Duty Testing

A covered employee who refuses to take or has a positive drug test may not return to duty in the covered function until the covered employee has complied with applicable provisions of DOT Procedures concerning substance abuse professionals and the return-to-duty process.

City of Americus Designated Employer Representative (DER)'s policy is that employees who refuse to take a drug test required by this plan or who tests positive for prohibited drugs prohibited by this plan will, be removed from performance of a covered function and must be evaluated by a Substance Abuse Professional (SAP) and must complete the return to duty process. See Appendix K, *Substance Abuse Professionals and the Return to Duty Process (Subpart O)*.

City of Americus Designated Employer Representative (DER) will direct a collection under direct observation of an employee if the drug test is a return-to-duty test.

Follow-Up Testing

A covered employee who refuses to take or has a positive drug test will be subject to unannounced follow-up drug tests administered by City of Americus Designated Employer Representative (DER) following the covered employee's return to duty. The number and frequency of such follow-up testing will be determined by a substance abuse professional, but will consist of at least six tests in the first 12 months following the covered employee's return to duty. In addition, follow-up testing may include testing for alcohol as directed by the substance abuse professional, to be performed in accordance with 49 CFR Part 40. Follow-up testing will not exceed 60 months from the date of the covered employee's return to duty. The substance abuse professional may terminate the requirement for follow-up testing at any time after the first six tests have been administered, if the substance abuse professional determines that such testing is no longer necessary. See Appendix K, *Substance Abuse Professionals and the Return to Duty Process (Subpart O)*

City of Americus Designated Employer Representative (DER) will direct a collection under direct observation of an employee if the drug test is a follow-up test.

Direct Observation

City of Americus Designated Employer Representative (DER) will direct an immediate collection under direct observation with no advance notice to the employee, if

1. The laboratory reported to the MRO that a specimen is invalid, and the MRO reported that there was not an adequate medical explanation for the result;
2. The MRO reported to you that the original positive, adulterated, or substituted result had to be cancelled because the test of the split specimen could not be performed; or
3. The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the specimen to you as negative-dilute and that a second collection must take place under direct observation (see §40.197(b)(1)).
4. City of Americus Designated Employer Representative (DER) will direct a collection under direct observation of an employee if the drug test is a return-to-duty test or a follow-up test.
5. City of Americus Designated Employer Representative (DER) will explain to the employee the reason for a directly observed collection under paragraph (a) or (b) of this section.

Refusal to Take A DOT Drug Test and the Consequences

An employee has refused to take a drug test if they:

1. Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by City of Americus Designated Employer Representative (DER), consistent with applicable DOT agency regulations, after being directed to do so by City of Americus Designated Employer Representative (DER). This includes the failure of an employee to appear for a test when called by a C/TPA (see Appendix L, *Urine Collection Personnel (Subpart C)* §40.61(a));

Reasonable time is defined below:

Employees shall report immediately to the collection site or to the collection site within 30 minutes, plus travel time, once notified by the appropriate City of Americus Designated Employer Representative (DER) official.

2. Fail to remain at the testing site until the testing process is complete; provided, that an employee who leaves the testing site before the testing process commences (see Appendix L, *Urine Collection Personnel (Subpart C)* §40.63 (c)) for a pre-employment test is not deemed to have refused to test;
3. Fail to provide a urine specimen for any drug test required by this part or DOT agency regulations; Provided, That an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences (see Appendix L, *Urine Collection Personnel (Subpart C)* §40.63 (c)) for a pre-employment test is not deemed to have refused to test;
4. In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of City of Americus Designated Employer Representative (DER) 's provision of a specimen (see Appendix L, *Urine Collection Personnel (Subpart C)* §§40.67(l) and 40.69(g));
5. Fail to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure (see Appendix J, *Problems in Drug Tests (Subpart I)* §40.193(d)(2));

6. Fail or decline to take an additional drug test City of Americus Designated Employer Representative (DER) or collector has directed the employee to take (see, for instance, Appendix J, *Problems in Drug Tests (Subpart I)* §40.197(b));
7. Fail to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER under §40.193(d). 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; or
8. Fail to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector).
9. For an observed collection, fail to follow the observer's instructions to raise the employees' clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if employee has any type of prosthetic or other device that could be used to interfere with the collection process.
10. Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
11. Admit to the collector or MRO that the employee has adulterated or substituted the specimen.

If the MRO reports that City of Americus Designated Employer Representative (DER) has a verified adulterated or substituted test result, the employee has refused to take a drug test.

If the employee refuses to take a drug test, the employee incurs the consequences specified under DOT agency regulations for a violation of those DOT agency regulations.

If the employee refuses to take a non-DOT test or to sign a non-DOT form, the employee has not refused to take a DOT test. There are no consequences under DOT agency regulations for refusing to take a non-DOT test. (See Appendix R, *Documentation for refusal to submit to DOT Test*)

Receiving Verified Test Results

City of Americus Designated Employer Representative (DER) will immediately remove the employee involved from performing covered (safety-sensitive) functions, and will take this action upon receiving the initial report of the verified positive test result. City of Americus Designated Employer Representative (DER) will not wait to receive the written report or the result of a split specimen test.

If City of Americus Designated Employer Representative (DER) receives a verified adulterated or substituted drug test result, City of Americus Designated Employer Representative (DER) will consider this a refusal to test and immediately remove the employee involved from performing covered (safety-sensitive) functions, and take this action on receiving the initial report of the verified adulterated or substituted test result. City of Americus Designated Employer Representative (DER) will not wait to receive the written report or the result of a split specimen test.

When an employee has a verified positive, adulterated, or substituted test result, or has otherwise violated a DOT agency drug regulation, City of Americus Designated Employer Representative (DER) will not return the employee to the performance of covered (safety-sensitive) functions until or unless the employee successfully completes the return-to-duty process. (see Appendix K, *Substance Abuse Professionals and the Return to Duty Process (Subpart O)*)

If City of Americus Designated Employer Representative (DER) receives a drug test result indicating that the employee's specimen was dilute, City of Americus Designated Employer Representative (DER) will take action as provided in Section III Drug Testing- Diluted specimen

If City of Americus Designated Employer Representative (DER) receives a drug test result indicating that the employee's urine specimen test was cancelled because it was invalid and that a second collection will take place under direct observation—

1. City of Americus Designated Employer Representative (DER) will immediately direct the employee to provide a new specimen under direct observation.
2. City of Americus Designated Employer Representative (DER) will not attach consequences to the finding that the test was invalid other than collecting a new specimen under direct observation.
3. City of Americus Designated Employer Representative (DER) will not give any advance notice of this test requirement to the employee.

City of Americus Designated Employer Representative (DER) will instruct the collector to note on the CCF the same reason (e.g. random test, post-accident test) as for the original collection.

City of Americus Designated Employer Representative (DER) will ensure that the collector conducts the collection under direct observation.

If City of Americus Designated Employer Representative (DER) receives a cancelled test result when a negative result is required (e.g., pre-employment, return-to-duty, or follow-up test), City of Americus Designated Employer Representative (DER) will direct the employee to provide another specimen immediately.

City of Americus Designated Employer Representative (DER) may also be required to take additional actions required by DOT agency regulations (e.g., FAA rules require some positive drug tests to be reported to the Federal Air Surgeon).

City of Americus Designated Employer Representative (DER) will not alter a drug or alcohol test result transmitted to them by an MRO, BAT, or C/TPA.

Use of Persons Who Fail or Refuse A Drug Test

City of Americus Designated Employer Representative (DER) may not knowingly use as an employee any person who—

1. Fails a drug test required by §199.105, as outlined in Section III Drug Testing, and the medical review officer makes a determination under DOT Procedures; or
2. Refuses to take a drug test required by Part 199 as outlined in this plan.

Paragraph 1 of this section does not apply to a person who has—

1. Passed a drug test under DOT Procedures;
2. Been considered by the medical review officer in accordance with DOT Procedures and been determined by a substance abuse professional to have successfully completed required education or treatment; and
3. Not failed a drug test required by this part after returning to duty.

Request for Drug and Alcohol Testing Record from Previous Employer

When an employee has violated DOT drug and alcohol regulations, the employee cannot again perform any DOT safety-sensitive duties for City of Americus Designated Employer Representative (DER) until and unless the employee completes the SAP evaluation, referral, and education/treatment process set forth in this Plan and in applicable DOT agency regulations. The first step in this process is a SAP evaluation.

For purposes of this Plan a verified positive DOT drug test result, a refusal to test (including by adulterating or substituting a urine specimen) or any other violation of the prohibition on the use of drugs under a DOT agency regulation constitutes a DOT drug regulation violation

The DER for City of Americus Designated Employer Representative (DER) will provide to each employee (including an applicant or new employee) who violates a DOT drug and alcohol regulation a listing of SAPs readily available to the employee and acceptable to City of Americus Designated Employer Representative (DER), with names, addresses, and telephone numbers. City of Americus Designated Employer Representative (DER) will not charge the employee any fee for compiling or providing this list. City of Americus Designated Employer Representative (DER) may provide this list or have it provided through a C/TPA or other service agent.

City of Americus Designated Employer Representative (DER) will, after obtaining an employee's written consent, request the information listed in paragraph (2) of this section about the employee. This requirement applies only to employees seeking to begin performing safety-sensitive duties for City of Americus Designated Employer Representative (DER) for the first time (i.e., a new hire, an employee transfers into a safety-sensitive position). If the employee refuses to provide this written consent, City of Americus Designated Employer Representative (DER) will not permit the employee to perform safety-sensitive functions.

City of Americus Designated Employer Representative (DER) will request the information listed in this paragraph from DOT-regulated employers who have employed the employee during any period during the two years before the date of the employee's application or transfer:

1. Alcohol tests with a result of 0.04 or higher alcohol concentration;
2. Verified positive drug tests;
3. Refusals to be tested (including verified adulterated or substituted drug test results);
4. Other violations of DOT agency drug and alcohol testing regulations; and
5. With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including follow-up tests). If the previous employer does not have information about the return-to-duty process (e.g., an employer who did not hire an employee who tested positive on a pre-employment test), City of Americus Designated Employer Representative (DER) will seek to obtain this information from the employee.

The information obtained from a previous employer includes any drug or alcohol test information obtained from previous employers under this section or other applicable DOT agency regulations.

If feasible, City of Americus Designated Employer Representative (DER) will obtain and review this information before the employee first performs covered (safety-sensitive) functions. If this is not feasible, City of Americus Designated Employer Representative (DER) will obtain and review the information as soon as possible. However, City of Americus Designated Employer Representative (DER) will not permit the employee to perform safety-sensitive functions after 30 days from the date on which the employee first performed safety-sensitive functions, unless City of Americus Designated Employer Representative (DER) has obtained or made and documented a good faith effort to obtain this information. See Appendix S, *Release of Information Form*.

If City of Americus Designated Employer Representative (DER) obtains information that the employee has violated a DOT agency drug and alcohol regulation, City of Americus Designated Employer Representative (DER) will not use the employee to perform covered (safety-sensitive) functions unless City of Americus Designated Employer Representative (DER) also obtains information that the employee has subsequently complied with the return-to-duty requirements of Subpart O Part 40 and DOT agency drug and alcohol regulations.

The employee will provide to each of the employers from whom City of Americus Designated Employer Representative (DER) request information under paragraph (1) of this section written consent for the release of the information cited in paragraph (2) of this section.

The release of information under this section will be in any written form (e.g., fax, e-mail, and letter) that ensures confidentiality. As the previous employer, City of Americus Designated Employer Representative (DER) will maintain a written record of the information released, including the date, the party to whom it was released and a summary of the information provided.

If City of Americus Designated Employer Representative (DER) is an employer from whom information is requested under paragraph (1) of this section, City of Americus Designated Employer Representative (DER) will, after reviewing the employee's specific, written consent, immediately release the requested information to the employer making the inquiry.

As the employer requesting the information required under this section, City of Americus Designated Employer Representative (DER) will maintain a written, confidential record of the information. City of Americus Designated Employer Representative (DER) obtains or of the good faith efforts City of Americus Designated Employer Representative (DER) made to obtain the information. City of Americus Designated Employer Representative (DER) will retain this information for three years from the date of the employee's first performance of safety-sensitive duties for City of Americus Designated Employer Representative (DER).

City of Americus Designated Employer Representative (DER) will also ask the employee whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee applied for, but did not obtain, safety-sensitive transportation work covered by DOT agency drug and alcohol testing rules during the past two years. If the employee admits that he or she had a positive test or a refusal to test, City of Americus Designated Employer Representative (DER) will not use the employee to perform covered (safety-sensitive) functions for City of Americus Designated Employer Representative (DER), until and unless the employee documents successful completion of the return-to-duty process

As the employer, if the MRO informs City of Americus Designated Employer Representative (DER) that a positive drug test was dilute, City of Americus Designated Employer Representative (DER) will simply treat the test as a verified positive test. City of Americus Designated Employer Representative (DER) will not direct the employee to take another test based on the fact that the specimen was dilute.

If the MRO informs City of Americus Designated Employer Representative (DER) that a negative test was dilute, take the following action:

1. If the MRO directs City of Americus Designated Employer Representative (DER) to conduct a recollection under direct observation (i.e., because the creatinine concentration of the specimen was equal to or greater than 2mg/dL, but less than or equal to 5 mg/dL (see Appendix G, *Collection Sites, Forms, Equipment and Supplies Used in DOT Urine Collections (Subpart D) §40.155(c)*), City of Americus Designated Employer Representative (DER) will do so immediately.
2. Otherwise (i.e., if the creatinine concentration of the dilute specimen is greater than 5 mg/dL), City of Americus Designated Employer Representative (DER) may, but is not required to, direct the employee to take another test immediately.

2.1. Such recollections will not be collected under direct observation, unless there is another basis for use of direct observation (see Appendix Q, *Urine Specimen Collections (Subpart E)* §40.67 (b) and (c)).

2.2. City of Americus Designated Employer Representative (DER) will treat all employees the same for this purpose. For example, City of Americus Designated Employer Representative (DER) will not retest some employees and not others. City of Americus Designated Employer Representative (DER) may, however, establish different policies for different types of tests (e.g., conduct retests in pre-employment situations, but not in random test situations). City of Americus Designated Employer Representative (DER) will inform its employees in advance of City of Americus Designated Employer Representative (DER)'s decisions on these matters.

The following provisions apply to all tests City of Americus Designated Employer Representative (DER) may direct an employee to take under this section:

1. City of Americus Designated Employer Representative (DER) will ensure that the employee is given the minimum possible advance notice that he or she will go to the collection site;
2. City of Americus Designated Employer Representative (DER) will treat the result of the test, that the City of Americus Designated Employee Representative directed the employee to take under this section—and not a prior test—as the test result of record, on which City of Americus Designated Employer Representative (DER) rely for purposes of this plan;

Stand Down Process

1. If the result of the test City of Americus Designated Employer Representative (DER) directed the employee to take under this section is also negative and dilute, City of Americus Designated Employer Representative (DER) is not permitted to make the employee take an additional test because the result was dilute.
2. If the result of the test City of Americus Designated Employer Representative (DER) directed the employee to take under this section is also negative and dilute, City of Americus Designated Employer Representative (DER) is not permitted to make the employee take an additional test because the result was dilute. Provided, however, that if the MRO directs City of Americus Designated Employer Representative (DER) to conduct a recollection under direct observation under paragraph (2.1) of this section, City of Americus Designated Employer Representative (DER) will immediately do so.
3. If the employee declines to take a test City of Americus Designated Employer Representative (DER) directed him or her to take under paragraph (1) of this section, the employee has refused the test for purposes of Part 40 and DOT agency regulations.

As an employer or C/TPA with an aggregate of 2000 or more DOT-covered employees, an Operator will send blind specimens to laboratories that they use.

City of Americus Designated Employer Representative (DER), or C/TPA has fewer than 2000 DOT-covered employees, and therefore is not required to provide blind specimens.

As an employer, City of Americus Designated Employer Representative (DER) is prohibited from standing employees down, except consistent with a waiver a DOT agency grants under this section.

City of Americus Designated Employer Representative (DER) may make a request to the concerned DOT agency for a waiver from the prohibition of paragraph (1) of this section. Such a waiver, if granted, permits City of Americus Designated Employer Representative (DER) to stand an employee down following the MRO's receipt of

a laboratory report of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test pertaining to the employee.

For this purpose, the concerned DOT agency is the one whose drug and alcohol testing rules apply to the majority of the covered employees in City of Americus Designated Employer Representative (DER)'s organization. The concerned DOT agency uses its applicable procedures for considering requests for waivers.

Before taking action on a waiver request, the concerned DOT agency coordinates with other DOT agencies that regulate the employer's other covered employees.

The concerned DOT agency provides a written response to each employer that petitions for a waiver, setting forth the reasons for the agency's decision on the waiver request.

City of Americus Designated Employer Representative (DER)'s request for a waiver will include, as a minimum, the following elements:

1. Information about City of Americus Designated Employer Representative (DER)'s organization:
2. City of Americus Designated Employer Representative (DER)'s determination that standing employees down is necessary for safety in City of Americus Designated Employer Representative (DER)'s organization and a statement of City of Americus Designated Employer Representative (DER)'s basis for it, including any data on safety problems or incidents that could have been prevented if a stand-down procedure had been in place;
3. Data showing the number of confirmed laboratory positive, adulterated, and substituted test results for City of Americus Designated Employer Representative (DER)'s employees over the two calendar years preceding City of Americus Designated Employer Representative (DER)'s waiver request, and the number and percentage of those test results that were verified positive, adulterated, or substituted by the MRO;
4. Information about the work situation of the employees subject to stand-down, including a description of the size and organization of the unit(s) in which the employees work, the process through which employees will be informed of the stand-down, whether there is an in-house MRO, and whether City of Americus Designated Employer Representative (DER)'s organization has a medical disqualification or stand-down policy for employees in situations other than drug and alcohol testing; and
5. A statement of which DOT agencies regulate City of Americus Designated Employer Representative (DER)'s employees.

City of Americus Designated Employer Representative (DER) proposed written company policy concerning stand-down, which will include the following elements:

1. City of Americus Designated Employer Representative (DER)'s assurance that they will distribute copies of the their written policy to all employees that it covers;
2. City of Americus Designated Employer Representative (DER)'s means of ensuring that no information about the confirmed positive, adulterated, or substituted test result or the reason for the employee's temporary removal from performance of safety-sensitive functions becomes available, directly or indirectly, to anyone in City of Americus Designated Employer Representative (DER)'s organization (or subsequently to another employer) other than the employee, the MRO and the DER;
3. City of Americus Designated Employer Representative (DER)'s means of ensuring that all covered employees in a particular job category in their organization are treated the same way with respect to stand-down;
4. City of Americus Designated Employer Representative (DER)'s means of ensuring that a covered employee will be subject to stand-down only with respect to the actual performance of safety-sensitive duties;

5. City of Americus Designated Employer Representative (DER)'s means of ensuring that they will not take any action adversely affecting the employee's pay and benefits pending the completion of the MRO's verification process. This includes continuing to pay the employee during the period of the stand-down in the same way they would have paid him or her had he or she not been stood down;
6. City of Americus Designated Employer Representative (DER)'s means of ensuring that the verification process will commence no later than the time an employee is temporarily removed from the performance of safety-sensitive functions and that the period of stand-down for any employee will not exceed five days, unless City of Americus Designated Employer Representative (DER) is informed in writing by the MRO that a longer period is needed to complete the verification process; and
7. City of Americus Designated Employer Representative (DER)'s means of ensuring that, in the event that the MRO verifies the test negative or cancels it—
 - City of Americus Designated Employer Representative (DER) returns the employee immediately to the performance of safety-sensitive duties;
 - The employee suffers no adverse personnel or financial consequences as a result; and
 - City of Americus Designated Employer Representative (DER) maintains no individually identifiable record that the employee had a confirmed laboratory positive, adulterated, or substituted test result (i.e., City of Americus Designated Employer Representative (DER) maintains a record of the test only as a negative or cancelled test).

The Administrator of the concerned DOT agency, or his or her designee, may grant a waiver request only if he or she determines that, in the context of City of Americus Designated Employer Representative (DER)'s organization, there is a high probability that the procedures that City of Americus Designated Employer Representative (DER) propose will effectively enhance safety and protect the interests of employees in fairness and confidentiality.

1. The Administrator, or his or her designee, may impose any conditions he or she deems appropriate on the grant of a waiver.
2. The Administrator, or his or her designee, may immediately suspend or revoke the waiver if he or she determines that City of Americus Designated Employer Representative (DER) has failed to protect effectively the interests of employees in fairness and confidentiality, that City of Americus Designated Employer Representative (DER) have failed to comply with the requirements of this section, or that City of Americus Designated Employer Representative (DER) has failed to comply with any other conditions the DOT agency has attached to the waiver.
3. City of Americus Designated Employer Representative (DER) will not stand employees down in the absence of a waiver, or inconsistent with the terms of City of Americus Designated Employer Representative (DER)'s waiver. If City of Americus Designated Employer Representative (DER) does, City of Americus Designated Employer Representative (DER) is in violation of this part and DOT agency drug testing regulations, and City of Americus Designated Employer Representative (DER) is subject to enforcement action by the DOT agency just as City of Americus Designated Employer Representative (DER) is for other violations of this and other DOT agency rules.

Stand-Down Waivers

If City of Americus Designated Employer Representative (DER) seeks a waiver under §40.21 of this title from the stand-down restriction must submit an application for waiver in duplicate to:

Associate Administrator for Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue, SE, Washington, DC 20590-0001.(b)

Each application must—

1. Identify §40.21 of this title as the rule from which the waiver is sought;
2. Explain why the waiver is requested and describe the employees to be covered by the waiver;
3. Contain the information required by §40.21 of this title and any other information or arguments available to support the waiver requested; and
4. Unless good cause is shown in the application, be submitted at least 60 days before the proposed effective date of the waiver.

No public hearing or other proceeding is held directly on an application before its disposition under this section. If the Associate Administrator determines that the application contains adequate justification, he or she grants the waiver. If the Associate Administrator determines that the application does not justify granting the waiver, he or she denies the application. The Associate Administrator notifies each applicant of the decision to grant or deny an application.

Cancelled Drug Test

A cancelled drug test is neither positive nor negative.

1. As an employer, City of Americus Designated Employer Representative (DER) will not attach to a cancelled test the consequences of a positive test or other violation of a DOT drug testing regulation (e.g., removal from a safety-sensitive position).
2. As an employer, City of Americus Designated Employer Representative (DER) will not use a cancelled test for the purposes of a negative test to authorize the employee to perform safety-sensitive functions (i.e., in the case of a pre-employment, return-to-duty, or follow-up test).
3. However, as an employer, City of Americus Designated Employer Representative (DER) will not direct a recollection for an employee because a test has been cancelled, except in the situations cited in paragraph (1.2) of this section or other provisions of this part that require another test to be conducted (see Appendix M, *Medical Review Officers and the Verification Process (Subpart G)* §§40.159(a)(5) and 49 CFR Part 40.187(b)(2), (c)(1), and (e))
4. A cancelled test does not count toward compliance with DOT requirements (e.g., being applied toward the number of tests needed to meet the employer's minimum random testing rate).
5. A cancelled DOT test does not provide a valid basis for an employer to conduct a non-DOT test (i.e., a test under company authority).

Retention of Samples and Additional Testing

Samples that yield positive results on confirmation will be retained by the laboratory in properly secured, long-term, frozen storage for at least 365 days as required by the DOT Procedures. Within this 365-day period, the employee or the employee's representative, City of Americus Designated Employer Representative (DER), the Administrator, or, if City of Americus Designated Employer Representative (DER) is subject to the jurisdiction of a state agency, the state agency may request that the laboratory retain the sample for an additional period. If, within the 365-day period, the laboratory has not received a proper written request to retain the sample for a further reasonable period specified in the request, the sample may be discarded following the end of the 365-day period.

If the Medical Review Officer (MRO) determines there is no legitimate medical explanation for a confirmed positive test result other than the unauthorized use of a prohibited drug, and if timely additional testing is requested by the employee according to DOT Procedures, the split specimen will be tested by a second laboratory that is certified by the Department of Health and Human Services. City of Americus Designated Employer Representative (DER) may require the employee to pay in advance the cost of shipment (if any) and reanalysis of the sample, but the employee will be reimbursed for such expense if the additional test is negative. It is City of Americus Designated Employer Representative (DER)'s responsibility to ensure the split test takes place without delay.

The original laboratory will follow approved chain-of-custody procedures in transferring the split to the second laboratory.

Since some analytes may deteriorate during storage, detected levels of the drug below the detection limits established in the DOT Procedures, but equal to or greater than the established sensitivity of the assay, will, as technically appropriate, be reported and considered corroborative of the original positive results.

Review of Drug Testing Results

MRO Appointment. City of Americus Designated Employer Representative (DER) shall designate or appoint a Medical Review Officer (MRO). If City of Americus Designated Employer Representative (DER) does not have a qualified individual on staff to serve as MRO, City of Americus Designated Employer Representative (DER) may contract for the provision of MRO services as part of its anti-drug program. See Appendix M, *Medical Review Officers and the Verification Process (Subpart G)*.

MRO Qualifications. Each MRO must be a licensed physician who has the qualifications required by DOT Procedures.

MRO Duties. The MRO must perform functions for the operator as required by DOT Procedures.

MRO Reports. The MRO must report all drug test results to the operator in accordance with DOT Procedures.

Evaluation and rehabilitation may be provided by the operator, by a substance abuse professional under contract with City of Americus Designated Employer Representative (DER), or by a substance abuse professional not affiliated with City of Americus Designated Employer Representative (DER). The choice of substance abuse professional and assignment of costs shall be made in accordance with City of Americus Designated Employer Representative (DER) / employee agreements and City of Americus Designated Employer Representative (DER) / employee policies.

City of Americus Designated Employer Representative (DER) shall ensure that a substance abuse professional, who determines that a covered employee requires assistance in resolving problems with drug abuse, does not refer the covered employee to the substance abuse professional's private practice or to a person or organization from which the substance abuse professional receives remuneration or in which the substance abuse professional has a financial interest. This paragraph does not prohibit a substance abuse professional from referring a covered employee for assistance provided through:

1. A public agency, such as a State, county, or municipality;
2. City of Americus Designated Employer Representative (DER) or a person under contract to provide treatment for drug problems on behalf of the operator;
3. The sole source of therapeutically appropriate treatment under the employee's health insurance program; or
4. The sole source of therapeutically appropriate treatment reasonably accessible to the employee.

Reporting Of Anti-Drug Testing Results

Each annual MIS report shall be submitted no later than March 15 of each year to:

Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, PHP-60, 1200 New Jersey Avenue, SE., Washington, DC 20590.

Covered employees, and only covered employees, are to be in an employer's random testing pool, and all covered employees must be in the random pool. If City of Americus Designated Employer Representative (DER) is conducting random testing more often than once per month (e.g., daily, weekly, bi-weekly), City of Americus Designated Employer Representative (DER) does not need to compute this total number of covered employees rate more than on a once per month basis.

City of Americus Designated Employer Representative (DER) may use a service agent (e.g., C/TPA) to perform random selections and City of Americus Designated Employer Representative (DER)'s covered employees may be part of a larger random testing pool of covered employees. However, City of Americus Designated Employer Representative (DER) must ensure that the service agent of the City of Americus Designated Employer Representative (DER) use is testing at the appropriate percentage established for the industry and that only covered employees are in the random testing pool.

Each covered employee who performs multi-DOT agency functions (e.g., an employee performs pipeline maintenance duties and drives a commercial motor vehicle), will be counted on the MIS report for the DOT agency under which he or she is randomly tested. Normally, this will be the DOT agency under which the employee performs more than 50% of his or her duties. Operators may have to explain the testing data for these employees in the event of a DOT agency inspection or audit.

A service agent (e.g., Consortia/Third Party Administrator as defined in 49 CFR part 40) may prepare the MIS report on behalf of City of Americus Designated Employer Representative (DER). However, each report shall be certified by City of Americus Designated Employer Representative (DER)'s anti-drug manager or designated representative for accuracy and completeness.

Retention of Specimens After Testing

The laboratory testing the primary specimen must retain a specimen that was reported with positive, adulterated, substituted, or invalid results for a minimum of one year.

The laboratory must keep such a specimen in secure, long-term, frozen storage in accordance with HHS requirements.

Within the one-year period, the MRO, the employee, the employer, or a DOT agency may request in writing that the laboratory retain a specimen for an additional period of time (e.g., for the purpose of preserving evidence for litigation or a safety investigation). If the laboratory receives such a request, they must comply with it. If the laboratory does not receive such a request, they may discard the specimen at the end of the year.

If a split specimen has not been sent to another laboratory for testing, it must be retained for an employee's test for the same period of time as the primary specimen and under the same storage conditions.

As the laboratory testing the split specimen, it must meet the requirements of paragraphs 1 through 4 of this section with respect to the split specimen.

Samples that yield positive results on confirmation must be retained by the laboratory in properly secured, long-term, frozen storage for at least 365 days as required by the DOT Procedures. Within this 365-day period, the

employee or the employee's representative, City of Americus Designated Employer Representative (DER), the Administrator, or, if City of Americus Designated Employer Representative (DER) is subject to the jurisdiction of a state agency, the state agency may request that the laboratory retain the sample for an additional period. If, within the 365-day period, the laboratory has not received a proper written request to retain the sample for a further reasonable period specified in the request, the sample may be discarded following the end of the 365-day period.

If the medical review officer (MRO) determines there is no legitimate medical explanation for a confirmed positive test result other than the unauthorized use of a prohibited drug, and if timely additional testing is requested by the employee according to DOT Procedures, the split specimen must be tested. The employee may specify testing by the original laboratory or by a second laboratory that is certified by the Department of Health and Human Services. City of Americus Designated Employer Representative (DER) may require the employee to pay in advance the cost of shipment (if any) and reanalysis of the sample, but the employee must be reimbursed for such expense if the additional test is negative.

If the employee specifies testing by a second laboratory, the original laboratory must follow approved chain-of-custody procedures in transferring a portion of the sample.

Since some analyses may deteriorate during storage, detected levels of the drug below the detection limits established in the DOT Procedures, but equal to or greater than the established sensitivity of the assay, must, as technically appropriate, be reported and considered corroborative of the original positive results.

Section 3. Employee Assistance Program (EAP)

1. City of Americus Designated Employer Representative (DER) provides an employee assistance program (EAP) for its employees and supervisory personnel who will determine whether an employee will be drug tested based on reasonable cause.
2. City of Americus Designated Employer Representative (DER) has established the EAP as a part of its internal personnel services

Each EAP will include education and training on drug use.

3. At the discretion of City of Americus Designated Employer Representative (DER), the EAP may include an opportunity for employee rehabilitation.

City of Americus Designated Employer Representative (DER) does offer a Return to Duty Policy for employee rehabilitation. This policy may be described as follows:

A copy of the operators Return to Duty Policy can be found in Section 2 Page 20 of the original Drug and Alcohol Procedures Manual.

4. Education under each EAP will include at least the following elements:
 - a. Display and distribution of informational material;
 - b. Display and distribution of a community service hot-line telephone number for employee assistance;
 - c.. and display and distribution of the employer's policy regarding the use of prohibited drugs.
5. Training under each EAP for supervisory personnel who will determine whether an employee will be drug tested based on reasonable cause will include one 60-minute period of training on the specific, contemporaneous physical, behavioral, and performance indicators of probable drug use.

Section 4. Record Keeping

The DER, or designee, will maintain a locked file system, which will contain drug test results. The file will be maintained as Confidential. Employee files will be handled on a strict "need-to-know" basis.

If records are kept electronically, they will be password protected.

Requirements

City of Americus Designated Employer Representative (DER) will keep the following records for the following periods of time:

1 YEAR

1. Records of negative and cancelled drug test results

3 YEARS

1. Information obtained from previous employers under Part 40.25 concerning drug test results of employees
2. Records confirming that supervisors and employees have been training as required by Part 199
3. Records that demonstrate the collection process conforms to Part 199

5 YEARS

1. Records of verified positive drug test results
 2. Documentation of refusals to take required drug tests (including substituted or adulterated drug test results)
 3. SAP reports, including compliance with SAP recommendations
 4. All follow-up tests and schedules for follow-up tests
 5. MIS Annual Report Data
- City of Americus Designated Employer Representative (DER) does not have to keep records related to a program requirement that does not apply to City of Americus Designated Employer Representative (DER) (e.g., a maritime employer who does not have a DOT-mandated random alcohol testing program need not maintain random alcohol testing records).
 - City of Americus Designated Employer Representative (DER) will maintain the records in a location with controlled access. The records will be maintained by the DER.
 - A service agent may maintain these records for City of Americus Designated Employer Representative (DER). However, City of Americus Designated Employer Representative (DER) will ensure that The Service Agent can produce these records at City of Americus Designated Employer Representative (DER)'s principal place of business in the time required by the DOT agency.
 - If City of Americus Designated Employer Representative (DER) stores records electronically, where permitted by this plan, they will be password protected. City of Americus Designated Employer Representative (DER) will ensure that the records are easily accessible, legible, and formatted and stored in an organized manner. If electronic records do not meet these criteria, City of Americus Designated Employer Representative (DER) will convert them to printed documentation in a rapid and readily auditable manner, at the request of DOT agency personnel.

- Information regarding an individual's drug testing results or rehabilitation will be released upon the written consent of the individual and as provided by DOT Procedures. Statistical data related to drug testing and rehabilitation that is not name-specific and training records will be made available to the Administrator or the representative of a state agency upon request.

Access to Facilities and Records

1. Except as required by law or expressly authorized or required in this Section, City of Americus Designated Employer Representative (DER) shall not release covered employee information that is contained in records required to be maintained in §199.227.
2. A covered employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol, including any records pertaining to his or her alcohol tests. City of Americus Designated Employer Representative (DER) shall promptly provide the records requested by the employee. Access to an employee's records shall not be contingent upon payment for records other than those specifically requested.
3. City of Americus Designated Employer Representative (DER) shall permit access to all facilities utilized in complying with the requirements of this subpart to the Secretary of Transportation, any DOT agency, or a representative of a state agency with regulatory authority over the operator.
4. City of Americus Designated Employer Representative (DER) shall make available copies of all results for employer alcohol testing conducted under this subpart and any other information pertaining to the operator's alcohol misuse prevention program, when requested by the Secretary of Transportation, any DOT agency with regulatory authority over the operator, or a representative of a state agency with regulatory authority over the operator. The information shall include name-specific alcohol test results, records, and reports.
5. When requested by the National Transportation Safety Board as part of an accident investigation, City of Americus Designated Employer Representative (DER) shall disclose information related to the operator's administration of any post-accident alcohol tests administered following the accident under investigation.
6. City of Americus Designated Employer Representative (DER) shall make records available to a subsequent employer upon receipt of the written request from the covered employee. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the employee's written request.
7. City of Americus Designated Employer Representative (DER) may disclose information without employee consent as provided by DOT Procedures concerning certain legal proceedings.
8. City of Americus Designated Employer Representative (DER) shall release information regarding a covered employee's records as directed by the specific, written consent of the employee authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's consent.

Section 5. Contractor Monitoring

Contractor Employees

1. With respect to those employees who are contractors or employed by a contractor, City of Americus Designated Employer Representative (DER) may provide by contract that the drug testing, education, and training required by this part be carried out by the contractor provided:
 - 1.a. City of Americus Designated Employer Representative (DER) remains responsible for ensuring that the requirements of this part are complied with; and
 - 1.b. The contractor allows access to property and records by City of Americus Designated Employer Representative (DER), the Administrator, and if City of Americus Designated Employer Representative (DER) is subject to the jurisdiction of a state agency, a representative of the state agency for the purpose of monitoring City of Americus Designated Employer Representative (DER)'s compliance with the requirements of this part. See Appendix H, *Roles and Responsibilities of Service Agents (Subpart Q)*

The purpose of this plan is to establish a program designed to help prevent accidents and injuries resulting from the misuse of alcohol by employees who perform covered functions for operators of certain pipeline facilities subject to 49 CFR Part 192, Part 40

Only saliva or breath for screening tests and breath for confirmation tests using approved devices are permitted.

The plan contains methods and procedures for compliance with all the requirements of 199 and Part 40 including required testing, recordkeeping, reporting, education, and training elements.

City of Americus Designated Employer Representative (DER) will use the form and instructions in Appendix H of Part 40. A copy of this form can also be found in Appendix D, *Drug Alcohol Testing MIS Form*.

City of Americus Designated Employer Representative (DER) will submit the MIS report in accordance with rule requirements (e.g., dates for submission; selection of companies required to submit, and method of reporting) as established by the DOT and outlined below.

City of Americus Designated Employer Representative (DER) is responsible for meeting all applicable requirements and procedures of 49 CFR Parts 199 and Part 40.

1. City of Americus Designated Employer Representative (DER) is responsible for all actions of our officials, representatives, and agents (including service agents) in carrying out the requirements of the DOT agency regulations.
2. City of Americus Designated Employer Representative (DER) is responsible for all agreements and arrangements, written or unwritten, between and among City of Americus Designated Employer Representative (DER) and service agents concerning the implementation of DOT drug and alcohol testing requirements are deemed, as a matter of law, to require compliance with all applicable provisions of Part 40 and DOT agency drug and alcohol testing regulations. Compliance with these provisions is a material term of all such agreements and arrangements

With respect to those covered employees who are contractors or employed by a contractor, an operator may provide by contract that the alcohol testing, training and education required by this subpart be carried out by the contractor provided:

1. The operator remains responsible for ensuring that the requirements of this plan are complied with; and
2. The contractor allows access to property and records by the operator, the Administrator, any DOT agency with regulatory authority over the operator or covered employee, and, if the operator is subject to the jurisdiction of a state agency, a representative of the state agency for the purposes of monitoring the operator's compliance with the requirements of this plan.

City of Americus Designated Employer Representative (DER) shall not permit any covered employee to perform covered functions if the employee has engaged in conduct prohibited by this plan.

1. City of Americus Designated Employer Representative (DER) is deemed to have notice of the issuance of a PIE when it appears on the list mentioned in §40.401(a) or the notice of the PIE appears in the Federal Register as provided in §40.401(d). City of Americus Designated Employer Representative (DER) should check this List to ensure that any service agents you are using or planning to use are not subject to a PIE.
2. If City of Americus Designated Employer Representative (DER) is using a service agent concerning whom a PIE is issued, City of Americus Designated Employer Representative (DER) must stop using the services of the service agent no later than 90 days after the Department has published the decision in the Federal Register or posted it on its web site. An application may be made to the ODAPC Director for an extension of 30 days if it can be demonstrated that a substitute service agent cannot be found within 90 days.
3. Except during the period provided in paragraph (2) of this section, City of Americus Designated Employer Representative (DER) must not, use the services of a service agent that are covered by a PIE that the Director has issued under this subpart or this may result in a violation of the Department's regulations and subject to applicable DOT agency sanctions (e.g., civil penalties, withholding of Federal financial assistance).

Chapter 8. Introduction to Alcohol

Alcohol concentration.

City of Americus Designated Employer Representative (DER) shall prohibit a covered employee from reporting for duty or remaining on duty requiring the performance of covered functions while having an alcohol concentration of 0.04 or greater. City of Americus Designated Employer Representative (DER) having actual knowledge that a covered employee has an alcohol concentration of 0.04 or greater shall not permit the employee to perform or continue to perform covered functions.

City of Americus Designated Employer Representative (DER) shall prohibit a covered employee from using alcohol while performing covered functions. No operator having actual knowledge that a covered employee is using alcohol while performing covered functions shall permit the employee to perform or continue to perform covered

Pre-duty use.

City of Americus Designated Employer Representative (DER) shall prohibit a covered employee from using alcohol within four hours prior to performing covered functions, or, if an employee is called to duty to respond to an emergency, within the time period after the employee has been notified to report for duty. No operator having actual knowledge that a covered employee has used alcohol within four hours prior to performing covered functions or within the time period after the employee has been notified to report for duty shall permit that covered employee to perform or continue to perform covered functions.

Use following an accident.

City of Americus Designated Employer Representative (DER) shall prohibit a covered employee who has actual knowledge of an accident in which his or her performance of covered functions has not been discounted by the operator as a contributing factor to the accident from using alcohol for eight hours following the accident, unless he or she has been given a post-accident test under §199.225(a), or the operator has determined that the employee's performance could not have contributed to the accident.

Refusal to Submit to a Required Alcohol Test.

City of Americus Designated Employer Representative (DER) shall require a covered employee to submit to a post-accident alcohol test required under §199.225(a), a reasonable suspicion alcohol test required under §199.225(b), or a follow-up alcohol test required under §199.225(d). No operator shall permit an employee who refuses to submit to such a test to perform or continue to perform covered functions.

Requirement for notice

Before performing an alcohol test under this plan, City of Americus Designated Employer Representative (DER) shall notify a covered employee that the alcohol test is required by this plan. City of Americus Designated Employer Representative (DER) shall not falsely represent that a test is administered under this plan.

Preemption of State and local laws

Except as provided in paragraph (4.4) of this section, this plan preempts any State or local law, rule, regulation, or order to the extent that:

1. Compliance with both the State or local requirement and this part is not possible;

2. Compliance with the State or local requirement is an obstacle to the accomplishment and execution of any requirement in this part; or
3. The State or local requirement is a pipeline safety standard applicable to interstate pipeline facilities’.
4. This plan will not be construed to preempt provisions of State criminal law that impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees or employers or to the general public.

Other requirements imposed by operators

Except as expressly provided in this plan, nothing in this plan shall be construed to affect the authority of operators, or the rights of employees, with respect to the use or possession of alcohol, including authority and rights with respect to alcohol testing and rehabilitation.

1. City of Americus Designated Employer Representative (DER) does not conduct pre-employment alcohol testing under this plan.

General Confidentiality Rule

City of Americus Designated Employer Representative (DER) is prohibited from releasing individual test results or medical information about an employee to third parties without the employee's specific written consent.

1. A "third party" is any person or organization to whom other subparts of this regulation do not explicitly authorize or require the transmission of information in the course of the drug or alcohol testing process.
2. "Specific written consent" means a statement signed by the employee that he or she agrees to the release of a particular piece of information to a particular, explicitly identified, person or organization at a particular time. "Blanket releases," in which an employee agrees to a release of a category of information (e.g., all test results) or to release information to a category of parties (e.g., other employers who are members of a C/TPA, companies to which the employee may apply for employment), are prohibited under this part.

Release of Alcohol test information

Legal proceedings

City of Americus Designated Employer Representative (DER) may release information pertaining to an employee's drug or alcohol test without the employee's consent in certain legal proceedings.

1. These proceedings include a lawsuit (e.g., a wrongful discharge action), grievance (e.g., an arbitration concerning disciplinary action taken by the employer), or administrative proceeding (e.g., an unemployment compensation hearing) brought by, or on behalf of, an employee and resulting from a positive DOT drug or alcohol test or a refusal to test (including, but not limited to, adulterated or substituted test results).
2. These proceedings also include a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information sought is relevant to the case and issues an order directing the employer to produce the information. For example, in personal injury litigation following a truck or bus collision, the court could determine that a post-accident drug test result of an employee is relevant to determining whether the driver or the driver's employer was negligent. The employer is authorized to respond to the court's order to produce the records.
3. In such a proceeding, City of Americus Designated Employer Representative (DER) may release the information to the decision maker in the proceeding (e.g., the court in a lawsuit). City of Americus Designated

Employer Representative (DER) may release the information only with a binding stipulation that the decision maker to whom it is released will make it available only to parties to the proceeding.

4. City of Americus Designated Employer Representative (DER) will immediately notify the employee in writing of any information they release under this section.

Information provided to BATs and STTs about the DER

As an employer, City of Americus Designated Employer Representative (DER) must provide to the STTs and BATs the name and telephone number of the appropriate DER (and C/TPA, where applicable) to contact about any problems or issues that may arise during the testing process.

Release of information to additional parties

City of Americus Designated Employer Representative (DER) will release information under the following circumstances:

1. If City of Americus Designated Employer Representative (DER) receives a specific, written consent from an employee authorizing the release of information about that employee's drug or alcohol tests to an identified person, City of Americus Designated Employer Representative (DER) must provide the information to the identified person. For example, when City of Americus Designated Employer Representative (DER) receives a written request from a former employee to provide information to a subsequent employer, you must do so. In providing the information, City of Americus Designated Employer Representative (DER) must comply with the terms of the employee's consent.
2. City of Americus Designated Employer Representative (DER) must, upon request of DOT agency representatives, provide the following:
 - (a) Access to City of Americus Designated Employer Representative (DER) facilities used for part 40 and DOT agency drug and alcohol program functions.
 - (b) All written, printed, and computer-based drug and alcohol program records and reports (including copies of name-specific records or reports), files, materials, data, documents/documentation, agreements, contracts, policies, and statements that are required by this part and DOT agency regulations. City of Americus Designated Employer Representative (DER) must provide this information at its principal place of business in the time required by the DOT agency.
 - (c) All items in paragraph (2.2) of this section must be easily accessible, legible, and provided in an organized manner. If electronic records do not meet these standards, they must be converted to printed documentation that meets these standards.
3. If requested by the National Transportation Safety Board as part of an accident investigation, City of Americus Designated Employer Representative (DER) must provide information concerning post-accident tests administered after the accident.
4. If requested by a Federal, state or local safety agency with regulatory authority over City of Americus Designated Employer Representative (DER) or the employee, City of Americus Designated Employer Representative (DER) must provide drug and alcohol test records concerning the employee.

Use of Service Agents to meet DOT Alcohol Testing Requirements

City of Americus Designated Employer Representative (DER) may use a service agent to perform the tasks needed to comply with this part and DOT agency drug and alcohol testing regulations, consistent with the requirements of Subpart Q and other applicable provisions of this part.

City of Americus Designated Employer Representative (DER) is responsible for ensuring that the service agents meet the qualifications set forth in this part (e.g., §40.121 for MROs). City of Americus Designated Employer Representative (DER) may require service agents to show documentation that the requirements of this part are being met (e.g., documentation of MRO qualifications required by §40.121(e)).

City of Americus Designated Employer Representative (DER) is responsible for compliance with all applicable requirements of this part and other DOT drug and alcohol testing regulations, even when using a service agent. If City of Americus Designated Employer Representative (DER) violates this part or other DOT alcohol testing regulations because a service agent has not provided services as the rules require, a DOT agency can subject City of Americus Designated Employer Representative (DER) to sanctions. City of Americus Designated Employer Representative (DER)'s good faith use of a service agent is not a defense in an enforcement action initiated by a DOT agency in which your alleged noncompliance with this part or a DOT agency drug and alcohol regulation may have resulted from the service agent's conduct.

City of Americus Designated Employer Representative (DER) must not permit a service agent to act as the DER.

Obtaining Information from Service Agents?

City of Americus Designated Employer Representative (DER) is responsible for obtaining information required by this part from service agents. This is true whether or not City of Americus Designated Employer Representative (DER) chooses to use a C/TPA as an intermediary in transmitting information to you. For example, suppose an applicant for a safety-sensitive job takes a pre-employment drug test, but there is a significant delay in the receipt of the test result from an MRO or C/TPA. City of Americus Designated Employer Representative (DER) will not assume that "no news is good news" and permit the applicant to perform safety-sensitive duties before receiving the result. This is a violation of the Department's regulations.

Request for alcohol testing record from previous employer

City of Americus Designated Employer Representative (DER) will, after obtaining an employee's written consent, request the information listed in paragraph (2) of this section about the employee. This requirement applies only to employees seeking to begin performing safety-sensitive duties for City of Americus Designated Employer Representative (DER) for the first time (i.e., a new hire, an employee transfers into a safety-sensitive position). If the employee refuses to provide this written consent, City of Americus Designated Employer Representative (DER) will not permit the employee to perform safety-sensitive functions.

City of Americus Designated Employer Representative (DER) will request the information listed in this paragraph from DOT-regulated employers who have employed the employee during any period during the two years before the date of the employee's application or transfer:

1. Alcohol tests with a result of 0.04 or higher alcohol concentration;
2. Verified positive drug tests;

3. Refusals to be tested (including verified adulterated or substituted drug test results); other violations of DOT agency drug and alcohol testing regulations; and With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including follow-up tests). If the previous employer does not have information about the return-to-duty process (e.g., an employer who did not hire an employee who tested positive on a pre-employment test), City of Americus Designated Employer Representative (DER) will seek to obtain this information from the employee.

The information obtained from a previous employer includes any drug or alcohol test information obtained from previous employers under this section or other applicable DOT agency regulations.

If feasible, City of Americus Designated Employer Representative (DER) will obtain and review this information before the employee first performs safety-sensitive functions. If this is not feasible, City of Americus Designated Employer Representative (DER) will obtain and review the information as soon as possible. However, City of Americus Designated Employer Representative (DER) will not permit the employee to perform safety-sensitive functions after 30 days from the date on which the employee first performed safety-sensitive functions, unless City of Americus Designated Employer Representative (DER) has obtained or made and documented a good faith effort to obtain this information.

If City of Americus Designated Employer Representative (DER) obtains information that the employee has violated a DOT agency drug and alcohol regulation, City of Americus Designated Employer Representative (DER) will not use the employee to perform safety-sensitive functions unless City of Americus Designated Employer Representative (DER) also obtains information that the employee has subsequently complied with the return-to-duty requirements of Subpart O Part 40 and DOT agency drug and alcohol regulations.

The employee will provide to each of the employers from whom City of Americus Designated Employer Representative (DER) request information under paragraph (1) of this section written consent for the release of the information cited in paragraph (2) of this section.

The release of information under this section will be in any written form (e.g., fax, e-mail, and letter) that ensures confidentiality. As the previous employer, City of Americus Designated Employer Representative (DER) will maintain a written record of the information released, including the date, the party to whom it was released, and a summary of the information provided.

If City of Americus Designated Employer Representative (DER) is an employer from whom information is requested under paragraph (1) of this section, City of Americus Designated Employer Representative (DER) will, after reviewing the employee's specific, written consent, immediately release the requested information to the employer making the inquiry.

As the employer requesting the information required under this section, City of Americus Designated Employer Representative (DER) will maintain a written, confidential record of the information City of Americus Designated Employer Representative (DER) obtains or of the good faith efforts City of Americus Designated Employer Representative (DER) made to obtain the information. City of Americus Designated Employer Representative (DER) will retain this information for three years from the date of the employee's first performance of safety-sensitive duties for City of Americus Designated Employer Representative (DER).

City of Americus Designated Employer Representative (DER) will also ask the employee whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee applied for, but did not obtain, safety-sensitive transportation work covered by DOT agency drug and alcohol testing rules during the past two years. If the employee admits that he or she had a positive test or a refusal to test, City of Americus Designated Employer Representative (DER) will not use the employee to perform safety-sensitive functions for City of Americus Designated Employer Representative (DER), until and unless the employee documents successful completion of the return-to-duty process

Section 7. Alcohol Testing

Alcohol tests required

City of Americus Designated Employer Representative (DER) shall conduct the following types of alcohol tests for the presence of alcohol:

Pre-Employment Alcohol Testing

City of Americus Designated Employer Representative (DER) does not conduct pre-employment Alcohol testing.

Post-Accident Testing

As soon as practicable following an accident or incident City of Americus Designated Employer Representative (DER) shall test each surviving covered employee for alcohol if that employee's performance of a covered function either contributed to the accident or cannot be completely discounted as a contributing factor to the accident. The decision not to administer a test under this section shall be based on City of Americus Designated Employer Representative (DER)'s determination, using the best available information at the time of the determination that the covered employee's performance could not have contributed to the accident.

1. If a test required by this section is not administered within 2 hours following the accident, or incident City of Americus Designated Employer Representative (DER) shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by paragraph 1.1 is not administered within 8 hours following the accident, or incident City of Americus Designated Employer Representative (DER) shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.
2. A covered employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying City of Americus Designated Employer Representative (DER) or operator representative of his/her location if he/she leaves the scene of the accident prior to submission to such test, may be deemed by City of Americus Designated Employer Representative (DER) to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a covered 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.

Reasonable Suspicion Testing

City of Americus Designated Employer Representative (DER) shall require a covered employee to submit to an alcohol test when City of Americus Designated Employer Representative (DER) has reasonable suspicion to believe that the employee has violated the prohibitions in this plan.

Refusal to take an alcohol test, and consequences

1. City of Americus Designated Employer Representative (DER)'s determination that reasonable suspicion exists to require the covered employee to undergo an alcohol test shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. The required observations shall be made by a supervisor who is trained in detecting the symptoms of alcohol misuse. The supervisor who makes the determination that reasonable suspicion exists shall not conduct the breath alcohol test on that employee.
2. Alcohol testing is authorized by this section only if the observations required by paragraph (2.1.1) of this section are made during, just preceding, or just after the period of the workday that the employee is required to comply with this plan. A covered employee may be directed by City of Americus Designated Employer

Representative (DER) to undergo reasonable suspicion testing for alcohol only while the employee is performing covered functions; just before the employee is to perform covered functions; or just after the employee has ceased performing covered functions.

3. If a test required by this section is not administered within 2 hours following the determination under paragraph (1.4.1) of this section, City of Americus Designated Employer Representative (DER) shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this section is not administered within 8 hours following the determination under paragraph (1.4.1) of this section, City of Americus Designated Employer Representative (DER) shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test. Records shall be submitted to PHMSA upon request of the Administrator.
4. Notwithstanding the absence of a reasonable suspicion alcohol test under this section, an operator shall not permit a covered employee to report for duty or remain on duty requiring the performance of covered functions while the employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech, or performance indicators of alcohol misuse, nor shall an operator permit the covered employee to perform or continue to perform covered functions, until:
 - 4a. An alcohol test is administered and the employee's alcohol concentration measures less than 0.02; or
 - 4b. The start of the employee's next regularly scheduled duty period, but not less than 8 hours following the determination under paragraph (1.4.1) of this section that there is reasonable suspicion to believe that the employee has violated the prohibitions in this plan.
5. City of Americus Designated Employer Representative (DER) shall not take any action under this plan against a covered employee based solely on the employee's behavior and appearance in the absence of an alcohol test. This does not prohibit an operator with the authority independent of this plan from taking any action otherwise consistent with law.

City of Americus Designated Employer Representative (DER) shall ensure that persons designated to determine whether reasonable suspicion exists to require a covered employee to undergo alcohol testing under §199.225(b) receive at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse

City of Americus Designated Employer Representative (DER) shall ensure that before a covered employee returns to duty requiring the performance of a covered function after engaging in conduct prohibited by this plan, the employee shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02.

Following a determination under §199.243(b) that a covered employee is in need of assistance in resolving problems associated with alcohol misuse, City of Americus Designated Employer Representative (DER) shall ensure that the employee is subject to unannounced follow-up alcohol testing as directed by a substance abuse professional in accordance with the provisions of §199.243(c)(2)(ii).

1. Follow-up testing shall be conducted when the covered employee is performing covered functions; just before the employee is to perform covered functions; or just after the employee has ceased performing such functions.
2. Retesting of covered employees with an alcohol concentration of 0.02 or greater but less than 0.04. City of Americus Designated Employer Representative (DER) shall retest a covered employee to ensure compliance with the provisions of §199.237, if an operator chooses to permit the employee to perform a covered function within 8 hours following the administration of an alcohol test indicating an alcohol concentration of 0.02 or greater but less than 0.04.

An employee, is considered to have refused to take an alcohol test if the employee:

1. Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a C/TPA (see §40.241(a));
 2. Fails to remain at the testing site until the testing process is complete; Provided, that an employee who leaves the testing site before the testing process commences (see §40.243(a)) for a pre-employment test is not deemed to have refused to test;
 3. Fails to provide an adequate amount of saliva or breath for any alcohol test required by this part or DOT agency regulations; Provided, That an employee who does not provide an adequate amount of breath or saliva because he or she has left the testing site before the testing process commences (see §40.243(a)) for a pre-employment test is not deemed to have refused to test;
 4. Fails to provide a sufficient breath specimen, and the physician has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure (see §40.265(c));
 5. Fails to undergo a medical examination or evaluation, as directed by the employer as part of the insufficient breath procedures outlined at §40.265(c);
 6. Fails to sign the certification at Step 2 of the ATF (see §§40.241(g) and 40.251(d)); or
 7. Fails to cooperate with any part of the testing process.
- (a) If an employee refuses to take an alcohol test, the employee will incur the same consequences specified under DOT agency regulations for a violation of those DOT agency regulations.
- (b) As a BAT or an STT, or as the physician evaluating a "shy lung" situation, when an employee refuses the test as provided in paragraph (a) of this section, the evaluator must terminate the portion of the testing process involved, document the refusal on the ATF (or in a separate document which will be attached to the form) and immediately notify the DER by any means (e.g., telephone or secure fax machine) that ensures the refusal notification is immediately received. The evaluator must make this notification directly to the DER (not using a C/TPA as an intermediary).
- (c) When an employee, refuses to take a non-DOT test or to sign a non-DOT form, that employee has not refused to take a DOT test. There are no consequences under DOT agency regulations for such a refusal.

[65 FR 79526, Dec. 19, 2000, as amended at 66 FR 41954, Aug. 9, 2001]

If an employee does not provide a sufficient amount of breath to permit a valid breath test, City of Americus Designated Employer Representative (DER) will take the steps listed in this section.

1. The BAT or STT must instruct the employee to attempt again to provide a sufficient amount of breath and about the proper way to do so.
 - (a) If the employee refuses to make the attempt, the BAT or STT must discontinue the test, note the fact on the "Remarks" line of the ATF, and immediately notify the DER. This is a refusal to test.
 - (b) If the employee again attempts and fails to provide a sufficient amount of breath, the BAT or STT may provide another opportunity to the employee to do so if it is believed that there is a strong likelihood that it could result in providing a sufficient amount of breath.

Insufficient Amount of Breath for an Alcohol Test

1. When the employee's attempts under paragraph (b)(2) of this section have failed to produce a sufficient amount of breath, the BAT or STT must note the fact on the "Remarks" line of the ATF and immediately notify the DER.
2. If an EBT that has the capability of operating manually is used, an attempt to conduct the test in manual mode may be made.
3. If the BAT or STT is qualified to use a saliva ASD and testing is in the screening test stage, the BAT or STT may change to a saliva ASD only to complete the screening test.
4. When the BAT or STT informs City of Americus Designated Employer Representative (DER) that the employee has not provided a sufficient amount of breath, City of Americus Designated Employer Representative (DER) must direct the employee to obtain, within five days, an evaluation from a licensed physician who is acceptable to and who has expertise in the medical issues raised by the employee's failure to provide a sufficient specimen.
 - (a) City of Americus Designated Employer Representative (DER) is required to provide the physician who will conduct the evaluation with the following information and instructions:
 1. That the employee was required to take a DOT breath alcohol test, but was unable to provide a sufficient amount of breath to complete the test;
 2. The consequences of the appropriate DOT agency regulation for refusing to take the required alcohol test;
 3. That the physician must provide you with a signed statement of his or her conclusions; and
 4. That the physician, in his or her reasonable medical judgment, must base those conclusions on one of the following determinations:
 5. A medical condition has, or with a high degree of probability could have, precluded the employee from providing a sufficient amount of breath. The physician must not include in the signed statement detailed information on the employee's medical condition. In this case, the test is cancelled.
 6. There is not an adequate basis for determining that a medical condition has, or with a high degree of probability could have, precluded the employee from providing a sufficient amount of breath. This constitutes a refusal to test.
 7. For purposes of paragraphs (c)(1)(iv)(A) and (B) of this section, a medical condition includes an ascertainable physiological condition (e.g., a respiratory system dysfunction) or a medically documented pre-existing psychological disorder, but does not include unsupported assertions of "situational anxiety" or hyperventilation.
 8. The physician making the evaluation, after making the determination, must provide a written statement of the conclusions and the basis for them to the DER directly (and not through a C/TPA acting as an intermediary). Detailed information on the employee's medical condition beyond what is necessary to explain the conclusions must not be included in this statement.
 9. Upon receipt of the report from the examining physician, the DER must immediately inform the employee and take appropriate action based upon DOT agency regulations.

Cancellation of an Alcohol Test

City of Americus Designated Employer Representative (DER) will cancel an alcohol test if any of the following problems occur, unless they are corrected. These are "correctable flaws." These problems are:

1. The BAT or STT does not sign the ATF (see §40.247(a)(1) and §40.255(a)(1)).
2. The BAT or STT fails to note on the "Remarks" line of the ATF that the employee has not signed the ATF after the result is obtained (see §40.255(a)(3)).
3. The BAT or STT uses a non-DOT form for the test (see §40.225(a)).

A cancelled alcohol test is neither positive nor negative.

1. The employer, must not attach to a cancelled test the consequences of a test result that is 0.02 or greater (e.g., removal from a safety-sensitive position).
2. The employer, must not use a cancelled test in a situation where an employee needs a test result that is below 0.02 (e.g., in the case of a return-to-duty or follow-up test to authorize the employee to perform safety-sensitive functions).
3. The employer, must not direct a recollection for an employee because a test has been cancelled, except in the situations cited in paragraph (a)(2) of this section or other provisions of this part.

A cancelled test does not count toward compliance with DOT requirements, such as a minimum random testing rate.

When a test must be cancelled, the BAT, STT, or other person who determines that the cancellation is necessary, must inform the affected DER within 48 hours of the cancellation.

A cancelled DOT test does not provide a valid basis for an employer to conduct a non-DOT test (i.e., a test under company authority).

City of Americus Designated Employer Representative (DER), when aware, will document any errors in the testing process, even if they are not "fatal flaws" or "correctable flaws" listed in this subpart. Decisions about the ultimate impact of these errors will be determined by administrative or legal proceedings, subject to the limitation of paragraph (b) of this section.

(b) No person concerned with the testing process may declare a test cancelled based on a mistake in the process that does not have a significant adverse effect on the right of the employee to a fair and accurate test. For example, it is inconsistent with this part to cancel a test based on a minor administrative mistake (e.g., the omission of the employee's middle initial) or an error that does not affect employee protections under this part. Nor does the failure of an employee to sign in Step 4 of the ATF result in the cancellation of the test. Nor is a test to be cancelled on the basis of a claim by an employee that he or she was improperly selected for testing.

(c) As an employer, these errors, even though not sufficient to cancel an alcohol test result, may subject City of Americus Designated Employer Representative (DER) to enforcement action under DOT agency regulations.

CHAPTER 27. EMPLOYEE RECOGNITION PROGRAM

Section 1. Service Award

Purpose: The Service Award is a recognition program that provides recognition to those employees who provide years of continuous, faithful service to the City and its citizens. Awards are presented at five year intervals.

Who is Eligible: To receive a service award an employee must:

- (a) be a full time employee and
- (b) have been employed by the City for at least five (5) years

Selection Process: Each December the Human Resources Department will determine who is qualified to receive this award based on their anniversary milestone the employee reached during the year. The Human Resources Department will then order the designated gift so they are available to be presented. Type of Recognition: Service gifts will be presented in five year intervals.

Years of Service Type of Gift

5 years Gift Card

10 years Gift Card

15 years Gift Card

20 years Gift Card

25 years Gift Card

30 years Gift Card

35 years Gift Card

40 years Gift Card

Retirement (over 30years) \$500.00 (revised May 1, 2009)

Section 2. Perfect Attendance Award

Purpose: The Perfect Attendance Award recognizes those employees who have made a commitment to the City through their efforts to be at work each work day and faithfully conducting the duties of their jobs.

Who is Eligible: To be eligible to receive a Perfect Attendance Award an employee must:

- (a) be a full time employee of the City;
- (b) have been an employee of the City for one (1) year or longer; and
- (c) have used no more than the limit established for doctor's appointments. This limit shall be no more than four visits to the doctor for personal purposes during the calendar year. These visits shall be of no more than four (4) hours each.

Selection Process: The time period for this award shall be the calendar year. Each January the Human Resources Department will review the employee's attendance record to see who meets the requirements for Perfect Attendance Award and then notify the Department Head. The Award shall be presented.

Type of Recognition: Those employees achieving perfect attendance shall receive the following:

Years of Attendance Type of Recognition

1 to 4 Years Certificate of Recognition
5 Years Plaque with date seal
6 to 9 Years Date seal for plaque
10 Years Date seal for plaque
15 Years Date seal for plaque
20 Years Date seal for plaque

Section 3. Safe Driver Award

Purpose: The Safe Driver program recognizes those employees who spend a majority of their work hours safely operating a motor vehicle.

Who is Eligible: To be eligible to receive this award an employee must:

- (a) Spend at least fifty percent (50%) of their work hours operating a vehicle, or have as their primary responsibility the operation of a vehicle. Department heads have designated the following positions eligible for this award:

Department Positions Eligible

City Manager	Code Enforcement Officer
Finance	Meter Reader, Meter Reader, Senior
Transportation	Van Drivers
Police	All Sworn Officers that meet the criteria, Animal Control Officer

Fire	All Engineers/Drivers, Battalion Chiefs, Captains, and Firefighters that meet the criteria
Public Works	Crew Worker, Crew Leader, Equipment Operator, Equipment Operator Senior, Heavy Equipment Operator, Street and Water and Sewer Maintenance Superintendents, Correctional Officers, Engineering Technician.
Natural Gas Services	as Utility Superintendent, Gas Utility Equipment Operator, Gas Utility Service Technician, and Gas Utility Worker
Building Risk Management	Fire Marshal, Building Official, Chief Building Inspector, Code Enforcement Officer

- (a) Operate the vehicle without being charged with an at fault accident; and
- (b) Not be charged with a traffic violation while operating a City vehicle.

Selection Process: The time period for this award shall be the calendar year. Each January, the Human Resources Department shall ask the Department Heads to provide them with a list of employees eligible to receive the award. Human Resources shall verify the employee's eligibility and notify the Department Head. Recognition shall be made at the Annual Employee Recognition reception.

Type of Recognition: Those employees achieving safe driver status shall receive the following:

Years of Driving Recognition Type

1 -2 Years Recognition Certificate, Safe Driver Key Chain
3-10 Years Gift Card
11-19 Years Gift Card
Over 20 Years Gift Card

Section 4. Safety Achievement Awards

Purpose: The Safety Achievement Awards recognize those employees who work safely during the year. These are employees who do not have an avoidable accident or an at fault accident while at work.

Who is Eligible, Selection Process and Award: This is determined annually by the Employee Safety Committee and may vary from year to year. The Employee Safety Committee shall communicate the criteria to the employees.

Section 5. Availability of Program

As with all budgeted programs, all awards are contingent upon annual approval of funding by the Mayor and Council.

CHAPTER 28. POLITICAL ACTIVITIES OF CITY EMPLOYEES

The following shall apply with respect to political activities by those employees of the City covered by the City Personnel Ordinance, whether such employees are full-time in the City's regular service, or temporary, or part-time employees:

- 1 No employee shall engage in political activities or take an active part in favoring or opposing any candidate for nomination or election to elective office while the employee is on duty.
- 2 No employee shall use City property to assist or aid a political candidate (partisan or non-partisan), political party, or political cause.
- 3 No employee shall, in his/her official capacity as an employee of the City, solicit or take part in soliciting funds for any political party; nor shall any employee use their official authority or influence to obtain assessments, contributions, or services for any political party.
- 4 No employee shall distribute campaign literature, badges, or buttons in connection with an election during business hours while the employee is on duty. Nothing herein shall prohibit an employee from wearing political badges or buttons outside the workplace and while such employee is not on duty; nothing herein shall prohibit an employee from displaying political material in a yard or window of their residence; nor shall anything herein prohibit an employee from displaying political stickers on bumpers on privately owned vehicles.
- 5 Nothing herein shall prohibit an employee from attending a primary meeting, convention, caucus, or political party meeting, as long as such attendance does not interfere with employee's duties and is not undertaken while the employee is on duty.
- 6 Employees seeking an elected position must notify the Human Resources Director before engaging in any campaign activity, and if the City determines that running for the elected office would create a conflict of interest with the employee's performance of his or her job duties, the employee may be required to take a leave of absence for the duration of the campaign or once elected to office. The City Manager shall address each situation on a case-by-case basis.
- 7 Nothing contained herein shall affect the right of an employee of the City to contribute to a political party, hold membership in a political party, serve as an officer of a political party, support a political party, vote as he/ she chooses, support or campaign for local, State, or national political candidates, express privately his/ her opinions on all political subjects and candidates during off-duty hours, maintain political neutrality, or attend political meetings, except as otherwise provided herein.

8. The provisions of this section shall not apply to elected City officials, such as the Mayor and members of the City Council, nor shall it apply to independent contractors of the City or professional persons employed by the City, such as engineers, accountants, and attorneys, where the same are not employed as full-time employees of the City.
9. Any City employee whose principle employment is in, connection with an activity financed in whole or in part by federal loans or grants shall be subject to the provisions of the federal "Hatch Act" and shall be prohibited from undertaking the following:
 - a. Use of official authority or influence for the purposes of interfering with an election or nomination for office, or affecting the results thereof.
 - b. Directly or indirectly coercing, attempting to coerce, commanding, or advising any other City officer or employee to pay, lend, or contribute any part of such person's salary or pay, lend, or contribute any part of such person's salary or compensation or to kick back any sum of money or anything else of value to any party, committee, organization, agency, or person for political purposes.
 - c. Active participation in political management or in political campaigns.
 - d. Be a candidate for elective office if the employee's salary is paid completely, directly or indirectly, by federal loans or grants, except as authorized by federal or state law.
10. The violation of any provisions of this Chapter shall subject the employee to disciplinary action under the provisions of this Personnel Ordinance.
11. If any portion of this Ordinance is declared unconstitutional, then any such portions which are not declared unconstitutional shall remain in full force and effect.
12. The rules with respect to political activities by those employees of the City covered by the City Personnel Ordinance, as hereinbefore set out, shall become effective upon the date of the approval of this Ordinance and shall apply to such employees whether such employees were hired as employees of the City before or after such effective date.

CHAPTER 29. USE OF INTERNET

Use of Internet

1. PURPOSE

This policy provides the guidelines for the use of Internet services for CITY OF AMERICUS. This policy outlines the rules and procedures regarding appropriate and safe use of company equipment, network, and Internet access. This policy is in place to protect the business, the employee and our consumers.

2. SCOPE

This policy applies to all staff, contractors, interns, clients, business associates or vendor partners permitted to use the CITY OF AMERICUS network or CITY OF AMERICUS services to access the Internet.

3. POLICY

Overview of Internet Usage

- (a) CITY OF AMERICUS provides access to the vast information resources of the Internet as a business tool to assist our users in performing their jobs faster and smarter. The facilities to provide that access represent a considerable commitment of CITY OF AMERICUS resources for telecommunications, networking, software, storage, etc.
- (b) CITY OF AMERICUS provides access to the Internet to further the mission, goals, and objectives of the organization. The intended purpose is to provide employees with a valuable tool to make their work more efficient and effective, and CITY OF AMERICUS intends for this tool to be used wisely.
- (c) CITY OF AMERICUS Internet users are required to use their Internet access privileges in a responsible, efficient, ethical, professional, and legal manner. Exchanges that occur in the course of conducting CITY OF AMERICUS business on the Internet will be considered a communication of the organization and will be held to the same standards as formal letters.
- (d) Users with Internet access should not use the connection to stream video or music, play online games or any other type of non-business related function that uses large amounts of bandwidth.

Retrieving and Transmitting Information via the Internet

- (a) Internet users are responsible and accountable for all material received under their account or User ID, including email, data, documents, and software. If a user receives unsolicited and/or inappropriate material via the Internet, it is the user's responsibility to report this event to his/her supervisor or the MIS Help Desk, and to arrange for the inappropriate material to be deleted.
- (b) Internet users are responsible and accountable for the protection of all copyrighted materials received through the Internet to include dissemination, re-publication, or distribution of such materials, and are required to abide by copyright and contract laws.
- (c) Internet users must only retrieve material intended to be beneficial to CITY OF AMERICUS or necessary to perform employees' job functions.
- (d) Internet users are prohibited from using CITY OF AMERICUS resources, including the Internet access, for financial gain, running a business, or for any commercial or illegal activity.

- (e) Internet users must keep their Internet activity in full compliance with all applicable laws, ordinances, regulations, and policies (federal, state, and local, as well as those of CITY OF AMERICUS and the user's individual department).
- (f) Internet users must use discretion when downloading or uploading large files, and are required to understand that this activity could severely hinder Internet access for other employees by using excessive line capacity. Questions about specific situations should be referred to the MIS Help Desk.
- (g) Internet users are prohibited from intentionally transmitting computer worms or viruses or other debilitating programs.
- (h) Internet users must take due care to ensure that personal health information (PHI) is not transmitted over the Internet unless properly protected/encrypted.
- (i) Internet users are prohibited from using the organization's network to make any unauthorized entry to any other machine accessible via the CITY OF AMERICUS' network (LAN/WAN).

Publishing and Posting via the Internet

- (a) All information disseminated to the public through the Internet must be authored in accordance with CITY OF AMERICUS guidelines pertaining to the release of information. Such information must always be directly related to the official duties and responsibilities of the employee. Posts must reflect well on the organization and must not violate anyone's trust, HIPAA disclosure guidelines, copyright laws or CITY OF AMERICUS' policies. Questions about specific situations should be referred to the employee's supervisor.
- (b) Internet users must keep their language within proper decorum. Profanity, obscenities, hate mail, harassment, threats, discriminatory remarks, sexual or pornographic content, and other inappropriate language are prohibited.
- (c) All CITY OF AMERICUS Internet users are expected to be responsible cyber-citizens. That responsibility includes conforming to Internet rules, etiquette (netiquette), and courtesies, and representing the organization in a positive and professional manner.
- (d) Internet posts, messages or disclosures should never provide names or photographs of consumers except where specifically allowed by CITY OF AMERICUS' policy.

Internet Security

- (a) It is the duty of every CITY OF AMERICUS computer users to protect their passwords. Users must always take care not to accidentally share or purposefully divulge their passwords to others. Due to the extra risk presented by the Internet, all CITY OF AMERICUS Internet users will be held to the highest of standards in regards to safeguarding their passwords. Carelessness with passwords may result in loss of Internet privileges.
- (b) Internet users must respect the rights and privileges of other users by not modifying files, data, passwords, or other information belonging to other users.
- (c) Internet users must not attempt to violate the integrity or security of the organization's computer network nor those computing systems they access through the Internet. This also includes actions prohibited by State and Federal laws that criminalize such activities.
- (d) Internet users are required to virus scan all files which are downloaded from the Internet. Downloading files should be avoided entirely whenever such restraint does not interfere with job functions. When downloading files critical to job users are invited to request assistance from the IT Department Help Desk in performing virus scans. The CITY OF AMERICUS IT Department installs and configures virus scanning tools on each personal computer. It is a violation of policy to disable any of the provided virus protection tools. Additionally, if the user notes a problem or issue with the scanning tools, he/she should immediately notify the IT Department Help Desk for assistance. It is however, the responsibility to ensure that all necessary virus scans have been successfully completed on all downloaded files remains with the Internet users.
- (e) Modems will only be authorized for PCs where it is required to conduct normal business. The use of modems must be first approved by your supervisor and the CITY OF AMERICUS IT Department.

- (f) Internet users who become aware of security breaches or security problems are required to notify your supervisor and the CITY OF AMERICUS IT Department immediately. Failure to do so may self-incriminate and result in disciplinary and/or legal consequences.

Internet Privacy

- (a) Internet users must understand that information placed onto the Internet can potentially be intercepted or monitored by individuals worldwide. Care must be taken to avoid transmitting information that would be embarrassing to the organization, or would possibly have negative consequences for the organization, department, or the individual. Personal and confidential information in particular must not be posted on the Internet, and transmission of such information via the Internet is discouraged unless sufficient security methods are used to protect confidential information.
- (b) Internet users must understand that information can similarly be collected on all Internet sites that they visit.
- (c) Internet users must understand that their Internet activity is traceable to CITY OF AMERICUS. Users using CITY OF AMERICUS-provided Internet accounts must not assume that they are provided any degree of anonymity.
- (d) Internet users must understand that there is no possible guarantee of privacy on the Internet, and that every Internet transaction, or all Internet activity, or Internet site in which they participate can be monitored and retrieved.

Administration of Internet Access

- (a) CITY OF AMERICUS Internet users must understand that CITY OF AMERICUS's security systems are capable of recording each Internet web site visit, each chat, newsgroup or e-mail message, and each file transfer into and out of our internal networks, and CITY OF AMERICUS reserves the right to do so at any time without notice.
- (b) No CITY OF AMERICUS Internet user should have any expectation of privacy as to his or her Internet usage. Our security software will record Internet activity and analyze usage patterns, and the results will be made available to departmental Directors or Supervisors in order to assure that the CITY OF AMERICUS Internet resources are devoted to maintaining the highest level of professionalism and productivity.
- (c) CITY OF AMERICUS reserves the right to inspect any and all files stored in private areas of the organization's network in order to assure compliance with these policies. Additionally, CITY OF AMERICUS servers may be configured to prohibit the storage of specific file types (such as music or video).
- (d) CITY OF AMERICUS Internet users must understand and agree that the organization's computing resources must not be used knowingly to violate the laws and regulations of any federal, state, city, province or other local jurisdiction in any material way. Use of any company resources for illegal activity is grounds for immediate dismissal, and CITY OF AMERICUS will cooperate with any legitimate law enforcement activity.
- (e) CITY OF AMERICUS Internet users must understand and agree that any software or files downloaded via the Internet into the organization's network becomes the property of CITY OF AMERICUS. Any such files or software may be used only in ways that are consistent with their licenses or copyrights.
- (f) CITY OF AMERICUS retains the copyright to any material posted on the Internet by any CITY OF AMERICUS Internet user in the course of his or her duties.
- (g) CITY OF AMERICUS Internet users shall be responsible for any personal charges arising from their use of the organization's Internet accounts. Additionally, Internet users are prohibited from violating the CITY OF AMERICUS purchasing policies.
- (h) CITY OF AMERICUS may use Internet filtering software to minimize the risk of use of improper websites. This may inadvertently result in limiting the access to some business related websites. In the event you encounter the blocking of website content that is needed for business related purposes, please contact the CITY OF AMERICUS IT Help Desk.
- (i) CITY OF AMERICUS Internet users must understand that CITY OF AMERICUS -provided Internet access is a privilege. Unauthorized or inappropriate use will result in the loss of this privilege. In most cases, such violations can be avoided by exercising common sense.
- (j) Any violation of the aforementioned policies will result in disciplinary action. This action includes, but is not limited to, probation, suspension, termination of employment, and/or civil or criminal prosecution.

Violation of this policy will result in the loss of Internet access privileges and, depending on the severity of the violation, reporting the incident to the Human Resources department and/or law enforcement. Additionally, you may be required to complete a security awareness training program before your access rights will be re-established.

4. PROHIBITED ACTIVITIES

The following list is intended to aid in interpreting the regulations set out above; the list should not be construed as comprehensive. Examples of prohibited actions include:

- (a) Surfing pornographic Internet sites.
- (b) Playing Internet computer games.
- (c) Generally “wasting work time” surfing the Internet.
- (d) Using CITY OF AMERICUS Internet access for financial gain, running a business, or any commercial activity.
- (e) Using CITY OF AMERICUS’s Internet access for participating in illegal activity.
- (f) Using Internet bulletin boards, chat rooms, or blogs to publicly criticize (or “flame”) other people.
- (g) Using CITY OF AMERICUS’s Internet access to disseminate any offensive, libelous, or harassing statements, including negative comments based on race, national origin, gender, sexual orientation, age, disability, religion, or political beliefs.
- (h) Reading, altering, or sharing confidential information via the Internet without proper authorization.
- (i) Sending chain letters via electronic mail (e-mail).
- (j) Sending large and/or useless files to random users.
- (k) Generally annoying people with unsolicited messages.
- (l) Providing copyrighted or licensed software to others while maintaining copies for one's own use, unless there is a specific provision in the license that allows this. This activity is forbidden even if the software is provided without cost for an educational purpose.
- (m) Using software or documentation known to have been obtained in violation of the Copyright Law or a valid license provision. Use of a copyrighted program obtained from another party, for which no license exists that allows such a transfer, will be presumed to know and the burden of demonstrating that the use was innocent will rest with the user.
- (n) Using a copyrighted program on more than one machine at the same time, unless this is permitted by a specific license provision.
- (o) Copying any copyrighted printed documentation.
- (p) Providing any unauthorized user with access to a login ID. This includes all methods of providing access to the organization’s LAN/WAN without the express written permission of your supervisor and the IT Department.
- (q) Using a computer account that you are not authorized to use. Obtaining a password for a computer account without the consent of the account owner.
- (r) Intentionally creating, modifying, reading or copying files (including mail) to or from any areas to which the user has not been granted access. This includes accessing, copying, or modifying the files of others without their explicit permission.
- (s) Disguising one's identity in any way, including the sending of falsified messages, removal of data from system files, and the masking of process names. This prohibition includes sending electronic mail fraudulently.
- (t) The establishment of any function which provides unauthorized remote access (including pcAnywhere, gotoMy PC,). This includes all methods of providing remote access, via the Internet connection or otherwise, without the proper written authorization of your supervisor and the IS Department.

5. PROCEDURE

Unless otherwise requested by the manager, each request for a staff member to have network access (User ID and e-mail address) will also include Internet access privileges.

6. VIOLATION REPORTING

Any observed violation of this policy should be immediately reported to the supervisor. You may also contact the IT Department if you need assistance in complying with the policy information provided or have questions or concerns. The IT Department can be reached by:

E-mail at: itsupport@AmericusGA.gov

Telephone at (229)928-2009

7. DEFINITIONS

HIPAA – The Health Insurance Portability and Accountability Act of 1996 (HIPAA) which required the Secretary of the U.S. Department of Health and Human Services (HHS) to develop regulations protecting the privacy (Privacy Rule) and security (Security Rule) of certain health information.

Personal Health Information (PHI) – Individually identifiable health information that is:

- (a) Transmitted by electronic media;
- (b) Maintained in electronic media; or
- (c) Transmitted or maintained in any other form or medium.

CHAPTER 30. Use of Electronic Email (E-mail)

Use of Electronic Email (E-mail)

1. PURPOSE

This policy provides the guidelines for the use of e-mail (electronic mail) services for CITY OF AMERICUS

2. SCOPE

This e-mail usage policy applies to all employees, interns, contractors, business associates, part-time employees, volunteers, and other individuals who are provided access to the organization's e-mail system.

3. POLICY

Electronic mail or e-mail has been found to be an effective form of business communication. The e-mail system is provided to the personnel of CITY OF AMERICUS for business purposes only. All data, files, attachments and messages are the property of CITY OF AMERICUS. In order to protect information CITY OF AMERICUS staff members are prohibited from establishing or using personal e-mail accounts with outside providers to conduct CITY OF AMERICUS business functions.

Also, be aware that the e-mail system is monitored for content by personnel and systems authorized by the Chief Executive Office. Communications via e-mail are not private and can be accessed and disclosed as deemed necessary by management or as required by law. Unless authorized by the Chief Executive Officer, employees may not intentionally intercept, eavesdrop, record, read, alter, or receive another person's e-mail messages.

Employees should also be aware that messages deleted from the system may still be available to others, either through a system back-up or from all recipients of the message. Incidental disclosure of e-mail content may occur as CITY OF AMERICUS IT staff reviews the content of an individual employee's communications during the course of problem resolution, system operational review, and policy compliance audits, or SPAM and virus filtering tuning.

Employees who are terminated or laid off have no rights to the content of their e-mail messages and will not be allowed access to the CITY OF AMERICUS e-mail system. Furthermore, terminated staff should make no attempt to access the CITY OF AMERICUS e-mail system after their last day of employment. Management may access an employee's e-mail if employees are on leave of absence, vacation, transferred, or are terminated.

Always remember to protect or limit access to HIPAA protected information. Some reminders are:

- (a) Extreme care should be taken when sending an e-mail containing PHI to ensure that the recipient e-mail address corresponds to the intended recipient.

- (b) Except where PHI relates specifically to treatment, any PHI transmitted by e-mail should be limited to the minimum necessary to meet the recipient's needs.
- (c) E-mail messages containing PHI or confidential information (such as social security numbers) must not be sent to or forwarded to non-CITY OF AMERICUS e-mail addresses - except for providers or payors directly associated with the treatment or service of the individual consumer. (Additional exceptions are noted within the organization's Disclosure of PHI policy.) PHI transmitted to outside providers must be encrypted to prevent illegal or improper disclosure. (The IT Department can assist you with e-mail encryption.)
- (d) Any e-mail containing PHI that is misdirected must be documented and reported to the IT Department.

For additional information regarding HIPAA guidelines or PHI, review Section 4.04 of the CITY OF AMERICUS Policies and Procedures manual.

Additionally, the CITY OF AMERICUS e-mail system will include a system-wide disclaimer and confidentiality notice for transmitted messages. The statement is:

Disclaimer: This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to which they are addressed. If you have received this email in error please notify the sender. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the agency. The recipient should check this email and any attachments for the presence of viruses. City of Americus accepts no liability for any damage caused by any viruses transmitted by this email.

CONFIDENTIALITY NOTICE: Personal Healthcare Information (PHI) is protected by law. If PHI is included in this email, it is being communicated with the understanding that you, the recipient, are obligated to maintain it in a secure, confidential manner.

Any violation of this policy may result in disciplinary action. This action can be, but not limited to, probation, suspension, termination of employment, and/or civil or criminal prosecution. Additional staff may be required to complete a security awareness training class prior to the re-establishment of network access rights.

4. PROHIBITED ACTIONS

It is a violation of CITY OF AMERICUS' policy to submit any message, or attachment that might be considered:

- (a) discriminatory (based on gender, race, religion, sexual orientation, etc.)
- (b) offensive
- (c) defamatory
- (d) sexual
- (e) pornographic
- (f) political
- (g) harassing
- (h) a non-approved solicitation of funds
- (i) illegal, and/or prohibited by Center Name procedures or policies.

5. GENERAL GUIDELINES

Please keep the following guidelines in mind when sending or receiving e-mail:

- (a) Include a Subject line that applies to the context of the e-mail discussion.
- (b) Always check your spelling before sending an e-mail message.
- (c) Do not use all capitalization – it is considered rude and implies shouting.
- (d) Do not use all lower case – it implies laziness.
- (e) Do not use a CITY OF AMERICUS assigned e-mail address for non-CITY OF AMERICUS approved contact.

- (f) Do not use any e-mail footer or tag line that has not been approved by CITY OF AMERICUS management.
- (g) Limit the use of abbreviations in business related e-mail messages.
- (h) Limit the use of backgrounds, wallpapers, font styles and font colors in e-mail messages as they often impact the ability to read through web-based or mobile e-mail clients. Studies indicate the Arial, Tahoma, Trebuchet MS, and Verdana are the most easily read font styles.
- (i) Ensure that the recipient's e-mail address is correct before sending the message.
- (j) Limit recipients to only those with a recognized role or need to know.
- (k) When replying to or forwarding a message – do not change the content of the original message without noting changes or additions.
- (l) Always protect PHI and send only the amount of information required.
- (m) Deletion of e-mail messages from your account does not necessarily mean that the message has been deleted from CITY OF AMERICUS's computer systems.
- (n) In the event of contact by consumers or other external care partners, it is your duty to alert them to the fact that Internet e-mail is not secure, private or guaranteed and the risks of exposure of PHI.
- (o) Report any questionable or illegal e-mail to the IT Help Desk.
- (p) Do not participate in, encourage, or forward any e-mail chain letters or advertising.

6. PROCEDURE

To request an e-mail account:

- (a) A supervisor must submit a request
- (b) After review and approval, a member of the IT staff, will create the accounts for the staff member.
- (c) The requesting supervisor will be notified upon completion of the account.

7. VIOLATION REPORTING

Any observed or suspected misuse of CITY OF AMERICUS assigned equipment/services should be immediately reported to the IT Department. The IT Department can be reached by:

E-mail at itsupport@americusga.gov

Telephone at (229)928-2009

8. DEFINITIONS

HIPAA – The Health Insurance Portability and Accountability Act of 1996 (HIPAA) which required the Secretary of the U.S. Department of Health and Human Services (HHS) to develop regulations protecting the privacy (Privacy Rule) and security (Security Rule) of certain health information.

Personal Health Information (PHI) – Individually identifiable health information that is:

- (a) Transmitted by electronic media;
- (b) Maintained in electronic media; or
- (c) Transmitted or maintained in any other form or medium.

SPAM – The name given to junk or malicious e-mail. It also can be any unsolicited e-mail, usually involving nearly identical messages, sent to numerous recipients by e-mail.

CHAPTER 31. Information Security Policy

A. Information Security

1. PURPOSE

CITY OF AMERICUS has taken several steps to safeguard the integrity of its data, prevent unauthorized access, protect personal health information, and reduce downtime by minimizing potential data loss. Security measures and processes have been built into the design, implementation and day-to-day practices of the CITY OF AMERICUS operating environment.

2. SCOPE

This plan covers all staff, contractors, interns and volunteers on any device connected to the CITY OF AMERICUS network resources.

3. POLICY

It is the duty of all CITY OF AMERICUS staff to:

- (a) Take adequate care to protect the assets of the organization
- (b) Provide a safe environment for staff and consumers
- (c) Protect the confidentiality of consumer/patient information
- (d) Adhere to all applicable security/confidentiality policies and procedures
- (e) Advise IT staff of possible computer virus infections or suspected breaches

4. PLAN

- (a) Security reminders will be sent for all login creations and resets by the IT Department.
- (b) Additional security reminders will be submitted to all users of the CITY OF AMERICUS network on a bimonthly (every other month) basis.
- (c) Members of the IT Department will participate in the various meetings and provide security reminders and training.
- (d) The IT Department will conduct security training as a part of the New Employee Orientation (NEO) program. The IT Department will also provide on-demand security training for staff hired outside the normal NEO schedule.
- (e) The CITY OF AMERICUS IT Department will conduct User Login audits at least twice annually.
- (f) The IT Department will provide staff with immediate, specific security warnings in the event of a verifiable threat (computer virus, phishing scheme, malware attack,).
- (g) The IT Department will implement policies, procedures, applications, devices and mechanisms to protect the organization's assets from computer viruses and other types of malicious software.
- (h) IT staff will provide feedback to organizational staff regarding findings related to security through our travel within the organization.

- (i) IT staff will be properly screened and trained regarding security and confidentiality.
- (j) Security breaches or network intrusion will be immediately addressed and organizational leadership will be alerted to the scope and corrective actions taken to prevent future events.
- (k) IT staff will establish encryption and security processes to protect removable media, e-mail and mobile computing (Blackberry and laptops).
- (l) IT staff will research and provide the tools necessary to protect assets and confidential information.
- (m) Where possible, IT staff shall create and operate redundant server functions.
- (n) CITY OF AMERICUS will maintain separate test and production environments for business critical application environments.
- (o) Workstations with routine access to PHI will be a part of a group policy enforced to perform an automatic logoff after a reasonable period of inactivity.

5. SUPPORTING POLICIES & PLANS

CITY OF AMERICUS will provide a number of security related policies and plans to include:

- (a) Security Awareness Training Plan
- (b) Business Continuity Plan
- (c) E-mail Usage Policy
- (d) Confidentiality and Security Form
- (e) Internet Access and Usage Policy
- (f) Non-disclosure Agreement Policy
- (g) Remote Network Access Policy
- (h) Removable Media Policy
- (i) User ID and Password Policy
- (j) Virus Protection Policy

B. Physical Security and Access

1. PURPOSE

CITY OF AMERICUS has adopted a set of procedures and measures to prevent and prohibit unauthorized access or damage to facilities that contain agency information systems.

2. SCOPE

This policy governs access to server rooms, wiring closets, communications closets and any other CITY OF AMERICUS networking or computing equipment.

3. POLICY

The IT Department has developed procedures to protect CITY OF AMERICUS computer assets from both environmental (water, heat) and human threats. These procedures include:

- (a) Limiting physical access to the servers and network infrastructure equipment whenever possible. The CITY OF AMERICUS server equipment is stored in an area with restricted access. In most remote locations, the communication equipment is secured in "non-public" areas of the site.
- (b) Network and server equipment should be stored at a minimum of at least 6 inches off the floor whenever possible to reduce the possibility of water intrusion.
- (c) Network/wiring closets should remain locked when unattended. Locks should allow only authorized staff access.

- (d) The IT Department maintains a list of staff and contractors that are considered authorized for access. All others must be escorted by a member of the IT staff during access.
- (e) Temperature/humidity monitoring equipment should be installed to alert staff of potentially unsafe temperatures or levels of humidity.
- (f) Server rooms should remain in “non-public” areas with limited access and should not have direct exposure to external windows or doors.
- (g) Desktop PCs shall be installed in secure areas that are locked after normal business hours or while unattended.
- (h) Server equipment should use uninterrupted power supply (UPS) units to condition electricity quality and to provide electrical coverage in the event of a power outage.

4. PROCEDURE

- (a) The IT Department will review, and revise if necessary, the list of staff members authorized to access restricted areas.
- (b) The list of staff members authorized to access the restricted areas will be prominently posted near the entrance of the restricted area(s).
- (c) IT will provide on-going training or announcements to remind authorized, as well as some unauthorized, staff members of this requirement. Additionally, this reminder will be a component presented in IT Departmental meetings at least once per quarter.
- (d) Restricted areas will be clearly marked as such.

5. VIOLATION REPORTING

Any observed improper access should be immediately reported to supervisor and IT department. The IT Department can be reached by:

E-mail at itsupport@AmericusGA.gov

Telephone at (229)928-209

6. DEFINITIONS

Authorized staff – In general terms this is staff with roles that would require access to the restricted areas. Examples would include IT staff, Operations staff and Leadership Team members.

CHAPTER 32. Social Media Policy

Purpose:

The purpose and intent of this policy is to establish guidelines for employees who engage in social media activity as defined herein. This policy is not intended to prohibit any employee's personal expression in general or through social media activity in particular; however, because such activity can adversely affect the efficiency and effectiveness of City operations, as well as undermine public trust and confidence, a certain amount of regulation is necessary and appropriate. This policy therefore attempts to strike a reasonable balance between the employees' interest in engaging in social media activity and the City's interest in preventing unnecessary disruption to or interference with its operations and relationship to the public it serves.

Application to Other Policies:

All personnel policies of the City relating to employee conduct apply equally to conduct that occurs through social media. This includes, but is not limited to, policies relating to discrimination, harassment, retaliation, workplace violence, conflicts of interest, and political activity. Any conflicts or inconsistencies between this policy and any one or more other policies shall be resolved by the City Manager.

Definitions:

1. For purposes of this policy, the term "social media" is defined as the online technologies through which employees and other individuals engage in "social media activity" as defined below. In most cases, the term refers to internet-based websites such as Facebook®, Twitter®, Snapchat®, Instagram®, LinkedIn®, Google+®, YouTube®, Tumblr®, and Reddit®. Online social media technologies covered by this policy also include, but are not limited to, such applications as web logs/blogs, video logs/vlogs, message boards (including comment sections hosted by online news media sites), podcasts, and wikis.

2. For purposes of this policy, the term, "social media activity" is defined as the act of sharing information or otherwise communicating through social media, including, but not limited to, the posting, uploading, reviewing, downloading, and/or forwarding of text, audio recordings, video recordings, photographs/images, symbols, or hyperlinks.

Scope of Policy:

1. This policy applies to all employees of the City without regard to whether their social media activity is conducted in or outside the workplace, while on or off-duty, or anonymously or through the use of pseudonyms.

2. This policy applies to all employees of the City without regard to job title, position or rank; however, with the approval of the City Manager, Police and Fire Departments and any other department or affiliated agency of the City having special or unique concerns pertaining to its employees' social media activity may adopt and implement more restrictive SOP's or other internal rules narrowly designed to address such particularized concerns.

A. Prohibitions on Social Media Activity

1. All employees of the City should remain mindful that, as public servants, they are generally held to higher standards than the general public with regard to their on-duty and off-duty conduct, professionalism, and ethics. As a result, certain social media activity that may be tolerated or even acceptable in the private sector may nevertheless constitute a violation of this policy.

2. Each employee of the City who engages in social media activity must take personal responsibility for ensuring that such activity is consistent with all policies of the City, including, but not limited to, those pertaining to making false or misleading statements, promoting or endorsing violence or illegal activity, promoting or endorsing the abuse of alcohol or drugs, disparaging individuals or groups based on race, ethnicity, national origin, gender, sexual orientation, religion, disability, or other characteristics protected by law, or otherwise engaging in conduct unbecoming an employee of the City, bringing discredit to the City, or interfering with or acting in a manner that is detrimental to the mission or function of the City.

3. Employees must refrain from engaging in any social media activity which disqualifies them from performing, or in any way reasonably calls into question their ability to objectively perform, any essential function of their jobs. Examples of such functions include, but are not limited to, testifying, making hiring or promotion decisions or recommendations, conducting performance evaluations, and determining eligibility for City programs.

4. While any employee, at his/her discretion, may engage in social media activity with any other employee(s) consistent with the prohibitions, limitations and restrictions, and guidelines of this policy, no employee may be required or otherwise compelled to engage in such activity with another employee.

5. No employee, whether for purposes of engaging in social media activity or otherwise, may disclose or otherwise reveal any privileged or confidential information of the City, any other current or former employee of the City, or any applicant for employment with the City.

B. Limitations and Restrictions on Social Media Activity

1. Employees are strongly discouraged from disclosing or otherwise revealing their status as employees of the City through social media and, except as otherwise authorized in advance by the City Manager, are strictly prohibited from directly or indirectly representing themselves to be speaking on behalf of the City. Similarly, in the absence of prior approval, employees' social media activity should not reveal or depict the City's adopted logos, seals, symbols, uniforms, patches, badges, or similar items identified with the City.

2. Except as otherwise authorized in advance by the City Manager, if an employee's status as an employee of the City is disclosed, revealed, or otherwise made apparent in connection with his/her social media activity, his/her social media activity must include a prominently displayed disclaimer to the effect that the activity reflects only the employee's personal views or opinions and not those of the City; provided, however, that no disclaimer will shield an employee from the imposition of appropriate corrective and/or disciplinary action for social media activity which otherwise violates this policy. Employees should recognize that social media activity is generally more likely to violate this policy and other policies of the City if their status as a City employee is disclosed or revealed in connection therewith.

3. Except as authorized in writing by the City Manager or otherwise authorized by this policy, no employee may utilize City computers or equipment for purposes of engaging in social media activity.

4. Except as otherwise authorized in writing by the City Manager, no employee, whether for purposes of engaging in social media activity or otherwise, may post or upload any information, audio recordings, video recordings, photographs/images, etc. from City computers or equipment.

5. To preserve the continuity of the City's message, ensure accuracy, and avoid unnecessary confusion in the community, except as otherwise authorized in advance by the City Manager, employees should refrain from engaging in any social media activity that purports or serves to announce or explain the details of City programs, projects, activities, operations, initiatives, or events.

6. Exceptions to the above-stated limitations and restrictions may be authorized by the City Manager; provided, however, that any request for such an exception represents a promise by the employee that, if approved, the disclosure of information, photographs, audio, video, etc. via social media activity will be fully consistent with the letter and spirit of this and all other policies of the City, any internal SOP's or rules adopted by his/her department director, as well as any laws pertaining to copyrights, trademarks, trade secrets, patents, and privacy and reputational rights.

7. The City reserves the right to require any employee to remove immediately any posted or uploaded text, audio recordings, video recordings, photographs/images, etc. (even if previously approved) if such posted material constitutes a violation of this policy or other City policies or if its removal is otherwise determined to be necessary or appropriate in order to protect a legitimate and compelling interest of the City.

C. Duty to Report

All employees have an ongoing duty to report any violations of this policy by any other employee. The City considers this duty to report to be a critical component of its efforts to enforce this policy, and thereby ensure the safety, well-being, morale, and efficiency of its employees, preserve its reputation and goodwill in the community, and avoid or minimize unnecessary disruptions to or interference with its operations and service to the public. If an employee witnesses or suspects a violation of this policy, employee should contact his/her Supervisor and the City Help Desk immediately at: (229) 928-2009.

D. No Expectation of Privacy in Social Media Activity

1. City employees should be aware that social media activity is not secure or private, even if active steps are taken to restrict access. Once information has been posted or exchanged via social media, it is generally

trackable, traceable, and accessible indefinitely. For this reason, employees should have no expectation of privacy in any social media activity conducted in the workplace and/or on-duty or in any social media activity which otherwise directly or indirectly relates to or affects the City, any of its departments, or its employees.

2. The City reserves the right to inspect or monitor any social media activity engaged in by its employees using City-owned computers or other electronic equipment or devices. In addition, employees may be required to provide access to any social media websites or other applications in which they participate upon a determination by the City that there is reasonable suspicion to believe that such access will reveal evidence of a violation of this policy or any other City policy.

E. Corrective and/or Disciplinary Action; Other Potential Consequences.

1. Employees engaging in social media activity in violation of this policy will be held accountable, and corrective and/or disciplinary action, up to and including termination of employment, may be taken in accordance with the City's disciplinary policies procedures.

2. If an employee is sued in part due to his/her social media activity under circumstances where the City would ordinarily provide a defense and/or indemnify the employee, the City reserves the right to withhold or withdraw such defense or indemnification in the event any such activity is found to violate this policy or any other policy of the City.

F. Interpretation and Application.

1. Nothing in this policy is intended to or will be applied in a manner that violates any employee's constitutional rights, including rights to freedom of speech, expression, and association, or federal or state rights to engage in any statutorily-protected activity.

2. Any employee unsure about the application of this policy to any particular social media activity should seek guidance from the City Manager before engaging in such activity.

3. This policy is intended for internal use of the City only and should not be construed as establishing a higher duty or standard of care for purposes of any third party civil claims against the City and/or its employees. A violation of this policy by an employee provides only a basis for corrective and/or disciplinary action against such employee by the City.

CHAPTER 33. Communication Devices

A. City Issued Devices

1. PURPOSE

This policy provides the guidelines for the issuance and appropriate use of all equipment, software and data owned by the City of Americus.

2. SCOPE

This policy covers all types of equipment issued by City of Americus such as but not limited to:

- (a) Desktops
- (b) Laptops
- (c) Office Telephones
- (d) Software
- (e) Printers
- (f) Cellular telephones
- (g) Other digital tangible items provided by City of Americus

3. POLICY

Company equipment is issued to eligible staff members as a tool to assist them in completing their assigned tasks. It is the duty of each City of Americus user to protect the assigned assets and information of the organization. To this end, each staff member should follow the standard guidelines outlined within this document.

City of Americus reserves the right, at all times and without further notice, to inspect and search all Company property for the purpose of determining whether this policy or any other policy of the City of Americus has been violated, or when an inspection and investigation is necessary for purposes of promoting safety in the workplace or compliance with state and federal laws. These inspections may be conducted during or outside of business hours and in the presence or absence of the affected employee.

Failure to comply with this policy may, at the discretion of City of Americus management, result in the suspension of any or all access privileges, disciplinary action, reimbursement to City of Americus for lost/damaged devices or possible termination of employment.

4. GUIDELINES

When using your company owned equipment, remember the following guidelines:

- (a) Be aware of your surroundings. Do not disclose protected or confidential information in public.

- (b) Do not share your device with co-workers, consumers, or family members.
- (c) The company owned equipment is provided for business use. Minimal personal use is acceptable within the guidelines set by City of Americus policies and procedures.
- (d) Report any loss, damage or theft immediately to your supervisor and the IT Department. Loss or damage due to negligence or misuse of the device will result in a deduction from your paycheck equal to cost for repair or replacement.
- (e) Report any questionable material found on device assigned to you immediately to your supervisor and the IT Department.
- (f) Keep your safety in mind. Do not use any device while driving without the use of some type of hands-free device.
- (g) Do not read or send text or e-mail messages (if available) while in a vehicle unless safely parked.
- (h) Report any misuse or violations immediately to your supervisor and the City of Americus IT Department.
- (i) The user will not add any additional services, use services not authorized under the phones service plan, or download/install applications. Any charges related to these types of actions will be the responsibility of the user.
- (j) The user must set-up a voicemail account in accordance with City of Americus standards.
- (k) Photographs, audio recordings, images or video captured by device are property of the City of Americus and must be in accordance with City of Americus guidelines.
- (l) The City of Americus issued/owned device must not be used for the purpose of illegal transactions, harassment, or obscene or questionable behavior, in accordance with existing City of Americus policies.
- (m) Some devices may be GPS enabled and movement of these assets may be tracked without notice.
- (n) Any company owned equipment must be returned to City of Americus immediately in the event of termination. Failure to do so may result in deductions from the staff member's final paycheck.

B. Use of Personal Device for City Business

The use of a Smartphone in connection with CITY OF AMERICUS business is a privilege granted to employees through approval of their management. CITY OF AMERICUS reserves the right to revoke this privilege if users do not abide by the policies and procedures outlined below.

This policy is intended to protect the security and integrity of CITY OF AMERICUS' data and technology infrastructure. Limited exceptions to the policy may occur due to variations in devices and platforms.

CITY OF AMERICUS employees must agree to the terms and conditions set forth in this policy in order to be able to connect their devices to the company network.

Acceptable Use

- (a) The company defines acceptable business use as activities that directly or indirectly support the business of CITY OF AMERICUS.
- (b) Employees are prohibited from accessing certain websites during work hours/while connected to the corporate network at the discretion of the company. Such websites include, but are not limited to Facebook, Youtube, etc.
- (c) Devices' camera and/or video capabilities are disabled while on-site unless permission is granted from supervisor.
- (d) Devices may not be used at any time to:

- 1 Store or transmit illicit materials

- 2 Store or transmit proprietary information
- 3 Harass others

- (e) Devices with CITY OF AMERICUS applications, data, or email may not be loaned to others.
- (f) CITY OF AMERICUS internet and email usage policies extend to personal devices when used at work.
- (g) CITY OF AMERICUS has a zero-tolerance policy for texting or emailing while driving and only hands-free talking while driving is permitted.

Devices and Support

- (a) Smartphones including iPhone, Android, Blackberry and Windows phones are allowed.
- (b) Tablets including iPad and Android are allowed.
- (c) Connectivity issues are supported by IT; employees should not contact the device manufacturer or their carrier for operating system or hardware-related issues for non-CITY OF AMERICUS devices.
- (d) Devices must be presented to IT for proper provisioning and configuration before devices are allowed to access CITY OF AMERICUS applications and/or data.

Reimbursement

- (a) The company will not reimburse the employee for a percentage of the cost of the device.
- (b) The company will not reimburse the employee for the following charges: roaming, plan overages, etc.

Security

- (a) In order to prevent unauthorized access, devices must be password protected using the features of the device and a strong password is required to access the company network.
- (b) The City's strong password policy is: Passwords must be at least four characters and a Passwords will be rotated every 90 days and the new password can't be one of 4 previous passwords.
- (c) The device must lock itself with a password or PIN if it's idle for five minutes.
- (d) After five failed login attempts, the device will lock for 15 minutes.
- (e) The password must not be one of your previous 4 passwords.
- (f) Rooted (Android) or jailbroken (iOS) devices are strictly forbidden from accessing the network.
- (g) Smartphones and tablets that are not on the company's list of supported devices are/are not allowed to connect to the network.
- (h) Employees' access to company data is limited based on user profiles defined by IT and automatically enforced.

- (i) The employee's device may be remotely wiped if 1) the device is lost, 2) the employee terminates his or her employment, 3) IT detects a data or policy breach, a virus or similar threat to the security of the company's data and technology infrastructure.

Risks/Liabilities/Disclaimers

- (a) While IT will take every precaution to prevent the employee's personal data from being lost in the event it must remote wipe a device, it is the employee's responsibility to take additional precautions, such as backing up email, contacts, etc.
- (b) The company reserves the right to disconnect devices or disable services without notification.
- (c) Lost or stolen devices must be reported to the company within 24 hours. Employees are responsible for notifying their mobile carrier immediately upon loss of a device.
- (d) The employee is expected to use his or her devices in an ethical manner at all times and adhere to the company's acceptable use policy as outlined above.
- (e) The employee is personally liable for all costs associated with his or her device.
- (f) The employee assumes full liability for risks including, but not limited to, the partial or complete loss of company and personal data due to an operating system crash, errors, bugs, viruses, malware, and/or other software or hardware failures, or programming errors that render the device unusable.
- (g) CITY OF AMERICUS reserves the right to take appropriate disciplinary action up to and including termination for noncompliance with this policy.

VIOLATION REPORTING

Any observed/suspected misuse or loss/damage of City of Americus assigned equipment should be immediately reported to the supervisor and the IT Department. Additionally questions regarding covered services or to report the receipt of improper content should be reported to the IT Help Desk.

The IT Help Desk can be reached by:

E-mail at itsupport@AmericusGA.gov

Telephone at (229)928-2009

CHAPTER 34. Weapons Policy

Weapons Policy

Purpose: It is the policy of the City of Americus to foster and maintain a work and business environment that minimizes workplace violence, security risks, and manages other such elements within the confines of prevailing law.

Policy: Except as specifically exempted below, City of Americus employees are prohibited from possessing firearms and weapons on City property. Furthermore, on duty city employees are prohibited from possessing weapons while performing their duties in any location or situation in which the individual is acting in his/her capacity as an employee of the City. This policy shall apply to all city employees, regardless of full-time, part-time, paid, non-paid, and/or volunteer status.

Exceptions:

- (a) Authorized police and fire personnel, authorized code enforcement personnel and hired security personnel while performing their official duties.
- (b) Pursuant to O.C.G.A. 16-11-135 employees may keep a weapon(s) in a locked compartment of a motor vehicle or one which is in a locked container or in a locked firearms rack which is on a motor vehicle and such vehicle is parked in a city parking facility.
- (c) Employees may possess licensed weapons for personal protection while traveling out of town on business purposes when allowed by law.

These restrictions and prohibitions shall apply to all employees regardless of any license or permit that an individual may have pertaining to said firearms and weapons including a concealed weapons permit. Prohibited weapons include, but are not limited to guns, long guns, firearms, knives or swords with blades over four inches in length, explosives, or other such devices specifically designed and intended to cause harm to another person.

An employee found to be harboring a firearm or other weapon, or indicating to others he/she has a concealed deadly weapon or firearm on the job, should immediately be reported to a supervisor. Employees may be required

to open their desks, lockers, bags, etc. if a justifiable suspicion is brought forth that they may be harboring a firearm or deadly weapon.

Employees who violate this policy will be subject to disciplinary action up to and including employment termination.

Serving Customers with Weapons Policy

Purpose: It is the policy of the City of Americus to provide quality customer service to all of our citizens and customers while simultaneously providing a safe, secure, and comfortable work environment for city employees.

Passed in 2014, Georgia HB60 changed state law by allowing authorized individuals to carry firearms into certain city buildings and facilities thus allowing them to possess such firearms during meetings, conversations, and other direct interactions with staff and others.

Due to the nature of certain city-customer business activities, it is understood that at times conversations, meetings, and other interactions between staff and customers may become tense and uncomfortable. In some circumstances, an employee may feel personal discomfort when working directly with individuals carrying firearms. The following policy is intended to guide and authorize staff to seek additional assistance in such situations when deemed necessary.

Policy: While not required, employees are authorized to make alternative meeting arrangements when serving customers with firearms or weapons.

When an employee is serving an individual carrying a firearm or other weapon and he/she feels personally uncomfortable doing so, such staff is authorized to contact their supervisor or Department Head who, at their discretion, may make alternative arrangements to best serve the customer. Alternative arrangements may include setting up an appointment at a specific date, moving meeting locations, seeking assistance from others including obtaining the presence of police personnel during such meetings, and/or other similar arrangements.

The purpose of alternative arrangements would be to minimize employee discomfort and potential for disruption while providing quality customer service.

Tobacco-free Workplace Policy

A tobacco-free environment helps create a safe and healthy workplace. Smoking and secondhand smoke are known to cause serious lung diseases, heart disease and cancer. The City of Americus recognizes the hazards caused by tobacco use and exposure to secondhand tobacco smoke. Our policy to provide a tobacco-free environment for all employees and visitors was established to keep a safe and healthy workplace environment. This policy applies to both employees and non-employee visitors of the City of Americus. This policy covers the smoking of any tobacco product and the use of oral tobacco products, "spit" tobacco, e-cigarettes and vapors. E-cigarettes and vapors may be used as an approved alternative option as a part of a transition treatment plan from tobacco use. E-cigarettes and vapors must be approved prior to use on City property and in City vehicles and certain limitations may apply.

Policy

Tobacco products and e-cigarettes of any kind are prohibited on City property and while driving City vehicles.

Procedure

We believe that the spirit of thoughtfulness and cooperation which is characteristic at the City is adequate to resolve any disputes which might arise under this policy. Where disputes cannot be so resolved, the rights of the nonsmoker shall be given precedence. Employees who violate this smoking policy will be subject to disciplinary action up to and including immediate discharge.

Resolving complaints about smoking:

- (a) Any complaints about the application of the policy to the workplace should be brought to the attention of the Human Resources Director for resolution.
- (b) The complaint should be submitted in writing and identify specific objections. The City will investigate the complaint and resolve it in accordance with the policy.
- (c) No employee shall suffer any form of retaliation for raising a complaint or asking a question about this policy.

The City of Americus will help employees who want to quit smoking by helping them access recommended smoking cessation programs and materials. (Visit www.lung.org/stop-smoking for more information.)

Any violations of this policy will be handled through the standard disciplinary procedure.

APPENDIX A DEFINITIONS

Anniversary Date - the date the employee became employed by the City.

Appeal - the right to appear before your supervisor or others, as designated in these policies, to be heard on matters of discrimination, unfair practices or other matters arising regarding enforcement of these policies.

Classified position - includes all jobs subject to the terms of the personnel policies and excluding those positions prescribed by the City Charter as well as temporary full or part-time positions, voluntary positions not funded by the City government.

Class - means a group of positions sufficiently similar as to duties performed, level of responsibility, and minimum requirements of training, experience, or skill.

Classification and Pay Plan - the system of assigning jobs to classes and to an appropriate pay grade based on the similarities of the positions.

Continuous Service - Continuous service is employment which is uninterrupted except for authorized leaves of absence, suspension or separation due to a reduction in work force.

Demotion - a change in the rank of an employee from a position in one class to a position in another class having a lower minimum starting salary and with less discretion or responsibility.

Department - a unit of city government with specific duties usually having the authority to hire employees for the City.

Department Head - the individual who is appointed by City Council to supervise a department of the City. The parts of this ordinance which apply to department heads and the parts which do not apply to department heads are listed in Chapter I, General Provisions.

Discharge - the termination of an employee.

Eligible - a person who has made a passing score on any examination or other approved selection method required under these policies and who has qualified to be employed by the City.

Employee - a person hired in a position in the city government and who is compensated on a full-time or part-time basis.

Examination - method(s) used to determine eligibility of applicants for employment. Examinations may include, but shall not be limited to, written, oral, physical, or performance tests, rating of training and experience, or any combination of these.

Governing Body - the Mayor and City Council of the City of Americus.

Human Resources Director - the official designated by the City Manager as the representative in charge of the personnel system of the City.

Lay-off - a method whereby an employee may be separated from service due to lack of work, lack of funds, abolishment of the position, or for other material changes in duties or organizations.

Leave - any of a number of ways in which an employee is permitted to take time off from work. Leave may be granted with or without pay, depending on the reason it is being granted.

Merit Payment - a one-time annual payment paid to an employee based on his/her job performance.

Minimum Qualifications - those minimum requirements as to education and experience that qualify an applicant to be considered for examination and appointment in a classified position. Additional requirements may also be indicated where necessary.

Overtime - time worked in excess of the regular work schedule for the position.

Part-time Employee - an employee who works less than the regular work schedule for that position.

Performance Evaluation - a method of evaluating each employee on a periodic basis as to job performance.

Regular Employee - an employee who had completed a probationary period in a satisfactory manner.

Position - an office or post in a department of the city involving duties requiring the services of one person. It can be part-time, full-time, temporary or regular, occupied or vacant.

Probationary Employee - usually an employee serving in the first six months of appointment, promotion, re-employment, or reinstatement to any position. The employee must pass this period of observation and evaluation successfully to acquire status as a regular employee. A probationary employee may be one who has been employed longer than six months if so determined by his/her supervisor and documented by bi-monthly evaluations.

Promotion - a change in rank of an employee from a position in one class to a position in a class having a higher minimum salary and carrying a greater scope of discretion and responsibility.

Promotion List - a list of persons who have been found qualified for appointment to a higher position. They may be qualified by either a written examination or other evaluation techniques.

Provisional Employee - an employee appointed to a position without competition pending the establishment of an eligible list. The employee serves for a limited time only and must compete with other applicants to qualify for probationary appointment.

Appendix A

Public Hearing - a meeting of the Mayor and Council open to the public at which any interested party may appear and be heard.

Reclassification - the assignment of an existing position from one class to a different class due to a significant change in duties or responsibilities.

Resignation - the separation of an employee from service at his/her request.

Salary Advance - an increase in salary within the salary range prescribed for the class by the Classification and Pay Plan.

Seasonal Position - a temporary position that coincides with a particular season(s) of the year and may recur regularly from year to year. A "seasonal" employee is one appointed to a seasonal position.

Status - a satisfactory completion of a probationary period by an employee in the classified service gives "status".

Supervisor - an individual whose primary, though not necessarily only, responsibility is to direct the activities within a department or unit.

Suspension - an enforced leave of absence for either disciplinary purposes or pending investigation of charges against an employee.

Temporary Employee - an employee filling a temporary position for a special project or other work of a temporary nature for which appointment is not to exceed period of ninety days.

Transfer - a movement of any employee from one position to another having the same salary range and the same level of responsibility within the same class.

Vacancy - a position duly created and still existent, but not occupied by an employee.

Working Day - An eight, twelve or twenty-four hour period for all employees; provided, however, that the Chief of Police and the Fire Chief shall be authorized to establish a working day of up to 12 hours for designated classes of employees in the Police Department and the Fire Department, respectively, when such department head deems such to be in the best interest of the City, unless otherwise provided by the Governing Body of the City.

