

PERSONNEL POLICIES AND PROCEDURES



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UPDATES AND REVISIONS

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Chapter VI – 6.1 Item 5	Probationary Period	06/10/2019

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CHAPTER I OBJECTIVES AND SCOPE

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CHAPTER I OBJECTIVES AND SCOPE

Section 1. Authority

The Mayor and Council, as specified in Article II of the City Charter, are authorized to establish these Personnel Policies and Procedures.

Section 1-2. Purpose

The Personnel Policies and Procedures are adopted to provide for the recruitment, development and retention of the best available employee for each position in the classified service of the City of Lilburn. The Personnel Policies and Procedures provide for establishing orderly procedures for administering the human resource system to be consistent with the following merit principles:

1. Recruiting, selecting, and advancing employees on the basis of relative ability, knowledge and skills, including open competition of qualified applicants for initial appointment.
2. Establishing compensation consistent with the principles of providing comparable pay for comparable work.
3. Training employees, as needed, to assure high quality performance.
4. Retaining employees on the basis of satisfactory or above performance, correcting inadequate performance when necessary and separating employees whose inadequate performance cannot be corrected.
5. Provide equal employment opportunities with regard to all terms and conditions of employment and to base employment decisions on job related qualifications of the applicant or the employee. The City of Lilburn prohibits discrimination on the basis of race, color, sex, genetic information, religion, age, national origin, and disability.
6. Provide a work environment that promotes equal employment opportunities and is free from discriminatory practices, including harassment. The Personnel Policies and Procedures are adopted to provide for the development of the most suitable employee for each position in the classified service of the City of Lilburn. They provide for establishing orderly procedures for carrying out the duties and responsibilities set forth in the Merit System Act.

Sec. 1-3. Positions Covered

These Personnel Policies and Procedures shall apply to all employees within the classified service as defined in Article II Sec. 50-22 of the Official Code for the City of Lilburn.

Employees not covered by this article include the following:

- 1) All elected officials;
- 2) Employees specifically exempted by law, and including the Chief of Police, City Manager, Planning & Zoning Director, Police Captain, and all employees who are designated as department heads. However, the position of City Clerk shall be included in the classified service. The incumbent Clerk of Municipal Court and Public Works Supervisor are also classified employees; however, once vacant, these positions will be filled as unclassified non-merit positions.
- 3) The City attorney, judge, and solicitor (prosecuting attorney);
- 4) Members of City boards, commissions, and committees;
- 5) Volunteer personnel;
- 6) Emergency employees;
- 7) Part-time employees working twenty (20) hours per week or less.

Sec. 1-4. Conflict Provision

In the event of a conflict between the Personnel Policies and Procedures and any other policy of the City, the Personnel Policies and Procedures shall prevail.

Sec. 1-5. Interpretation

The Personnel Policies and Procedures are intended to cover most personnel matters that may arise. Those not specifically covered shall be interpreted by the Human Resources Director who may seek advice of the City Manager, Executive Secretary, Merit System Board, Mayor, and City Council. Such interpretations shall be in keeping with the intent of the previously referenced articles and the Merit System Act.

Section 1-6. Enforcement and Administration

The responsibility and authority for the enforcement and administration of the Personnel Policies and Procedures are vested in the Department Directors, City Manager, the Merit System Board, Mayor, and City Council.

Sec. 1-7. Adoption of Personnel Policies and Procedures

These policies shall become effective on the date adopted by resolution of the Mayor and City Council and shall supersede and repeal old policies. All policies or parts of policies in conflict with these policies are herewith repealed.

If any chapter, section or part of these Personnel Policies and Procedures is found to be invalid by duly constituted authority, it shall not affect the validity of the balance of these Personnel Policies and Procedures.

Section 1-8. Amendment

The Merit System Board and the City Manager expressly reserve the right to recommend to the Mayor and City Council additions, deletions, or other amendments to these Personnel Policies and Procedures in accordance with the terms of the previously referenced ordinance. Department Directors or any person subject to these rules shall have the right to make written request to the City Manager or the Merit Board for additions, deletions, or other amendments to the Personnel Policies and Procedures.

Section 1-9. No Vested Rights Created

The adoption of these Personnel Policies and Procedures by the Mayor and City Council do not, and are not intended to, create any vested rights in any employee in the terms and provisions herein. Such Personnel Policies and Procedures, and any term or condition thereof, may be amended, modified, or deleted by the Mayor and Council at their discretion, to protect the best interests of the City.

Section 1-10. Definition of Terms

1. **Allocation** - the assignment of an individual position to an appropriate class on the basis of kind, difficulty or responsibility of the work performed.
2. **Appointing Authority** - any person or group of persons having the power by virtue of the Constitution, Statute, Ordinance, or lawfully designated authority to make appointments to positions within City government.
3. **Board** – the Merit System Board of the City of Lilburn, Georgia.
4. **City Council** - the governing authority of the City of Lilburn, including the Mayor.
5. **Certify, Certification** – 1. the act of the Human Resources Director in supplying an appointing authority with the names of applicants who are eligible for appointment to the class and position for which certification is requested; 2. licensing requirements by City, county, state, or federal governing authority.
6. **City Manager** – the individual appointed by the City Council who functions as the Chief Executive Officer and administrative officer for the City. The City Manager performs all duties responsible in the administration of all City affairs placed in the manager’s charge under the City Charter.
7. **Class** – a position or group of positions that have similar duties and responsibilities, require similar qualifications, and are in the same pay grade.

8. **Classification Plan** – the official and approved system of specifying the duties, authorities and responsibilities of positions and grouping them into appropriate pay grades.
9. **Classified Service** – the offices and positions of trust or employment in the service of the City of Lilburn, except those placed in the Unclassified Service by City Ordinance, Chapter 50 Article II Section 50.29, as amended.
10. **Demotion** – a voluntary or involuntary change of employment from a position of one grade to a position of a lower grade.
11. **Department Director** – an individual who is appointed to direct a department within City government.
12. **Eligible** – an individual meeting the requirements for a position within City government.
13. **Employee – Full-time – Classified Service** – an employee who has been selected to fill a regular position in the classified service, has completed the initial probationary period, and is working a full-time schedule.
14. **Employee – Full-time – Unclassified Service** – Those members of the Unclassified Service as defined by City Ordinance, Chapter 50 Article II Section 50.29.
15. **Employee – Part-time** – an employee appointed to a position whose work schedule is less than 40 hours per week.
16. **Employee – Probationary** – any employee appointed to a position in the classified service that has not completed the initial probationary period for regular appointment.
17. **Employee – Provisional/Acting** – an employee filling a position in the classified service without competition pending the establishment of an eligibility register. Provisional status will not extend beyond 180 days without the approval of the City Manager.
18. **Employee – Seasonal** – an employee appointed to a position who works less than a normal schedule for the year. Typically, these employees will work during peak business periods. They may work a full-time schedule for some work periods and less than a full-time schedule for other work periods. The employee does not work every week of the year.
19. **Employment or Eligibility Register** – a list of candidates who have met all requirements for a position within the classified service.
20. **Examinations** – methods used to determine eligibility of persons for employment or promotion. Examinations may be administered individually or to groups and may

include, but shall not be limited to written, oral, physical or performance tests, rating of training and experience, or any combination of the above.

21. **Executive Secretary** – the Executive Secretary of the Merit System Board for the City of Lilburn.
22. **Family Member** – for the purpose of these policies, family members shall include spouse, child, stepchild, parent, stepparent, sister, brother, or grandparent of the employee or prospective employee or the employee or prospective employee’s current spouse.
24. **Governing Authority** – the Mayor and Council.
25. **Incumbent** – the person occupying a position.
26. **Job Description** – written document to describe the duties and tasks of positions in the classified service.
27. **Personnel File** – the official employment record of each employee, including but not limited to the employment application, personnel action forms, documentation of disciplinary action and performance appraisals. The official personnel file is maintained by the Director of Human Resources.
28. **Position – Authorized** – an employment slot budgeted and approved for funding by the Mayor and City Council.
29. **Position Questionnaire** – a form completed by the department director, supervisor and/or incumbent employee when a position is created or updated which describes, in general, the duties of such position.
30. **Probationary Employee** – an employee appointed from an eligibility register to a position in the classified service who has not completed the initial trial period for regular employment.
31. **Probationary Period – Initial** – the first twelve (12) months of continuous full-time service with the City of Lilburn prior to attaining regular status as a classified employee.
32. **Probationary Period – Position** – the twelve (12) month trial period in conjunction with a change in job title or position of a higher salary grade.
33. **Promotion** – a change of employment from one position to another position which has a higher salary grade.
34. **Promotional Examination** – an examination or group of examinations administered to qualified employees of a lower job class to determine their eligibility for promotion.

35. **Promotional List** – an eligibility register of employees who have been certified as qualified for promotion to a specified position.
36. **Reallocation** – an authorized position that is moved or changed to a different position based upon an evaluation of the work of the position. The reallocation of the position may be upward, downward, or remain the same depending upon the pay grade.
37. **Reclassification** – reassignment of an employee to a different class which results from a significant change in the work assignments of the position as determined by a position analysis process conducted by Human Resources. The reclassification may be upward, downward, or lateral depending upon the pay grade of the class.
38. **Regular Status** – acquired once an employee has satisfactorily completed the initial probationary period in a position thereby obtaining Merit System rights and privileges as a “regular classified employee”.
39. **Transfer** – movement of an employee who retains the same job title and pay class.
40. **Unclassified Service** – those positions which are not in the Classified Service and are appointed by the City Council or other authorized official. See City Charter, Article II – Section 50.29.

Section 1-11. Computation of Time

When a period of time measured in days, weeks, months, or other measurements of time except hours is prescribed for the exercise of any privilege or the discharge of any duty, the first day shall not be counted but the last day shall be counted; and, if the last day falls on Saturday or Sunday, the party having such privilege or duty shall have through the following Monday to exercise the privilege or to discharge the duty. When the last day prescribed for such action falls on a public and legal holiday as set forth in City policy, the party having the privilege or duty shall have through the next business day to exercise the privilege or to discharge the duty.

Section 1-12. Veteran’s Preference

Procedures concerning honorably discharged veterans of any war will conform to Article IV, Section III, Paragraph 2, of the Constitution of the State of Georgia.

Section 1-13. Organization for Human Resources Administration

1-13.1. Mayor and City Council

The Mayor and City Council shall be responsible for the following as it relates to these Personnel Policies and Procedures:

1. Approve the Personnel Policies and Procedures and any subsequent additions, deletions, or amendments thereto.
2. During the annual budget process, approve the Compensation Plan and all amendments thereto.

1-13.2. City Manager

The City Manager shall be responsible for the following as it relates to these Personnel Policies and Procedures:

1. The overall administration and maintenance of the human resources system, subject to these policies and any other administrative policies.
2. Approve the Classification Plan and all amendments thereto.
3. Present the Merit Board's recommendations to the Mayor and Council.

1-13.3. Department Directors

Department Directors shall administer and interpret the Personnel Policies and Procedures, as well as all other administrative policies.

1-13.4. Human Resources Director

The Human Resources Director shall be responsible to the City Manager for the administrative and technical direction of the City's human resources program. The Human Resources Director is responsible for the following as it relates to these Personnel Policies and Procedures:

- (1) Administering the Personnel Policies and Procedures and issue operating instructions and interpretations to employees, supervisors and department directors.
- (2) Publicizing, through appropriate channels, job vacancies to be filled by initial appointment or promotion and the required procedure for applying of same.
- (3) Developing and administering such recruitment and examination programs, as may be necessary, to meet the needs of City departments.
- (4) Certifying all appointments made to positions in the Classified Service, in accordance with the Personnel Policies and Procedures. Appointments not made in conformity with the Personnel Policies and Procedures shall not be approved.

- (5) Serving as the official record keeper of employee personnel files which include the position title held, salary or pay rate, date of employment and any other relevant data pertaining to Human Resources administration.
- (6) Preparing up to date class specifications for all positions in the Classified Service.
- (7) Preparing and recommending to the City Manager a Classification Plan and amendments to the Classification Plan so that it will reflect, on a current basis, the duties being performed by each position in the City and the class to which the position is allocated.
- (8) Preparing and recommending to the City Manager such additions, deletions, or amendments to the Personnel Policies and Procedures to carry out the intent and purposes of merit principles in Human Resources administration.
- (9) Determining that the persons in the Classified Service have been properly appointed in accordance with these Personnel Policies and Procedures.
- (10) Conducting grievance conferences with employees and department heads regarding appeals of adverse actions and issuing written recommendations regarding the actions taken.
- (11) Assuring fair and equitable treatment of applicants and employees in all aspects of Human Resources administration.
- (12) Performing other duties and activities with reference to Human Resources administration, not inconsistent with federal or state law or City ordinances or regulations, as may be necessary or desirable to enforce these Personnel Policies and Procedures.

1-14. The Executive Secretary to the Merit Board

The Executive Secretary shall:

- (1) Attend meetings of the board, act as its secretary, and record its official actions. Keep records of the minutes of Merit Board meetings or hearings and any other records necessary for the proper administration of this article.
- (2) Secure the attendance of witnesses and production of documents, correspondence, audio/visual tapes, computer generated information, and other documentary evidence pertinent to any such hearing authorized by this article.
- (3) Publish the content of the personnel policies and any amendments thereto for public distribution and to give immediate notice thereof to all appointing

authorities affected thereby. These duties may be delegated to staff within City Hall.

- (4) Prepare an annual report of the activities of the merit system board to include; number of meetings or hearings conducted, the date of such meetings or hearings, the purpose of the meetings or hearings as well as any formal actions or recommendations issued by the Merit Board which were presented to the Mayor and Council for consideration and approval. The annual report shall be forwarded to the City Manager by the Executive Secretary for presentation to the Mayor and Council.
- (5) Be responsible to the Mayor and Council and to the Merit System Board in performing the duties prescribed in this article.
- (6) Perform any other lawful acts required to effectuate the purpose of this article.

1-15. The Merit System Board

The Merit System Board shall:

- (1) After public hearing, submit to the City Manager for presentation to the Mayor and Council the Board's recommendations regarding additions, deletions or amendments to these policies and procedures;
- (2) Conduct employee grievance hearings and issue recommendations regarding appeals of involuntary suspensions, involuntary demotions, or involuntary separations;
- (3) To recommend Personnel Policies and Procedures to the governing authority for honorably discharged veterans of any war in conformity with the constitution of the state of Georgia providing that equal preference be accorded such veterans as exist under federal civil service laws.

1-15.1. Selection of Board Members

Each council member shall select one candidate for appointment to the board, for a total of four members. When four of the members of the Merit System Board have been selected in the manner set forth above, a fifth candidate shall be nominated by the classified employees and selected by the majority vote of the Mayor and Council. The fifth candidate for the Merit System Board shall not be a classified or other employee of the City of Lilburn. Nominations for the employee representative on the Merit Board will be accepted annually during the fourth quarter of each year. An election will be held for all classified employees to vote for the employee representative. Administrative duties involved in soliciting nominations and conducting an election for the employee representative will be performed by staff within City Hall.

1-15.2. Qualifications of Board Members

Neither the governing authority nor the employee shall appoint to the board as a member thereof any person who:

- (1) Has not been a resident of the City for one or more year's next preceding appointment or during the term of appointment.
- (2) Holds an elective or appointive office in federal, state, county or municipal government, provided that prior appointment as a member of the board shall not disqualify a person from being reappointed hereto; or
- (3) Shall have held political office, is or shall have been a salaried employee of the City during the 12 months next preceding his or her appointment to the board.

1-15.3. Terms of Appointments, Vacancies

The council shall appoint the board members. The length of the terms shall be one (1) year. A vacancy in the membership of the board caused by a member's death, resignation, disqualification, or other conditions shall be filled by appointment of the governing authority for the unexpired term of such member. The council member or City employees who shall have chosen the member who is retiring shall have the right to select the replacement for the vacancy.

1-15.4. Chairperson and Vice Chairperson

During the first official meeting of the board each year, the board shall elect one member Chairperson and another Vice Chairperson.

The Chairperson shall preside over hearings and meetings of the Board. In the absence of the Chairperson, the Vice-Chairperson shall assume the duties of the Chairperson until a successor has been elected by the Board. In the event of death or resignation from the Board by the Chairperson or Vice-Chairperson, the Board shall not fill such vacancy until a new member has been appointed to the Board by the City Council. If a Board member serving in the capacity of Chairperson or Vice-Chairperson resigns from the office but remains on the Board, an election to fill such vacancy shall be held at the monthly meeting following such resignation.

1-15.5. Removal of Board Members

No member of the board may be removed from office prior to the expiration of his or her term except for cause after having been granted a notice and afforded a public and open hearing before the Mayor and Council. Prior to the hearing, the member shall be served personally or by registered or certified mail addressed to his residence as shown

in the files of the Mayor and Council, at least ten days before the date set for hearing, with written specifications of the charges against him.

1-15.6. Quorum

Three (3) members of the Board shall constitute a quorum for the conduct of business and official action of the Board shall require three affirmative votes. Any action which does not receive three (3) affirmative votes shall fail.

CHAPTER II SALARY ADMINISTRATION POLICY

CHAPTER II

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CHAPTER II SALARY ADMINISTRATION POLICY

Section 2-1. Purpose of Salary Administration Program

The salary administration program is the formal system for classifying positions and compensating employees in the Classified Service of the City. It is divided into two (2) distinct plans.

1. The compensation plan, which provides a salary structure, and the components of the compensation plan; and,
2. The classification plan, which is the categorization of job positions, duties and qualifications. Each component will be discussed in detail in this policy.

Section 2-2. Compensation Plan

The compensation plan is designed as a fair and equitable method for payment of employees in the Classified Service. The plan shall establish a basic salary schedule, as recommended by the City Manager and approved by the Mayor and Council. The salary structure shall include minimum and maximum rates of pay for all positions included in the Classification Plan. In addition to the basic salary schedule, the compensation plan consists of components, including but not limited to: market adjustments and pay for performance, and exceptional circumstance adjustments.

Section 2-2.1. Components of the Compensation Plan

The compensation for each employee is the product of the salary structure and the components of the compensation plan that shall be used to adjust employee compensation. Each component of the compensation plan is subject to funding approval on an annual basis by the Mayor and Council as part of the annual budget. These components are discussed in detail in the following sections.

Section 2-2.2 Market Adjustments

The market adjustment is the component that is used to adjust the salary structure to reflect changes based on economic indicators. When applicable and when funds are available and approved by the Mayor and City Council, an increase may be applied to all salaries of all eligible employees. When an employee's salary exceeds the maximum of the assigned pay grade, the employee's base salary will not be increased until the current salary falls within the assigned pay grade/range.

Section 2-2.3. Pay for Performance

The pay for performance component is designed to recognize job performance and requires annual approval by the Mayor and Council.

The decision to provide employees a performance increase is contingent upon a satisfactory or above performance appraisal rating. The overall review score is related to a predetermined percentage increase. Employees at the maximum of their salary range may be provided a lump sum payment for performance, if merited. Employees who are over the maximum of their pay range (red-circled) may be provided a lump sum payment for performance based upon the maximum salary of their pay range, if merited. Funding for lump sum payments will be determined on an annual basis.

Section 2-2.4. Exceptional Circumstances Adjustments

When it is asserted by a Department Director that an employee's salary requires adjustment, the Department Director shall provide justification to adjust the salary. Requests for exceptional circumstances adjustments, together with the required justification, must be submitted to the Human Resources Director. The Human Resources Director shall review a request for an exceptional circumstances adjustment for compliance with this policy, before forwarding the request and his/her recommendation to the City Manager. The request must be approved by the City Manager.

Section 2-2.5. Educational Incentive Program for Sworn Police Officers

The purpose of the educational incentive program for Sworn Police Officers is to provide incentive compensation to current eligible officers for obtaining qualifying degrees or certifications. The amount of educational incentive may not exceed 5% of base salary. Funding for the education incentive program is reviewed annually and is subject to available funding. A rehired retiree that is hired into a sworn Police Officer position is ineligible to participate in the City's educational incentive program

(a). Eligibility and Program Requirements:

Current employees in the following classifications are eligible to participate:

- Police Officer
- Police Sergeant
- Police Lieutenant

Costs incurred by the employee while participating in degree programs are the responsibility of the employee.

(b). Incentive Compensation:

Employees classified in the above positions may be entitled to a pay increase based upon the following:

Educational Incentive

- Associate's Degree from an accredited institution
- Bachelor's Degree from an accredited institution

POST Certification

- Advanced
- Management

Employees are not eligible to receive a pay increase for both educational and POST certification. For example, if an employee has a bachelor's degree and the advanced POST certification, the employee is only eligible to receive the pay increase associated with the bachelor's degree. Employees with multiple degrees are eligible for a single pay increase associated with the degree level (i.e. an employee with two bachelor's degrees is only eligible for one pay increase).

In conjunction with educational pay incentives, an employee's base salary will not be increased above the maximum of the range for his/her current pay grade.

The interpretation and application of this policy, including eligibility for incentive pay and amount of incentive payment, shall be administered by the Director of Human Resources, with final approval at the discretion of the City Manager.

Funding for the incentive program shall be requested by the Police Department as a portion of their annual operating budget and considered annually in conjunction with the budget process.

Section 2-2.6. Effective Date of Salary Adjustments

The effective date of any salary adjustment will be determined by the Department Director, in consultation with the Human Resources Director and typically should be the beginning of a pay period.

Section 2-2.7. Starting Rates for New Employees

In most cases, a new employee shall be paid the minimum rate of the pay grade. Exceptions may be approved by the Department Director, the Human Resources Director and/or the City Manager as set forth below.

Approval authority is delegated to Department Directors for starting salaries that fall within the first quartile (25%) of the appropriate salary range. Starting salaries that fall within the second quartile of the salary range shall require approval by the Director of Human Resources. Requests for starting salaries that fall within the third and fourth quartiles must be approved by the City Manager. All starting salaries that are above the minimum of the range must be

supported by sufficient justification forwarded to the Director of Human Resources by the Department Director.

The following are examples of cases in which an exception might be approved as specified in the above guidelines:

1. If a selected candidate's qualifications exceed the minimum qualifications stated in the job posting and they will not accept appointment at the minimum rate of the class, the candidate may be appointed at a higher rate. These cases should be thoroughly analyzed and measured against objective qualification standards and reviewed and compared with the salaries of current employees in the class.
2. Difficulty in recruitment may justify a higher rate. If difficulty in recruitment at the minimum rate in the salary range persists, consideration should be given to assigning a higher hiring rate within the pay grade.

Appropriations for funding positions above the minimum rate must be secured within the framework of the budget of the department employing the individual.

Section 2-3. Classification Plan

The position classification plan provides a systematic arrangement of the positions in the City workforce. Each description lists the duties and responsibilities and types of work performed and the minimum requirements and qualifications needed to perform the job. By describing job duties, responsibilities and qualifications, the classification plan provides guidelines for establishing a pay plan based on these relationships.

Section 2-3.1. Official Copy of Position Classification Descriptions

A master set of all approved position descriptions which shall constitute the official Classification Plan shall be maintained in the Department of Human Resources. The official copy shall show all amendments to the original plan. The copies shall include the date of adoption of the last revision made to each job description. The City Manager is responsible for the approval of the classification plan.

Section 2-3.2. Procedures for the Allocation of Positions

The Director of Human Resources is responsible for developing job descriptions and analyzing the job duties, responsibilities, and minimum qualifications in order to determine the appropriate allocation of each position in the classified service. The Human Resources Department will consult with the affected employee(s) (if applicable) and the Department Director in determining the appropriate allocation for each position and will make a recommendation to the City Manager for the appropriate job title, pay grade and range for each position.

When new positions are approved in the budget, the Human Resources Director shall create new job descriptions, if necessary, and assign them to an appropriate pay grade and pay range. In order to create a new job description, a position questionnaire must be submitted to the Director of Human Resources that describes in detail the duties of such position. A field audit and/or oral interview with a department representative will be conducted in order to verify the information provided on the position questionnaire (PQ). The Human Resources Director shall review and recommend approval or disapproval to the City Manager for all proposed actions for reclassifications, additions, deletions and reallocations.

Section 2-3.3 Procedures for the Reallocation of Positions

The Human Resources Director may recommend approval to the City Manager for the reallocation of existing vacant positions when it is determined that the position is incorrectly allocated. Such action is called reallocation and must be approved by the City Manager. Reallocations may occur as the result of the conditions described below:

1. The position was incorrectly allocated and there have been no substantial changes in duties.
2. There has been a substantial change in the duties and responsibilities or qualifications associated with a position since it was last allocated.
 - a) If a position is assigned a higher pay grade than the current classification, such action is considered an upgrade of the position. If the position is occupied at the time of the upgrade, the incumbent will be reclassified without examination, if the employee meets the minimum qualifications of the new classification.
 - b) If the position is reallocated and the pay grade is not changed, the incumbent may be reclassified without examination providing the employee meets the minimum qualifications.
 - c) If the position is assigned a lower pay grade than the current classification, this change is called a downgrade of the position. If the position is occupied, the incumbent will be reclassified and continue at the same pay and receive increases to the maximum of the range of the lower grade. If the current salary is above the maximum for the lower class, the employee shall be permitted to continue at the present rate of pay until the current salary falls within the lower grade range.
 - d) In all cases of reallocation, if the position is vacant, it shall be filled in the prescribed manner as outlined in Chapter III of the Personnel Policies and Procedures.
 - e) In all cases of reallocation of an occupied position, the incumbent is reclassified consistent with the new allocation provided the incumbent meets the minimum qualifications for the position. The review date of the incumbent is not changed by such action. Any employee affected by the reallocation of his or her position may file a written request for reconsideration to the Human Resources Director.

Section 2-3.4 Procedures for the Re-grading of Positions

The Human Resources Director may recommend approval to the City Manager for a change in pay grade of existing positions when it is determined through re-evaluation of the position that the pay grade needs to be adjusted. Such action is called re-grading and must be approved by the City Manager.

Re-grading may occur as the result of the position being re-evaluated when compared to comparable jobs within the market without any substantial changes in duties. If a position is assigned a higher pay grade than the current classification, such action is considered an upgrade of the position. The rate of pay for an employee shall have their rate of pay increased up to the minimum of the new grade. If the position is assigned a lower pay grade than the current classification, this change is called a downgrade of the position. The rate of pay for an employee will not change if their position is downgraded. If the current salary is above the maximum for the lower grade, the employee shall be permitted to continue at the present rate of pay until the current salary falls within the lower grade range.

Section 2-3.5. Maintenance of the Classification Plan

When a Department Director requests the re-evaluation of a position or the creation of a new classification, the Department Director shall submit a written statement describing the essential job functions and qualifications, or for re-evaluation of an existing position, must include a position questionnaire form outlining the current duties and responsibilities for the position. When a department is substantially reorganized, the Department Director will submit new position questionnaires for all affected positions to the Human Resources Director for re-evaluation.

Section 2-4. Part-time Continuing Employment

Part-time continuing positions are assigned to appropriate classifications by the Human Resources Director. The same principles which apply to starting rates of pay for full-time regular employees shall be used to determine starting rates for part-time employees.

Part-time continuing employees will be evaluated in accordance with the Performance Appraisal System described in Chapter IV.

Section 2-5. Rehired Employees

A rehired employee includes those individuals who left employment with the City for a period of time resulting in a break in service. Rehired individuals do not have any additional or special rights by virtue of this policy.

For the purposes of determining leave accrual and any other program based upon length of service as eligibility criteria, a rehired employee who previously terminated their employment for any reason other than retirement, shall receive prior service credit for their previous full-time service with the City and given an adjusted hire date to be calculated by the Human Resources Department.

Section 2-5.1. Starting Rates for Rehired Employees

In most cases, a former employee who is rehired shall be paid the minimum rate of the pay grade. Exceptions may be requested by the Department Director and approved by the Human Resources Director and the City Manager, as set forth below.

Approval authority is delegated to Department Directors for starting salaries that fall within the first quartile (25%) of the appropriate salary range. Starting salaries that fall within the second quartile of the salary range shall require sufficient justification from the Department Director and approval by the Director of Human Resources. Requests for starting salaries above the second quartile must be approved by the City Manager.

The following are examples of cases in which an exception might be approved as specified in the above guidelines:

- 1) If a selected candidate's qualifications exceed the minimum qualifications stated in the job posting, the candidate may be appointed at a higher rate. These cases should be thoroughly analyzed and measured against objective qualification standards and reviewed and compared with the salaries of current employees in the class.
- 2) Difficulty in recruitment may justify a higher rate. If difficulty in recruitment at the minimum rate in the salary range persists, consideration should be given to assigning a higher hiring rate within the pay grade. The Director of Human Resources must certify as to the recruiting difficulty for the classification.

Appropriations for funding positions above the minimum rate must be secured within the framework of the budget of the department employing the individual.

Section 2-6. Employee Transfers

An employee may transfer to another department within the same classification and such transfer shall not change the employee's pay rate or the date for consideration for a pay for performance increase.

Section 2-7. Temporary Work at a Higher Classification - Provisional Employee

An employee may be required to work in a higher classification on a temporary, incidental or emergency basis. If it is expected that the employee will be required to perform the duties for a period of 30 days or more, the employee may be given a temporary appointment to a higher

position and be paid the appropriate rate for the higher classification. At the conclusion of the appointment, the employee's pay shall revert to the authorized rate established for the regular position. Any such temporary increase granted shall not affect the employee's eligibility for normal pay for performance increases. Temporary appointment may not exceed six (6) months without written approval by the City Manager.

Section 2-8. Promotional Increase Policy

1. When an employee is promoted, the employee's salary will increase to at least the minimum salary of the new grade. If an employee is promoted one (1) grade higher, the increase will be at least the minimum salary of the new grade or up to five percent (5%) more than the previous salary. If the promotion is two (2) or more grades higher, the employee shall receive at least the minimum salary of the higher class or up to ten percent (10%) more than the previous salary.
2. Promotional increases are not to exceed the maximum of the range. If an employee is promoted and their salary is over the maximum of the range, the employee's salary will remain the same or "red-circled" until their salary falls back within the new range. Employees that do not receive a promotional increase because they are over the maximum of their new grade shall receive the promotional increase in a lump sum.
3. The decision regarding a promotional increase shall reflect the promoted employee's experience and qualifications in comparison with other employees' backgrounds in the same job. If the Department Director deems that the promotional guidelines as aforementioned do not fulfill this requirement, the Department Director may request and justify a higher percentage increase for the employee. Final approval must be made by the Human Resources Director. In the event that a Department Director and Human Resources Director do not agree on a promotional increase, the Department Director may take the matter to the City Manager for final disposition.

Section 2-8.1. Reclassification Promotions

If a reclassification study results in reclassifying an employee into a position of higher class and pay or if a reclassification occurs as part of being in a job classification with approved automatic progression levels, the employee shall be promoted to the higher class without competition. In cases where promotion occurs as a result of a reclassification, the employee's salary will increase at least to the minimum salary of the new grade. If an employee is reclassified one (1) grade higher, the increase will be at least the minimum salary of the new grade or up to five percent (5%) more than the previous salary. If the reclassification results in two (2) or more grades higher, the employee shall receive at least the minimum salary of the higher class or up to ten percent (10%) more than the previous salary.

Section 2-8.2. Classification with Automatic Progression Levels

When a job classification has a well-defined career ladder/training program, the department can request designated levels within the job classification be automatic promotions. If an

employee meets the minimum qualifications of the next level and the position is budgeted at the higher level, they can be automatically promoted. The approved listing of jobs which qualify for auto progression will be maintained in the Human Resources Department.

Section 2-9. Effects of Demotion

When an employee is demoted to a lower class position, the employee shall be paid at a rate which is within the approved range for the lower position. The rate of pay shall be set by the Department Director. Final approval for the rate of pay must be made by the Human Resources Director, taking into consideration the circumstances surrounding, and the reasons for the demotion. In the event a Department Director and Human Resources Director do not agree on the rate of pay, the Department Director may take the matter to the City Manager for final disposition. A classified regular status employee may have certain rights of appeal regarding demotions. (See Chapter VIII).

Section 2-9.1. Disciplinary Demotions

1. The Department Director shall furnish a written letter of intent to demote to the employee detailing the reason(s) for the action, the pay adjustment and a notification of the right to appeal.
2. The rate of pay for an employee that is demoted for disciplinary reasons shall be reduced up to 5% for one (1) grade and up to 10% for a two (2) or more grade demotion, or to the rate applicable to the new position as determined by the Department Director and approved by the Human Resources Director.
3. In situations where the guidelines for reduction in pay do not bring the employee's salary within the grade range for the position that the employee is demoted to, the salary shall be adjusted to the maximum pay of the pay grade. Exceptions to this policy require written justification from the requesting department and approval by the Human Resources Director.

Section 2-9.2. Performance Demotions

1. When it has been determined by the Department Director that an employee is unable to meet the minimum performance standards of the position, the Human Resources Director may authorize demotion of that employee to a position having duties in which the employee can meet the minimum performance standards and which is in a class with a lower pay grade. Such a demotion shall be based upon documentation of unsatisfactory performance. The employee affected will retain regular status in the new class. A written notice of demotion, pay adjustment and notification of the right to appeal shall be given to the employee by the Department Director.
2. The rate of pay for an employee who is demoted for performance reasons may have their rate of pay reduced up to 5% for one (1) grade and up to 10% for a two (2) or more grade demotion, or to the rate applicable to the new position as determined by the Department Director and approved by the Human Resources Director.

3. In situations where the guidelines for reduction in pay do not bring the employee's salary within the grade range for the position that the employee is demoted to, the salary shall be adjusted to the maximum pay of the pay grade. Exceptions to this policy require written justification from the requesting department and approval by the Human Resources Director.

Section 2-9.3. Reclassification Demotions

If a reclassification results in an employee occupying a position of lower class and pay, the employee shall be demoted to the lower class. In cases where demotion occurs as a result of a reclassification, the employee shall be allowed to continue at his or her current rate of pay, even though it exceeds the maximum of the salary range in the lower class. However, the employee's pay rate shall be "red circled", thereby disallowing any future salary increases until such time as:

(1) The employee transfers into a job class for which the maximum salary is higher than the employee's current salary, or

(2) The maximum salary for the employee's current class increases to a rate that exceeds the employee's salary.

Section 2-9.4. Voluntary Demotions

1. An employee may be demoted at their own written request to a vacant position in a lower class, subject to the approval of the Department Director and the Human Resources Director. The Human Resources Director shall determine whether the employee meets the minimum qualifications of the lower class of position.

2. An employee who is voluntarily demoted shall have their rate of pay reduced up to 5% for one (1) grade and up to 10% for a two (2) or more grade demotion, or to the rate applicable to the new position as determined by the Department Director and approved by the Human Resources Director.

3. In situations where the guidelines for reduction in pay do not bring the employee's salary within the grade range for the position that the employee is demoted to, the salary shall be adjusted to the maximum pay of the pay grade. Exceptions to this policy require written justification from the requesting department and approval by the Human Resources Director.

Section 2-10. Overtime Policy

All employees may be required to work overtime upon the request of the immediate supervisor or Department Director. Overtime is not authorized without prior approval of the Department Director. It is the policy of the City to comply with the Fair Labor Standards Act (FLSA) with regard to overtime compensation for non-exempt employees.

Section 2-10.1. Overtime Policy for Non-Exempt Employees

1. Upon authorization for overtime work, the Department Director must clearly communicate to non-exempt employees the method of compensation (compensatory time or overtime pay) prior to working the overtime. Compensatory time must be mutually agreed to by the supervisor and affected employees prior to working the overtime.
2. The base work week or work cycle shall only include actual hours worked. Annual Leave, Sick Leave, Workers' Compensation Time, Holidays and any other leave will not count toward the hours worked in the work cycle for overtime purposes.

Section 2-10.2. FLSA Section 207(k) Partial Exempt Employees

According to the Fair Labor Standards Act, FLSA Section 207(k), certain public safety employees (i.e., Police Officers, etc.) may work longer hours (exceed 40 hours per week) in a work cycle before that work is considered overtime. A work cycle can be between 7 and 28 days. The City will designate the assigned work cycle for all positions within the classified service.

Section 2-10.3. Overtime - Part-time, Non-Exempt Employees

Part-time, non-exempt employees who work more than their normal work schedule but less than the FLSA maximum hours for the appropriate work cycle will be paid at straight time. When hours worked exceed FLSA maximums for the appropriate work cycle, part-time employees will be paid overtime at time and one-half (1-1/2) of the regular rate, or will receive compensatory time.

Section 2-11. Compensatory Time Policy

The Fair Labor Standards Act (FLSA) authorizes local governments to grant compensatory (comp) time off in lieu of paying overtime, if an agreement or understanding exists with the non-exempt employee prior to the time being worked. Comp time may be earned at straight time or at time and one-half, depending upon the total number of hours worked within the employees assigned FLSA work cycle.

All City employees, other than Police Officers, are assigned to a 7-day work cycle. Police Officers are assigned to a 28-day work cycle, and the City has adopted an overtime threshold of 171 hours for 28-day cycle employees. All hours worked in excess of 40 hours for 7-day employees or 171 hours for 28-day employees must be compensated either by overtime pay or comp time at a premium rate of one and one-half for each hour of overtime worked.

Section 2-11.1. Straight Time Comp Time

Department Directors should make every effort to allow employees to use comp time in the

same work cycle the hours are earned. Comp time accrued and used within the same FLSA work cycle is compensable at straight time.

For example, a non-exempt employee works three hours past his normal schedule on the third day of a 7 day FLSA work cycle. The employee then uses the accrued comp time on the fifth day of the same FLSA work cycle. The time used is compensable as straight time (three hours), since the use of the comp time took place in the same 7 Day FLSA work cycle.

Section 2-11.2. Time and One-Half Comp Time

Workload and business needs may at times prevent an employee from being able to use accrued comp time within the same work cycle the hours are earned. If the hours are not used within the same work cycle, they become compensable at time and one-half.

For example, a non-exempt employee works two hours past his normal schedule on the third day of a 7- day FLSA work cycle. Due to workload, the Department Director is unable to allow the employee to use the accrued comp time before the end of the same 7-Day work cycle. The employee must accrue the hours at time and one half (2 hours x 1.5 = 3 hours) to be used at a future date.

Section 2-11.3. Accrued Comp Time Usage

If an employee has accrued comp time, the department must require the employee to use their comp time before using their accrued annual or sick leave. Comp time usage should be requested and approved in the same manner as annual leave.

Section 2-11.4. Maximum Comp Time Accrual

The FLSA establishes the maximum amount of comp time that employees can accrue. The maximum accrual limit for employees engaged in work associated with public safety or emergency response (i.e., Police Officers) is 240 hours. For employees in all other areas, the maximum accrual is 120 hours.

Employers may establish lower limits on comp time accrual, in order to manage the employer's liability as well as to prevent scheduling issues during peak seasons or around holidays. As such, the City Manager has established a maximum comp time accrual of 40 hours for 7-Day Work Cycle employees and 80 hours for 28-Day Cycle employees. Department Directors should make every effort to ensure employees do not exceed established maximums per year.

Section 2-11.5. Cashing Out of Comp Time Balance

The FLSA requires the paying out or "cashing out" of comp time upon separation of employment. When comp time is cashed out upon leaving employment, it must be paid at the regular rate the employee is earning at the time it is cashed out, or the average regular rate received by the employee during the past three years, whichever is higher.

When an employee is promoted from a non-exempt position to an exempt position, the accrued comp time balance will be paid out in full at the time of the promotion to exempt status.

Exceptions to the above policy for cashing out of comp time must be approved by the City Manager.

Section 2-12. Record Keeping

City departments shall be responsible for maintaining records for comp time accrual and usage on the employees' time sheets, which, in turn is entered into the payroll system.

Section 2-13. Amendment to the Salary Administration Program

The Human Resources Director, when necessary or when requested by the City Manager, shall cause the Salary Administration Program to be examined for the purposes of amendment. On the basis of conclusions reached through this examination, the Human Resources Director will present recommendations for revisions in the Salary Administration Program to the City Manager for appropriate action. When reviewed by the City Manager and approved by the Mayor and Council, the Salary Administration Program shall constitute the City's pay schedule for the Classified Service and shall be effective until such time as the Mayor and Council may amend or adopt a new Salary Administration Program.

CHAPTER III

EMPLOYMENT SELECTION, RECRUITMENT & TESTING

CHAPTER III

CHAPTER III – EMPLOYMENT RECRUITMENT & SELECTION		
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CHAPTER III

EMPLOYMENT SELECTION, RECRUITMENT & TESTING

Section 3-1. Recruitment Procedures

Recruitment of candidates for positions in the Classified Service will be carried out through appropriate media on a timely basis to ensure that individuals have the opportunity to apply and to be considered for such positions. Applicants will be recruited on the basis of meeting or exceeding the minimum qualifications established for the position.

Section 3-2. Announcement of Vacant Positions

1. The Department Director will submit a request to fill a vacant position to the Human Resources Director. If a Department Director feels there is a sufficient number of qualified applicants within the department or City government, they may decide to advertise the vacancy internal to the City, to promote career growth/promotional opportunities for current employees.
2. Announcements of vacant positions and vacancy lists in the Classified Service, not filled by transfer, promotions or re-employment, or from extended applicant registers shall be publicized by posting announcements in City Hall, on the City's website, and other resources as deemed appropriate. A posting will remain open a minimum of seven (7) calendar days or thereafter, until a significant number of qualified applicants are obtained. The announcements, which may be for filling vacancies by initial appointment or by promotion, shall specify the following information:
 - a. the job title and salary of the position to be filled;
 - b. minimum qualifications and essential job functions for the position or for admission to written and/or oral tests, if required;
 - c. procedure for submitting applications;
 - d. closing date for receipt of applications;
 - e. other pertinent information.

Section 3-3. Applications

3-3.1. Filing of Applications

1. All applications for positions in the Classified Service shall be made by completing a standard application form or submitting a resume', as prescribed by the Human Resources Director. Applications and/or resumes must include detailed information regarding educational background, training, skills, employment experience, salary requirements and other pertinent information needed to assess the applicant's ability to meet minimum requirements.

Supplemental screening questionnaires may be included for certain positions.

2. Applicants who submit resumes will be required to complete a standard application form before a conditional job offer can be made.
3. All applications shall be signed by the applicant attesting to the truth of all statements contained in the application form.
4. To receive consideration, applications and/or resumes must be filed (hard copy or electronically) by the published closing date noted on the job announcement.
5. Incomplete applications may be returned to the applicant with a notice to amend same and return by the closing date noted on the job announcement. Incomplete applications not amended by the closing date may not be considered.

3-3.2. Conditions for Rejection of Applicants

The Human Resources Director or designee may reject any application or applicant when one or more of the following determinations are made:

1. The application or resume was not received on or before the published closing date noted on the posting announcement.
2. The applicant does not possess one or more of the requirements as specified in the public announcement of the job vacancy.
3. The applicant falsified statements of material fact on the application or resume resulting in sufficient cause for dismissal.
4. The applicant is deemed to be in violation of the City of Lilburn's Drug Free Workplace Policy (Pre-employment screening).
5. The applicant falsified statements of a material fact on supplemental screening questionnaires, or in attempting to secure appointment.
6. The applicant was previously employed by the City of Lilburn and was dismissed for cause, or resigned not in good standing, and is not currently eligible for re-employment in the employing department. Consideration for re-employment may be considered on a case-by-case basis with the request from the department head and approval by the Human Resources Director.
7. A review of the applicant's past record of employment is determined to be unsatisfactory by the Department Director or Human Resources Director.

8. The applicant is not eligible for employment in the United States.
9. An applicant is convicted of a criminal offense involving the manufacture, distribution, trafficking, or sale of a controlled substance, dangerous drug or marijuana is ineligible for employment. Such applicants shall be automatically rejected.
10. An applicant convicted of a felony involving a violent crime such as assault with a deadly weapon, aggravated assault, or murder is ineligible for employment. Such applicants shall be automatically rejected.
11. An applicant convicted of any other felony will be considered on a case-by-case basis.

Section 3-3.3 Pardons

Any applicant who has been convicted of any felony or misdemeanor and who has received a pardon from the appropriate Pardons and Parole Board shall be eligible for employment with the City.

Section 3-4. Guidelines for Employment

All regular positions in the Classified Service shall be open to all persons who meet the minimum qualification requirements as listed on the job vacancy announcement. Such requirements include, but may not be limited to, the following factors: experience, education and physical condition as a bona fide occupational requirement and the ability to perform the essential functions of the job. Employees must be at least 18 years of age except part-time, seasonal/occasional student employees may be hired at age 15 and over. Employees must be eligible to work under federal/state guidelines in the United States.

Section 3-5. Drug and Alcohol Screening

For applicants and employees in the classified service, the City of Lilburn's Drug Free Workplace Policy and all amendments thereto is adopted in its entirety. (See Chapter VI Section 6-16).

Section 3-6. ADA (Americans With Disabilities Act)

It is the policy of the City of Lilburn to provide fair and equitable treatment to persons having a physical or mental disability that substantially limits a major life activity and to individuals who have a record of, or who are regarded as, having a substantially limiting impairment. This policy includes providing reasonable accommodation(s) to permit a qualified person with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

An individual with a disability must satisfy job requirements for educational background, employment experience, skills, licenses and any other qualification standards that are job related and must be able to perform those tasks that are essential to the job with or without reasonable accommodations as outlined under the Americans With Disabilities Act of 1990 (ADA) as amended.

All job vacancy announcements and recruiting advertisements will list the essential functions and job requirements to perform the job. If an employee becomes totally or partially disabled to perform the essential job functions of their current position, with or without reasonable accommodations, efforts will be made to assist the employee in identifying existing vacant positions for which they qualify and can perform, with or without accommodation, in accordance with ADA policy guidelines.

The City is not required to change the essential job functions of a position, create a vacancy or promote an employee with a disability as an accommodation to the employee. If a necessary reasonable accommodation is refused, the employee may be considered not qualified to perform the essential functions of the job.

Section 3-7. Open Competitive Examinations

Positions to be filled by recruitment from outside the Classified Service may be filled through a competitive examination process, open to the public and employees. Examinations shall be constructed to test the ability of the candidate to perform the essential job functions of the particular job class or position. The hiring department may require candidates to submit proof of age, military service and other pertinent information at the time of examination and shall keep a record of this information. Accommodation(s) will be made to assist an individual with a disability provided the person notifies the hiring department or the Human Resources Department of this need and what specific accommodation(s) will be required. A minimum two (2) day notice prior to the scheduled testing date is required.

Section 3-8. Promotional Examinations

1. Vacancies in higher positions shall be filled by promotion from lower classes when it is in the best interest of the City. All vacancies to be filled by promotion on a competitive basis shall be publicized for a minimum of seven (7) days before the examination date. In cases where study materials are provided, posting dates may be extended by the respective department director. Promotional competitions shall be open to all employees who meet the minimum requirements and apply by the closing date specified.

2. The announcement of promotional procedures shall include the following:

- the minimum requirements for eligibility to participate;
- a listing of the phases which will comprise the promotional examination process and the dates planned for administration of the phases;

- a general description of subject matter materials, text, etc., applicable to the examination/assessment processes;
- a general description of the rating procedures for each phase;
- procedures that will be used to assign candidates to the promotional register;
and
- a description of the general criteria developed by the Department Director to be used in evaluating candidates for promotional consideration once a final register has been established. (Note: that the Department Director reserves the right to assign the relative weights to the specified criteria).

The hiring department shall conduct competitive promotional examinations and establish promotion lists in the manner provided in these Personnel Policies and Procedures. Eligibility lists must be approved by the Department Director and certified by the Human Resources Director.

3. For all promotional examinations a minimum standard to determine eligibility to participate will be set by the Department Director, in conjunction with the Human Resources Director. If more than one type of test is used to establish eligibility, a minimum standard on each part of the test will be formulated.

4. When a department director has decided to fill a vacancy, the eligible City employees who are qualified as a result of a competitive examination for the vacancy being filled, shall be certified to the appointing authority for selection. The Department Director will select from those rated in the “highly qualified” band first. If no candidates rated in the “highly qualified” banded status, the Department will select from those rated in the “qualified” band.

5. No veteran preference will be given on promotional examinations.

6. Requests for make-up promotional examinations may be considered on a case by case basis in accordance with the testing policy.

Section 3-8.1. Rating Education and Experience

When the rating of education and experience comprises a part of the total examination, the Department Director, in conjunction with the Human Resources Director shall determine a procedure based on an evaluation of education and experience qualifications of the applicants. The determination of appropriate written and performance tests, the methods of evaluating experience and training, and assigning weights to various parts of an examination when appropriate, shall be determined by the Department Director, in conjunction with the Human Resources Director. The system used to evaluate applicants shall give due regard to the individual's ability to perform essential job functions as well as experience and education. If

there is sufficient cause to believe that the applicant deliberately falsified information, the application may be rejected.

Section 3-8.2. Method of Rating Examinations

For all examinations, the Department Director, in conjunction with the Human Resources Director shall establish minimum standards of performance or requirements in order to achieve an eligibility standard. If the exam is comprised of successive components/phases, candidates must obtain acceptable scores on each phase. The formula for assigning weights will be administered in a uniform and equal manner for all applicants for the same class of positions.

Section 3-8.3. Notification of Examination Results

Upon completion of the rating process, each person shall be notified in writing of his or her rating on any phase of a promotional procedure within a reasonable time period. For the final phase, candidates will also be notified of their band assignment.

Section 3-8.4. Inspection and Confidentiality of Examination Material

The confidentiality of all applications, examination results and test materials is essential to the integrity of the examination process. Accordingly, general access to, or disclosure of, examination results and/or materials is prohibited. Limited access to promotional examination results and/or test materials will be allowed in a manner carefully constructed to protect both confidentiality and the integrity of the examination process.

The Department Director shall be responsible for the maintenance of all records related to the examination process. Applications and other examination records shall be kept during the life of the applicable register and shall meet the requirements of the Georgia records retention laws.

Section 3-9. Eligibility Registers

Section 3-9.1. Policy

Vacancies in the Classified Service which are to be filled shall be done from an applicant register through a competitive process unless the Human Resources Director determines that the vacancy will be filled by transfer, demotion, promotion, reassignment or certification from re-employment lists or ADA compliance. After each open competitive process, the Human Resources Director shall prepare an applicant register of persons with passing status. The names of such persons shall be placed on an eligibility register.

Section 3-9.2. Establishment and Duration of Eligibility Registers

1. The Human Resources Director shall establish lists of eligible candidates for various classes of positions as may be necessary to meet the needs of the Classified Service. Candidates

shall be eligible for promotional consideration for a period of two (2) years from the date of notification of qualified status.

2. If the Department Director, after consulting with the Human Resources Director, determines that a register, although not exhausted, is inadequate for the filling of anticipated vacancies, a new open competitive examination process may be announced. Candidates already deemed eligible for promotion for a period of two (2) years may choose to compete in the newly announced examination process. Upon successful completion of a new promotional process resulting in the candidate obtaining a qualified status, another two (2) year period of eligibility would begin. If unsuccessful, the candidate would continue to be eligible for promotion for the duration of time remaining from successful completion of the previous promotional process.

Section 3-9.3. Removal Of Names From a Register

Names may be removed from applicant registers for any one (1) of the reasons listed below.

1. Refusal of two (2) offers of appointment;
2. Appointment to a regular position from the applicant registers;
3. Filing of a statement by the eligible applicant stating an unwillingness to accept appointment.
4. Failure to respond within the time specified in the notice, to any inquiry by the department director or Human Resources Director, if satisfactory evidence is not furnished justifying such failure to respond;
5. The discovery that the applicant would be subject to rejection under other provisions of these Personnel Policies and Procedures.

Section 3-9.4. Notification of Removal From a Register

Whenever an applicant's name is removed from a register for reasons cited in Section 3-9.3 of these Personnel Policies and Procedures, the Human Resources Director shall notify the ineligible applicant of this action and the reasons thereof. An applicant's name may be restored to the register upon presentation of reasons satisfactory to the Human Resources Director. Whenever an eligible applicant notifies the Human Resources Director in writing of unavailability for employment or employment consideration, the Human Resources Director may remove the name of the eligible applicant from the appropriate register without further notification to the applicant.

Section 3-10. Re-employment

1. A regular employee separated from the Classified Service by resignation may, within a period of one (1) year after date of termination, request in writing to be placed on a re-employment register for the class of positions from which the employee resigned. Applicants

shall successfully pass screening requirements before reinstatement as applicable. At the time of resignation, the employee's supervisor must designate rehire eligibility to make the employee eligible or ineligible to be placed on the re-employment register. However, the Human Resources Director may waive the eligibility requirement due to extenuating circumstances.

2. Names shall be placed on re-employment registers in such order as shall be determined by the Human Resources Director, who shall give consideration to qualifications and length of service.
3. The names on a re-employment register shall expire one (1) year from the date on which the name(s) was placed on the register.

Section 3-11. Certification

Whenever a vacancy is to be filled, the department director shall submit a Personnel Action Form to the Human Resources Director for recruitment of eligible applicants.

Section 3-12. Guidelines for Filling Vacancies

1. Department Directors or hiring managers are required to interview a minimum of three (3) eligible applicants to fill a position vacancy except when fewer than three (3) applicants are eligible to compete.

If the register, established as a result of the open-competitive examination for a specific class is exhausted, the Human Resources Director may fill the vacancy in any manner provided by these Personnel Policies and Procedures.

2. In making appointments from the open-competitive register, the appointing authority shall select for each position an applicant who is included within the qualified status exclusive of those applicants:
 - a. who request that they not be considered for appointment;
 - b. who fail to appear for an interview for which they have been scheduled;
 - c. who decline two (2) offers of appointment.
 - d. who accept an appointment and fail to report to work as scheduled without giving reasons for the delay.

Section 3-13. Cancellation of Certification

If at any time an applicant has been certified as eligible for hiring and the Department Director decides not to fill the position, the personnel action request form and certification may be canceled.

Section 3-14. Selection

The Department Director shall select the most suitable applicant from among those certified as eligible and report the selection to the Human Resources Director. Once the applicant is selected, it shall be the responsibility of the Human Resources Director or designee to make the conditional job offer to the applicant. Upon acceptance of the position, the applicant will be directed to complete any other qualifying requirements and the appropriate forms.

When selection from an internal list of eligible applicants has been designated as the method for filling the vacancy, the Department Director shall make the selection from any of the applicants appearing on the register.

Section 3-15. Applicant Requirements Before Final Processing

1. Applicants, including those being re-employed for positions with the City, may be required after the conditional job offer but prior to first day at work, to undergo a medical examination to determine physical and/or mental fitness to perform the essential functions of the position. The medical examination shall be performed and evaluated by an approved physician designated by the City. In protective service positions, new employees will be subject to other qualifying measures deemed appropriate for the position.
2. Applicant shall present proof of eligibility to satisfy current governmental requirements to obtain employment in the United States.
3. Applicant shall provide proof of education, if education is a valid and established requirement for the position to be filled.
4. When appropriate, the applicant shall present a certificate of separation from the Armed Forces (Military DD214).
5. When appropriate, applicant shall present verification of birth date.
6. When appropriate, applicant shall present a copy of their valid driver's license.
7. Applicant will complete any other required forms which may be necessary in order for the City to conduct a background investigation, to include a criminal history check.

The job offer is formalized after these final screening measures have been satisfactorily completed. Any exception to the above must be approved by the Human Resources Director.

Section 3-16. Certification for Different Types of Appointments

Section 3-16.1. Temporary or Seasonal Appointment

1. Temporary appointments or seasonal appointments may be made for special project(s) or other work of a temporary or transitory nature or to work during peak seasons or on an

occasional "as needed" basis. The services to be rendered by an appointee for a temporary period are not to exceed six (6) months in any twelve month period, without written approval for extension by the Human Resources Director. Seasonal employees are not considered members of the classified service.

2. The Human Resources Director shall certify the names of those qualified applicants on applicant registers who have indicated their availability for temporary or seasonal employment.
3. Acceptance of such appointment by an eligible applicant shall not affect their standing on the registers for regular appointment.

Section 3-16.2. Provisional Appointment

1. Whenever there are urgent reasons for filling a regular position in a class for which appropriate lists or the required number of eligible applicants are not available, the Human Resources Director may authorize the vacancy to be filled by a provisional appointment.
2. A Department Director, subject to the approval of the Human Resources Director, may make a provisional appointment of an applicant who meets education, experience and related requirements for the position being filled.
3. A provisional appointment shall continue only until an appropriate applicant register can be established and selection has been made. The provisional appointee shall be given an opportunity to compete for the regular status position.
4. If the provisional employee is appointed to the regular status position, the length of time served in the provisional status position shall be credited towards the initial probationary period.
5. In no event shall the provisional appointment continue for more than ninety calendar days in any twelve (12) month period, nor successive appointments be made without approval of the Human Resources Director.

Section 3-16.3. Part-time Appointment

Part-time positions are those positions involving less than forty hours per week. Persons employed under such conditions shall not achieve regular status except as provided elsewhere in these Personnel Policies and Procedures. Part-time indicates that the employee is to work on a continuing basis, but will work less than the normal time specified for regular positions in the affected job classification.

Authorization may be given for the filling of part-time positions at the request of the Department Director and approval of the Human Resources Director.

Section 3-17. Employment of Relatives

No family member of any elected official of the City of Lilburn shall be hired by the City during the duration of that elected official's term of office. For the purposes of this policy, the term "family member(s)" shall include mother, father, daughter, son, spouse, sister, brother, or grandparent of the elected official or the elected official's current spouse.

Section 3-18. Interpretation

Any necessary administrative interpretations concerning certification and appointment matters not inconsistent with these Personnel Policies and Procedures shall be made by the Human Resources Director.

CHAPTER IV EMPLOYEE PERFORMANCE APPRAISAL

CHAPTER IV

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CHAPTER IV

EMPLOYEE PERFORMANCE APPRAISAL

Section 4.1. Policy

The Human Resources Director shall recommend to the City Manager a system for assessing the work performance of all City employees. In all matters relating to employee performance, the Human Resources Director shall make recommendations to the City Manager as necessary for carrying out the intent of this policy.

Section 4.2. Purposes of Performance Appraisal

The Employee Performance Appraisal System (EPAS) is used to determine and compensate satisfactory or above performance based upon job-related criteria and specific performance ratings. It also provides for an objective and consistent system for providing specific feedback on job related performance to assist in decisions concerning employment activities, disciplinary action, developmental needs and for other such actions as set forth in these policies. The EPAS is designed to encourage one-on-one communication and provide feedback about job duties, responsibilities and performance on a regular basis, in order to improve and/or maintain high levels of productivity and efficiency.

Section 4-3. Timetable for Performance Appraisals

1. All probationary employees in the classified service shall have a performance appraisal conducted at 6 months and 12 months prior to obtaining regular status as a classified employee.
2. Thereafter, performance will be reviewed annually and a completed performance appraisal prepared, reviewed with the employee, and forwarded to the Human Resources Director for inclusion in the employee's personnel file.
3. If an employee is promoted, demoted, or transfers to another supervisor, the current supervisor should complete a performance appraisal at the time of such change. The new supervisor may consider the information contained in the appraisal, in conjunction with the employee's annual performance review.

Section 4-4. Procedures for Performance Appraisal

1. The supervisor (rater) should review each employee's completed performance appraisal with the appropriate members of the employee's management chain and come to consensus on the ratings, comments, and performance planning. The form should be approved and signed by all the necessary reviewing management personnel before

being presented to and reviewed by the employee. The employee should sign the formal performance appraisal document in the space provided. The employee's signature is only an indication to confirm that the formal appraisal was reviewed and discussed with the immediate supervisor, not that the employee necessarily agrees with some or all of the ratings and/or the final overall rating. In those cases where an employee refuses to sign the performance appraisal document, the supervisor must indicate the employee's refusal, in writing, on the performance appraisal document and have another supervisory employee sign the document as a witness to the employee's refusal. A performance appraisal cannot be the subject of a grievance to the Merit System Board.

2. The completed original performance appraisal document should be immediately forwarded to the Human Resources Department for review/approval. A copy of the approved performance review will be returned to the employee and the original will be placed in the employee's personnel file.

Section 4-5. Confidentiality of Performance Appraisal

Performance appraisal documents, ratings and final rating scores are personal matters of business between the employee and management. Supervisory and management personnel shall endeavor to maintain the confidentiality of all performance appraisals to the best of their abilities. It is recognized that disclosure under certain circumstances, such as binding legal requests or administrative and/or employment related requests, would be required.

Section 4-6. Changes in Performance Appraisal

If a Department Director requests a change of a performance appraisal after it has been forwarded to the Human Resources Office, such request shall be in writing and shall explain in detail the reasons for the request. The Human Resources Director shall make requested changes only after it has been demonstrated that such changes have been communicated by the Department Director to the respective employee and that the employee has received a copy of the changed performance appraisal document

Section 4-7. Performance Appraisal and Pay for Performance

Pay for performance compensation, if authorized, is contingent upon the final rating score earned and reported on an employee performance appraisal. The final rating score shall be used to determine the amount and type of compensation for employees. The relationship between the final rating score and the amount of increase or lump sum payment may change from year to year and must be approved by the Mayor and Council. A final rating score reflecting unsatisfactory performance shall render the employee ineligible for a performance increase, and may subject the employee to performance demotion and/or other disciplinary action up to and including termination of employment. A rating of "unsatisfactory" is obtained when an employee receives more than one (1) rating of "Does Not Meet Expectations" as defined on the Performance Appraisal document.

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CHAPTER V EMPLOYEE ATTENDANCE AND LEAVE POLICIES

Section 5-1. Attendance Policy

Each Department Director shall be responsible for the attendance of all persons in his or her department. The Department Directors shall ensure the accurate recording of information with respect to attendance and hours worked, shift schedules, annual leave, sick leave, overtime, compensatory time, and other events affecting attendance, labor allocations, FLSA compliance, etc. by utilizing the official time keeping system for all City departments.

The Director of Human Resources shall be responsible for establishing the City's official time keeping system and procedures to be utilized by all departments to facilitate production of payrolls and other related business processes. The Director of Human Resources shall be responsible for advising Department Directors on matters of City leave and attendance policies, FLSA, and other matters relating to administration of shift schedules, work schedules, etc.

All employees are expected to be present and on time to perform the duties for which they were hired. If an employee is going to be late or absent from work, the employee must notify their immediate supervisor, or other authorized representative within the time limit established by the department. Absences due to illness or injury may require verification from a physician or, the employee's supervisor may request the employee undergo a physical examination by a certified physician of the City's choice at the City's expense.

Frequent absences, excessive use of sick leave, patterned absences or failure to follow established reporting requirements, will result in unsatisfactory attendance, which may be considered in the employee's performance appraisal. Unsatisfactory attendance and/or tardiness may be cause for disciplinary action, up to, and including termination.

Three consecutive days of unreported, unauthorized absences shall be considered a compulsory resignation due to job abandonment.

Section 5-2. Hours of Work

The established work cycle for all full-time hourly employees in the Classified Service shall conform to the work hours established by the Fair Labor Standards Act (FLSA). The work schedule is determined by the Department Director.

Section 5-3. Alternate Work Schedule

City employees may elect to work an alternate work schedule with appropriate approval from their immediate supervisor and Department Director, or the Department Director, based on business necessity which may require an employee to work an alternate schedule. The Department Director has the discretion as to whether or not their employees may participate in

an alternate work schedule and must ensure that qualified staff are available during normal operating hours to serve the citizens.

Section 5-4. Annual Leave Policy

Annual leave is a type of paid leave accrued by an employee and utilized under certain conditions. Annual leave is considered a benefit for eligible employees. It shall be the policy of the City of Lilburn to encourage employees to use annual leave in order to promote a more healthy and productive workforce. Employees may carry forward a maximum of 240 hours annual leave into the next calendar year. Employees will not be paid for any excess accrued annual leave. Upon separation, all employees will be paid for accrued annual leave unless the employee fails to provide the required 14 day notice (See Chapter VII Section 7-4.1). Failure to comply with the 14 day notice shall result in a reduction of accumulated annual leave by one day for each day less than the required 14 day notice. A Department Director with the approval of the Human Resources Director may exempt the employee from the 14 day notice requirement should exceptional circumstances warrant such exemption.

Section 5-4.1. Requests for Annual Leave

The vacation schedule shall be arranged so that the department can maintain effective service levels. A request for annual leave shall be submitted in writing to the employee's immediate supervisor or in accordance with departmental policy. Annual leave may be taken only after approval by the appropriate Department Director or his or her designee. Annual leave may be taken in quarter hour increments (.25, .50, .75). Annual leave may not be taken during the first six (6) months of the initial probationary period and will not be paid out should an employee choose to leave during this period. However, annual leave hours will accrue during this time. Leave without pay is not allowed when the employee is eligible to use accrued annual leave, except for the following: military leave, disciplinary purposes, upon initial appointment, or upon termination. Employees may not use annual leave for a medical condition or illness unless their sick leave has been exhausted. Annual leave may be granted for any uncovered portion of sick leave once sick leave has been exhausted. However, employees may not take sick leave for annual leave.

Section 5-4.2. Accrual Rate of Annual Leave

- 1) The following policy applies to all full-time exempt and non-exempt employees. Temporary employees are not eligible to accrue annual leave.

Annual Leave accrual schedule is as follows:

LENGTH OF SERVICE	ACCRUAL RATE
1-4 years continuous service	80 hours per year (10 Days)
5-9 years continuous service	96 hours per year (12 Days)
10 or more years continuous service	120 hours per year (15 Days)

Section 5-4.3. Annual Leave Carryover

The maximum carryover of annual leave into the next calendar year shall not exceed two hundred and forty hours (240 hours). The maximum carryover is subject to annual review.

*** Leave accrual and maximum carryover limits may vary for senior level executive positions with written employment agreements.

Section 5-4.4. Annual Leave Recruitment Incentive

As an additional recruitment incentive, senior level appointed positions such as Department Directors, or other managerial positions, may be granted supplemental leave as part of their initial employment benefits package. In addition to the accrual of annual and sick leave to which the employee is entitled, the employee may be initially credited with up to eighty (80) hours of annual leave. Such requests for additional annual leave accrual must be approved by the City Manager.

Section 5-5. Sick Leave Policy

Sick leave is a type of paid employee leave which is accrued by an employee and utilized by the employee in restricted situations. Sick leave benefits are provided to ease the financial burden when employees are required to be absent from their jobs because of a non-job-related illness or injury. Sick leave is a privilege given by the City.

Section 5-5.1. Request for Sick Leave

To receive paid sick leave the employee must have completed three (3) months service. Sick leave may be taken in quarter hour (.25, .50, .75) hour increments. An employee who is on leave without pay for disciplinary or other reasons may not accrue sick leave until such time as the employee returns to work. An employee shall notify their immediate supervisor or department director of unscheduled sick leave usage no later than the scheduled time to report to work, or as determined by department policy. Sick leave should be approved in advance for scheduled items, i.e., doctor appointments, surgery, etc. Department Directors shall determine formal policy for sick leave call-in for his/her respective departments.

Sick leave shall be taken for instances of illness or injury of the employee, spouse, child, stepchild, parent, stepparent, or any person domiciled in the employee's household. Sick leave may also be used to obtain preventive medical care. An employee who is out due to a medical condition or illness will be required to first use their accumulated sick leave. Once their sick leave is exhausted, the employee may then use accrued comp time, annual leave or personal leave. However, sick leave may not be used in place of annual leave.

In many instances, an adult (and in some instances an older child) will not require the full-time attention of the employee. It is inappropriate for the employee to remain absent from work if the adult or child could care for himself or herself. A physician's certificate can be requested to verify illness for individuals under the employee's care for whom sick leave is taken. The fact that a specific number of hours of paid sick leave are accrued and added to an employee's sick leave balance each year should not be interpreted as an entitlement to use such hours of paid sick leave without an acceptable reason. Frequent absences, excessive use of sick leave, patterned absences, or failure to follow established reporting requirements will result in an unsatisfactory attendance record which may be considered in the employee's performance evaluation, and may justify disciplinary action, up to and including termination of employment.

Section 5-5.2. Accrual Rate of Sick Leave and Sick Leave Carryover

- 1) Full-time regular employees will earn four (4) hours of sick leave per month or 48 hours per year beginning from the date of hire. The maximum accumulation of sick leave is seven hundred twenty (720) hours. Unused sick leave up to seven hundred twenty (720) hours may be carried into the next calendar year.
- 2) There shall be no compensation for unused sick leave when separated from City service, except for retirement if the retiring employee has completed a minimum of twenty-five (25) years continuous full-time service with the City. The maximum hours a retiring employee can be paid are seven hundred twenty (720) hours. Payment will be made upon retirement and at the employee's current rate of pay. Accumulated hours over seven hundred twenty (720) hours may be credited to employee's longevity upon certification by the employer. No financial consideration will be made in lieu of longevity credit.
- 3) Part-time regular employees working at least twenty (20) hours per week may accrue sick leave at $\frac{1}{2}$ the accrual rate of a full-time regular employee.

Section 5-5.3. Certification By Physician

For the following reasons, a medical certificate signed by a licensed physician may be required by the employee's supervisor or Department Director to substantiate a request for sick leave:

- 1) Any period of absence (due to illness) consisting of three (3) or more consecutive working days.
- 2) To support a request for sick leave during a period when the employee is on annual leave, or when taken before or after a holiday or other scheduled day off.
- 3) Leave of any duration if absence from duty recurs frequently or habitually, provided the employee has been notified or warned that a medical certificate will be required.
- 4) To support sick leave used to care for an eligible person, as defined in Chapter V Section 5-13.2.

5) To support a request for leave under the Family and Medical Leave Act of 1993.

Section 5-6. Administrative Leave

Administrative leave with pay may be granted for other reasons than stated herein by a Department Director or the Human Resources Director, as set forth below. Administrative leave does not count against the number of days allowed for other types of paid leave.

Approval authority is delegated to Department Directors for periods of administrative leave of up to forty (40) hours in duration. Periods of administrative leave in excess of forty (40) hours shall require the approval of the City Manager.

Section 5-7. Civil Leave

An employee shall be given time off without loss of pay when performing jury duty or when subpoenaed to appear before a court, public body or commission in connection with City business. Employees must notify their supervisor upon receipt of notification of jury duty or other court summons.. The summons should be presented to an employee's supervisor before the civil leave begins. An employee who files a legal action against the City or is subpoenaed for non-city related legal action is not entitled to take Civil Leave for the pursuit of such a lawsuit, but must instead make use of accrued annual leave.

Section 5-8. Funeral Leave

Upon approval by the Department Director, funeral leave up to two (2) consecutive working days with pay will be granted for an employee's absence from duty in the event of death in the immediate family, as defined below. Funeral leave will be granted for the death of any of the following persons: spouse, parent or stepparent, child or stepchild, sibling, grandparent, grandchildren, or any of the above listed members of the employee's current spouse's family, or any person who is domiciled in the employee's household. It is recognized that two (2) days may not be sufficient; therefore, annual leave may be granted for this reason. The date on which funeral leave will commence shall be at the discretion of the employee, subject to the approval of the Department Director.

Section 5-9. Military Leave

1. Military leave is a period of unpaid leave due to any employee's service in the military forces of the United States. An employee who leaves the service of the City to join the military forces of the United States shall be placed on military leave without pay in accordance with conditions set forth in Federal and State Law. Such leave shall extend through a date not to exceed 90 days after the employee is relieved from such service. Such employees shall be entitled to be reinstated to the previously vacated position provided application is made to the Human Resources Director within 90 days of the date of the employee's honorable discharge (as indicated on U. S. Dept. of Defense Form DD-214) and that the employee is physically and mentally capable of performing the essential functions of the position.

Time so served shall be considered as continuous employment with the City. The returning employee shall also be entitled to any increase in salary (including market adjustment increases) or any advancement in grade which would normally be accorded to the incumbent of the position, with the exception of any increases or advancement in grade which would normally be dependent on performance of the duties of the position.

2. In the event a position, vacated by a person entering the military service, as stated above, no longer exists at the time the qualified employee returns to work, such person shall be entitled to be re-employed in another position of the same status, class and pay in City service.

3. Employees will be given time off without loss of compensation while on ordered State or Federal military duty including but not limited to attendance at a service school conducted by the military forces of the United States, and while going to or returning from such duty or school, for a total of 18 days or no more than 144 hours in any one calendar year. In the event the Governor of Georgia declares an emergency and orders an employee to State active duty as a member of the National Guard, such employee will be paid for a period not exceeding 30 days or 240 hours total in any one calendar year.

Whenever such an employee is ordered to be on military duty or to attend a service school in excess of the amount of time which will be paid, the employee may use accrued annual leave for such absence or may take a personal leave of absence.

Section 5-10. Holidays

The City will observe ten (10) fixed holidays. The holidays are as follows:

New Year's Day	January 1
Martin Luther King Day	Third Monday in January
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving	Fourth Thursday in November
Day after Thanksgiving	Forth Friday in November
Christmas Eve	December
Christmas Day	December 25

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Section 5-10.1 Compensation for Hoiddays

Employees scheduled to work on a holiday will receive the equivalent of one day of pay (8, 10, or 12 hours depending upon the assigned shift) for the holiday in addition to the hours actually worked. Employees eligible for holiday pay include full-time employees in a regular, temporary, or limited term status. Employees in an approved compensated leave status will be paid for holidays occurring during their period of approved leave, however, employees who are in a non-compensated or unpaid approved leave status (for example, approved unpaid medical leave) shall not be paid for such holidays.

Other days may be declared as holidays by the Mayor and Council at its discretion. Whenever a holiday falls on a Sunday, the following Monday shall be designated as the official holiday for that year or if the holiday falls on a Saturday, the previous Friday shall be the official holiday. An employee who is not on approved leave or leave of absence and who fails to report on a scheduled work day before and/or after a holiday shall not be paid for the holiday. Holidays which occur during approved annual or sick leave shall not be charged against annual or sick leave.

Section 5-11. Leave of Absence

The City of Lilburn may grant leaves of absence to help alleviate difficult situations which may arise during an employee's career with the City. A leave of absence may be allowed for the reasons explained in the following sections. The Human Resources Director will establish and maintain specific procedures for granting and administering leaves of absence for all employees.

Section 5-11.1. Leave of Absence Without Pay (LWOP)

Leave of absence without pay (LWOP) may be granted to an employee for a period not to exceed 30 calendar days for compelling personal reasons. The employee must submit a written request to the Department Director for approval. If approved, the leave of absence request must then be forwarded by the Department Director to the Human Resources Director for final approval. Requests will be considered after the exhaustion of all Federal and State approved leave and exhaustion of all other applicable City leave. Requests for a leave of absence beyond 30 calendar days may be considered under extenuating circumstances, and must be approved by the City Manager.

An employee who returns from approved LWOP of 30 calendar days or less will be reinstated into the same position previously held. An employee who fails to return to work on the first scheduled workday following the exhaustion of their approved LWOP will be considered to be on an unauthorized leave of absence and the provisions of Chapter VII Section 7-4.2 will apply.

An employee on approved LWOP will not accrue sick or annual leave or be paid for holidays while in an unpaid leave status. Also, the employee will be responsible for making arrangements with the Human Resources Department regarding payment of benefit premiums.

Section 5-12. Family Medical Leave

In accordance with the Family and Medical Leave Act of 1993, an employee who has been employed by the City for a period of twelve months and has worked at least 1,250 hours over the previous twelve month period is entitled to 12 work weeks of leave:

- For the birth of a child, or the placement of a child with the employee for adoption or for foster care;
- To care for a spouse, son, daughter, or parent with a serious health condition;

- For the employee's own serious health condition

An employee who is out due to a serious health condition as defined by FMLA will be required to first use all available sick leave and then comp time, personal leave, and annual leave. If necessary, following the exhaustion of all accumulated leave, the employee will be placed on leave of absence without pay (LWOP) for the remainder of the 12-week period in the instance of the employee's own serious health condition, or the employee's spouse, child, or parent (also see Section 5-12.1).

For the purposes of this policy the term "child" includes a biological child, an adopted or foster child, step child, or a legal ward, younger than 18 years of age, and shall also include a child 18 years of age or older who is incapable of self-care because of mental or physical disability. Further, a "parent" includes biological parents and persons standing in place of a biological parent ("in loco parentis"). For the purposes of this policy, the City defines "serious health condition" as stated in the Family Medical Leave Act (FMLA). Serious health conditions do not include voluntary or cosmetic treatments which are not medically necessary.

In addition to absences covered by accrued sick leave or other accrued annual leave, it is important to note that other types of paid absences may also be counted against an individual's FMLA leave entitlement. Paid absences under workers' compensation or short-term disability may also count against an individual's FMLA entitlement in certain circumstances. To be counted against an individual's FMLA entitlement, workers' compensation or disability absences must be based on a reason that would qualify for FMLA leave (the definition of serious health condition must apply). Time spent by the employee working in a temporary alternative assignment does not count against an employee's leave entitlement.

Intermittent leave pursuant to this policy may only be taken whenever medically necessary. If the intermittent leave becomes disruptive to the workplace, the City may require the employee to transfer temporarily to an alternative position with equivalent pay and benefits, so as to better accommodate the recurring periods of leave.

The employee will be required to provide timely certification from their physician or from the physician attending to the employee's relative. Certification must state the date on which the serious health condition began, its probable duration, and the appropriate medical facts regarding the condition. If the leave is to care for a relative, the certification must state that the employee is needed to care for that person and the estimated length of time the employee will be needed. For intermittent or reduced leave, the certification must state the date(s) on which medical treatment is expected to be given, and the duration and frequency of the treatment. The City may require re-certification on a reasonable basis during the employee's period of leave.

A medical statement from a certified physician releasing the employee to return to work must be provided by the employee to the Department Director before authorizing the employee to return to work.

An employee who returns to work within the 12-week period specified above shall be returned to the same job or to a position equivalent in pay, terms and conditions of employment.

An employee who fails to return to work or obtain approval for accrued sick leave usage, or other accrued leave usage or extended medical leave following the expiration of the 12-week period of family medical leave may be terminated (refer to Chapter VII Section 7-4.2). Human Resources will notify the Department when the employee can be terminated. Upon approval by the Human Resources Director, the employee will be notified in writing of the expiration of the 12-week period of family medical leave and subsequent termination.

Section 5-12.1. Leave Upon Birth or Adoption of a Child

In accordance with the Family Medical Leave Act of 1993, eligible employees shall be granted up to 12 weeks of leave for the birth or adoption of a child. Leave shall also be granted for the placement of a foster child with an employee.

A female employee who is incapacitated due to pregnancy and/or related symptoms may use accumulated sick leave, and once exhausted, may use other accrued comp time, personal leave, or annual leave. When all accrued leave and FMLA are exhausted, the employee may request approval to be placed on extended leave as described in Section 5-11.1.

Where leave is not medically necessary, such as in the case of a father requesting leave for the birth or adoption of a child, the employee must first use accumulated annual leave. The remainder of the 12-week period shall normally be granted as leave of absence without pay (LWOP), subject to the provisions of Section 5-11.1 above.

An employee requesting leave upon the birth or adoption of a child should give a minimum of 30 days written notice to their supervisor. If the employee is unable to provide such notice, they should provide such notice as soon as practicable.

If both spouses are employed by the City, the total amount of leave both employees may take under Family Medical Leave due to the birth or adoption of a child is 12 weeks. Documentation specifying how leave will be taken must be given to each employee's department with the certification form.

A medical statement from a certified physician releasing the employee to return to work must be provided by the employee to the Department Director before authorizing the employee to return to work.

The provisions of this policy shall not apply to any pregnancy which is voluntarily undertaken by a female employee in order to conceive and deliver a child for another person or persons, often referred to as "surrogate motherhood". In such instances, the employee shall use accrued annual leave.

Section 5-12.2. Military Caregiver Leave

In accordance with the Family Medical Leave Act Amendment effective January 16, 2009, a qualified employee may take up to 26 weeks of military caregiver leave during a single 12-month period to care for a covered service member with a qualifying serious illness or injury incurred in the line of duty while on active duty or a serious injury or illness that existed before

the beginning of the member's active duty and were aggravated by service in the line of duty on active duty in the Armed Forces. Such leave may be taken continuously, intermittently, or on a reduced schedule basis. The single 12-month period is measured forward from the date an employee's leave to care for the covered service member begins. Once a single 12-month period expires, the employee is eligible for another 26 weeks of military caregiver leave during a subsequent single 12-month period to care for a different covered service member or to care for the same covered service member if he/she incurs a subsequent serious injury or illness (excluding aggravation or complication of an earlier serious injury or illness for which the employee took military caregiver leave).

For purposes of military caregiver leave, a covered military service member is a current member of the Regular Armed Forces, National Guard or Reserve, or a veteran who is undergoing medical treatment, recuperation, or therapy for a serious illness or injury who has been released or discharged from service within the five-year period to the date the employees' military caregiver leave began. Individuals dishonorably discharged do not qualify. The service member must be receiving medical treatment or oversight by a Department of Defense or Veterans Affairs health care provider or by a Department of Defense TRICARE network or non-network provider or a private health care provider who is not affiliated with the DOD, VA, or TRICARE who is duly authorized to complete a certification for military caregiver leave for a covered service member (As defined in Section 825.125 of the Family Medical Leave Act Regulations). Family members covered would include spouse, parent, son, daughter, or other family members if the employee is the next of kin to the covered service member.

If an employee takes military caregiver leave to care for more than one covered service member or to care for the same covered service member who has incurred a subsequent serious injury or illness, and if the single 12-month periods involved overlap with each other, the employee is limited to taking no more than 26 weeks of leave in each single 12-month period. If an employee does not take all of the 26 weeks of military caregiver leave during the applicable single 12-month period, the employee's total leave entitlement is limited to a combined total of 26 weeks for all qualifying reasons under FMLA and military leave.

A serious injury or illness for a covered veteran means an injury or illness that was incurred or aggravated by the member in the line of duty on active duty in the Armed Forces and manifested itself before or after the member became a veteran, and is:

- (1) A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; or
- (2) A physical or mental condition for which the covered veteran has received a VA Service Related Disability Rating (VASRD) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; or
- (3) A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; or
- (4) An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

Section 5-12.4. Qualifying Exigency under Military Caregiver Leave (Includes Revisions Effective March 8, 2013)

A qualifying exigency is a non-medical activity that is directly related to the covered military member's active duty or call to active duty status. For an activity to qualify as an exigency, it must fall within one of seven categories of activities or be mutually agreed to by the employer and employee. The seven categories of qualifying exigencies are short-notice deployment (leave permitted up to seven days if the military member receives seven or less days' notice of a call to active duty), military events and related activities, certain temporary childcare arrangements and school activities (but not ongoing childcare), financial and legal arrangements, counseling by a non-medical counselor (such as a member of the clergy), rest and recuperation (leave permitted up to a maximum of fifteen days when the military member is on temporary rest and recuperation leave), and post-deployment military activities.

For the purposes of exigency leave, the term "covered active duty or a call to active duty status" means deployment to a foreign country under a federal call or order to active duty (not a State call to active duty unless by order of the President of the United States) in support of a contingency operation pursuant to specific enumerated provisions of Section 688 of Title 10 of the United States code. Such active duty or call/order to active duty is only made to members of the National Guard or Reserve components or a retired member of the Regular Armed Forces or Reserve. Therefore, an employee may not take exigency leave if the service member is a member of the Regular Armed Forces.

An eligible employee may also take military caregiver leave to care for a military member's parent who is incapable of self-care when necessitated by the active duty of a covered military member. Such care may include arranging for alternative care, providing care on an immediate need basis, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility.

Section 5-13. Absence Without Leave

Absence without leave occurs when an employee is absent from duty, and such absence is not authorized. Any such absence shall be without pay and may be subject to disciplinary action.

An employee who is absent for three (3) consecutive days without approval shall be deemed to have resigned due to job abandonment, and shall have effected a compulsory resignation. (See chapter VII Section 7-4.5).

CHAPTER VI OTHER EMPLOYEE POLICIES

CHAPTER VI

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OTHER EMPLOYEE POLICIES

Section 6-1. Probationary Period

1. All appointments to regular or continuing part-time positions in the Classified Service shall be subject to satisfactory completion of an initial probationary period. This also applies to persons rehired after a break in service, whether or not the employee had previously completed a probationary period. The initial probationary period shall be 12 months in duration.
2. If an employee in the Classified Service is promoted, demoted or laterally transferred before completion of the initial probation, they are still subject to satisfactory completion of the initial probationary period in the new position. Temporary or Provisional service in a class immediately prior to probationary appointment to the class shall be credited toward the probationary period. A written recommendation of demotion or lateral transfer must be filed in the Human Resources Department for inclusion in the employee's personnel file.
3. Length of service with the City shall be computed from the date of initial probationary appointment.
4. An employee serving an initial probationary period shall be given regular status within the City's Merit System (if occupying a position designated to be within the classified service) upon satisfactory completion of the initial probationary period. Regular status shall be documented by a satisfactory performance appraisal by the reviewing supervisor.
5. In situations where it is determined by a Department Director that a probationary employee needs some additional time to fully achieve satisfactory performance, a Department Director may request to extend the initial probationary period for up to an additional six (6) months. Such request must be documented in writing and approved by the Human Resources Director.

Section 6-2. Policy on Promotion

Vacancies in positions above the entry level in the Classified Service, which are designated by the Department Director to be filled, shall be filled by promotion from lower classes, when practical, except when it is determined to be in the best interest of the City to fill the position from candidates recruited from outside City service who have attained eligible status from the appropriate competitive process as set forth in City policies.

Section 6-2.1. Competitive Promotion

Position vacancies in the Classified Service which are designated by the Department Director to be filled, may be filled either internally by promoting regular employees within City service or by recruitment of eligible candidates from outside City service. The Human Resources Director or designated representative, in cooperation with the Department Director, shall determine the method to be used in filling such vacancies in a manner that serves the best interest of the City. The following procedures apply to competitive promotions.

1. Each promotional announcement shall provide for a minimum of five calendar days between

date of announcement and filing deadline for receiving applications in the Human Resources Department or the hiring department. It shall be the responsibility of the employee to see that their completed application is received prior to the announced filing deadline.

2. Promotional announcements shall include:
 - a. Official class title;
 - b. Salary grade or range;
 - c. Essential job functions;
 - d. Minimum entrance requirements, skills and abilities;
 - e. Examination procedure, when applicable;
 - f. Filing deadline;
 - g. Announcement date.

Section 6-2.2. Selection From Internal Candidates

When a Department Director has decided to fill a vacancy internally, a selection will be made from a list of eligible candidates interviewed. All applicants in the qualified band will be viewed as equally qualified and will be certified by the Human Resources Director.

Section 6-2.3. Non-Competitive Promotions

Non-competitive promotions are made through a well-defined career ladder or training program when the employee was selected to begin in an entry-level position within the defined career ladder structure. Such structures are approved by the City Manager or designee as part of the classification plan.

Section 6-2.4. Temporary/Acting Promotions

A Department Director, in coordination with the Human Resources Director, may assign a regular employee to a higher-level position on a temporary/acting basis for a period of 30 to 180 days. An employee selected for a temporary promotion must be informed by the Department Director, via a memo of understanding of the conditions and circumstances of the temporary promotion, including the assurance of return to the regular position upon completion of the temporary assignment.

1. An employee may receive a temporary promotion to a higher-level position without competition when:
 - a. An employee is required to perform the duties during the temporary absence of the incumbent;
 - b. It is necessary to fill the position before a regular appointment can be made;
 - c. The employee's services are required for a limited period of time to participate in a special project.

2. When the temporary promotion is expected to exceed 180 days, the appointment may be extended up to 180 additional days, with the approval of the City Manager.

3. Temporary appointment shall not be used for trial periods before regular promotions or to train persons for higher-level positions.

Section 6-3. Policy On Transfers

A Department Director may transfer an employee, including moving from a position in the same class or in a different class having the same pay grade. A transfer may require the employee to move from one office to another or one department to another. The employee shall retain the same employment status in the new position that the employee had in the previous position and shall continue the same pay rate except as otherwise provided. Requests for such transfer shall verify that the employee meets the qualification requirements of the class to which the transfer is proposed.

Section 6-3.1. Transfer for Accommodations

When an employee is unable to satisfactorily perform the essential job functions of the position duties, with or without reasonable accommodations, efforts will be made to assist the employee in identifying existing vacant positions for which they qualify and can perform satisfactorily the essential job function, with or without accommodation, in accordance with the Americans With Disabilities Act (ADA) policy guidelines.

Section 6-4. Fitness for Duty - Ability to Perform Essential Job Functions

If a Department Director believes that an employee may be unfit for duty or otherwise unable to perform an essential job function of the position, the Human Resources Director will approve/deny the request of the Department Director that the employee be examined by a physician. The Human Resources Director reserves the right to designate the physician or appropriate medical professional to perform a fitness for duty examination.

Section 6-5. Reasonable Accommodation Guidelines

The following guidelines should be followed when an employee has a physical or mental condition which prevents him from performing an essential function of his present position.

I. PROCEDURE:

1. A Department Director or supervisor who is knowledgeable about the employee's position, and the Human Resources Director should meet with the employee. The meeting should occur as soon as possible after the Human Resources Director is made aware that the employee is unable to perform one or more essential functions of his job.

2. The Department Director or supervisor will review each essential job function with the employee to determine if he can perform that task with or without reasonable accommodation.

The job description previously used and/or the class specifications for the position should be used to identify the essential job functions.

3. The employee's ability or inability to perform each essential job function, and any accommodations discussed, will be recorded on an Essential Job Function Checklist. The checklist should include the employee's initials next to each job function which they are unable to perform.

4. If the employee is unable to continue in their position with or without reasonable accommodation, they will receive a letter from their department.

5. The letter will contain the following information;

(a) The date of the meeting and those present.

(b) The essential job function(s) which the employee is unable to perform with or without reasonable accommodation.

(c) The types of accommodation(s) discussed at the meeting and why any were determined to be unreasonable.

(d) That the employee will be given thirty (30) days as an accommodation period for the purpose of seeking another position within the City which he can perform with or without reasonable accommodation.

(e) The starting and ending dates of the accommodation period.

(f) The employee's status during the accommodation period. For example, paid administrative leave, temporary alternative assignment, etc.

(g)) A statement that the employee's employment will be terminated at the conclusion of the accommodation period due to his inability at that time to perform essential functions of the job.

6. During the accommodation period, the Human Resources Director shall:

(a) Make contact with the employee not later than three days after the start of the accommodation period.

(b) Communicate directly with the employee to identify vacant positions within the City.

(c) Review/discuss all vacancies with the employee on a weekly basis.

(d) Determine if the employee will need accommodation to perform the essential job functions for the position(s) in which they are interested.

(e) Timely forward the application to all departments in which the vacant position(s) is located.

(g) Contact the department and inform the appropriate person that the internal applicant is a reasonable accommodation employee and encourage the department to give that person every consideration.

(h) Ask the department to keep the Department of Human Resources informed of the status of the employee's application.

(i) Contact the employee periodically to provide an update about the status of applications in progress.

(j)) Answer the employee's questions.

(k) Set up a time to meet again to review future job vacancies.

7. During the accommodation period, the Human Resources Director should summarize, in writing, all conversations with the employee, whether face-to-face or over the telephone, to ensure that a record of all efforts toward finding the employee another position are duly recorded for future use, if necessary.

8. If employment is terminated at the end of the accommodation period, the Personnel Policies and Procedures shall be followed regarding Notice of Intent to Terminate and Notice of Termination. The initial letter placing the employee on accommodation period status is not a substitute for the policy requirements for separation of employment.

9. The Human Resources Director will record all information concerning this employee on a Reasonable Accommodation Master List.

Section 6-6. Demotions

A position may be filled by the demotion of an employee in accordance with the provisions of these Personnel Policies and Procedures. Demotion may be the result of reallocation of a position, unsatisfactory performance, disciplinary action, or at the request of the employee.

Section 6-6.1. Performance Demotion

When it has been determined by the Department Director that an employee is unable to satisfactorily perform the duties of the position, the Department Director, with the approval of the Human Resources Director, may authorize demotion of that employee to a position having duties which the employee can satisfactorily perform and which is in a class with a lower pay grade. Such a demotion shall be based upon documentation of unsatisfactory performance. The employee affected will retain regular status in the new class. A written notice of intent to demote, any pay adjustment and a notification of the right to appeal, shall be given to the employee by the Department Director and forwarded to the Human Resources Director for inclusion in the employee's personnel file.

Section 6-6.2. Reclassification Demotion (Downgrade of Position)

If a reclassification results in an employee occupying a position of lower class, the employee shall be demoted (or downgraded) to the lower class position. In cases where demotion occurs as a result of a reclassification, the employee shall be allowed to continue his or her current rate of pay, even though it exceeds the maximum of the salary range in the lower class. However, the employee's pay rate shall be "red circled", thereby, disallowing any future salary

increases until such time as: (1) the employee transfers into a job class for which the maximum salary is higher than the employee's current salary, or (2) the maximum salary for the employee's current class increases to a rate that exceeds the employee's salary. In the case of number (2), the employee would be eligible for a performance increase at the regularly scheduled interval or any other scheduled salary adjustment, but not to exceed the maximum of the salary range.

Section 6-6.3. Voluntary Demotions

An employee may be demoted at their own written request to a vacant position in a lower class, subject to the approval of the Department Director. The Human Resources Director shall determine whether the employee meets the minimum qualifications of the lower class of position.

Section 6-6.4. Disciplinary Demotions

A Department Director, with the approval of the Human Resources Director, may demote an employee to a lower grade and position for disciplinary reason(s). The Department Director shall furnish a written statement to the employee with the reason(s) for the action including any pay adjustment and forward a copy of same to the Human Resources Department for processing and inclusion in the employee's personnel file. The written statement shall include notification of the right to appeal. (See Chapter VIII Section 8-2.2).

Section 6-7. Outside Employment

City employees may engage in outside employment which does not involve conflict of interest or interfere with their performance of duties for the City. Employees who have employment outside of their City job have a primary obligation and responsibility to the City. Any outside employment request must have written approval by the Department Director, in coordination with the Human Resources Director. All employees are required to complete the City of Lilburn Outside Employment form for outside employment work authorization and approval.

A request for permission to engage in outside employment must be submitted to the Department Director, or designee with an approved copy to be retained in the requesting employee's official personnel file maintained by the Human Resources Department. Newly hired employees who hold an outside job, own a business or are self-employed at the time of hire with the City must submit a "Request for Outside Employment" form immediately upon employment with the City. Failure to submit requests for approval prior to engaging in outside employment, or any conflict of interest or any job related performance inefficiency related to outside employment, may be cause for disciplinary action or dismissal.

Section 6-8. Political Activities

In applying the provisions of this article or in doing any of the things hereby provided, no employee of the classified service shall be a candidate for an elected position within the City during his or her employment with the City. City employees may not engage in any political

campaign activities while on duty, while in the workplace, while in uniform, or while using a City vehicle. This prohibited activity includes, but is not limited to, distributing information or soliciting contributions or services for any political party, political candidate, or organization while on duty. City employees may not use City funds, supplies, or equipment for such purposes. Nothing contained in the section shall be construed to restrict the right of any employee in the classified service to hold membership in and support a political party, to vote as he or she chooses, to express personal opinions or political subjects and candidates, to maintain political neutrality, or to attend political meetings during nonworking hours. However, City employees shall not participate either directly or indirectly in City elections, except for voting in such elections or serving as a Poll Officer as defined by O.C.G.A. 21-2-90 et seq., or serving as the Elections Superintendent O.C.G.A. §§21-2-2(35)(d), 21-2-70, 21-2-70.1. The City Manager shall be authorized to promulgate reasonable rules, in conformance with state and federal law, which restrict the political activities of employees in the classified service.

Section 6-9. Personal Activities During Work Time and Personal Use of City Property

Work time is for City business. Employees are expected to perform their job duties during work time. Personal errands and activities during the workday shall be limited to non-work time such as lunch and authorized breaks. Further, unless permitted by another City policy, City property such as vehicles, uniforms, computers, telephones and office equipment shall be limited to use for City business only.

All department directors shall have discretionary authority to develop rules within their respective departments which regulate personal activities and the use of City property. All inter-departmental rules shall be consistent with the guidelines of these Personnel Policies and Procedures.

Section 6-10. Employee Privacy Policy

Personnel and payroll records may be made available only to authorized users on a "need-to-know" basis as determined by the Human Resources Director. Without the express consent of the individual involved, or a legal subpoena, or unless pursuant to a legal proceeding where disclosure is required, or a request made in compliance with the Open Records Act, the City shall not disclose, in individually identifiable form, information about employees, former employees or applicants. Exceptions to this policy include situations in which disclosure concerns the following:

- (a) an employee requests to review their own file by appointment and with the approval of the Human Resources Director;
- (b) involves "directory information", such as confirmation of employment, dates of employment, position or salary verification;
- (c) involves a request by a law enforcement authority for dates of attendance or home address;
- (d) is aimed at protecting the City's legal interest;

(e) is in response to a physician who is seeking to inform an individual of a possible medical problem;

(f) is a request made in accordance with the Open Records Act; or

(g) is in response to a subpoena or request for production of documents attendant to a legal proceeding.

As part of the Privacy Policy of the City of Lilburn, the following guidelines shall be observed with regard to employee personnel files.

(a) Employees shall be told what records are maintained by the City and upon request, employees may see their records, and with the approval of the Human Resources Director, receive copies of certain materials.

(b) The Human Resources Director shall avoid disclosing an applicant's or employee's arrest record unless required by law.

(c) The Human Resources Director shall refuse to release information about an employee without that individual's consent or a legal subpoena, or a request made in compliance with the Open Records Act, with the exception of requests for employment dates, positions held or salary verification.

(d) The Human Resources Director shall give employees the opportunity to request, through their Department Director, the correction, amendment or supplement to records that they believe are not accurate, timely or complete.

Section 6-11. Search and Inspection of City Property

The City reserves the right to search, for appropriate reasons, an employee's possessions kept in City offices, City vehicles, desks or lockers. Employees shall have no right of privacy with respect to City facilities and equipment. Reasons may include, but are not limited to:

(a) Search for City documents;

(b) Search for alcohol or drugs;

(c) Search in regard to missing or stolen articles;

(d) Search for firearms or weapons;

(e) Suspected misappropriation or misuse of City resources.

A supervisor, Department Director, or the Human Resources Director may approve such a search when reasonable suspicion or investigatory procedure warrants. An employee's private vehicle may not be searched unless a legal search warrant is obtained by City officials.

Section 6-12. Legal Assistance

The City will provide an employee with an attorney of the City's choosing and will cover the reasonable cost of the defense of an officer or employee in actions at law against the employee for injury or loss of property, personal injuries, or death caused by the negligent or wrongful act or omission of such officer or employee while acting within the scope of the employee's position or employment, unless such officer or employee acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety or property.

Section 6-13. Non-Discriminatory Practices

Section 6-13.1. Policy on Non-Discrimination

There shall be no discrimination on the basis of race, color, genetic information, religion, sex (except where age, sex or physical condition is a bona fide occupational qualification), national origin, disability, age, or political affiliation with respect to the recruiting and examination of applicants, the hiring of eligible applicants, or in any personnel transactions affecting employees, including but not limited to, training, promotion and fitness of the individual. It shall also be the policy of the City to prohibit sexual harassment.

Section 6-14. Unlawful Harassment Policy

The City of Lilburn is committed to providing a work environment that promotes equal employment opportunities and is free from discriminatory practices, including harassment.

It is illegal and against the policy of the City of Lilburn for any person to harass, threaten or intimidate another employee on the basis of their sex, race, genetics, religion, disability, national origin or age. Any employee who believes that he or she has been the subject of such harassment must report the alleged act immediately to their supervisor, their Department Director, or the Director of Human Resources. A complaint will be immediately investigated by the Human Resources Director in conjunction, where appropriate, with the employee's department. Any supervisor, agent or employee who has harassed another employee on the basis of their sex, race, genetics, religion, disability, national origin or age will be subject to appropriate disciplinary action up to and including termination.

Unlawful harassment in violation of this policy includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- ▶ submission to such conduct is made directly or indirectly a term or condition of a person's employment; or
- ▶ submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person.

Unlawful harassment also includes creating an intimidating, hostile or offensive working environment for another on the basis of one's sex, race, genetics, religion, national origin,

disability or age. A hostile or offensive working environment is determined based on the particular circumstances but shall include severe or pervasive written, verbal or physical conduct directed toward an employee on the basis of their sex, race, genetics, religion, national origin, disability or age.

Unlawful harassment on the basis of one's sex, race, genetics, religion, national origin, disability or age by any employee is illegal and is contrary to City policy. However, conduct of a harassing nature by a supervisor is particularly unacceptable and will not be tolerated. Supervisors are strictly prohibited from making any employment decision, directly or indirectly, based upon submission to, or rejection of, a request for a sexual favor. Supervisors are also strictly prohibited from engaging in any conduct that could reasonably be construed by another employee as threatening, offensive or intimidating so as to constitute a hostile working environment in violation of this policy. Any supervisor who engages in such conduct shall be subject to disciplinary action up to and including termination. It is the responsibility of each supervisor or Department Director to maintain a workplace free of sexual and other unlawful harassment. This duty includes discussing the policy with all employees and assuring them that they are not to endure insulting, degrading or exploitative sexual or unlawful harassing treatment in violation of this policy and to report perceived violations of this policy to the Human Resources Director.

No employee who, in good faith, exercises his or her right to make a complaint about sexual or other unlawful harassment will be subjected to any retaliatory act or incur any penalty or adverse consequence. Unlawful harassment in the workplace will not be tolerated and employees who believe they have experienced such harassment or have witnessed the harassment of another have an obligation to report such unlawful conduct immediately. Any supervisor or employee who retaliates against an individual for exercising his or her right to report sexual or other unlawful harassment shall be subject to severe disciplinary action up to and including termination.

Employees who believe they have been subjected to sexual or other unlawful harassment or believe they have witnessed such conduct must report this immediately to their immediate supervisor, Department Director, or the Director of Human Resources. Any reported allegations of harassment or retaliation will be investigated promptly and confidentially with consideration of those with a need to know. It is extremely important that any unlawful harassment be reported immediately. Failure to report conduct in violation of this policy, or a delay in reporting the same, may impede the City from taking preventative or corrective measures when appropriate.

The City encourages any employee to raise questions they may have regarding discrimination, retaliation or harassment with the City's Human Resources Director.

Section 6-15. Appeals For Alleged Unlawful Discrimination

Any regular status employee who alleges that he/she has been reprimanded, suspended, involuntarily demoted, involuntarily discharged or omitted from the proper band status due to his/her race, color, genetic information, religion, sex, national origin, disability, age, veteran status or political affiliation or who incurred the same as the result of unlawful harassment, may

appeal such conduct to the Human Resources Director. (See Chapter VIII Section 8-2.2). Any alleged discrimination in any personnel transaction or unlawful harassment as defined by these policies or any other administrative policies of the City should be reported to the Director of Human Resources immediately.

Section 6-16. Drug and Alcohol Free Workplace Policy

It is the policy of the City of Lilburn to provide a safe, healthy and secure work environment for all employees. It is also the policy of the City to ensure that all employees perform their job duties in a safe, efficient and productive manner. In an effort to ensure that Department Directors, Managers and Supervisors continue to be informed and educated on the City's drug and alcohol policies, updated training will be required every three years. Any employee who is hired or promoted into a supervisory position must receive training on this policy within 1 year of hire or promotion. Finally, it is the policy of the City of Lilburn to ensure that its equipment and facilities are maintained and utilized appropriately so as not to pose a risk of harm. The use of drugs and the misuse of alcohol are inconsistent with these policies. Accordingly, to protect the health, safety and welfare of employees, citizens, visitors and persons who interact with City employees during the course and scope of their employment, the City of Lilburn has adopted this Drug and Alcohol Free Workplace Policy which shall be strictly enforced.

This policy applies to employees of the City of Lilburn as well as temporary employees on the City's payroll. This statement of policy is intended as notice to each employee that the employee must abide by the terms of this policy as a condition of employment and that the employee, if convicted of a drug statute violation in the workplace, will notify the City of Lilburn's Human Resources Director in writing no later than five days after such a conviction.

Section 6-16.1. Prohibited Conduct

The following violations of the Drug and Alcohol Free Workplace Policy constitute gross misconduct and shall result in severe disciplinary action up to and including discharge:

1. Unauthorized use, possession, sale, or solicitation for the purpose of purchase/sale of drugs or alcohol on City property or while the employee is on duty.
2. Hindering, obstructing or refusing to cooperate or participate in any investigation involving suspected violations of this policy. This includes, but is not limited to, providing false, misleading or incomplete information in response to any inquiry from a supervisor related to a suspected violation of this policy. It also includes refusing to undergo a drug or alcohol test(s).
3. Hindering, delaying or obstructing a drug or alcohol test(s), including but not limited to, tampering with a sample or interfering in any way with the chain of custody.
4. Reporting to work or engaging in any work activity whatsoever on behalf of the City in a condition which could pose a threat of harm to the employee or any other person, or reporting to or engaging in any work on behalf of the City in a condition which could impair the ability to satisfactorily perform any essential function of the job, due to the use of drugs or misuse of

alcohol. The presence of any detectable amount of drugs, or the presence of alcohol in a concentration of 0.04 breath alcohol content (BAC) or greater, creates a presumption that the employee is in violation of the City of Lilburn's Drug & Alcohol Free Workplace Policy. No CDL employee shall perform his or her safety-sensitive job functions within four hours after using alcohol.

5. Abusing or misusing prescription drugs or over the counter medication when such conduct could reasonably interfere with the safe or satisfactory performance of any essential job function. This includes, but is not limited to, the use, possession, sale or solicitation for the purpose of purchase or sale any prescription medication for which the employee lacks a valid prescription.

Section 6-16.2. Prohibited Substances

Definitions:

1. "Drugs" refers to marijuana, cocaine, amphetamines, methamphetamines, opiates (including heroin and codeine), phencyclidine, and all other "controlled substances" as defined in Title 16 of the Official Code of Georgia.
2. "Alcohol" includes any beverage or substance containing alcohol manufactured for the primary purpose of personal consumption.
3. "Prescription drugs" means any substance, which is attainable only by lawful prescription from a physician.
4. "Over the counter medication" includes any substance which does not require a prescription but which has the capacity to affect a person physically, mentally, or emotionally or which could otherwise affect a person's ability to safely perform any essential job function.

Section 6-16.3. When Testing is Required

1. **Pre-Employment:** Applicants for positions requiring a commercial driver's license (CDL) and/or safety sensitive positions will be tested after a conditional offer of employment has been extended. An applicant who refuses a drug test(s) or who tests positive, shall not be extended a final offer of employment.
2. **Random Testing:** CDL positions and safety sensitive positions shall be subject to random testing as follows:
 - a) Tests will be ordered on a random, unannounced basis from the pool of identified CDL and safety sensitive employees.
 - b) A computer based random number generator will be used to select employees, thereby allowing each employee an equal chance of being tested each month.
 - c) At least 50% of the employees in the CDL/DOT random testing pool will be selected for substance abuse testing, and at least 25% of employees for breath alcohol testing. Actual percentages will be as required by the Federal Highway Administration (FHWA).

d) At least 2% to 10% of other City approved safety sensitive employees will be selected and tested for drugs and alcohol each year.

e) An employee's name will remain in the pool after being selected so that every employee will have an equal chance of being tested each time selections are made. Therefore, it is possible that any CDL or safety sensitive employee, who is randomly selected for testing, may be randomly selected again during the same year.

3. After-Care Testing: Persons in safety sensitive positions returning to work from an approved treatment program for drug or alcohol abuse may be subject to unannounced testing at the discretion of the Department Director for a period of six (6) months following the employee's return to work.

4. Return to Duty Testing: CDL and safety sensitive employees who are absent from work on any leave for more than thirty (30) days shall be tested for drugs immediately prior to returning to work or before performing any job duties.

5. Position Testing: Employees who are transferred, promoted or demoted into a CDL or safety sensitive position from a non-CDL/non-safety sensitive position will be tested for drugs before performing any job duties in the new position.

6. Reasonable Suspicion: All employees will be subject to testing when there is reasonable suspicion that the employee has used drugs or misused alcohol in violation of this policy. Grounds for reasonable suspicion testing shall include, but not be limited to:

a) Personal observation of the employee's job performance, appearance, behavior, speech or odor creating a reasonable suspicion that the employee has used drugs or alcohol in violation of this policy; or

b) Personal observation of the employee's job performance, appearance, behavior, speech or odor which causes reasonable suspicion that the employee (i) is impaired by drugs or alcohol, (ii) has used drugs or alcohol while on duty, (iii) or poses a threat to the safety of himself or others due to the use of drugs or misuse of alcohol in violation of this policy.

c) Specific and objective facts indicating that an employee's drug or alcohol use may have caused or been a contributing factor to an on-duty motor vehicle accident. An alcohol test(s) should be completed within two (2) hours of the accident and a drug test(s) within thirty-two (32) hours of the accident. The following facts, if present, may independently or collectively, depending upon the circumstances, give rise to reasonable suspicion:

(i)) the appearance, behavior, speech or odor of the employee immediately prior to or after the accident;

(ii) the employee left the scene or attempted to leave the accident scene without legal authority or permission to do so;

(iii) employee acted contrary to a safety rule, established safety practice or otherwise engaged in demonstrably unsafe behavior for which there is no reasonable explanation;

- (iv) employee was arrested or received a traffic citation;
- (v) the employee or any person received medical attention as a result of the accident;
- (vi) employee has been involved, as a contributing factor, in a pattern of repetitive on-duty motor vehicle accidents whether or not they involved actual or potential injury.

d) Drugs, drug paraphernalia, alcohol or containers indicating the presence of drugs or alcohol are observed or discovered in a location in which the employee had primary control or access, including but not limited to, desks, lockers, equipment, machines or vehicles. The employee must have accessed the location within eight (8) hours prior to the discovery of such items.

e) Specific and objective facts showing the employee diluted, tainted, tampered or interfered with any breath, blood or urine sample, or any test(s) required under this policy, or that the employee attempted to do the same.

7. Post-Accident Testing: a) When a safety sensitive or CDL employee may have caused or contributed to an on-duty motor vehicle accident, an alcohol test(s) should be completed within two (2) hours of the accident and/or drug test within thirty-two (32) hours of the accident. Discretionary authority in determining the appropriate testing is delegated to the Department Director. This testing is to be performed in addition to any drug or alcohol test(s) ordered by law enforcement authorities.

8. Consent: When any employee has consented to a drug or alcohol test(s), the consent must be signed by the employee and a supervisor from the employee's department, or the Director of Human Resources.

Section 6-16.4. Who May Require a Reasonable Suspicion Drug or Alcohol Test(s)

1. Any supervisor who has received training in the signs and symptoms of drug and alcohol use and impairment may require an employee to undergo a reasonable suspicion test(s) for drugs or alcohol based upon (i) the personal observation of the employee by the trained individual, or (ii) personal observation of the employee by another employee who has fully disclosed the observations to the trained individual, or (iii) observation of the employee by a nurse or physician engaged in the treatment or evaluation of a work related injury who has disclosed such observation to the trained individual.

2. Any untrained supervisor may require a reasonable suspicion test(s) for drugs or alcohol based upon his personal observation of the employee, under the following circumstances:

- a) The employee has been independently observed by a trained supervisor, or
- b) A trained supervisor has reviewed the underlying facts and agrees that reasonable suspicion exists to require a test.

3. Any trained supervisor may require a reasonable suspicion drug or alcohol test(s) following a work-related accident based upon personal observation of the employee or upon review of the specific and objective facts underlying the accident.

Section 6-16.5. Persons Subject to Testing

- 1. CDL Employees:** Employees who are required to possess a CDL license as a job requirement are subject to all testing provisions of this policy, including but not limited to, pre-employment and random testing.
- 2. Safety Sensitive Employees:** Safety sensitive employees occupy positions where a lapse of judgment or impaired physical/mental ability in performing any essential job function could reasonably result in a significant threat of harm to the employee, fellow employees, citizens, inmates or others. Safety sensitive positions include but are not limited to those which, as part of the essential job functions, require the performance of law enforcement duties as a POST-certified law enforcement officer; possession of a firearm; or performing duties which directly affect public health or safety.
- 3. Job Applicants:** Applicants for safety sensitive and/or CDL positions are subject to pre-employment testing after a conditional offer of employment has been extended.
- 4. Non-CDL/Non-Safety Sensitive Employees:** All non-safety sensitive and non-CDL employees are subject to drug and alcohol testing for reasonable suspicion unless specifically excluded.

Section 6-16.6. Procedure

1. Whenever there is reasonable suspicion to require a drug or alcohol test(s) under this policy, the Department Director and Human Resources Director shall be notified of the circumstances necessitating the test(s) as soon as possible.
2. All circumstances causing reasonable suspicion to require a drug or alcohol test(s) shall be fully documented by the supervisor(s) and all appropriate witnesses as soon as possible.
3. All City issued equipment, property and facilities, including but not limited to, desks, lockers, and vehicles (collectively "materials") are subject to inspection at any time and for any reason. No employee shall have any privacy interest whatsoever in any City issued materials. No personal property may be searched unless the owner of the property has consented or a search is otherwise legally permissible.
4. Alcohol screening will be conducted using a federally approved evidential breath-testing device. An initial screening test of two (2) breath samples will be conducted first, and if an initial test detects any level of alcohol, a second confirmation test of two (2) additional breath samples will be completed.
5. Ordinarily, a drug test(s) will check for marijuana, cocaine, amphetamines, methamphetamines, opiates (including heroin and codeine), and phencyclidine (PCP). Testing will involve an initial screening test(s) and confirmation of positive tests by gas chromatography/mass spectrometry (GC/MS) analysis. Test results will be certified, to the fullest extent possible under the circumstances, by a laboratory approved by the U. S. Department of Health and Human Services (DHHS).

6. All positive test results for drugs will be interpreted by a physician approved by the City as a medical review officer (MRO) before the results are reported to the City. Prior to notifying the City, the MRO will make reasonable efforts to contact the employee for the purpose of allowing the employee to offer an alternative medical explanation for the positive test result. If the MRO is able to contact the employee and determines there is a legitimate medical explanation for the positive test, the result will be communicated as negative to the City. The MRO's inability to contact the employee before providing test results to the City will not void the test result or make the test result unusable in any subsequent disciplinary action. Because the employee is present for interpretation of an alcohol test, the procedure concerning prior notification by the MRO is not applicable.

7. Upon notification by the MRO of a verified positive result for drugs, the employee may request that the remaining portion of his split specimen undergo a second confirmation test at his expense at a DHHS laboratory of his choice. If the test conducted by the laboratory selected by the employee is negative for the presence of drugs, a third test may be made at the City's sole expense at a separate DHHS facility of its own choosing. The results of the third facility will be determinative. If the results from the third facility are negative, all prior positive tests will be disregarded and shall not be the basis for any disciplinary or adverse action.

8. The City will make reasonable efforts to notify the employee of a positive drug test within five (5) days from the date it receives the test results. Because the results of a breath alcohol test are immediately available, this provision will not apply to alcohol tests conducted in such a manner.

9. Any employee ordered to be tested, based upon reasonable suspicion, shall be immediately removed from duty, escorted to the testing facility and taken home (unless other suitable arrangements have been made to transport the employee including calling a cab). Under no circumstances will the employee be allowed to drive himself home. The employee shall turn in keys to a City vehicle, building or office, their identification badge or any other property belonging to the City. The employee will be placed on paid administrative leave pending the results of the test.

10. An employee who tests positive for drugs or alcohol shall immediately be relieved from duty, and sent home pending disciplinary action, if appropriate. After presenting the employee with the notice of Administrative Leave, DO NOT allow the employee to leave the facility in his or her own vehicle. A supervisor may take an employee home. If a supervisor is not comfortable taking an employee home, however, alternate transportation may be called to come and take the employee home.

11. In situations in which the employee has been ordered to be tested or tests positive and the employee refuses assistance in leaving the building and walks out or insists on leaving in his/her own vehicle, document the situation and, depending upon the circumstances, call the City of Lilburn Police Department. Give the police the employee's name, vehicle description and license plate number. However, if the employee is extremely agitated, violent or is making threats of violence, leaves the premises in a City vehicle or you believe the employee has violated the law, call 9-1-1.

12. Any refusal to consent to a drug or alcohol test(s), or property search will be considered insubordination and gross misconduct and subject the employee to severe disciplinary action up to and including termination.

13. In the event that it is not reasonable under the circumstances to conduct an alcohol test, based on a breath test, the City reserves the right to test for the presence of alcohol by a blood test analysis. If this procedure is used, the City will attempt to notify the employee of the results within five (5) days after the results are received. An MRO will not be used when a blood test for alcohol is conducted.

Section 6-17. Arrests for Drug or Alcohol Related Offenses

Any CDL and/or safety sensitive employee who is arrested for a drug or alcohol related offense must notify their Department Director of the arrest immediately. The City will make a determination at that time whether the arrest causes a temporary or permanent disqualification from holding that position, or constitutes grounds for disciplinary action. All convictions for alcohol or drug related offenses must be reported immediately by a CDL or safety sensitive employee to their Department Director. The City reserves the right to take appropriate action based upon such conviction. All non-safety sensitive employees and non-CDL holders who are required to operate a City vehicle as a regular part of their job must report any drug or alcohol arrest, temporary or permanent suspension of driving privileges, and any drug/alcohol related conviction to their Department Director immediately. The City reserves the right to take appropriate action, including relieving the employee from duty, transferring the employee to a non-driving position, or instituting disciplinary action up to and including termination.

Section 6-18. Employee Assistance Program

Any employee who voluntarily identifies himself as a user of drugs or abuser of alcohol, prior to being asked or required to take a drug/alcohol test(s), will not be subject to disciplinary action if the employee seeks immediate assistance and treatment through the City's Employee Assistance Program (EAP) or a similarly available treatment program. Failure to comply with all requirements of a treatment program, or continued use of drugs or alcohol during or after completion of such a program, will result in an appropriate disciplinary action if such use causes the employee to violate this policy. Nothing in this policy is intended to discriminate against any person on the basis of addiction to drugs or alcohol, or on the basis of an individual's medical history of addiction to drugs or alcohol pursuant to the Americans with Disabilities Act. However, the City reserves the right to take into account, for purposes of employment or disciplinary action, any history of criminal activity related to such use to the extent such may lead to disqualification from employment.

Section 6-19. Firearm Policy

Employees are prohibited from the use or possession of a weapon or firearm of any kind on an employee's person or on City property. Employees who are required to possess a weapon or firearm as a part of their job duties are exempt from this provision; however, they may not use their weapons or firearm in violation of City Policy. In accordance with Georgia law, persons licensed by the State of Georgia to carry a concealed weapon or to possess a firearms permit may have limited rights to keep a weapon in a private vehicle on certain types of public

property. Employees who have specific concerns related to the application of this statute should contact the City of Lilburn Police Department.

Section 6-20. Confidentiality

All reports of test results for drug and alcohol, searches, or participation in an EAP program or treatment program for addictive disorders, will be maintained in strict confidence. Any person authorized to have access to such confidential information, who, without authorization, discloses it to another person shall have engaged in gross misconduct and be subject to severe disciplinary action up to and including termination. The confidentiality of such information shall not apply to any use by or communication to the City's legal counsel, or where the information is relevant to the City's defense in an administrative or civil action. Such information may also be disclosed to the extent required by any federal, state or local law, statute, ordinance or regulation.

Section 6-21. Discretion to Operate Department

Nothing in the Personnel Policies and Procedures is intended to limit or restrict the non-grievable discretionary authority of a Department Director to determine mission, budget, organization and number of employees, pay, assign work, make shift assignments, transfer and reassign work, demote for non-disciplinary reasons, demote for non-performance related reasons including reclassification demotions, regulate leave, evaluate job performance, select from any source, determine classification system and pay plan, determine internal security practices, determine methods and means of performing work, determine numbers, types and grades of employees, and develop, implement and interpret reasonable rules, regulations and procedures related to the operation of his/her department.

CHAPTER VII DISCIPLINARY ACTION & SEPARATIONS

CHAPTER VII

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CHAPTER VII

DISCIPLINARY ACTIONS AND SEPARATIONS

Section 7-1. Disciplinary Action Policy

A Department Director may designate positions which have the authority to recommend disciplinary action above a written reprimand. However, final authority to take disciplinary action shall be the responsibility of the Department Director. It is the intent of the City that effective supervision and good employee relations will avoid most matters necessitating disciplinary action. The purpose of these policies and provisions for disciplinary action for violations are not intended to restrict the rights of anyone, but to insure the rights of all and secure cooperation and orderliness throughout City operations. The severity of disciplinary action is related to the gravity of the offense and the employee's record of disciplinary action. Any adverse action taken must be based on good cause and be fair and equitable. The decision to take disciplinary action or the determination of what action to take shall not be based upon the employee's race, color, sex, genetics, religion, age, national origin, disability, veteran status or political affiliation.

Section 7-2. Types of Disciplinary Action

A Department Director shall have the following alternatives for disciplinary action.

Section 7-2.1. Documented Verbal Counseling

1. Unless the particular circumstances warrants official severe disciplinary action, a documented verbal counseling (DVC) should ordinarily be issued for minor policy violations. The supervisor and/or Department Director should clearly describe the act(s) giving rise to the violation, and make certain that the employee has a clear understanding of the behavior expectation.
2. The supervisor should document the employee's counseling session using a Documentation of Verbal Counseling (DVC) Form. The employee must sign the form acknowledging receipt. DVC forms are maintained in the employee's personnel file.
3. An employee may receive more than one DVC for minor infractions. However, if an employee is counseled with more than two times for the same policy violation, a more severe action such as a written reprimand may be issued.
4. A documented verbal counseling (DVC) is not appealable to the Merit Board.

Section 7-2.2. Written Reprimand

1. Unless the particular circumstances warrant more severe disciplinary action, a written reprimand should be issued as the first level of disciplinary action. A written reprimand should

clearly describe the act(s) giving rise to the violation, the specific rule(s) violated and a warning that continued behavior of a similar nature may lead to more severe disciplinary action.

2. All written reprimands must be approved by the department director and shall be kept in the employee's personnel file maintained in the Human Resources Department.
3. A written reprimand is not appealable to the Merit Board.

Section 7-2.3. Demotion

A Department Director, with the approval of the Human Resources Director, may demote an employee to a lower grade. A demotion may be invoked for reasons including, but not limited to the following: misconduct, delinquency, violation of City policies, inability to satisfactorily perform the essential functions of the position, or other improper employee conduct. The Department Director shall furnish a written notice of intent to demote which will include the reasons for any such action. The employee will be given forty-eight (48) hours to submit a written response to the demotion before the Department Director issues a final decision in the matter. The final written notice of the Department Director's decision shall include a statement advising the demoted employee of his/her right of appeal (See Chapter VIII). A copy of the notice of intent to demote and the final written notice shall be submitted to the Human Resources Director for processing and inclusion in the employee personnel file.

Section 7-2.4. Suspension

Any Department Director or designee may, for disciplinary purposes, suspend without pay any employee under the supervision of such Department Director. The duration of the suspension is at the discretion of the Department Director and shall be indicative of the severity of the offense; however, such suspensions shall not exceed thirty calendar days. With the approval of the Department Director and Human Resources Director, an employee may be suspended for a longer period. In order to comply with the Fair Labor Standards Act, it is recommended that the minimum suspension for exempt employees shall be one week or the equivalent unless the misconduct involves violation of a safety rule of major significance or constitutes gross misconduct. A suspension may be invoked for reasons including, but not limited to the following: repeated or serious instances of misconduct, delinquency, violation(s) of City policies, inability to satisfactorily perform the functions of the position or other improper conduct.

The Department Director or designated representative has the option of making an equivalent deduction from the employee's accumulated annual leave in lieu of suspension without pay, and the Department Director may apply this equivalent deduction to all or part of the employee's suspension time. Prior to said suspension, the Department Director shall meet with the employee and discuss the reasons for and the duration of the disciplinary suspension. A written statement specifically setting forth the reasons for such suspension and the length of time of such suspension shall be furnished to the affected employee by the Department Director. The employee will be given forty-eight (48) hours to submit a written response to the Department Director regarding the suspension before the Department Director issues a final decision in the matter. The final written response shall include a statement advising the

employee of his/her right of appeal (See Chapter VIII). A copy of the notice of intent to suspend and the final written notice of suspension shall be submitted to the Human Resources Director for processing and inclusion in the employee personnel file.

Section 7-2.5. Paid Administrative Leave Due to Alleged Criminal Misconduct

1. An employee may be placed on administrative leave with pay when the employee is investigated, arrested, or indicted for a crime classified as a misdemeanor, if the Department Director or his or her designee, in coordination with the Human Resources Director, finds that administrative leave is warranted. The administrative leave may continue until final adjudication of such charges or final disposition of such investigation has been made.
2. An employee shall be immediately placed on administrative leave with pay pending action of the courts when the employee is investigated, arrested, or indicted for a crime classified as a felony, in coordination with the Human Resources Director in compliance with these Personnel Policies and Procedures of the City. The paid administrative leave shall continue until final adjudication of such charges or until final disposition of such investigation has been made.
3. If an employee is placed on paid administrative leave under this section and it is determined by the Department Director or designated representative in coordination with the Human Resources Director, that the vacated position should be filled to ensure the smooth operation of City government, then that position may be filled on a temporary basis pending the final adjudication of charges or final disposition of the investigation against the employee.
4. If the employee who has been placed on paid administrative leave is acquitted of any wrong doing, the Human Resources Director, in coordination with the Department Director, may reinstate the employee to the former position or a position of like status and pay, if one is available. If the employee is found guilty by the trial court or pleads guilty, a determination will be made as to the reinstatement of the employee pursuant to the provisions of these policies. Each case will be handled on an individual basis. Depending on the circumstances, a decision will be made by the Human Resources Director concerning reinstatement or termination at the appropriate time.
5. In determining whether or not to place an employee accused of a misdemeanor on a paid administrative leave, the following criteria must be considered by the Department Director:
 - (a) nature of the alleged crime;
 - (b) nature of the position held by the employee;
 - (c) effect of the allegations on the public trust and confidence of City government;
 - (d) all other relevant circumstances.

6. Notwithstanding the foregoing, the Department Director may conduct an investigation into the facts which serve as the basis for the investigation, arrest, or indictment of the employee, and may take disciplinary action pursuant to these Policies and Procedures if warranted, up to and including termination.

Section 7-3. Reasons for Disciplinary Actions

This section defines actions which may be subject to disciplinary action. These Personnel Policies and Procedures are set forth to protect the rights of all employees and insure uniform standards. Listed below are some of the violations which may be subject to disciplinary action as discussed in this Chapter. Disciplinary action is not limited to the offenses listed below.

1. Conviction of a crime of moral turpitude, conviction of a felony or a misdemeanor that would adversely affect the performance of duties or any entry of a plea of no contest to either. (Reprimand to Discharge)
2. Insubordination. (Reprimand to Discharge)
3. Too much wasted time and/or loitering during working hours. (Reprimand to Suspension)
4. Absence of three (3) working days without authorized leave. (Compulsory Resignation)
5. Excessive tardiness. (Reprimand to Discharge)
6. Excessive absenteeism. (Reprimand to Discharge)
7. Inefficiency. (Reprimand to Discharge)
8. Abuse of City property. (Reprimand to Discharge)
9. Intentionally providing false information, whether verbally or in writing, to a supervisor, official, the public or a board. This includes the material omission of information. (Reprimand to Discharge)
10. Violation of City ordinance, administrative rules or regulations, or departmental rules. (Reprimand to Discharge)
11. Any conduct which reflects unfavorably upon the City as an employer. (Reprimand to Discharge)
12. Falsification of any City record including but not limited to an employment application or pre-employment physical. This includes the material omission of information. (Reprimand to Discharge)
13. Willful or repeated failure to honor a court judgment, resulting in the garnishment of wages. (Reprimand to Discharge)

14. Acceptance of gifts or gratuities not specifically permitted by City policy. (Reprimand to Discharge)
15. . Refusal to be examined by a City authorized, fully licensed physician when so directed. (Suspension to Discharge)
16. Political activity not otherwise protected by applicable federal, state, or local law. (Reprimand to Discharge)
17. Repeated violation of City rules or safety practices. (Suspension to Discharge)
18. Gross misconduct to include, but not limited to fighting, physical violence, threats of physical violence or engaging in offensive conduct or language toward the public, supervisory personnel, or fellow employees. (Reprimand to Discharge)
19. Possession of unauthorized weapons or firearms on employee's person or City property. (Suspension to Discharge)
20. Discriminatory conduct or language directed toward any employee or citizen because of their race, color, sex, genetic information, religion, age, national origin, disability, veteran status or political affiliation. (Reprimand to Discharge)
21. Falsification of time records or expense reimbursement documents. (Reprimand to Discharge)
22. Abuse of the sick leave policy. (Reprimand to Discharge)
23. Violation of the unlawful harassment policy. (Reprimand to Discharge)
24. Violation of the drug and alcohol free workplace policy. (Reprimand to Discharge)
25. Careless or intentional damage or destruction of City property. (Reprimand to Discharge)
26. Intentionally withholding information from any supervisor or official which an employee has a responsibility to disclose. (Reprimand to Discharge)
27. Retaliating against an employee for filing an appeal under the Personnel Policies & Procedures or retaliation against an employee for giving testimony at any Merit Board hearing. (Reprimand to Discharge)
28. Theft or attempted theft of property belonging to the City, a co-worker or a citizen. (Suspension to Discharge)
29. Gambling or similar illegal activity on City property or during work time. (Reprimand to Discharge)

30. Failure to obtain or retain or loss of a certification or license required to perform an essential function of the job. (Suspension to Discharge)

31. Any conduct which interferes with morale or productivity within the workplace, including disrupting fellow employees in the performance of their job duties. (Reprimand to Discharge)

32. Failure to cooperate in any way in an administrative investigation conducted by any department. This includes but is not limited to providing false or incomplete information, withholding information, failure to be available for an interview, refusal to be interviewed, failure to maintain confidentiality when instructed and any conduct which hinders or interferes with the investigation. (Suspension to Discharge)

33. . Violation of the e-mail or internet policies. (Reprimand to Discharge)

34. . Commission of any unethical act prohibited by Section 7-4.3 of these Personnel Policies and Procedures. (Discharge)

Section 7-4. Separations

The following sections delineate the specific types of separations and the conditions under which they occur as well as the compensation which employees may receive upon separation from City service.

Section 7-4.1. Resignation

In order to resign in good standing an employee must give a two-week written notice. Failure to comply may result in a denial of re-employment. The Department Director may waive this requirement and allow the employee to leave immediately. An employee who resigns in good standing will be paid for all accrued annual leave and compensatory time. Payment for accrued sick leave will not be made.

Section 7-4.2. Termination

A termination is an involuntary separation of employment when an employee has committed serious or repetitive violation(s) of Personnel Policies and Procedures or department policies to include, but not limited to, misconduct, inefficiency, or inability to perform the work of the position satisfactorily.

The termination of a regular status classified employees shall be effective only after the employee to be terminated has been notified of the specific reasons for the separation, and has been given the opportunity to respond thereto.

If a Department Director determines that circumstances require the immediate removal of the employee from the work place, the employee shall be removed for the work place and placed on paid Administrative Leave until a meeting with the Department Director has been held. The

Department Director shall meet with the employee within forty-eight (48) hours of such determination wherein the charges against the employee shall be presented in writing and reviewed with the employee. The employee will be given forty-eight (48) hours to submit a written response to the charges before the Department Director issues a final decision regarding termination.

The reasons for termination and the employee's response shall be forwarded to the Human Resources Director. The discharged employee shall have the right to a grievance conference with the Human Resources Director before requesting a hearing before the Merit System Board.(See Chapter VIII).

An employee who is terminated will be paid for all accrued annual leave and accrued compensatory time if applicable. Payment for accrued sick leave will not be made. Department Directors have sole authority to discharge employees in their respective departments.

Section 7-4.3. Dismissals for Unethical Acts

Any employee of the City of Lilburn who violates any of the following provisions shall forfeit their position with the City.

1. No person shall make any false statement, certificate, mark, rating or report with regard to any test certification or appointment made under any provisions of these Personnel Policies and Procedures or in any manner commit or attempt to commit any fraud preventing the impartial execution of these Personnel Policies and Procedures.
2. No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage, in a Classified Service position within City government.
3. Any employee convicted of any felony involving the possession, manufacture, distribution, trafficking, or sale of a controlled substance, dangerous drug or marijuana, or convicted of a felony crime of violence, shall be dismissed upon his/her conviction, and shall be ineligible for re-hire.

Section 7-4.4. Probationary Separation

At any time during the initial probationary period, a Department Director may remove an employee. Upon separation, a written notice of termination shall be given to the employee and the Human Resources Department for inclusion in the employee's personnel file.

Section 7-4.5. Compulsory Resignation

An employee who is absent for three consecutive working days without obtaining supervisor approval shall be deemed to have resigned. The employee may not be eligible to be placed on

a reemployment list. The employee will be paid for all accrued annual leave (less the required 14 day notice) and compensatory time if applicable. Payment for accrued sick leave will not be made.

Section 7-4.6. Disability

An employee who becomes unable to work due to a long-term or permanent injury or illness. Accrued annual leave (and compensatory time if applicable) may be paid at the time total and permanent disability is certified.

Section 7-4.7. Retirement

An employee who is vested in the City's retirement plan will receive retirement benefits at the normal retirement age in accordance with the Retirement Plan Document.

An employee who is vested in the City's retirement plan will be paid for all accrued annual leave and compensatory time if applicable at the time of retirement. Employees who retire with 25 years of service will also be paid for accrued sick leave up to a maximum of 720 hours.

Employees hired prior to March 13, 2000: An employee who retires with at least 25 years of service shall be provided health and life insurance (with dependent health insurance being offered at the employee's expense) until the employee reaches age 65 or until he/she is eligible for Medicare. When the employee becomes eligible for Medicare, the plan would convert to a Medicare Supplement plan with life insurance provided at the policy's current reduced benefit.

Employees hired between March 13, 2000 and May 13, 2003: An employee hired between March 13, 2000 and May 13, 2003 who retires with at least 25 years of service and who is at least age 59 ½, shall be provided health and life insurance (with dependent health insurance being offered at the employee's expense) until the employee reaches age 65 or until he/she is eligible for Medicare. When the employee becomes eligible for Medicare, the plan would convert to a Medicare Supplement plan with life insurance provided at the policy's current reduced benefit.

Employees hired after May 13, 2003: Health and Life Insurance will not be provided to employees after separation from regular employment with the City (including retirement), except as provided by Federal law.

Section 7-4.8. Death

An employee who dies from non-job related causes while in service with the City will receive payments to their estate for all accrued annual leave, and compensatory time (non-exempt employee).

Please also refer to City policies relating to employee benefits for additional information relating to death benefits for employees.

Section 7-5. Bereavement Policy

The purpose of this policy is to establish consistent protocol to be followed in the unfortunate event that a City employee dies while in the performance of service to the citizens of the City. This policy also provides guidelines in the event of the loss of a City employee other than in the line of duty.

Section 7-5.1. Line-of-Duty Death

The City of Lilburn cares for the health and well-being of its employees. The City recognizes that expressions of sympathy and the measures of honor paid to a fallen employee are among the manners in which this care is reinforced.

The Department Director or City Manager shall be responsible for notifying all key constituencies to include the Mayor and City Council in the event of death of a City employee. It shall be the responsibility of the appropriate Department Director to notify the immediate family of a deceased employee in a manner that is considerate of the family's needs and feelings regarding the loss of their loved one.

Coordination of events following the line-of-duty death of an employee is extremely important and complex. Professionalism and compassion must be exhibited at all times to the employee's survivors and to the employee's co-workers. In order to provide the best possible services and support for the employee's family, specific tasks may be assigned to selected members of the department.

The Human Resources Director is responsible for the coordination of benefits information for the employee's beneficiary and/or dependents.

Section 7-5.2. Non-Line-of-Duty Death

The City of Lilburn also recognizes that expressions of sympathy and support for employees' family members is also important with the passing of an employee in circumstances other than in the line-of-duty.

It shall be the responsibility of the Department Director to notify all key constituencies to include the City Manager, Mayor and City Council of the passing of an employee in their respective department.

The Human Resources Director is responsible for the coordination of benefits information for the employee's beneficiary and/or dependents.

Section 7-6. Exit Interviews

The purpose and intent of the exit interview is to provide management with information as to the circumstances surrounding the separation and the areas an employee may be dissatisfied with the position or City employment. If feasible, each employee who resigns from the City will

be given the opportunity to be interviewed by the Human Resources Director prior to the time the employee receives a final paycheck.

CHAPTER VIII APPEALS AND GRIEVANCES

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CHAPTER VIII

APPEALS AND GRIEVANCES

Section 8-1. Policy Statement – Equal Employment Opportunity

It is the practice of the City of Lilburn to provide equal employment opportunities with regard to all terms and conditions of employment and to base employment decisions on job related qualifications of the applicant or the employee. The City of Lilburn prohibits discrimination on the basis of race, color, sex, genetic information, religion, age, national origin, disability, veteran status or political affiliation. It is also the practice of the City of Lilburn to prohibit unlawful harassment on the basis of race, color, sex, genetic information, religion, age, national origin, and disability. All officials and employees of the City of Lilburn will be informed of this policy. (See Chapter VI Section 6-14 for the City's policy on unlawful harassment).

Section 8-2. Purpose of Appeals and Grievance Procedures

The purpose of the appeals and grievance procedure is to provide an orderly process for hearing employee grievance claims in a prompt and equitable manner. It is the desire of the City of Lilburn to resolve grievances informally. Both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be grievances which can be resolved only after a formal appeal and review.

Section 8-2.1. Objectives

1. Eliminate or correct justifiable causes of employee complaints.
2. Provide a systematic and orderly method for resolving grievances between employees and supervisory or management personnel.
3. Ensure that all employees are afforded fair, equitable and expeditious review of their grievances without fear, coercion or discrimination.
4. Ensure that all employees shall be free from retaliation for using the appeal procedure. The burden of proof lies with the employee to show retaliation.
5. Ensure an employee's job status shall not be threatened or changed because of the initiation of the appeal process.
6. Set forth a procedure governing presentation of charges, hearing rights and appeals.

Section 8-2.2. Right of Appeal

All appeals must be submitted in accordance with these Personnel Policies and Procedures. Any appeal which does not conform to these requirements as to timeliness and content may be subject to dismissal by the Human Resources Director, Merit Board, or City Council for failure to comply with the appeal procedure. (Also see Section 1-11 for Computation of Time).

The following enumerates the official steps to follow when filing an appeal of adverse action for employees in the Classified Service. These procedures are applicable when an employee wishes to appeal any of the following adverse actions:

- involuntary demotion
- suspension
- involuntary dismissal

A regular status employee may also appeal to the Human Resources Director any adverse action alleged to have been the result of unlawful harassment as described in Chapter VI Section 6-14.

Personnel actions which are non-grievable issues include:

- documented verbal counseling (DVC)
- written reprimand
- performance evaluation
- performance increase
- work assignment
- shift assignment
- restructuring of city department(s) and function(s)

At any time in the appeals process, if the employee does not receive a written response within the specified timeframe, he/she may move to the next level in the appeal process.

Step 1. Upon receipt of the written decision of a Department Director or City Manager to initiate an adverse action against a regular status employee, the employee may file an appeal with the Human Resources Director within three (3) calendar days of receiving the official notice of action taken by the Department Director or City Manager. If the employee filing an appeal is a classified employee who holds a position as Department Director, that employee would skip **Step 1** of the Appeals Process and would file a request for a hearing directly with the Executive Secretary of the Merit Board (Skip to **Step 2**).

The employee must provide the following information to the Human Resources Director at or before the grievance conference;

- (a) A written request for review of the adverse action in accordance with these policies;
- (b) Any documentation or evidence to support reconsideration of the action taken by the Department Director or City Manager;
- (c) The specific remedy the employee is seeking in order to resolve the appeal.

The Human Resources Director will schedule a grievance conference with the employee and Department Director or City Manager within five (5) calendar days of receiving such request. The Human Resources Director will issue a written recommendation to the employee and Department Director or City Manager regarding the action taken within five (5) calendar days

of conducting the grievance conference.

In the event the Human Resources recommends to overturn an official action, the Department Director or City Manager shall notify the employee in writing within five (5) calendar days whether or not he/she will accept such recommendation.

Step 2. Upon receiving the written recommendation of the Human Resources Director, the employee may appeal the adverse action to the Merit System Board. A classified employee who is also a Department Director would begin the appeal process by filing a request for a hearing with the Executive Secretary of the Merit Board after receiving the written decision of the City Manager. The aggrieved employee must file a request for a hearing with the Executive Secretary of the Merit Board within five (5) calendar days of receiving the written recommendation of the Human Resources Director or, if the classified employee is a Department Director, within five (5) calendar days of receiving the written notification of action from the City Manager. The Executive Secretary will schedule a hearing with the Merit Board within twenty (20) days of receiving the appeal. The Executive Secretary may extend the time period for holding the hearing beyond twenty (20) days, should such extension be warranted. The employee must provide the Executive Secretary the following information before a hearing will be scheduled;

- (1) A copy of the employee's written statement of appeal;
- (2) A copy of the Human Resources Director's written recommendation, if applicable;
- (3) A statement indicating if the employee will be representing themselves at the hearing, or if they will be represented by legal counsel.
- (4) The name and address of legal counsel, if applicable.

Failure to include this information may result in postponement of the hearing. The Executive Secretary shall send copies of the hearing notice to the employee and/or representative, Department Director and/or representative, or the City Manager and/or representative. The hearing notice will include instructions to both parties to exchange documents prior to the hearing.

At the hearing, technical rules of evidence shall not apply. Each party shall have the right to object to the evidence being presented. All testimony shall be under oath. The members of the Merit Board may call witnesses in addition to those called by the employee and Department Director or City Manager as may be necessary in the Board's opinion to reach a fair decision. The Chairperson of the Merit Board, or Vice-Chairperson in his absence, shall conduct the hearing. In the event the aggrieved employee does not appear for his/her scheduled hearing, the Merit Board may dismiss the grievance for failure to appear.

Each party may request the Executive Secretary to issue up to five (5) witness subpoenas. Additional subpoenas may be issued upon written request of either party. The Merit Board, within its discretion, may cause additional witness subpoenas to be issued upon a showing by the requesting party that the witness will offer testimony which is (1) relevant to the disciplinary issue on appeal and (2) not cumulative of the testimony offered by another witness. A party

seeking additional subpoenas must submit a written request to the Merit Board Chairman at least five (5) days before the date of the hearing giving the name of each person to be subpoenaed, a succinct summary of the testimony the person is expected to offer and why the testimony is relevant to the disciplinary action being appealed. The Chairman will then consult with the Merit Board Attorney to make a decision on whether additional subpoena(s) in excess of five (5) should be approved. A party who does not comply with this procedure is subject to having its request for additional subpoenas denied.

In conducting hearings as described in this Section, the Department Director or City Manager shall have the burden of proving to the Merit Board by the greater weight of the evidence that the official action taken was for cause and authorized by these Personnel Policies and Procedures.

If the Department Director or City Manager has met his/her burden of proof, the Merit Board will recommend to uphold the action taken. If the burden of proof is not met, the Merit Board will recommend not to uphold the action taken and will recommend the appropriate remedy under Section 8-2.4. The Board shall not, under any circumstances, modify the terms or conditions of the action being appealed other than to recommend to uphold or reverse said action. The Board may, in addition to its order of affirmance or reversal, make a recommendation of disposition which shall have persuasive force only. The Board shall not sit to hear any appeal beyond its jurisdiction, or grant any relief other than those remedies specifically identified in Section 8-2.4.

In the event a recommendation by the Merit Board is to overturn an official action, the Department Director or City Manager shall notify the employee in writing within five (5) days whether or not he/she will accept the recommendation of the Merit Board.

Step 3. If the classified employee, Department Director or City Manager is still aggrieved, an appeal may be filed with the Mayor and Council provided the appeal process described above has been followed. The Mayor and Council will consider the appeal in closed session at the next regularly scheduled Executive Session. The Mayor and Council will consider the appeal based upon review of the documentary evidence provided thus far throughout the appeal process. The employee, Department Director or City Manager may be asked to attend the closed session if additional clarification of the record is required. All parties will be notified in writing within ten (10) working days of the decision of the Mayor and Council. The decision of the Mayor and Council shall be final.

Section 8-2-3. Notice of Right of Appeal

Any written notification to a regular employee in the Classified Service of demotion, suspension or dismissal shall advise the employee of the right to appeal said action. The notification will affirm the right to appeal the recommendation to the Human Resources Director and the Merit System Board, pursuant to these policies and procedures.

Section 8-2.4. Employee Protection and Remedies

1. No supervisor shall deny any employee the right to take the complaint to the next step in the grievance procedure when it cannot be settled to the satisfaction of the employee at the lower

level. Should such a denial occur, the employee shall be entitled to continue the grievance, based on the denial, to the next step of supervision.

2. It shall be the responsibility of management personnel to hear and consider any employee grievance covered by these policies and procedures without prejudice; to take necessary and appropriate corrective action; and to provide a written determination as to the reasons for upholding or overturning the action taken.

3 In cases involving termination, the department may not fill the vacated position until after final disposition of the grievance unless approved to do so by the City Manager.

4. In the event the Human Resources Director or the Merit Board recommends a decision be overturned and the Department Director accepts the recommendation, the following actions may be taken:

- a) The disciplinary action may be removed from the employee's personnel file maintained in City Hall.
- b) In the event a suspension is overturned, the employee may receive back pay lost and/or the leave forfeited for the period of the suspension.
- c) In the event an involuntary demotion resulting in a reduction of pay or grade is overturned, the employee may be reinstated to the former position and grade, or another position with the same pay and grade, and awarded the difference between his/her pay prior to the demotion and his/her pay earned in the position to which he/she was demoted.
- d) In the event the action taken was a discharge, the employee may be reinstated to his/her former position and grade and restored back pay and lost sick/annual leave accrual from the effective date of the dismissal to the date of reinstatement.