

**CITY OF RICHMOND  
EMPLOYEE HANDBOOK**

**2025 EDITION**

# City of Richmond Mission Statement

The City of Richmond delivers responsive and modern public services, protects the safety and well-being of all of our residents, and fosters a high quality of life while promoting smart and sustainable business and industrial growth for the benefit of our entire community.

# NOTICE

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

# Table of Contents

<b>NOTICE</b> .....	<b>2</b>
<b>Section 1 – Introduction</b> .....	<b>8</b>
About the City of Richmond Employee Handbook .....	9
City Government and Organization .....	10
Effect, Amendment, and Application of Handbook Policies .....	11
Employee Handbook.....	11
Administration of the City Personnel System .....	12
Conflicting Policies .....	12
Severability .....	12
<b>Section 2 – Hiring and Employment</b> .....	<b>13</b>
At-Will Employment.....	14
Equal Opportunity Employer .....	14
Americans with Disabilities Act (ADA) .....	14
Immigration Reform and Control Act (IRCA).....	15
Application and Advertisement of Vacant Positions .....	15
Application for Position .....	15
Promotions, Transfers, and Temporary Appointments .....	16
Hiring and Selection.....	16
Reemployment .....	17
Employment of Family Members .....	17
Background and Reference Checks.....	18
Medical Examinations.....	21
Employee Bonding.....	22
New Employee Orientation.....	22
Introductory Period for Police and Fire.....	22
Job Descriptions .....	23
Continuous Feedback on Employee Performance.....	23
Performance Monitoring Period.....	23
Personnel Records .....	24
Change in Personal Information.....	25
Access to Personnel Files.....	25
Job References.....	25

Record Retention.....	25
Disciplinary Practices/Procedures.....	26
Demotion.....	26
Suspension.....	27
Voluntary and Involuntary Termination of Employment.....	28
Layoffs (Reduction-in-Force) .....	29
Exit Interview.....	30
<b>Section 3 – General Employment Policies and Rules.....</b>	<b>31</b>
Open Door Policy.....	32
Sexual and Nonsexual Harassment .....	32
Workplace Violence.....	34
Workplace Safety .....	36
Reporting Work-Related Accidents .....	37
Protection Against Retaliation for City Employees .....	38
Drug- and Alcohol-Free Workplace.....	39
Fraternization .....	49
Children in the Workplace .....	49
Media Communications .....	50
Hours of Operation and Work Schedules.....	50
Tardiness .....	51
Meals and Rest Periods .....	51
Inclement Weather .....	51
Remote Work .....	52
Standards of Performance and Conduct .....	53
Dress Code and Hygiene .....	54
Outside Employment for Employees Other than Police Officers .....	55
Uniforms .....	55
Use of Office and Mobile Telephones .....	56
Mobile Telephones.....	56
Vehicle Use .....	57
Assigned City-Owned Vehicles .....	61
Distracted Driving.....	62
Vehicle Accident Reporting Requirements.....	63
Information Technology (IT) Acceptable Use Policy.....	63

Artificial Intelligence (AI) Tools .....	74
City Social Media.....	77
Employee Guidelines for Participating in Social Media .....	78
Employee Privacy Expectations.....	79
Social Security Numbers and Privacy Protection.....	79
Smoke-Free Workplace.....	83
Customer Relations .....	83
Open Records Policy.....	84
Suggestion System .....	84
<b>Section 4 – Employee Financial Practices, Reporting, and Reimbursement.....</b>	<b>85</b>
Employee Expense Reports and Reimbursement.....	86
Use of a City Credit Card.....	86
Employee Travel Expense Reimbursement .....	87
Reimbursable Expenses Related to Official City Business.....	91
Alcohol Reimbursement.....	91
Contract Review and Execution.....	91
Check Handling by City Employees .....	92
Invoices .....	92
<b>Section 5 – Classification and Compensation .....</b>	<b>93</b>
Employment Types and Classification.....	94
Fiscal Year .....	95
Official Workweek.....	95
Overtime.....	95
Compensatory Time .....	96
Work Performed by Nonexempt Employees Outside of Normal Working Hours.....	97
Work-Related Training and Travel Time.....	97
On-Call Employees .....	98
Base Salary and Salary Adjustment .....	98
Payroll Deductions .....	98
Direct Deposit .....	99
Time Records .....	99
Unemployment Compensation Insurance .....	100
<b>Section 6 – Health, Retirement, and Other Benefits .....</b>	<b>101</b>
Limitations of Coverage.....	102

Health Insurance.....	102
Dental Insurance.....	102
Life Insurance.....	102
Other Optional Benefits .....	103
Employee Assistance Program (EAP).....	103
Workers’ Compensation.....	104
Return-to-Work Program .....	104
Retirement Plan and Social Security.....	107
Kentucky Public Employee’s Deferred Compensation.....	107
Public Service Loan Forgiveness .....	107
Professional Membership, Training, Licensing, and Certification.....	108
<b>Section 7 – Paid and Unpaid Leaves.....</b>	<b>109</b>
Vacation Leave.....	111
Personal Leave Time.....	112
Sick Leave.....	112
Sick Leave Donation.....	114
Family and Medical Leave Act (FMLA) .....	115
Pregnancy and Parental Leave .....	119
Adoption Leave.....	120
Critical Incident Leave for Police Officers and Firefighters.....	121
Paid Leave for Volunteer Activity .....	121
Blood Donation Leave .....	122
Bereavement Leave.....	123
Unpaid Leave of Absence .....	123
Jury Duty and Court-Ordered Appearances .....	124
Voting Leave.....	124
Military Leave.....	125
Status Change Request Form .....	126
<b>Section 8 – Appendices and HR Forms.....</b>	<b>127</b>
Appendix A – OSH Injury and Illness Reporting in Kentucky .....	128
Appendix B – Drug- and Alcohol-Free Workplace Definitions.....	129
Appendix C – Organizational Chart .....	134
HR Form 01 – Handbook Acknowledgment .....	135
HR Form 02 – Job Description Review and Acknowledgment.....	136

HR Form 03 – Driver’s License Background Check Release.....	137
HR Form 04 – Drug- and Alcohol-Free Workplace Acknowledgment.....	138
HR Form 05 – Agreement to Accept Compensatory Time Off in Lieu of Overtime Pay .....	139
HR Form 06 – Volunteer Time Off/Blood Donation Request.....	140
HR Form 07 – FMLA Leave Request.....	141
HR Form 08 – FMLA Medical Update.....	142
HR Form 09 – FMLA Medical Release Return-to-Work .....	144
HR Form 10 – Travel, Meeting, and Training Request .....	146
HR Form 11 – Complaint Form.....	147
HR Form 12– Expense Report.....	148
HR Form 13 – Missing Receipt Affidavit.....	149
HR Form 14 – Disciplinary Form .....	150
HR Form 15 – Continuous Feedback.....	151
HR Form 16 – Outside Employment Request .....	152
HR Form 17 – Active-Duty Military Leave Notification .....	154

## **Section 1 – Introduction**

# About the City of Richmond Employee Handbook

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

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

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

We believe:

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

We embrace:

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

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

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

# City Government and Organization

- (1) The City of Richmond operates under the city manager form of government. Every city organized under the city manager plan must have an elected officer who is called the city manager and four elected commissioners. The city manager and commissioners together comprise the board of commissioners. Kentucky Revised Statutes (KRS) 83A.150.
- (2) In the city manager form of government all of the executive, administrative, and legislative authority of the city is vested in and exercised by the board of the commissioners as a body; however, in the city manager form, significant administrative powers are also vested in the nonelected position of city manager.
- (3) A city manager must be appointed by the board of commissioners for an indefinite term. Once appointed, the city manager may only be removed by a majority vote of the board of commissioners after the following requirements and procedures, as set forth in KRS 83A.150(8), have been followed.
- (4) The city manager is the chief executive/administrative officer of the city and exercises the executive powers and functions delegated by statute and ordinance. The city manager is directly responsible to the board of commissioners. KRS 83A.150(9).
- (5) The following duties and responsibilities of the city manager are outlined in KRS 83A.150(7):
  - a. Enforce the city manager plan, ordinances, and statutes.
  - b. Handle the day-to-day management of the city.
  - c. Promulgate procedures, subject to board approval, to govern the functions of city government.
  - d. Prepare, present, and administer the annual budget.
  - e. Prepare and submit to the board an annual year-end financial report and a report on the administrative activities of the city.
  - f. Advise the board concerning the financial condition and needs of the city.
  - g. Maintain a liaison with related units of local government relative to interlocal contracting and joint activities.
  - h. Supervise all departments of the city and the conduct of city officers and employees, including requiring each department to make reports.
  - i. Recommend to the board the appointment, removal, and discipline of subordinate employees and officers; provided, however, that the board must take all final action regarding the appointment and removal of employees, except for certain temporary and interim appointments.
  - j. Fill vacancies in classified service pending board approval and employ temporary personnel, subject to conditions established by the board.
  - k. Perform all other duties imposed by the board.

- (6) The city manager's duties and responsibilities may be delegated to subordinate officers by municipal order of the board of commissioners. KRS 83A.150(9).

## **Effect, Amendment, and Application of Handbook Policies**

- (1) The City of Richmond Employee Handbook (2025 Edition) contains information about the city's employment policies and procedures and an overview of the city's benefits. For specific information about employee benefits, refer to the plan documents which are controlling. The policies and procedures in this handbook are guidelines only. The city reserves the right to interpret and administer the provisions of this handbook as needed. The provisions of this handbook will repeal and replace all previously adopted policies and procedures governing employment with the city.
- (2) Except for the At-Will Employment Policy which can only be changed in writing by the board of commissioners, this handbook and any of the policies and procedures contained herein are subject to change at the discretion of the city. The city may amend or terminate any policy or procedure contained in this handbook at any time with or without notice. However, the city will communicate any changes to all employees in a timely fashion.
- (3) Each employee should read and become familiar with the information contained in this handbook. Failure to comply with the city's policies or procedures may result in discipline, up to and including termination.
- (4) The provisions in this handbook are not intended to in any way create any contractual obligations with respect to employment. However, the city reserves the right to enter into contracts with certain employees for the benefit of the city. For these positions, the specific terms of their negotiated contract will supersede any general provisions in this employee handbook that may differ.
- (5) These policies and procedures are intended to cover most personnel problems, actions, and issues which may arise. Those not specifically covered will be interpreted by the city manager and such interpretation will be in concert with the spirit and letter of these policies and procedures. In addition, the city manager, in consultation with the city attorney and the director of human resources department, may write administrative memoranda to interpret or clarify existing policies. These memoranda will have the force of policy and will be filed with the personnel policies and procedures.
- (6) The policies contained in this handbook apply to all nonelected officers and employees of the city regardless of their departmental assignment or primary responsibilities. These policies may also apply to volunteers, elected officials, and members of boards or commissions as required by state and federal laws or as noted within the policy.

## **Employee Handbook**

Human resources will ensure that a current copy of the employee handbook is prepared and distributed to all new and current employees. All employees are expected to read and sign the Handbook Acknowledgment ([HR Form 01](#) or through the employee online portal) within 30 days of employment or within 30 days of any amendment to the handbook. Human resources will maintain a

copy of the form in the employee's personnel file pursuant to the Kentucky Department of Libraries and Archives (KDLA) Record Retention Schedule.

## **Administration of the City Personnel System**

- (1) The city's policies are applied and enforced by the city manager and supervisory employees, including department heads and supervisors. The city expects supervisory staff to foster a working environment where employees take the primary role in their own professional growth and development. Supervisory employees should provide continuous feedback to their employees regarding performance and should immediately address any potential infractions of these policies with employees.
- (2) To ensure fairness and consistency in all personnel matters, the city has designated human resources to be responsible for general oversight of the city's personnel system and for all centralized personnel matters such as the recruitment and selection of employees, revision of job descriptions, wage and salary schedules, administration of benefit programs, and maintenance of personnel records.
- (3) Notification to the city manager and compliance with the procedures established by the city are required prior to a department supervisory employee or other employee conducting any interview for potential employment or internship or making any offer of employment or internship. Only the city manager and/or the board of commissioners may make any modifications to the compensation or benefits of employees. No supervisory employee or other employee will alter, suspend, or fail to enforce or adhere to the policies contained in this handbook.

## **Conflicting Policies**

In the event of any conflicting policies, rules, or regulations, those that apply will be based on the following in descending order: Kentucky Revised Statutes, City of Richmond Code of Ordinances, the City of Richmond Employee Handbook, and any departmental policies and procedures manual or written directives.

## **Severability**

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

## **Section 2 – Hiring and Employment**

# At-Will Employment

All city employees are at-will employees. There is no contract of employment, express or implied, and either the city or the employee is free to terminate the employment relationship at any time. The city's At-Will Employment Policy will only be varied by a specific written agreement that is entered into and signed by the mayor after approval by the board of commissioners and an individual employee. Therefore, nothing contained in this handbook or any other document provided to the employee will be relied upon or interpreted to form a contract binding upon the city regarding any benefit, policy, procedure, or other term or condition of employment. However, the city reserves the right to enter into contracts with certain employees for the benefit of the city. For these positions, the specific terms of their negotiated contract will supersede any general provisions in this employee handbook that may differ.

# Equal Opportunity Employer

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

# Americans with Disabilities Act (ADA)

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

- (3) Medical information may be requested by the city to assist in understanding the employee's capabilities and limitations.

## **Immigration Reform and Control Act (IRCA)**

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

## **Application and Advertisement of Vacant Positions**

When a vacancy occurs, the vacancy may be posted on the city website, city intranet, social media, as well as any other avenue the city deems appropriate to advertise the position. Posted notices will include position title, summary of duties, position qualifications and the time limit for applying. All applicants who wish to apply for the position must complete the online employment application form and submit the form to human resources before the closing date to apply. Should an applicant need assistance in completing the online application, human resources will provide assistance to ensure that the applicant can complete the online application. The city manager, with the approval of the board of commissioners, may fill the vacancy by either promoting a current employee or employing a person from outside of the existing city government organization. The city may advertise all vacant positions in a newspaper or other form of media. All announcements will include such information as where to apply, deadline for applications, pay range for the position, summary of duties, and position qualifications. All written announcements of vacant positions will also contain the following statement, "An Equal Opportunity Employer." Written announcements of vacant positions also will include, "Any applicant who needs an ADA accommodation in the employment selection process will request the accommodation from human resources."

## **Application for Position**

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

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

- (2) No person may be appointed to a position unless information on the official Employment Application Form is verified and they meet the qualifications for the position as set forth in the position description.
- (3) The Employment Application Form must be properly submitted through the city's website.

## **Promotions, Transfers, and Temporary Appointments**

- (1) Vacancies may be filled by transfer or promotion from within the city. Employees may apply for the position by submitting a written request through their supervisor or human resources. Upon the submission of the written request the employee will be directed to complete the online employment application. An employee may be transferred or promoted from one position to another only if the employee has the qualifications for the higher position. All pertinent documentation of said transfer or promotion will be entered into the employee's personnel file.
- (2) In the event that an employee enters into a higher class by promotion or transfer, their salary will be within the pay grade for the new position as set by the board of commissioners.
- (3) In a case where vacancies cannot be filled from within city service or from an eligibility list, temporary appointments in emergency situations may be made by the city manager. The board of commissioners will approve all appointments unless the appointment is to a temporary emergency position. Temporary appointments may be made by the city manager for a period not to exceed six months. In cases where the temporary appointment is to a nonelected office position, appointments are made by the board of commissioners.
- (4) Temporary appointments will terminate as soon as a qualified candidate can fill the position in question in accordance with personnel hiring procedures.

## **Hiring and Selection**

- (1) Appointment to a position within the city will be made only after it has been determined that the person being considered meets the qualifications set out in the current job description for which the appointment is made.
- (2) The policy will apply to current employees who request a transfer or promotion to a vacant position, as well as new applicants for employment or reemployment.
- (3) The qualification of an applicant for a position will be ascertained based on one or more of the following:
  - a. Information the applicant supplies on the official Employment Application Form.
  - b. Written, performance, physical tests, examination, or any combination which may be required for the position.

- c. Personal interview.
  - d. Information and evaluations supplied by references given by the applicant.
  - e. Prior to employment with the city, but only after an offer of employment with the city, the prospective employee must submit to and pass a pre-employment drug test.
  - f. Other appropriate information as determined.
- (4) All full-time employees are recommended by the city manager with approval by the board of commissioners, including nonelected city officers pursuant to KRS 83A.080. The city manager has the delegated authority from the board of commissioners to appoint all other positions of employment and/or internships with the city. Nonelected officers include:
- a. City Clerk
  - b. City Manager
  - c. Chief of Police
  - d. Fire Chief
  - e. City Attorney

## **Reemployment**

- (1) Former employees with a satisfactory service record with the city may be considered for reemployment after completing the employment application. Those with unsatisfactory records with the city will not be considered further. The need to take or retake qualifying examinations will be at the discretion of the city manager.
- (2) Under all circumstances, any accrued rights, privileges, or benefits are canceled when an employee leaves employment with the city. This includes loss of all accumulated sick leave.
- (3) Upon returning to city employment, a new anniversary date will be established.
- (4) Former employees will start at the minimum rate in the classification plan for the position unless specifically approved in advance by the board of commissioners.
- (5) Any employee who retires from employment with the city will be eligible for reemployment by following all KPPA reemployment requirements. Due consideration will be given to all applicants for the open position. An employee will not be assured or guaranteed reemployment in their former position or for any new position.

## **Employment of Family Members**

Pursuant to the city's Ethics Ordinance, No.15-08,

- (1) No family member of any elected official or appointed city official who has any authority to make any decision regarding employment, appointment, promotion, transfer, discipline, or

dismissal of any officer or employee at any level of city government, shall be appointed to any office or position of employment with the city.

- a. “Family member” means a spouse, domestic partner, parent, child, brother, sister, nephew, niece, uncle, aunt, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, grandchild, step-mother, step-father, step-sister, or step-brother, step-daughter, step-son.
  - b. “Domestic partner” is an adult, unrelated by blood, with which an unmarried or separated officer or employee has an exclusive committed relationship, maintains a mutual residence, and shares basic living expenses.
- (2) Other than what is listed in paragraph (1) above, the city does not prohibit the employment of family members in established positions so long as neither of the related parties is in a supervisory role in which the progress, performance, or welfare of the other might be directly or indirectly affected.
  - (3) In special circumstances where an individual has the required skills and expertise, and where it is in the particular interest of the city, the restriction in subpart a. above may be waived by the board of commissioners.

## **Background and Reference Checks**

- (1) It is the policy of the city to perform pre-employment background checks pursuant to KRS Chapter 335B. The purpose of performing these checks is to determine and/or confirm, within appropriate legal and professional limits, the qualifications and suitability of a candidate for the employment position for which the candidate is being considered. Many job duties involve working closely with other employees and/or the public, significant city-related driving, access to expensive safety-sensitive tools and machinery, access to confidential information, or access to financial accounts. Therefore, criminal records may exclude candidates with certain criminal convictions that are determined to be job-related, as discussed below. This policy will ensure that employment-related decisions utilizing pre-employment background checks are made in accordance with applicable laws.
- (2) The city will perform pre-employment background checks on all candidates for employment once they have been offered the employment position by using the Background Check Release which will be done online after the conditional offer is made. Review will be limited to information regarding only convictions that are determined to be job-related and consistent with business necessity, as discussed below. In addition, if an employee changes positions within the city an additional criminal background check may be required.
- (3) Candidates for employment within the police department and fire department may be subject to different requirements for pre-employment background checks. Please refer to the police department policies and procedures and the fire department policies and procedures for more information.
- (4) The city will also perform additional background checks on candidates for any position with the city’s youth camps, including youth recreational leagues and programs, pursuant to KRS 194A.382 and 902 KAR 10:040. The city is prohibited from employing, contracting with, or allowing volunteer work from individuals who have been convicted of a criminal offense

against a minor or a sex crime, who is a violent offender, or who has been found by the Cabinet for Health and Family Services (CHFS) or a court to have abused or neglected a child. As a condition of employment or involvement in the programs, the law requires:

- a. A national and state criminal background check; and
  - b. A letter from the Cabinet for Health and Family Services stating the employee, contractor, or volunteer is clear to hire based on no findings of substantiated child abuse or neglect found through a background check of child abuse and neglect records.
- (5) The city requires that employees identify any arrests or criminal convictions and complete a self-disclosure form. The city will individually evaluate any arrest or criminal conviction disclosed by an employee prior to deciding that employee's suitability for initial employment or continued employment.
  - (6) In addition to KRS Chapter 335B, the city complies with the federal Fair Credit Reporting Act (FCRA), federal and state equal employment opportunity laws, and all other applicable legal authority that affect the performance of pre-employment background checks.
  - (7) The results of a pre-employment background check are confidential and are only to be shared with employees of the city on a strict need-to-know basis.
  - (8) Under no circumstances is having a criminal history or conviction an automatic exclusion to a candidate's eligibility for employment.
  - (9) All candidates are required to sign appropriate authorizations and consents to allow the city to perform any pre-employment background checks.
  - (10) Background checks are conducted in accordance with all applicable federal, state, and local laws regarding criminal history information that may be obtained and/or used by the city for employment purposes.
  - (11) This policy does not override city policy that candidates providing false or misleading information on their application, during an interview, or at any time during the hiring process, may be eliminated from any further consideration. Candidates are expected to provide accurate and complete information and not to omit material information needed for the city to make a hiring decision.
  - (12) Prior to taking any adverse action as to a job candidate, appropriate pre-adverse and adverse action notices will be sent to the candidate pursuant to federal and any state FCRA laws together with a copy of the report.
  - (13) If there is a prior conviction warranting additional research, human resources will notify the city manager and the city attorney to discuss the results of the background check. The city manager will then involve any other city employees necessary to come to a final decision as to the candidate's eligibility for employment based on the conviction. Decisions will be made with respect to employment based on the totality of the candidate's qualifications and the relevant results of the pre-employment background check.
  - (14) In general, the relevance of a particular pre-employment background check to a candidate's eligibility for employment or employee's eligibility for continued employment, is based upon the following factors:

- a. The nature and gravity of the offense for which the applicant or employee was convicted.
  - b. The time that has passed since the conviction.
  - c. The nature of the job held or sought.
- (15) The city will only consider final adjudications of guilt, e.g., convictions and guilty pleas, for the potentially disqualifying offenses listed below or other offenses determined to be job-related. Convictions that have been expunged, discharged, or otherwise vacated will not be considered. Various states use different terminology regarding convictions. Therefore, if it is unclear whether a certain offense resulted in a conviction, the city attorney should be consulted.
- (16) A criminal history or conviction does not automatically preclude a candidate's eligibility for employment. To assist supervisors and the city manager in reviewing criminal records, below is a list of convictions that may disqualify an applicant or employee from employment with the city:
- a. Crimes Involving Violence, Theft, or Drug Distribution/Trafficking: Certain crimes involving violence, theft, or drug distribution/trafficking have been determined to be job-related to all positions within the city. Disqualification of applicants or dismissal of employees with certain convictions outlined below is consistent with federal and state requirements.
    - 1. Violent Crimes: The city has determined that felony convictions within the past seven years for crimes involving violence may disqualify an applicant or employee because of workplace violence concerns, the desire to provide a safe workplace for employees and customers, and because many of the city employees have significant interaction with customers and/or coworkers on a day-to-day basis.
    - 2. Theft or Property-Related Crimes: The city has determined that felony convictions within the past seven years for crimes involving theft, dishonesty, breach of trust, or destruction of property may disqualify an applicant or employee due to access to equipment and tools, inventory, proprietary information, and/or financial or confidential information.
    - 3. Drug Distribution/Trafficking Crimes: The city has determined that felony convictions within the past seven years for crimes involving drug distribution or trafficking may disqualify an applicant or employee because these convictions also indicate a general disregard for federal, state, or local laws.
    - 4. The city does not generally disqualify applicants or dismiss employees for drug possession or drug use convictions. This does not affect the application of its Drug- and Alcohol-Free Workplace Policy.
  - b. Computer Crimes: Because of access to city confidential and proprietary information, customer information, financial information, and/or computer systems, the city has determined that felony convictions within the past seven years for computer-related offenses are job-related for management and office positions. Applicants or employees in these job categories who have been convicted of such computer crimes present an unacceptable risk to the city and may therefore be disqualified, absent mitigating circumstances.

- c. Driving Crimes: To reduce potential city liability, the city must review applicant and employee driving records for jobs where the job duties include significant amounts of unsupervised, city-related driving. The city will comply with all federal, state, and local requirements regarding motor vehicle record checks, including but not limited to obtaining consent from the applicant or employee prior to requesting the record and complying with federal and/or state FCRA requirements. Felony convictions within the past seven years for vehicle-related offenses, including but not limited to driving under the influence (DUI) and driving while intoxicated (DWI), have been determined to be job-related and present an unacceptable risk to the city. Therefore, applicants and employees in positions that involve business-related driving who have been convicted of such offenses may be disqualified, absent mitigating circumstances.
- d. Individualized Assessment: Before any applicant or employee is disqualified based on their criminal history, the applicant or employee will be given an opportunity to provide individual information regarding the circumstances of their criminal history. Human resources will request that the applicant or employee submit a written, signed statement regarding their criminal history. The city manager with input from relevant city personnel will consider all information provided by each applicant or employee to determine whether the information provided sufficiently mitigates the circumstances of the disqualifying conviction pursuant to KRS Chapter 335B.

## Medical Examinations

- (1) In reviewing applicants' qualifications for certain positions and ensuring that currently employed workers are fit and capable of performing the essential functions of their positions, the city requires individuals to undergo physical examinations which can include drug tests.
- (2) The general purpose of these examinations is to determine whether the individuals being tested are physically able to perform the essential functions of the job in question without creating a significant threat to the safety or well-being of the individual, other employees, or members of the public. These examinations and tests are conducted on a nondiscriminatory basis and conform with the requirements of the Americans with Disabilities Act and other federal, state, and local laws guaranteeing fair treatment and equal employment opportunities to individuals with disabilities and members of other protected groups.
- (3) Applicants for certain positions are required to undergo a post-offer physical examination that evaluates their fitness and ability to perform the essential functions of the position for which they are being considered. All conditional offers of employment extended to candidates who are asked to undergo a physical examination are contingent on satisfactory completion of this requirement within the scheduled period.
- (4) In certain situations, the city can require currently employed workers to undergo a physical examination that evaluates their fitness and ability to perform the essential functions of their position.
- (5) Firefighters, emergency medical technicians (EMTs), paramedics, public works employees, and police officers may elect to receive a series of three hepatitis vaccine inoculations. The initial inoculation will be included in the applicant's pre-employment physical if they desire. The pre-employment consent form advises applicants of the availability of this optional screening.

# Employee Bonding

All applicants seeking city employment involving the handling of city funds or access to city financial accounts will be bondable and may be subject to a post-offer credit check. All employees involved in the handling of city funds or financial accounts and/or acting as a notary on behalf of the city will be bonded at the expense of the city as required by KRS 65.067.

# New Employee Orientation

- (1) An orientation will be made available to all new employees as soon as possible after their first day of employment.
- (2) A digital copy of the employee handbook will be made available to all employees either through the city's website or through their employee online portal. A physical hardcopy of the employee handbook will be available in each department location. A signed Handbook Acknowledgement Form of the original employee handbook and any revisions thereof will be required of all employees subject to these policies. The signed statement will be maintained in the employee's personnel file and retained pursuant to the KDLA Record Retention Schedule.
- (3) All new hires will be given a benefits package if they qualify. Human resources will cover the benefits package with the employee and provide a due date when the package must be returned to qualify for the benefits. Failure to submit the package on the specified date may render the employee ineligible for some benefits.
- (4) The new employee's schedule and job description will be discussed. Human resources and/or the department supervisor will use the Job Description Review and Acknowledgment ([HR Form 02](#) or online through the employee online portal) to ensure the employee understands the expectations and is able to meet the physical requirements of the job. The form and the job description will be signed and placed in their personnel file, and a copy will be given to the employee.
- (5) Human resources will ensure that all required state and federal forms are completed and placed in their personnel file prior to the employee starting any physical work. All required information will then be filed with the federal, state, and local governments.

# Introductory Period for Police and Fire

- (1) Police officers and firefighters will serve an introductory period of 12 months. If an officer or firefighter is required to complete basic training to receive certification, the introductory period will begin after successful completion of basic training.
- (2) Completion of the introductory period in no way alters the at-will status of the employee.
- (3) While serving under the initial introductory period police officers and firefighters may be dismissed at any time without right of appeal, unless otherwise provided by law.
- (4) Performance of police officers and firefighters will be regularly evaluated during the introductory period of employment by the supervisor.

# Job Descriptions

- (1) Job descriptions prepared and maintained for every position are one of the most important documents for effective hiring practices and to provide equal employment opportunity to all qualified individuals. The following procedures are designed to ensure the accuracy, completeness, timeliness, and fairness of the job descriptions:
  - a. Periodically the city manager and human resources with the assistance of the supervisors, will review the city's job descriptions to ensure that they are accurate, complete, and up-to-date.
  - b. Whenever possible, the supervisor should seek employee input in reviewing the description's accuracy and completeness.
  - c. The job descriptions should contain information that accurately reflects each position's essential functions, duties, responsibilities, purpose, working conditions, and reporting relationships as well as the knowledge, skills, and abilities required of employees.
- (2) Each time a job description is updated, human resources will use the Job Description Review and Acknowledgment Form to ensure the employee understands the job's expectations and is able to meet the physical requirements of the job. The form and the job description will be signed and placed in the employee's personnel file, and a copy will be given to the employee.

# Continuous Feedback on Employee Performance

- (1) Employee performance will be evaluated by supervisors on a continuous basis.
- (2) Each January, supervisors will meet with employees individually to set goals for the year.
- (3) Supervisors will coach employees by recognizing positive performance and providing constructive feedback for improvement. Supervisors will also regularly discuss employee progress toward their annual goals.
- (4) Supervisors will promptly provide appropriate feedback following the employee's performance. Supervisors will then document these discussions on the Continuous Feedback ([HR Form 15](#)). The form will remain in the employee's personnel file.
- (5) For specific policies regarding evaluations for sworn police officers and firefighters/EMS, refer to the police department policies and procedures manual.

# Performance Monitoring Period

- (1) A department head may place an employee on a performance monitoring period because of disciplinary and/or performance issues for a period of time. If the employee does not show improvement during this performance monitoring period, they may be dismissed from employment with the city subject to the Involuntary Termination of Employment Policy in this section.

- (2) A department head must document any disciplinary session or conference conducted for the purposes of correcting behaviors that are in violation of the policies contained in this handbook or that are conducted with the intent to correct recurring issues related to employee performance on the disciplinary form.
- (3) For police officers who have completed the introductory period who may be subject to a performance monitoring period, the provisions of KRS 95.450 will regulate discipline for any general internal personnel issue. Additionally, police officers who have completed the introductory period will be subject to the provisions of KRS 15.520 regulating discipline for any external citizen complaint filed against a police officer or any violation of law enforcement procedures.
- (4) The provisions of KRS 95.450 will regulate the discipline and/or demotions in the fire and emergency medical service (EMS) departments after the completion of the introductory period who may be subject to a performance monitoring period.
- (5) A department head will also provide a copy of any written documentation related to the use of a performance monitoring period to human resources for placement in the employee's personnel file.

## Personnel Records

- (1) A personnel file will be maintained for each city employee by human resources. All changes in the status of employees will be recorded in these files which will be retained and maintained in accordance with applicable state and federal laws.
- (2) The personnel file will include:
  - a. Employee's name, permanent address, and phone number.
  - b. Position title.
  - c. Completed application form.
  - d. Hiring date.
  - e. Departmental assignment.
  - f. Salary.
  - g. All changes in status as a city employee.
  - h. School/training records.
  - i. Awards.
  - j. Whatever additional information city ordinances, other governing laws, or the city may require.
- (3) Information regarding the medical condition or history of an employee, including drug test results, will be collected and maintained on separate forms and in separate confidential medical files subject to disclosure only as permitted by law.
- (4) The Form I-9 will be kept in a separate file in alphabetical order.

## **Change in Personal Information**

- (1) It is the responsibility of each employee to promptly notify human resources of any changes in personnel data either by using the city's employee online portal. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and similar status reports should be accurate and current at all times. If an employee has specific questions as to how to submit these changes, please contact human resources.
- (2) For necessary changes to be made without penalty, changes of marital status and dependents must be made within 30 days of the qualifying event.

## **Access to Personnel Files**

- (1) Human resources maintains a personnel file on each employee. The personnel file includes information such as the employee's job application, resume, documentation of performance appraisals, salary increases, and other employment records.
- (2) Personnel files are the property of the city and subject to the Open Records Act. Access to an employee personnel file is strictly controlled and granted only to authorized individuals who have a legitimate reason to review information in a file or as authorized under the Open Records Act. Employees will be notified of any request to view their personnel file.
- (3) Employees may request a copy of their personnel file in its entirety or specific portions of their personnel file by filling out the personnel file request form online. Copies of the requested portions of the personnel file will be provided as soon as practicable by human resources after the request is filed.

## **Job References**

- (1) All requests for job references and inquiries regarding an individual's employment with the city will be forwarded to human resources for an appropriate response. Human resources will consult with the city manager and may permit the employee receiving the request to respond, but the city manager and/or the city attorney may review any response before it is finalized. This section will not prohibit an employee from being listed as a personal reference for an individual.
- (2) The city's policy on job references is to provide information on the position, salary, and beginning and ending dates of employment. The law may also require disclosure of incidents of workplace violence involving the employee to a potential employer.

## **Record Retention**

The city will maintain all city records pursuant to the KDLA Record Retention Schedule.

# Disciplinary Practices/Procedures

- (1) The city seeks to encourage employees to change problem behavior rather than focusing on punitive measures as a solution. When appropriate, city supervisors will use the following disciplinary procedures, depending on the severity or frequency of the offense or problem behavior. Supervisors may use any of these disciplinary methods at any time. This list does not require a progressive disciplinary methodology to be used by supervisors:
  - a. Verbal warning, reprimand/coaching, or counseling by a department head and/or immediate supervisor.
  - b. Written reprimand/counseling by a department head and/or immediate supervisor.
  - c. Suspension with or without pay.
  - d. Demotion and/or reduction in pay.
  - e. Termination of employment.
- (2) The department head or immediate supervisor will notify the human resources department to initiate the disciplinary procedures in paragraph (1) of this policy. Human resources will be responsible for informing and involving the city manager and city legal staff.
- (3) Department heads and supervisors using the disciplinary procedures outlined in paragraph (1) of this policy will:
  - a. Document any disciplinary session or conference conducted for the purposes of correcting behaviors that are in violation of the policies contained in this handbook or are conducted with the intent to correct reoccurring issues related to employee performance on the Disciplinary Form ([HR Form 14](#)).
  - b. Provide a copy of any written documentation related to the use of disciplinary procedures to human resources for placement in the employee's personnel file.
- (4) For police officers that have completed the introductory period, the provisions of KRS 95.450 will regulate discipline for any general internal personnel issue. Additionally, for police officers who have completed the introductory period, the provisions of KRS 15.520 will control for discipline resulting from any external citizen complaint filed against a police officer or any violation of law enforcement procedures.
- (5) The provisions of KRS 95.450 will regulate the discipline of employees in the fire and EMS departments who have completed their introductory period.

## Demotion

- (1) After a serious violation or repeated violations, an employee may be demoted upon recommendation of a supervisor to human resources and the city manager and the completion of the Disciplinary Form, and with the approval of the city manager and final approval of the board of commissioners.

- (2) The provisions of KRS 15.520 will regulate demotions of officers in the police department who have completed the introductory period only when involving an external citizen's complaint or any violation of law enforcement procedures. Additionally, the provisions of KRS 95.450 will regulate demotions of officers in the police department who have completed the introductory period when the provisions of KRS 15.520 do not apply.
- (3) The provisions of KRS 95.450 will regulate the demotion of employees in the fire and EMS departments after the completion of the introductory period.
- (4) All pertinent documentation of demotions, including the Disciplinary Form, will be provided to human resources and placed into the employee's personnel file.

## Suspension

- (1) The department director may:
  - a. Suspend the employee with pay until the city manager reviews the violation by contacting human resources and making them aware of the situation requiring immediate suspension, provided the board of commissioners has delegated this authority to the supervisor by order.
  - b. Request in writing on the Disciplinary Form that the city manager suspend the employee with or without pay. The request will include the reasons for the suspension, along with details of previous disciplinary action regarding the employee.
- (2) The city manager may suspend an employee with or without pay for any period, up to and including four calendar weeks, depending upon the severity of the offense; however, a maximum time limit will not apply when an employee is suspended with or without pay due to an investigation of an alleged offense.
- (3) The suspended employee will be notified of the suspension in writing. The notice will include the reasons for and duration of the suspension, if known.
- (4) An employee suspended without pay for a period of one calendar month or more will forfeit fringe benefits, including accrual of sick leave and vacation leave, as well as the city's contribution to any insurance benefits during the suspension.
- (5) If after an investigation, the city manager finds that the suspension was not warranted, the employee will be reinstated to their position with back pay and benefits.
- (6) The provisions of KRS 15.520 will regulate suspensions of officers in the police department who have completed the introductory period only when involving an external citizen's complaint or any violation of law enforcement procedures. Additionally, the provisions of KRS 95.450 will regulate the suspension of officers in the police department who have completed the introductory period when KRS 15.520 does not apply.
- (7) The provisions of KRS 95.450 will regulate the suspension of employees in the fire and EMS departments after the completion of the introductory period.
- (8) All pertinent documentation of said suspension will be provided to human resources and placed into the employee's personnel file.

# Voluntary and Involuntary Termination of Employment

- (1) On the recommendation of the city manager, the board of commissioners by a majority vote, will make the final decision to remove all full-time city employees, except as otherwise provided by statute, ordinance, or contract. All other positions of employment may be terminated by the city manager or their designee. Statutes that provide otherwise regarding the termination of employment include:
  - a. For firefighters, KRS 95.450 states that the employment of any member of the fire department, who has completed the introductory period, may not be terminated for any reason, other than inefficiency, misconduct, insubordination, or a violation of law or the rules adopted by the city; and only after charges are preferred and a hearing conducted by the city in the manner prescribed by KRS 95.450.
  - b. For police officers:
    1. KRS 15.520 applies to police officers that have completed the introductory period, only when involving an external citizen's complaint or a violation of law enforcement procedures and requires a hearing to be conducted by the city in the manner prescribed by KRS 15.520.
    2. For matters where KRS 15.520 does not apply, KRS 95.450 applies. KRS 95.450 states that officers who have completed the introductory period may not be terminated for any reason other than inefficiency, misconduct, insubordination, or a violation of law or the rules adopted by the city and only after charges are preferred and a hearing is conducted by the city in the manner prescribed by KRS 95.450.
  - c. The city manager may only be removed by a majority vote of all board members after the following requirements and procedures have been met:
    1. At least 30 days before the removal is effective, the board of commissioners must adopt, by majority vote of all members, a preliminary resolution stating the reasons for the removal. The preliminary resolution may suspend the city manager pending the outcome of the removal proceedings, but the manager must be paid any unpaid balance due on their compensation and must be paid for the next calendar month following the adoption of the preliminary resolution. KRS 83A.150(8).
    2. The city manager may reply in writing and may request a public hearing which must be held not earlier than 20 days nor later than 30 days after the filing of the request. KRS 83A.150(8).
    3. Following the public hearing, if requested, the board, by majority vote of all members, may adopt a final resolution removing the city manager. KRS 83A.150(8).
  - d. For nonelected officers, KRS 83A.080 requires a written reason be provided to the nonelected officer upon termination.

- (2) If dismissal is warranted, the department head will make a recommendation for dismissal to the city manager. The city manager may also, on their own accord, conclude that the dismissal of a city employee is warranted without the recommendation of a department head. The recommendation from a department head should detail the circumstances surrounding the dismissal recommendation as well as the recommended date for the discharge.
- (3) If the city manager finds that the dismissal of a full-time city employee is warranted, they will make the recommendation to the board of commissioners and the board will make the final decision on dismissal.
- (4) Employees also have the right to terminate their employment at any time and for any reason. The city asks that they provide a written notice at least two weeks prior to their intent to leave to assist the city in the smooth transition of their job duties. Employees cannot use accrued leave time (i.e., vacation leave, sick leave, or personal leave) to extend the termination date. The employee's last day actually worked for the city is the date of termination.
- (5) In the event of the termination of their employment for any reason, the employee must return all property of the city, including uniforms, keys, credit cards, mobile phones, computer software and hardware, proprietary and confidential materials, reports, and any other city property that may be in their possession. This property must be returned prior to the last day of their employment. If an employee ceases to be employed during the year and does not return city property by the last day of employment, the employee must pay the value of the city property to the city. If possible, the value of the unreturned property will be deducted from the nonexempt employee's final paycheck if the deduction does not take the employee's pay below minimum wage.
- (6) All pertinent documentation of said termination will be entered into the employee's personnel file.

## **Layoffs (Reduction-in-Force)**

- (1) The board of commissioners may lay off an employee or employees because of lack of work or funds. The order of layoff will be determined by the needs of the city.
- (2) Consideration will be given to both seniority and merit of the persons being considered for layoff.
- (3) Temporary employee, seasonal employee, and employees on an introductory period will be laid off before full-time employees within classes affected by the layoff.
- (4) The city manager will notify the employees of the layoff in writing as soon as practicable before the layoff. The notice will explain the reasons and the duration of the layoff, if known, and a copy of the notice will be placed in the employee's personnel file.
- (5) An employee who has given satisfactory service and who is laid off will be eligible for reemployment in another position if they meet the qualifications of the other position and the position is vacant.

# Exit Interview

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

## **Section 3 – General Employment Policies and Rules**

# Open Door Policy

- (1) The City of Richmond encourages all employees and volunteers to meet with their immediate supervisor to discuss any employment issues or concerns that they may have. If the complaint is against their supervisor, or if the employee/volunteer feels more comfortable with another person, the employee may discuss the issue with another city supervisor, their immediate department head, another department head, a member of human resources, the city manager, or the city attorney. City supervisors, department heads, members of human resources, the city manager, and/or the city attorney will inform the director of human resources in writing of the receipt of the complaint/concern so that the complaint/concern may be properly addressed as soon as practicable from its receipt.
- (2) The city is committed to maintaining this Open Door Policy where honest discussion of employee and volunteer concerns can take place in a safe and supportive environment.
- (3) Misunderstandings or conflicts can arise in any organization. To ensure effective working relations, it is important that such matters be resolved before serious problems develop. Most incidents resolve themselves naturally; however, if a situation persists that the employee believes is detrimental to them or to the city, they should bring their concerns to the attention of a supervisor, human resources, and/or the city manager.
- (4) Nothing in this Open Door Policy should be seen as limiting any of the rights a police officer would have under KRS 15.520, nor that a police officer or firefighter would have under KRS 95.450.

# Sexual and Nonsexual Harassment

- (1) Sexual and nonsexual harassment of any kind is absolutely prohibited and will not be tolerated. Sexual and nonsexual harassment negatively affects morale, motivation, and job performance. It is inappropriate, offensive, and illegal.
- (2) Sexual harassment on the job is employment discrimination within the meaning of Title VII of the federal Civil Rights Act of 1964 and KRS Chapter 344. In general, sexual harassment means any unwelcome or offensive sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. Sexual harassment can come from a supervisor, fellow employee, or a person other than an employee who has contact with the city employees. Sexual harassment is unacceptable and is prohibited at work and in work-related settings, such as business trips, business-related meetings, conferences, and city employee-related social events. Behavior that constitutes sexual harassment includes but is not limited to:
  - a. Deliberate, repeated, or unsolicited verbal comments, gestures, or physical actions of a sexual nature toward another person.
  - b. Approval, recommendation, or a refusal to take any personnel action with respect to an employee or applicant because of:
    1. The employee's or applicant's rejection of sexual advances, demands, favors, or sexual activity.

2. The employee's or applicant's reporting of a sexual advance or demand for sexual activity.
  - c. Explicit or implicit promises of preferential treatment regarding an individual's employment status in return for sexual favors or sexual activity.
  - d. Exercise or attempted exercise of the power or authority of one's position to control, influence, or affect the career, salary, job, or other employment conditions of an employee or applicant in exchange for sexual favors.
  - e. Repeated sexual jokes, flirtations, advances, or propositions.
  - f. Graphic verbal commentary about an individual's body, sexual prowess, or sexual deficiencies.
  - g. Leering, whistling, touching, pinching, assaulting, or coercing sexual acts.
  - h. Suggestive, insulting, or obscene comments or gestures.
  - i. The display in the workplace of sexually suggestive objects, pictures, or reading material.
- (3) Any conduct that is intimidating, hostile, and interferes with an employee's work performance is prohibited and will not be tolerated. This includes harassment because of an individual's race, religion, color, national origin, sex, sexual orientation, genetic makeup, gender identity or expression, pregnancy, childbirth, pregnancy/childbirth-related medical conditions, age, disability, veteran or family status, or because the employee is a smoker or nonsmoker.
- (4) Any employee who believes they have been subjected to sexual or nonsexual harassment will promptly report the incident to their immediate supervisor, department director, human resources, the city attorney, the city manager, or any other supervisor with whom the employee feels comfortable discussing the matter. Employees should make prompt reports of the incident to ensure a timely response and for remedial measures to be implemented. All reports of sexual and nonsexual harassment will be reviewed and investigated regardless of when the alleged misconduct occurred.
  - a. All reports of sexual or nonsexual harassment will be reduced to writing by the reporting employee or by the person receiving the report. Employees may use the Complaint Form ([HR Form 11](#)) for this purpose. The report will be signed by the complaining employee or the person receiving the report. All reports will be kept confidential to the extent feasible and appropriate under the circumstances. Human resources, after consultation with the city attorney, will inform the city manager of the receipt of the complaint and the city manager will inform the board of commissioners of the complaint.
  - b. All reports of sexual and nonsexual harassment will be promptly investigated following the receipt of an incident report. The report will be investigated by the city manager and/or human resources. The results of the investigation will be communicated to the complainant and to the alleged offender. Any employee found to have engaged in misconduct constituting sexual or nonsexual harassment will be disciplined, up to and including dismissal from employment with the city. In addition, the city may take other steps to correct and prevent future incidents from occurring.

- c. If the investigation results in a finding that any form of harassment has occurred in the city workplace, the city manager will direct that a written report of the action taken by the city as a result of the finding is created by city staff as designated by the city manager. If the investigation results in a finding that harassment did not occur, the city manager will direct that a written report of the decision be created by city staff as designated by the city manager. The city manager will notify the board of commissioners of any findings.
  - d. As provided under the Protection Against Retaliation for City Employees Policy in Section 3, an employee making a report under this policy will not be discriminated against or be subject to retaliation in any way for having made the report. If an employee suffers any discrimination or retaliation for making a report, the employee should immediately alert a member of management. Any person found to have discriminated against or retaliated against an employee who makes a report will be subject to disciplinary action, up to and including dismissal from employment with the city.
- (5) The city recognizes that the question of whether a particular course of conduct constitutes sexual or nonsexual harassment requires a factual determination. The city also recognizes that false accusations of sexual or nonsexual harassment can have serious effects on innocent parties. If an investigation results in a finding that a person who has accused another of sexual or nonsexual harassment has maliciously or recklessly made a false accusation, the accuser will be subject to disciplinary action, up to and including dismissal.
  - (6) Training in sexual and nonsexual harassment will be provided by the city.
  - (7) Nothing in this policy should be construed as eliminating any employee's rights under Title VII of the Civil Rights Act of 1964, as amended, under KRS Chapter 344, or as conferring enforceable legal rights beyond those existing under applicable laws.

## **Workplace Violence**

- (1) The safety and security of all employees is important to the city. Threats, abusive behavior, or acts of violence against employees, citizens, or other individuals by anyone on city property or off city property while performing job duties related to the city will not be tolerated. These types of actions will lead to referral to appropriate law enforcement agencies for arrest and prosecution. City employees who exhibit this type of behavior will be disciplined or discharged. The city may take any necessary legal action to protect its employees and will make every effort to assist any employee experiencing threats of violence.
- (2) Any person who makes threats, exhibits threatening behavior, or engages in violent acts on city premises will be removed from the premises as quickly as safety permits and will remain off city premises pending the outcome of an investigation. Any employee who makes threats, exhibits threatening behavior, or engages in violent acts while in performance of their employment duties will be immediately suspended, pending the outcome of an investigation of the incident. Following an investigation, the city will initiate an immediate and appropriate response. This response may include but is not limited to suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person or persons involved.

- (3) All employees are responsible for notifying city management personnel of any threats that they witness, receive, or that they are told another person witnessed or received. All employees should report any behavior witnessed that they regard as potentially threatening, violent, or which could endanger the health or safety of an employee when the behavior is connected to city employment or city business. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threatening behavior and the person or persons being threatened.
- (4) Employees are encouraged to notify either their supervisor, the city manager, human resources, or the city attorney if an emergency protection order (EPO) or domestic violence order (DVO) has been issued for their protection.
- (5) The city will make every effort to assist an employee experiencing threats of violence. Assistance may include:
  - a. Confidential means for coming forward for help.
  - b. Resource and referral information, e.g. employee assistance program (EAP).
  - c. Leave of absence consideration.
  - d. Special safety considerations at the workplace.
- (6) The city understands the sensitivity of the information requested and will respect the privacy of the reporting employee to the extent allowable by law. The city will endeavor to maintain the anonymity of a reporting party to the extent feasible for cooperation with appropriate law enforcement officials.
- (7) Any employee who acts in good faith by reporting real or implied violent behavior will not be subjected to any form of retaliation or harassment.
- (8) Except as otherwise provided by KRS 527.020, KRS 237.110, KRS 237.115, and other applicable laws, the city prohibits the carrying of concealed deadly weapons by any employee, licensed or not, in any portion of a building owned, leased, or controlled by the city.
- (9) Nothing in this section will preclude a sworn police officer and other law enforcement officers, authorized to carry concealed weapons pursuant to KRS 527.020, from carrying a concealed weapon on city property. For all other employees:
  - a. The City of Richmond has adopted the limited prohibition of carrying concealed deadly weapons in city buildings as outlined in paragraphs (8) and (9) above pursuant to KRS 237.115(2). Any other form of carrying a deadly weapon is not prohibited.
  - b. An employee carrying a deadly weapon in compliance with the City of Richmond Employee Handbook while performing work for or while on duty for the City of Richmond does so as a voluntary act and not at the direction or request of the city. Other than sworn law enforcement officers, no job descriptions or job duties in the City of Richmond require an employee to possess a deadly weapon.
  - c. An employee that chooses to carry a deadly weapon in compliance with the City of Richmond Employee Handbook has the responsibility to know the law as to where they can or cannot legally carry their deadly weapons. Some locations, including schools, prohibit the carrying of deadly weapons by persons other than sworn law enforcement. Failure to abide by lawful restrictions in those locations, even while

performing work for or while on duty for the City of Richmond, may result in criminal and/or civil personal liability.

- d. An employee that uses a deadly weapon may incur personal liability and the City of Richmond may or may not indemnify the employee for such use.
- (10) Pursuant to KRS 500.080(4), a deadly weapon is defined as:
- a. A weapon of mass destruction.
  - b. Any weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged.
  - c. Any knife, except an ordinary pocketknife or other knife routinely used in the performance of city duties.
  - d. Billy, nightstick, or club.
  - e. Blackjack or slapjack.
  - f. Nunchaku karate sticks.
  - g. Shuriken or death star.
  - h. Artificial knuckles made from metal, plastic, or other hard material.

## Workplace Safety

- (1) The city prioritizes a safe working environment for its employees and the public. Job-related injuries, accidents, or illnesses must be immediately reported for the employee's protection in accordance with the city's safety and accident policy.
- (2) Each department will consider the need for adopting safety practices, policies, or procedures warranted by the hazards that department employees encounter. Department heads are encouraged to involve employees in this process.
- (3) Department supervisors will also explain to their employees that a violation of these safety practices, policies, or procedures could lead to disciplinary action, up to and including termination of employment with the city.
- (4) Every employee must be safety-conscious and responsible for helping the city achieve the goal of providing a safe workplace.
- (5) Employees will immediately report any unsafe or hazardous condition to their department head, immediate supervisor, or any supervisor they feel comfortable reporting to.
- (6) Supervisors will immediately report any unsafe or hazardous condition that has been reported to them or that the supervisor is aware of to the city manager.
- (7) Any employee or supervisor who does not report unsafe or hazardous conditions is subject to disciplinary action.
- (8) Employees are expected to use common sense and good judgment in their work habits and to follow safe work practices. Department heads will ensure that safe work practices are utilized. Examples of safe work practices are as follows:

- a. Using the proper safety equipment when performing a work assignment.
  - b. Not operating equipment or machinery while using prescribed medication without a doctor's written approval.
  - c. Under no circumstances should an employee operate any type of machinery or equipment while under the influence of drugs or alcohol.
  - d. Operating only equipment or machinery for which training or orientation has been received.
  - e. Warning coworkers of unsafe conditions or practices.
  - f. Following all safety and operating rules posted on equipment and machinery.
  - g. Refraining from horseplay at all times.
  - h. Wearing safety belts when operating city-owned vehicles or private vehicles when on city business.
  - i. All employees are responsible for maintaining current knowledge of periodic rule/regulation changes made by the issuing state and federal safety agencies following Occupational Safety and Health Administration (OSHA) rules and guidelines..
- (9) Periodic training will be arranged when appropriate in the judgment of the department supervisor. Employees will be required to participate in all required safety-training programs offered by the city.

## Reporting Work-Related Accidents

- (1) Employees are required to immediately report any work-related accidents, illnesses, or injuries. The proper reporting of such matters is critical to ensure that an employee receives all benefits to which they are entitled under the Kentucky Workers' Compensation Act.
- (2) For the employee's protection, job-related injuries, accidents, or illnesses must be reported the day that they occur, unless extenuating circumstances prevent the employee from reporting within that time frame.
- (3) The employee must report all work-related accidents, illnesses, or injuries to their immediate supervisor.
- (4) Immediate supervisors will be responsible for contacting or having the employee contact "Company Nurse" on the Injury Hotline at **855.339.1889**.
- (5) The risk management department will also be notified of all accidents involving city employees and/or city equipment as soon as possible, but in no event later than 24 hours. The department head will complete the city incident report and file it with the Office of Safety and Risk Management by utilizing the Occupational Safety and Health (OSH) Injury and Illness Reporting in Kentucky requirements found in [Appendix A](#).
- (6) Accidents involving either city-owned vehicles or personal vehicles being operated for city business will be reported to the police department for investigation.

- (7) The city places great importance in this policy. All employees are obliged to comply. Any employee that is discovered to have been aware of a serious accident and failed to report it will face appropriate disciplinary consequences.

## **Protection Against Retaliation for City Employees**

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

# Drug- and Alcohol-Free Workplace

- (1) The city's mission is to ensure that all public service is delivered safely, efficiently, and effectively. This mission is accomplished by establishing a drug- and alcohol-free work environment to ensure that the workplace remains free from the effects of drugs and alcohol, thereby promoting the health and safety of employees and the general public. In keeping with this mission, the city declares that the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances, or misuse of alcohol is prohibited for all employees. The city has a zero-tolerance policy in regard to drug and alcohol use. The violation of this zero-tolerance policy relating to the on-the-job possession, distribution, use, or sale of illegal drugs will result in the immediate dismissal from employment with the city.
- (2) All employees are expected to read and sign the Drug- and Alcohol-Free Workplace Policy Acknowledgement ([HR Form 04](#)) within 30 days of employment or within 30 days of any amendment to the policy.
- (3) This policy is intended to comply with all applicable federal and state regulations governing workplace anti-drug and alcohol programs. The United States Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens. Under Kentucky law, the city has also chosen to follow the requirements of 803 KAR 25:280 to become a Certified Drug-Free Workplace, as well as 807 KAR 5:023, which includes standards for gas pipeline workers.
- (4) The city and all commercial driver's license (CDL) employees are federally mandated to comply with the registration and reporting requirements of the Federal Motor Carrier Safety Administration (FMCSA) Clearinghouse under 49 CFR Part 382. This includes the city's obligation to perform pre-employment queries for all CDL applicants, perform annual queries for all CDL employees, and report certain violations or activity as required under 49 CFR Part 382. CDL employees will register with the FMCSA Clearinghouse website and will provide the necessary consent for the city to perform clearinghouse queries, including electronic authorization for all full queries. If an employee fails to provide consent as required under this section, then the employee is unable to perform safety-sensitive functions under federal law and the employee will be removed from duty. The refusal to provide consent will also be considered a violation under this policy and the employee may be subject to disciplinary action, including termination.
- (5) This policy is intended to apply whenever anyone is representing or conducting business for the city. Accordingly, this policy applies during all working hours, while on call, paid standby, and while performing work on behalf of the city while on or off city property. The policy applies to all city employees with special provisions designated to those employees identified as having responsibilities requiring a heightened safety-awareness level (HSAL). Those safety-sensitive positions identified as requiring a heightened safety-awareness level, include but may not be limited to:
  - a. Police officers.
  - b. Animal control.
  - c. Emergency dispatchers and dispatch supervisors.
  - d. Firefighters.
  - e. Paramedics/EMTs.

- f. Heavy equipment operators.
  - g. Lifeguards.
  - h. Employees driving CDL-regulated vehicles.
  - i. Mechanics who work on these regulated vehicles.
  - j. Solid waste/sanitation drivers.
  - k. Operators of non-CDL vehicles who transport senior citizens, people with disabilities, and children.
  - l. Employees who supervise children and child-related activities.
- (6) Definitions of terms used throughout this policy can be found in [Appendix B](#).
- (7) Designated Employer Representative (DER) may include at the discretion of the city manager, the city manager, human resources personnel, all department heads, and safety and risk personnel who are authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. Only human resources personnel will receive test results and other communications for the employer, consistently with the requirements of 49 CFR Parts 40, 199, and 382. Additionally, the DER and/or their designee will ensure compliance with the DOT Clearinghouse requirements for employees with CDLs.
- (8) Education and training requirements for this policy.
- a. Every employee will receive a copy of this policy and will have ready access to the corresponding federal and state regulations, including 803 KAR Parts 5 and 25, and 49 CFR Parts 40, 199, and 382, as amended.
  - b. 49 CFR 382.603 states that each employer will ensure that all persons designated to supervise drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training will be used by the supervisors to determine if reasonable suspicion exists to require a driver to undergo testing under §382.307. The training will include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.
  - c. All other employees will undergo a minimum of 60 minutes of initial training on the signs and symptoms of drug use, including the effects and consequences of drug use on personal health, safety, and work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use. Thereafter all supervisors will undergo drug and alcohol training annually.
  - d. Annually, the employer will verify that the frequency and duration of each employee and supervisor training session meets the requirements of this section and that all employees have participated in the required alcohol and drug abuse education and awareness training program.
- (9) Prohibited substances addressed by this policy include the following:
- a. Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988. Any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), as further defined by 21 CFR Parts

1300.11 through 1300.15, and as defined by 803 KAR 25:280 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration (USDEA) or the U.S. Food and Drug Administration (USFDA). Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs, such as oxycodone, oxymorphone, hydrocodone, and hydromorphone.

- b. Federal drug testing regulations (49 CFR Part 40) require that all covered employees be tested for marijuana metabolites/tetrahydrocannabinol (THC) which includes any cannabidiol (CBD) products containing THC at or above the required threshold, cocaine, amphetamines, opiates, and phencyclidine. Illegal use of these five drugs is prohibited at all times, and thus, covered employees may be tested for these drugs anytime that they are on duty.
- c. The Kentucky Certified Drug-Free Workplace testing regulations (803 KAR 25:280) require that all covered employees be tested for amphetamines, cannabinoids (THC, which includes any CBD products containing THC at or above the required threshold), cocaine, opiates, phencyclidine (PCP), benzodiazepines, propoxyphene, methaqualone, methadone, barbiturates, and synthetic narcotics.
- d. Pursuant to KRS 218B.040, the city exercises its right under the statute to not permit or accommodate the use of medicinal cannabis. Therefore, an authorized cardholder is prohibited from utilizing medicinal cannabis while employed by the city. The appropriate use of legally prescribed drugs and nonprescription medications is not prohibited. However, any HSAL employee taking any legal substance which carries a warning label indicating that mental functioning, motor skills, or judgment may be adversely affected must report this information to a supervisor. Also, the employee is required to provide a written release from their doctor or pharmacist indicating that the employee can perform their safety-sensitive functions.
- e. The use of beverages containing alcohol, including any mouthwash, medication, food, candy, or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited.

(10) Types of prohibited conduct include:

- a. All employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR Part 40 or any other state or federal laws, as amended.
- b. No employee will consume alcohol while at work or while on call. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The employee will subsequently be relieved of their on-call responsibilities and be subject to discipline.
- c. The city will not permit any employee to perform any work-related activity, especially safety-sensitive functions, if it has actual knowledge that the employee is using alcohol.
- d. No employee will report to work or remain on duty while having an alcohol concentration of 0.02 or greater, regardless of when the alcohol was consumed.

- e. No employee will consume alcohol for eight hours following involvement in an accident or until they submit to the post-accident drug/alcohol test, whichever occurs first.
  - f. No employee will consume alcohol within four hours prior to the performance of any job functions.
  - g. The city, under its own authority, also prohibits the consumption of alcohol at all times that the employee is on duty or anytime the employee is in uniform.
  - h. Consistent with the Drug-Free Workplace Act of 1988 and Kentucky Certified Drug-Free Workplace regulations, all employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the workplace, while in uniform or while on city business.
- (11) Consistent with the Drug-Free Workplace Act of 1998, all employees are required to notify the city management of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision will result in termination.
- (12) Testing requirements for this policy include:
- a. Analytical urine drug testing and breath testing for alcohol will be conducted as required by 49 CFR Part 40, 803 KAR 25:280, 807 KAR 5:023, and any other statutes, as amended. All employees will be subject to testing prior to employment, for reasonable suspicion, post-accident, and random, if applicable. All employees who have tested positive for drugs or alcohol on a random test, reasonable suspicion test, or post-accident test will be terminated.
  - b. A drug or alcohol test can be performed any time an employee is on duty.
  - c. All employees will be subject to blood draw for post-accident drug testing as a condition of ongoing employment with the city. Any employee who refuses to comply with a request for testing will be removed from duty and subject to discipline as defined in this policy. Any employee who is suspected of providing false information in connection with a drug test or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution, will be required to undergo an observed collection. Verification of the above-listed actions will be considered a test refusal resulting in the employee's removal from duty and disciplined as defined in this policy.
- (13) Testing for drugs and alcohol will be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA). All testing will be conducted consistently with the procedures set forth in 49 CFR Part 40 as well as 803 KAR 25:280 and any other statutes, as amended. The procedures will be performed in a private and confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.
- (14) Pre-employment testing will be done as soon as practicable after a conditional offer of employment is made and as follows:
- a. DOT applicants will not be hired or placed into a position unless the applicant takes a drug test with verified negative results and an alcohol test with a blood alcohol

content (BAC) below 0.02. All other applicants will not be hired into a position unless the applicant takes a drug test with verified negative results.

- b. If an applicant fails a pre-employment drug or alcohol test, tampers with, or attempts to tamper with a urine specimen in any manner, the conditional offer of employment will be rescinded. Failure of a pre-employment drug and/or alcohol test will disqualify an applicant for employment for a period of at least one year. Evidence of the absence of drug dependency from a substance abuse professional (SAP) that meets with 49 CFR Part 40, as amended, and a negative pre-employment drug test and an alcohol test with a BAC below 0.02 will be required prior to further consideration for employment. The cost for the assessment and any subsequent treatment will be the sole responsibility of the applicant.
- c. When an employee being placed into a position submits a drug test with a verified positive result or a DOT applicant submits an alcohol test with a BAC above 0.02, the employee will be subject to disciplinary action.
- d. If a pre-employment test is canceled, the city will require the applicant to take and pass another pre-employment drug test.
- e. Applicants for DOT positions are required to report previous DOT-covered employer drug and alcohol test results. Failure to do so will result in the employment offer being rescinded.

(15) Reasonable suspicion testing will be conducted as follows:

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

- c. When a reasonable suspicion test is ordered, the employee must immediately submit to testing. The observing supervisor and/or designee will remain at the testing site with the employee being tested until testing is completed. Any employee who is tested for reasonable suspicion will be placed on administrative leave with pay until the results of the test are known. After submitting to the drug/alcohol test, the employee may not return to work until the results of the test are known and only then if the results are negative. Only human resources may order a reasonable suspicion test.
- d. An employee who refuses an instruction to submit to a drug/alcohol test will not be permitted to finish their shift and will immediately be placed on administrative leave pending disciplinary action.
- e. When there is no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or other substances to a supervisor in their chain of command, the employee will be referred to the SAP for an assessment. The city will place the employee on administrative leave. Testing in this circumstance will be performed under the direct authority of human resources. Since the employee self-referred to management, testing in this circumstance would not be considered a violation of this policy or a positive test result under federal authority. However, self-referral does not exempt the employee from testing under federal authority as specified in this policy or from an associated consequence under the city's zero tolerance policy.

(16) Post-accident testing will be conducted as follows:

- a. Employees are subject to blood draw testing and breath alcohol testing when needed to evaluate the root cause of a workplace accident that harmed or could have harmed employees, where the employee's performance likely contributed to the accident, the employer has reasonable suspicion to believe that drugs or alcohol may have contributed, or as required under state or federal laws. Testing is not limited to only the injured employees.
- b. Circumstances that constitute probable belief that an employee's performance likely contributed to the accident will be presumed to arise in any instance involving a work-related accident or injury involving any or all of the following:
  - 1. A human fatality.
  - 2. An employee will be tested for alcohol if the employee receives a citation within eight hours of the occurrence under Kentucky or local law for a moving traffic violation arising from the accident, if the accident involved:
    - (a) Bodily injury to any person who, as a result of the injury, receives immediate medical treatment away from the scene of the accident.
    - (b) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
  - 3. An employee will be tested for controlled substances if the employee receives a citation within 32 hours of the occurrence under Kentucky or local laws for a moving traffic violation arising from the accident if the accident involved:

- (a) Bodily injury to any person who, as a result of the injury, receives immediate medical treatment away from the scene of the accident.
  - (b) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
- 4. A safety-sensitive employee or position who is involved in safety-sensitive activities, during the occurrence of the accident, and who cannot be discounted as a contributing factor to the accident.
- 5. Any city employee when there is a need to evaluate the root cause of a workplace accident that could have harmed employees and there is reasonable suspicion to believe that the use of drugs or alcohol by the employee could have contributed to the accident. (See the Reasonable Suspicion Observation Form.).
- c. Due to varying types of accident causes, not all accidents will require post-accident testing. Exceptions for requiring post-accident drug and alcohol testing will include but may not be limited to the following types of accidents or injuries:
  - 1. Injuries whose onset is cumulative or gradual such as carpal tunnel syndrome, progressive hearing loss, mental disorders, dermatitis, respiratory diseases, skin disorders, etc.
  - 2. Injuries where the employee can be completely discounted as the contributing factor, e.g., injuries caused by a third party or some other uncontrollable force or event, such as weather, insects, etc.
  - 3. Injuries where the employee can be completely discounted as the major contributing factor or those injuries occurring during physical fitness or a training event, in which the employee did everything within reason to avoid the injury or accident, e.g., was performing training as instructed.
- d. Post-accident investigations must take place within two hours following the report of the accident.
- e. As soon as practicable following an accident, the investigating supervisor will notify the employee operating the vehicle or equipment and all other employees whose performance could have contributed to the accident, of the need for the blood test. All employees whose conduct could have contributed to the accident will be subject to testing, not only the employee who reported an injury. The DER along with the supervisor will make the determination using the best information available at the time of the decision. (See the Post-Accident Documentation Summary and Checklist.) Under no circumstances will the employee be allowed to drive themselves to the testing facility.
- f. The appropriate supervisor will ensure that an employee required to be tested under this section is tested as soon as practicable, but no longer than eight hours following the accident for alcohol and within 32 hours for drugs.
  - 1. If a blood alcohol test is not performed within two hours of the accident, the supervisor will document the reasons for the delay.
  - 2. If the alcohol test is not conducted within eight hours, attempts to conduct the alcohol test must cease and the reasons for the failure to test documented.

3. If the drug test is not conducted within 32 hours, attempts to conduct the drug test must cease and the reasons for the failure to test documented.
  - g. Any employee involved in an accident must refrain from alcohol use for eight hours following the accident or until they undergo a post-accident blood alcohol test.
  - h. An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of their location if they leave the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.
  - i. Nothing in this section will be construed to require the delay of necessary medical attention for the injured following an accident, to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
  - j. In the rare event that the city is unable to perform a drug and alcohol test, e.g. employee is unconscious or is detained by law enforcement agency, the city may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the test. The local law enforcement officials must have independent authority for the test, and the employer must obtain the results in conformance with local law.
  - k. The city reserves the right to test all employees whose conduct may have contributed to the accident.
  - l. An employee involved in an accident while on an out-of-town assignment will notify their supervisor as soon as possible, but no later than two hours after the accident occurred. The supervisor will notify the DER to discuss possible drug/alcohol testing requirements.
- (17) Random testing will be conducted as follows:
- a. All employees in HSAL, FRE, and DOT positions will be subjected to random, unannounced testing. The selection of employees will be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees.
  - b. The dates for administering unannounced testing of randomly selected employees will be spread reasonably throughout the calendar year.
  - c. Employees in HSAL positions, other than those classified as FRE, will have random alcohol testing done annually.
  - d. The number of FRE employees randomly selected for drug/alcohol testing during the calendar year will not be less than the percentage rates established by federal regulations for those safety-sensitive employees subject to random testing by federal regulations.
  - e. All employees in FRE positions will be selected from a pool that is separate from the random selection pool for other non-federally regulated HSAL positions.
  - f. Each covered employee will be in a pool from which the random selection is made. Each covered employee in the pool will have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection

regardless of whether the employee has been previously tested. There is no discretion on the part of management in the selection and notification of the individuals who are to be tested.

- g. Random tests can be conducted at any time during an employee's shift.
  - h. Employees are required to immediately proceed to the collection site upon notification of their random selection.
- (18) When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee who is not already a participant in a treatment program admits the abuse of alcohol or other substances to a supervisor in their chain of command, the employee will be referred to the SAP for an assessment. The city will place the employee on administrative leave. Testing in this circumstance would be performed under the direct authority of the DER. Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result under federal authority. However, self-referral does not exempt the employee from testing under federal authority as specified in this policy.
- (19) Refusal to submit to a drug/alcohol test will be considered a positive test result, a direct act of insubordination, and will result in termination.
- (20) For employees with a CDL, positive test results and other violations will be reported to the DOT Clearinghouse in accordance with 49 CFR Parts 40 and 382.
- (21) Return-to-duty testing will be done as follows:
- a. In the case of a self-reported drug or alcohol issue by an employee, the SAP or EAP will recommend a course of rehabilitation unique to the individual. The SAP or EAP will recommend the return-to-duty testing only when the employee who self-reported has successfully completed the treatment requirement, is known to be drug and alcohol free, and with no undue concerns for public safety.
- (22) Employees will be required to undergo frequent, unannounced drug and alcohol follow-up testing upon return to duty after the self-report of a drug or alcohol issue by the employee. All employees will be required to undergo drug testing for a period of once per quarter for one year after the employee's successful completion of the EAP. Follow-up testing is separate and in addition to the random testing, post-accident testing, reasonable suspicion testing and return-to-duty testing.
- (23) Employee assistance program (EAP) information.
- a. Alcoholism and controlled substance addiction are recognized as diseases responsive to proper treatment. The city's health insurance plan through One America contains a level of care available for substance abuse treatment through an EAP provided for employees as part of their health care coverage. The EAP can be reached by calling **855.387.9727** or by going to [guidanceresources.com](http://guidanceresources.com) and using the password "ONEAMERICA3."
  - b. All employees of the city are strongly encouraged to voluntarily contact the EAP if they believe they or an immediate family member might have a problem with drug or alcohol abuse. An employee who feels that they have developed an addiction or dependence on alcohol or drugs may be entitled to other benefits in addition to the EAP herein described. The decision to seek such benefits or not is the sole responsibility of the employee. All information concerning the use of the medical

insurance plan for this purpose will be treated as confidential medical information. Employees who seek treatment or counseling for substance abuse problems may be eligible for leave pursuant to the city's leave policies.

- c. If an employee has been identified by an SAP as needing assistance in resolving problems associated with alcohol or controlled substances, the employee will be subject to follow-up testing as prescribed elsewhere in this policy. The SAP will be either a licensed physician, certified psychologist, social worker, employee assistance professional, or addiction counselor.
  - d. Employees who voluntarily report a substance abuse problem, prior to being required to take a controlled substance or alcohol test as defined in this policy, will not be subject to disciplinary action if they voluntarily and conscientiously seek substance abuse assistance and agree to a treatment plan. However, such an employee must understand that if the problem is not corrected and satisfactory job performance is not maintained, they will be subject to disciplinary action, up to and including termination of employment. Failure to seek such assistance or to abide by the terms of the treatment plan will be grounds for termination. Upon voluntarily reporting a substance abuse problem, the employee will be required to sign a Return-to-Work Agreement that will further define conditions of continued employment.
  - e. The city's EAP provides services to employees regardless of race, color, religion, national origin, disability, sex, age, or any other state or federally protected class.
- (24) The city is dedicated to assuring fair and equitable application of this Drug- and Alcohol-Free Workplace Policy. Therefore, supervisors are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor who knowingly disregards the requirements of this policy or who is found to deliberately misuse the policy towards subordinates will be subject to disciplinary action, up to and including termination.
- (25) Confidentiality of drug testing procedures and records are as follows:
- a. Drug/alcohol testing records will be maintained by human resources and except as provided below, or by law, the results of any drug/alcohol test will not be disclosed without express written consent of the tested employee.
  - b. The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol, including any drug or alcohol testing records. Employees have the right to gain access to any pertinent records, such as equipment calibration records and records of laboratory certifications. Employees may not have access to SAP referrals and follow-up testing plans.
  - c. Records of a verified positive drug/alcohol test result will be released to the department director and personnel manager on a need-to-know basis.
  - d. Records will be released to a subsequent employer only upon receipt of a written request from the employee.
  - e. Records of an employee's drug/alcohol tests will be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the proceeding. The information will only be released with the binding stipulation from the decision maker to make it available only to parties in the proceeding.

- f. Records will be released to the National Transportation Safety Board (NTSB) during an accident investigation.
  - g. Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
  - h. If requested, records will be released by a federal, state, or local safety agency with regulatory authority over the city or the employee.
  - i. If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of CFR Part 40, as amended, necessary legal steps to contest the issuance of the order will be taken.
- (26) Any questions regarding this policy or any other aspect of the Drug- and Alcohol-Free Workplace Policy should be directed to human resources.

## **Fraternization**

- (1) While the city encourages amicable relationships between employees, it recognizes that involvement in a romantic relationship may compromise, or create a perception that compromises, an employee's ability to perform their job. Any involvement of a romantic nature between employees in the same department is prohibited. Violation of this policy will lead to corrective action, up to and including termination of the individuals involved.
- (2) Any concerns an employee has in a dating relationship with a coworker may be brought to the attention of the city manager or any supervisor in which the employee feels comfortable. The supervisor and employee should follow the guidance in the Sexual and Nonsexual Harassment Policy and/or the Workplace Violence Policy within Section 3. In addition, employees may use the city-provided EAP for any relationship issues.

## **Children in the Workplace**

- (1) The presence of children in the workplace with the employee parent during the employee's workday is only allowed in certain circumstances and as approved by the employee's supervisor and the city manager. This policy is established to avoid disruptions in job duties of the employee and coworkers, reduce property liability, and help maintain the company's professional work environment.
- (2) If bringing a child to work with the employee is unavoidable, the employee must contact their supervisor as soon as possible to discuss the situation and obtain permission to have the child accompany the employee while working. Factors the supervisors will consider are the age of the child, how long the child needs to be present, the work environment in the employee's area, and any possible disruption to the employee's and coworkers' work. Consideration will not be given to allowing a child with an illness to come to work with the employee.
- (3) A child brought to the workplace in unavoidable situations will be the employee's responsibility and must always be accompanied and be under the direct supervision of the parent.

# Media Communications

- (1) The city's public information officer serves as the chief media spokesperson for the city. All media requests will be directed to the city's public information officer who is responsible for determining the city staff person most appropriate to make a response. Under certain circumstances, staff members may be directed to respond to a media request when matters touch upon their special areas of expertise. Chiefs of emergency services can appoint personnel as the information officer to speak in emergent situations. The city manager may also give written permission to certain city supervisory positions to allow their departmental public information officer to respond to a media contact without prior authorization from the city manager. Any other employees directly contacted or approached by the media for comments on issues related to the city will contact the city public information officer prior to making a response.
- (2) To guarantee quality and appropriate formatting, all city communications will originate from the city manager.
- (3) To guarantee consistent quality and branding, all city publications will originate or be approved by the city manager.

# Hours of Operation and Work Schedules

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

# Tardiness

- (1) All employees are expected to arrive at their designated workspace prior to the beginning time of their work shift.
- (2) An employee who does not report to work and who fails to notify their department head of the absence prior to the scheduled time to begin work, may not be allowed to charge the time off to either sick leave or vacation leave.
- (3) An employee who arrives after the appointed time is considered tardy. If a documented pattern of tardiness by an employee is observed by their department head or immediate supervisor, the employee will be subject to disciplinary action as allowed in Section 2.

# Meals and Rest Periods

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

# Inclement Weather

- (1) Emergency closings will be authorized by the city manager. When changes in hours of operations are necessary due to emergency situations such as inclement weather or loss of utilities, the city manager or other appointed person will notify supervisors. Employees should sign up for the city's free alert service so as to be notified of closings. Employees opting not to sign up for the alert will need to follow local news media, public access, and/or websites for city closing information. In addition, an employee who is unsure if the city is closed should contact their direct supervisor.

- (2) If the city system remains closed for an entire day because of an emergency, all employees scheduled to work that day will be paid for the number of hours they were scheduled to work, including any applicable shift differential. Employees in departments suitable for telecommuting will be expected to work during regular working hours if directed to do so by their supervisor. However, emergency hours not actually worked will not be included in overtime calculations. Further, if an employee is off on vacation or sick leave they will not receive credit for the hours that the city was closed.
- (3) If the city opens late or closes early due to an emergency scheduled staff who report to work will receive credit for their regularly scheduled hours for that day. However, emergency hours not actually worked will not be included in overtime calculations.
- (4) When the city is open but extreme weather conditions make it impossible for an employee to arrive at the regular time, reasonable allowances for lateness will be made. If the employee cannot report for work within a reasonable time, they must charge the day to vacation leave, compensatory leave, personal leave, or leave without pay equal to their regular work schedule hours for that day. The supervisor should be notified as soon as possible.
- (5) Certain essential services are required to be maintained during any closing. The employees providing these essential services are excused from work only with the specific authorization of their department head or immediate supervisor, regardless of radio or other announcements. Supervisors should clarify beforehand who the essential employees are during emergencies, what their obligations are, and what procedures will be used to let them know whether they will be needed to work. Failure to report to work during emergencies by required essential services employees may be cause for disciplinary action.
- (6) Essential employees that are required to come in during inclement weather will be paid at time and a half. Any hours worked as an essential employee where they are required to come in during inclement weather and when they have worked over 40 hours within the workweek are paid at double time. Employees who have opted for compensatory leave in lieu of overtime will be paid for their eight hours worked during the closure and receive compensatory leave in the amount of time actually worked on the closure date. Employees opting for compensatory leave in lieu of pay must notify human resources by completing the Agreement to Accept Compensatory Leave Form (HR Form \_\_).
- (7) The city manager will notify the city clerk, human resources, and the city's public information officer to notify employees and the public of the city's closing.

## Remote Work

An employee may request or a department head may initiate a discussion about a remote work arrangement. Eligibility to work remotely on a consistent or routine basis will be strictly limited contingent on job responsibilities (rather than job title), type of position (supervisory or public facing), work habits, and work schedule. Employees may also request approval for a short-term remote working arrangement for circumstances such as family or medical leave with the consent of the employee's health care provider, if appropriate. Moreover, jobs acceptable for remote work are those that can be performed without diminishing the quality of work or the level of services provided, including office coverage and without disrupting productivity. This policy does not apply to introductory, seasonal, or temporary employees.

# Standards of Performance and Conduct

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

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

## Dress Code and Hygiene

- (1) As representatives of the city during work hours, it is important for employees to present a professional impression to citizens, vendors, coworkers, and others. Clothing should be neat, clean, in good taste, and should not constitute a safety hazard. Employees are expected to maintain the highest standards of personal cleanliness and appearance during work hours and when representing the city outside of normal work hours.
- (2) From time to time the normal dress standards may be relaxed by management to allow employees to wear more casual clothing. Examples of such times would be cleanup days, inclement weather, or when casual clothing may be appropriate for the work to be done. Employees may wear jeans on the last Friday of each month.
- (3) The city expects all employees to maintain a professional appearance, good hygiene, and grooming while working. Facial hair is permitted as long as it is neat and well-trimmed. Unnatural hair colors are not permitted. Rings through the eyebrow, tongue, or body parts other than the earlobe visible to the public if the employee is in a public-facing position may not be worn while working. Tattoos will not be offensive in nature. "Offensive" will generally mean anything of a sexual nature or anything that impugns another's race, creed, religion, color, or sexual preference.
- (4) An employee may be granted an exception to this policy by their department head or the city manager for certain medical conditions, for a sincerely held religious belief, or other grounds protected by federal, state, or local laws. Reasonable accommodation will be granted unless it would cause an undue hardship on the city.
- (5) An employee wearing inappropriate attire will be required to leave work to change into appropriate attire. An employee will not be compensated for the time they are away from work to change into appropriate attire and must use vacation leave, personal leave, or compensatory leave for the time spent away from work.
- (6) To promote safety for employees when traveling conditions are hazardous, the city has instituted an "inclement weather dress code." This dress code will be in effect on days when Madison County Schools has delayed or canceled classes due to inclement weather for that day. Employees may wear casual clothing such as jeans and flannel shirts so long as the clothing is in good taste and free from holes and cuts. Footwear that is flat and have high traction soles are appropriate for these conditions and should be worn. Examples include hiking boots, trail runners, snow boots, or running shoes. If a meeting was previously scheduled that requires different attire, shoes with heels or slick soles are to be carried into the office and changed into once inside.
- (7) An employee with questions regarding this policy should direct their inquiries to human resources.

# Outside Employment for Employees Other than Police Officers

- (1) Outside employment is defined as any paid employment performed by an employee in addition to employment with the city.
- (2) Any employee desiring to perform outside employment will first obtain written approval on the Outside Employment Request ([HR Form 16](#)), from the department director, subject to the approval of the city manager. Approval may be granted provided that such employment does not:
  - a. Interfere with the performance of the employee's duties.
  - b. Involve a conflict of interest or conflict with the employee's duties.
  - c. Involve the performance of duties which the employee should perform as a part of employment with the city.
  - d. Occur during the employee's regular or assigned working hours unless the employee is on vacation leave, compensatory leave, personal leave, or leave without pay. Employees on any form of sick leave, which includes FMLA or workers' compensation leave, may not work outside employment pursuant to paragraph (4) below.
- (3) The employee will make arrangements with the outside employer to be relieved of duties in the event the employee is called for emergency service by the city.
- (4) An employee who is approved for sick leave, including FMLA and workers' compensation leave or who is approved for limited duty is prohibited from engaging in secondary employment. Employees who engage other employment or are self-employed while on authorized leave of absence or light duty will be terminated unless written authorization from the city manager has been granted prior to commencement of the leave of absence. The above limitations specifically do not apply to an employee's use of vacation leave, compensatory leave, personal leave, or absences resulting from a temporary reduction in force.
- (5) Police officers will follow the Secondary Employment Policy contained in the Police Department's Standard Operating Procedures (SOPs).

## Uniforms

- (1) The annual budget process will determine the uniform policy of the city.
- (2) All employees who are authorized to wear uniforms provided by the city will wear the uniforms during all working hours. Uniforms provided by the city will be worn only to and from work, while at work, and unless there is an applicable exclusion, will be considered taxable benefits and credited with additional income for the amount of the uniform expenses for tax purposes for each pay period.
- (3) If the city provides "everyday apparel" in lieu of uniforms, e.g., blue jeans, civilian clothing for sworn police personnel, etc., the actual allowance or cost of apparel will be

considered taxable benefits and credited with additional income for the amount of the apparel expenses for tax purposes for each pay period.

- (4) The value of clothing provided by an employer to an employee must be included as taxable income of the employee unless there is an applicable income exclusion. Possible income exclusions could apply when the employer provides clothing:
  - a. De minimis benefit, which is a benefit so small that accounting for it would be unreasonable or administratively impracticable considering its value and frequency pursuant to Internal Revenue Service (IRS) code section 132(a)(4).
  - b. Clothing not suitable for general wear.
  - c. Police officers and firefighters that are required to wear uniforms and other clearly marked clothing while on duty will not wear those uniforms or other marked clothing while off duty. Any police officer or firefighter wearing the above-mentioned clothing while off duty will be subject to disciplinary action.
- (5) Anyone obtaining personal protective equipment (PPE) through the city is required to wear the PPE whenever necessitated by work duties or conditions. PPE will not be considered taxable benefits.

## Use of Office and Mobile Telephones

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

## Mobile Telephones

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

- (1) Standard model mobile telephones are purchased by the city and replaced as determined by the provider's contract. If a device is lost, stolen, or is physically damaged beyond repair, the employee will be responsible for paying a replacement cost. The replacement cost will be calculated as a pro rata amount based on the amount of time remaining on the provider's contract. Employees are responsible for the purchase of additional equipment or other accessories that are not included with the original purchase of the phone and are responsible for the full replacement cost of such items.
- (2) Employees will not submit, nor will any supervisor approve, any mobile telephone expenses for reimbursement on an employee expense report.

- (3) Employees who incur additional charges will be responsible for those charges and will be invoiced for the amount.
- (4) All city policies, including but not limited to safety, harassment, ethical conduct, confidentiality, protected health information, and conflict of interest apply fully to electronic device usage.
- (5) All devices must be protected by a password. The user agrees to never disclose their password to anyone. The password should be a minimum of four characters. The device will automatically be locked after a period of inactivity.
- (6) Lost or stolen phones or other communication devices should be immediately reported to IT.
- (7) Since mobile telephone data and locally stored data may be subject to Open Records Laws, there is no expectation of privacy. Each user is responsible and accountable for the content and use of these tools. Should a personal device be used for business purposes, the employee must comply with Open Records Laws, including archiving of data.
- (8) Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the telephone for return to the city. The city reserves the right to delete the information on the telephone.

## Vehicle Use

- (1) The operation of vehicles is necessary in conducting much of the city's business. This policy establishes requirements governing the operation of city-owned, leased, or rented vehicles and the operation of personal vehicles while conducting business on behalf of the city. Department heads are responsible for implementation and enforcement of this policy for all vehicles and drivers assigned to their department with the ultimate decision on vehicle use resting with the city manager.
- (2) Employees operating the city-owned, leased, or rented vehicles which include special-use vehicles, such as construction and excavation equipment designed to operate primarily off-road but driven on public roads to a job site, and employees who are performing employment functions on behalf of the city in a privately owned vehicle must meet and adhere to the following requirements:
  - a. The employee will not operate a city-owned vehicle or use a privately owned vehicle in conducting business on behalf of the city while the employee's license is under revocation or suspension.
  - b. A valid driver's license must always be in the employee's possession while operating a city-owned vehicle. In the case of commercially rated vehicles, the proper commercial driver's license for the vehicle's weight and class must be valid and in the driver's possession.
  - c. Any employee who may operate a vehicle while performing employment functions on behalf of the city, will be subject to an annual Division of Motor Vehicle Records Check and must sign the Driver's License Background Check Release ([HR Form 03](#)). The city will use the Commonwealth of Kentucky's individual driving record and corresponding point system to monitor the risks associated with operating vehicles while in the city's employment.

1. An accumulation of eight or more points in the previous 12-month period or an accumulation of 10 or more points in the previous 18-month period will be cause for discipline.
  2. Human resources will advise the employee's department director and the city manager when a driving record meets this threshold.
- d. Only city employees are authorized to operate city-owned vehicles.
1. Persons volunteering services to the city are considered employees of the city for purposes of this policy and may operate city-owned vehicles when their duties require travel as long as such travel is under the approval or direction of the department director and necessary in the course of performing official city business.
  2. Employees of other public entities may operate city-owned vehicles under the specific approval of the department director as long as such operation is essential in conducting city business. Department directors granting permission for non-city employees to operate city-owned vehicles are responsible for ensuring that the driver is properly licensed, trained, and qualified to operate the vehicle.
- e. Passengers are permitted in a city-owned vehicle only under the following conditions:
1. Transportation is in connection with official city business.
  2. Transportation of immediate family members is permitted only when the employee is on their way to or from work.
- f. Intentional abuse, moving violations, reckless operation, or negligent actions while operating any city-owned vehicle may result in the suspension of the employee's driving privileges and is grounds for further disciplinary action.
- g. When cargo, materials, or tools are being transported, the driver is responsible for assuring that all items are properly secured to prevent them from shifting or falling from the vehicle or trailer.
- h. No person will be allowed to ride on running boards, fenders, hoods, tailgates, beds, or other locations on a vehicle not designed or approved by the vehicle manufacturer for passenger seating.
- i. Alcoholic beverages will not be transported or placed in any city-owned vehicle with the exception of any alcohol seized as part of a police investigation/stop/arrest.
- j. An employee who operates a city-owned vehicle, regardless of frequency, is responsible for the proper care and operation of that vehicle.
- k. Preoperational inspection for all city-owned vehicles:
1. At least once per day, the operator of these vehicles is responsible for ensuring that all vehicle safety equipment, including headlights, turn signals, brake lights, and horn are functioning properly. The operator is also responsible for ensuring that fluid levels, including brake, transmission, engine oil, and coolant are properly maintained.

2. In addition to the requirements above, the operator of city CDL vehicles is responsible for ensuring that all preoperational checks, as required by DOT CDL rules, are complied with. In addition, the operator will complete a Vehicle Condition Report at the beginning of the first shift of each day.
  3. Any defects which will affect the safe operation of the vehicle will be promptly reported to the driver's supervisor. No employee will operate a city-owned vehicle in an unsafe condition. Any vehicle damage, which is beyond normal wear and tear, must be documented and reported to the employee's supervisor.
- l. No vehicle will be left unattended without first stopping the motor, locking the ignition, removing the key, setting the parking brake, and locking the doors, or otherwise securing the vehicle to prevent theft, vandalism, and unintentional movement. An exception can be made for inclement weather, such as snow and extreme cold, to run the vehicle unattended in order to keep it prepared for duty and emergency response. In cases where a vehicle is left unattended and running, the vehicle should be secured.
  - m. Vehicles responding to emergency situations or those parked on job sites will be parked with due regard to safety and security considerations.
  - n. City-owned vehicles not taken home will be secured in city parking lots during non-duty hours. The keys will be removed and the vehicle locked. When it is necessary to leave a vehicle at a job site overnight, the operator will ensure the vehicle is parked and secured in an area which provides reasonable security.
  - o. When using a trailer, dolly, or other equipment the following will apply:
    1. The driver will ensure that the trailer hitch is securely latched, adequate for the load being towed, properly installed on the towing vehicle, and that safety chains are properly attached.
    2. The driver will ensure that the trailer or other towed equipment is supplied with proper lighting, including brake lights, turn signals, and running lights.
    3. Any vehicle having a load which extends more than four feet beyond the rear will have the end of the load marked with a red flag which will be at least 12 inches square.
  - p. Backing guidelines are as follows:
    1. Park the vehicle so that forward is the first move when leaving. This means backing the vehicle into a parking space or pulling through a parking space. These methods do not apply to diagonal parking spaces.
    2. Before entering the vehicle the driver will perform a walkaround to check clearances prior to entering the vehicle. The driver will not back the vehicle unless such movement can be made with reasonable safety and without interfering with other traffic. Be familiar with the vehicle's blind spots to reduce the area that may not be visible in the driver's side mirrors. Back slowly, even during emergencies.
    3. Never back a vehicle when windows or mirrors are covered with snow, ice, frost, or other substance that prevents a clear visual path.

4. When available, use a spotter to back all vehicles. Before and during backing movements, the driver and spotter should check blind zones for objects not visible in rear-view mirrors, watch both sides for adequate clearance, and limit speed to allow a full stop. If a spotter is not available, cones will be placed in the front and rear of the vehicle after parking and picked up prior to leaving to ensure a full walkaround is completed.
  5. This policy applies to all vehicles, including those fitted with backup cameras. These cameras can be an effective tool for preventing backing accidents, but such equipment should be used in addition to the techniques outlined in this policy.
- q. The employee will obey all city, county, state, and federal laws, and regulations.
  - r. The employee will not operate a motor vehicle while under the influence of alcohol or while under the influence of illegal or controlled substances.
  - s. When it is necessary for a city employee to use a rental vehicle for city business, the employee will use a city-approved leasing agency. The city will purchase optional comprehensive/collision damage coverage through the leasing agency at the time the vehicle is rented.
  - t. The employee and all occupants will always wear safety belts/safety restraints and all occupants of city-owned vehicles must properly wear seat belts/safety restraints any time the vehicle is in motion.
  - u. No employee will operate a vehicle while normal vision is obstructed.
- (3) All employees operating a vehicle on city business will undergo annual defensive driver training.
  - (4) The city will not provide coverage for liability or physical damage to an employee's privately owned vehicle. Employees who use personally owned vehicles for city business should confirm that their personal auto insurance policy provides coverage for this use.
    - a. Employees who use their personal vehicle while conducting city business will maintain at least the minimum liability coverage in an amount not less than \$100,000 per occurrence/\$300,000 annual aggregate, and property damage coverage in an amount not less than \$100,000 per occurrence.
  - (5) Any employee who receives a citation or towing charge while operating a city-owned vehicle will notify their supervisor and human resources in writing within 48 hours of receipt of the citation or towing charge.
  - (6) If the operation of a city-owned vehicle is a condition of employment and an employee is unable to operate a motor vehicle due to the suspension or revocation of the employee's license, the employee must immediately inform human resources of the suspension or revocation.
    - a. Any DUI conviction or refusal to submit to a roadside sobriety test, will result in discipline.

- b. An employee whose driver's license has been suspended for any reason will not be allowed to operate any over-the-road city-owned vehicles.
  - c. Employees who have obtained temporary driving permits or hardship licenses will not be permitted to operate over-the-road city-owned or privately owned vehicles in the performance of official city duties.
  - d. Temporary or permanent suspension of city driving privileges will be considered loss of a job-required prerequisite for employees whose position requires operation of an over-the-road vehicle.
  - e. Additionally, the employee must, at their own expense, arrange for and provide transportation so the employee is able to continue to fulfill the employee's job requirements.
  - f. When the city driver is determined to be at fault in a city accident, the supervisor will recommend appropriate disciplinary action to the city manager and/or the board of commissioners.
- (7) For employees operating lawn mowers, construction excavation, or off-road equipment, refer to the manufacturer's safety guidelines, OSHA regulations, and other applicable policies.

## Assigned City-Owned Vehicles

- (1) When economically feasible and in the best interest of the city, employees may be assigned a city-owned vehicle which they will keep and maintain for business and personal use during the time of assignment. Employees assigned to a city-owned vehicle are subject to the Vehicle Use Policy in Section 3. A full-time employee who holds a valid driver's license, has a good driving record as determined by the city manager, and has a position that requires business driving may be eligible for the assignment of a city-owned vehicle under any of the following conditions:
- a. The employee's position requires the employee to be subject to 24 hours on call and available to the city.
  - b. To prepare for a post-disaster response in order to plan an effective and efficient recovery.
  - c. The employee's position must be specified by the city manager as a position to which assignment of a city-owned vehicle is considered part of the employee's compensation package.
  - d. Duty-vehicles designed or equipped for high-priority response, where response time will be enhanced by allowing the vehicle to remain in custody of the individual employee. Employees assigned to duty-vehicles which are taken home must be available to respond upon request on a 24-hour basis any time the employee has custody of the vehicle.
- (2) An employee assigned a city-owned vehicle on a permanent basis is subject to the following requirements:

- a. Commuter Rule: Unless specifically exempted by federal regulations, take-home city-owned vehicles will be a taxable benefit. Employees who drive city-owned vehicles to and from work will be credited with additional gross income for tax purposes in the amount of \$1.50 per day for each day the vehicle is driven to work and \$1.50 per day for each day the vehicle is driven from work. For example, an employee who drives a city-owned vehicle to and from work 10 times during the biweekly pay period will be credited with an additional income of \$30 for tax purposes for the pay period. Personal use other than commuting is prohibited and grounds for discipline, up to and including termination. Employees who drive qualified nonpersonal-use vehicles, e.g., marked police vehicles, are exempt from the taxable benefit under the federal regulations; however, personal use for travel outside of the officer's or firefighter's jurisdiction is prohibited and grounds for disciplinary action.
- b. Gas Expense: An employee will use a city-issued fuel card when refueling an assigned city-owned vehicle. If for whatever reason a city-issued fuel card cannot be used to fuel an assigned city-owned vehicle, the employee may submit receipts for refueling assigned vehicles in accordance with the Employee Expense Reports and Reimbursement Policy in Section 4.
- c. Maintenance, Inspection, and Repairs: The employee is responsible for ensuring that routine maintenance on the vehicle, as specified in the owner's manual, and as the city may specify in writing, is performed at the intervals specified in such documents. Employees are expected to keep the interior and exterior of their assigned city-owned vehicle clean. Each city department will specify the manner by which an assigned vehicle's exterior may be washed, e.g., at the city department or through a contracted car wash. Scheduled maintenance should include at a minimum an oil change, check fluid levels, check all tire conditions, and check all lights and warning devices. All maintenance should be documented and each vehicle in the fleet should have a separate file to store all maintenance records. Service must be performed at the vehicle maintenance department unless otherwise specified by the city's vehicle maintenance director.
- d. The city will arrange for license plates, registration certificates, and insurance cards. The city pays local property taxes. The employee should not receive a tax bill.
- e. An assigned vehicle will be turned in no later than the last day of employment. A terminated employee will not continue use of the assigned vehicle under any circumstances.

## **Distracted Driving**

- (1) Employees will not use cellular telephones or any other mobile electronic devices while operating a motor vehicle to read or respond to emails, text messages, or access the internet, unless an exception under paragraph (3) applies. Employees are prohibited from wearing a headset or earphones over or in both ears. This policy is in effect while operating a city-owned vehicle or operating a privately owned vehicle while conducting city business.
- (2) Employees should consider silencing mobile phones before starting the car and if hands-free devices are not available, pull over to a safe place and put the vehicle in park before making a call or adjusting a navigational device.

- (3) Pursuant to KRS 189.292, this policy will not apply to an emergency or public safety vehicle when the use of a personal communication device is an essential function of the vehicle operator's official duties.

## **Vehicle Accident Reporting Requirements**

- (1) An employee involved in a vehicle accident with a vehicle owned, leased, or rented by the city or involved in a vehicle accident in a privately owned automobile while on city business will follow these rules:
  - a. Summon medical care for injured individuals.
  - b. Notify appropriate law enforcement authorities.
  - c. Notify the employee's immediate supervisor.
  - d. Do not admit responsibility, fault, or offer settlements.
  - e. Cooperate with law enforcement authorities and emergency medical personnel.
  - f. Obtain the names and addresses of any witnesses and involved parties.
  - g. Submit to a drug and alcohol test as described in the Drug- and Alcohol-Free Workplace Policy in Section 3.
- (2) The employee's immediate supervisor will be responsible for initiating any departmental investigation, ensuring the completion of all required city reports, and recommending any follow-up preventative actions after consultation with the risk management department and/or the city manager. In addition, the supervisor will notify the risk management department of any injuries sustained by a city employee in accordance with the Reporting Work-Related Accidents Policy in Section 3. The city manager of their designee will immediately notify the city's insurance carrier.

## **Information Technology (IT) Acceptable Use Policy**

- (1) This policy is designed to establish acceptable and appropriate use of computer and information systems, networks, and other information technology resources at the city. The purpose of these policies is to safeguard and protect all technology resources from anything other than authorized and intended use. The main points to remember are:
  - a. The city provides network, communications systems, equipment, and devices ("technology resources") to carry out legitimate city business. By using the city's technology resources, staff consent to disclosing the contents of any data files, information, and communications created on, stored on, transmitted, received, or exchanged via its network, communications systems, equipment, or devices in keeping with Kentucky Open Records law and City of Richmond policies and procedures.

- b. There is no right to privacy in the use of city technology resources. By using the city's technology resources, staff consent to monitoring, recording, and reviewing the use of that technology resource.
  - c. Users are expected to act lawfully, ethically, professionally, and to exercise common sense.
  - d. Users who are granted access to critical data are responsible for its protection.
  - e. Incidental use for personal needs is allowed as long as that activity does not interfere with city business or conflict with any city policy or work rule.
  - f. Use of technology in violation of this policy is subject to disciplinary action, up to and including termination.
- (2) The following policies define appropriate use of the city network, computers, mobile computing devices, smart phones, all related peripherals, software, electronic communications, and internet access. They apply to the access of the city's network and use of computing technology resources at any location, from any device, via wired, or wireless connection. They apply to all users of city technology resources regardless of employment status. Access to all networks and related resources require that each user be familiar with these policies and associated work rules. The city authorizes the use of computing and network resources by city staff, contractors, volunteers, and others to carry out legitimate city business. All users of city computing and network resources will do so in an ethical, legal, and responsible manner. All use of technology resources must be consistent with the intent and requirements of all city policies and work rules. Technology resources may not be used to facilitate operation of a personal business such as sale of cosmetics, consulting, etc.
- (3) Violations of the Information Technology Acceptable Use Policy will be documented and can lead to revocation of system privileges and/or disciplinary action, up to and including termination. Additionally, the city may at its discretion seek legal remedies for damage incurred as a result of any violation. The city may also be required by law to report certain illegal activities to the proper enforcement agencies.
- (4) Before access to the internet via the city network is approved, the potential internet user is required to read this Information Technology Acceptable Use Policy and sign the Handbook Acknowledgement Form to be kept on file with human resources. For questions on the Information Technology Acceptable Use Policy, contact the IT department.
- (5) The city owns all data, files, information, and communications created on, stored on, transmitted, received, or exchanged via its network, communications systems, equipment, and devices, including email, voicemail, text messages and internet usage logs even if such communications resides with a third party provider, and reserves the right to inspect and monitor any and all such communications at any time, for any business purpose, and with or without notice to the staff. The city may conduct random and requested audits of staff accounts, including accounts with commercial or other third party providers if used in the course of conducting city business in order to ensure compliance with policies and requirements, to investigate suspicious activities that could be harmful to the organization, to assist departments in evaluating performance issues and concerns, and to identify productivity or related issues that need additional educational focus within the city. Internet, email, voicemail, text message communications, and internet usage logs may be subject to

public disclosure and the rules of discovery in the event of a lawsuit or an open records request. The city's internet connection and usage is subject to monitoring at any time with or without notice to the staff. There is no right to privacy in the use of city technology resources.

- (6) Technology resources may be used for incidental personal needs as long as such use does not result in or subject the city to additional cost or liability, interfere with business, productivity or performance, pose additional risk to security, reliability or privacy, cause or tend to cause damage to the city's reputation or credibility, or conflict with the intent or requirements of any city policy or work rule. Incidental personal usage should generally conform to limits typically associated with personal phone calls. This document does not attempt to address every possible situation that may arise. Professional judgment, etiquette, and common sense should be exercised while using city technology resources. Please note that any data stored on city systems, including but not limited to email, word documents, and photos is subject to Kentucky Open Records Act and subject to disclosure absent an exemption under the law.
- (7) This technology usage agreement outlines appropriate use of the internet/intranet. Usage should be focused on business-related tasks. Incidental personal use is allowed as discussed under this section, but there is no right to privacy in staff's use of the internet/intranet. Staff internet usage is monitored. Upon request, web usage reports are provided to directors to help them monitor their staff's use of the internet.
  - a. Use of the internet, as with use of all technology resources, should conform to all city policies and work rules. Filtering software will be used by the city to preclude access to inappropriate websites unless specific exemptions are granted as a requirement of work duties, e.g., police have the ability to access sites on criminal activity, weapons, etc. Attempts to alter or bypass filtering mechanisms are prohibited. When it is available, city resources should be used for internet access. Staff using city equipment should not use other outside services, directly or indirectly, to bypass web filtering and monitoring.
  - b. Except for city business-related purposes, visiting or otherwise accessing the following types of sites is prohibited:
    1. "Adult" or sexually-oriented websites.
    2. Sites associated with hate crimes or violence.
    3. Personal dating sites.
    4. Sites that would create discomfort to a reasonable person in the workplace.
    5. Playing of any games.
  - c. Other activities that are strictly prohibited include, but are not limited to:
    1. Accessing city information that is not within the scope of one's work. This includes unauthorized reading of customer account information, unauthorized access of personnel file information, and accessing information that is not needed for the proper execution of job functions.

2. Misusing, disclosing without proper authorization, or altering customer or personnel information. This includes making unauthorized changes to a personnel file or sharing electronic customer or personnel data with unauthorized personnel.
  3. Deliberate pointing or hyper-linking of company websites to other internet/www sites whose content may be inconsistent with or in violation of the aims or policies of the city.
  4. Any conduct that would constitute or encourage a criminal offense, lead to civil liability, or otherwise violate any regulations, local, state, national, or international laws, including without limitations U.S. export control laws and regulations.
  5. Use, transmission, duplication, or voluntary receipt of material that infringes on the copyrights, trademarks, trade secrets, or patent rights of any person or organization. Assume that all materials on the internet are copyright and/or patented unless specific notices state otherwise.
  6. Transmission of any proprietary, confidential, or otherwise sensitive information without the proper controls.
  7. Creation, posting, transmission, or voluntary receipt of any unlawful, offensive, libelous, threatening, harassing material, including but not limited to comments based on race, national origin, sex, sexual orientation, age, disability, religion, or political beliefs.
  8. Any form of gambling.
  9. Unauthorized downloading of any shareware programs or files for use without authorization in advance from the IT department and the user's manager.
- (8) Wireless communications devices include but are not limited to cellular telephones and wireless handheld devices. Any wireless communication devices issued to an employee by the city is required to have a PIN-based lock or device lock through facial recognition for security purposes.
- a. The staff's personal communications using city wireless communications devices should be limited, and staff is expected to exercise sound judgment in both the duration and frequency of such use. These devices should not be treated as if they were the staff's personal property. As with similar city property, such as telephones, although minor personal use of wireless communications devices is not prohibited by this policy, it must not interfere with the performance of the staff's work duties or normal business operations of the city. Staff must reimburse the city for costs that would not otherwise have been incurred by the city resulting from the staff's personal use of such devices.
  - b. The city reserves the right to monitor the use of all city-owned wireless devices to the extent they involve city business or are made during the staff's scheduled work time.

- c. Staff should recognize that wireless transmissions are not secure; thus, staff should exercise discretion when relaying confidential information during wireless transmissions.
- d. Service charges are incurred by the city for the use of optional services such as directory assistance, direct connection by directory assistance, busy signal confirmations, and emergency interrupts. As such, the use of these services on city-issued wireless devices is restricted for business purposes only and should be used only when absolutely necessary.
- e. Text messages sent and received on city-issued wireless devices should consist only of messages concerning city business. Personal text messages should be limited as much as possible on city-issued devices and sent only under reasonable circumstances. If a text message is received that is not authorized, the employee will need to inform the sender to cease sending such text messages and block any numbers, including spam text messages and the like.
- f. Unless authorized, any mobile applications downloaded that do not pertain to an employee's position or official city business is prohibited. This includes but is not limited to mobile games, music applications, subscription-based services, e.g., Netflix or social media applications.
- g. Staff issued wireless devices with a camera will not use the camera feature except in reasonable circumstances to carry out the functions of their position. Personal photos taken and/or stored on a city-issued wireless device are subject to the same access by city administrators that is available on any city-owned device and may be subject to disclosure under Kentucky Open Records law.
- h. It is at the discretion of the department head and/or city manager to authorize the replacement/upgrade of city-issued wireless devices. Staff assigned a city wireless device must be diligent in the care and protection of the city asset entrusted to them. Staff may be responsible for replacement if lost.
- i. In the event of a lost, stolen, or damaged phone it is the responsibility of the staff to immediately report the incident to IT. IT has the responsibility of reporting the incident to the city manager.
- j. Use of personal devices for city business is discouraged. While on duty or in the work environment, staff must use their personal devices in a professional manner. Staff acknowledge that the use of personal devices for city business could result in their records and devices being subjected to open records requests and their deletion of records subject to open records disclosure could subject the employee to legal liability. Under no circumstances will the city be held liable or responsible for personal wireless devices used during work hours, even when used for conducting city business.
- k. Use of personal devices during work hours for personal use should be limited to emergency uses only.

- (9) Email content must be consistent with the same standards as expected in any other form of written or verbal communication occurring in a business setting where documents are subject to public disclosure.
- a. Users must manage their email in accordance with records retention policies and procedures as defined the Kentucky Records Reetention Schedules.
  - b. Use of any globally available distribution lists, such as “City Employees” or “Board of Commissioners,” is restricted to the city manager’s office, department directors, and their specific designees. Under no circumstances should staff use these lists without prior written consent from their department director.
  - c. External mass distribution emails to 25 or more recipients are prohibited from city email accounts. Staff communicating to distribution lists of 25 or more recipients should contact the IT department to have a global list created.
  - d. The city provides staff access to and support of the email messaging system selected by the IT department. Access or usage of any other messaging systems is not allowed. Subject to the personal use limitations explained above, staff may access web-based personal email but should not download personal documents or attachments from these sites.
  - e. Users should be attentive to emails that have unusual or questionable subject lines or content to mitigate spam, phishing, and script born viruses that come into the network through email attachments or by clicking on links that lead to hostile websites. If an employee suspects phishing or script born viruses in email attachments they should immediately contact the help desk.
  - f. The use of email to send or solicit the receipt of inappropriate content such as sexually oriented materials, hate mail, content that a reasonable person would view as obscene, harassing or threatening, and having no legitimate or lawful purpose or contents falling within the inappropriate categories for internet usage is prohibited.
  - g. Forwarding of non-work-related emails, e.g., “chain letters,” large attachments, audio files, jokes, personal photos, etc., is strictly prohibited.
  - h. City-assigned email addresses should be used for all city-related business. Use of personal email accounts for city-related business is strongly discouraged. Staff are on notice that use of personal accounts for city-related business may result in their personal data being requested as a result of subpoena and/or open records request. Automatic forwarding of city-assigned email addresses to other non-city email addresses is not permitted unless approved by the city manager and information technology director.
  - i. Upon termination of employment, city-assigned email addresses will be immediately closed. Any data currently on the server will be retained for no more than 30 days from termination at which time it will be permanently removed from the email messaging system. It is the responsibility of the department head to request access to the data or to request an extension to retain the data prior to the removal date.

- j. Staff are required to check their city-assigned email accounts on a regular basis. Any accounts that have not been accessed in more than 45 days are subject to be automatically closed and the contents permanently removed unless prior arrangements have been made with the IT department.
  - k. Staff are required to immediately remove all city email accounts and/or data from any personal devices upon separation from the city.
  - l. Unnecessary email messages and/or attachments should be removed from accounts in keeping with the applicable records retention schedule. Unread messages older than 30 days or messages in the inbox that are more than one year old are subject to be removed at the discretion of the IT department for the purposes of conserving storage space on the server. Messages that need to be retained beyond 30 days should be placed in a folder other than the inbox. If you have any questions on this policy, please contact the city attorney.
  - m. Staff understands that by default electronic mail is not an encrypted service. At no time should critical information, as defined in paragraph 10 (b) be transmitted in part of an unencrypted message.
- (10) The IT department must authorize all access to central computer systems. Each user is responsible for establishing and maintaining a password that meets city requirements as described in paragraph (11) for each system as required. The use of another user's account or attempt to capture other users' passwords is prohibited. Each user is responsible for restricting unauthorized access to the network by locking their computer or logging out of their computer account when leaving their computer unattended. Staff who discover unauthorized use of their accounts must immediately report it to the IT department.
- a. The City of Richmond will take the necessary steps to protect the confidentiality, integrity, and availability of all of its critical information. Critical information is defined as information which if released could damage the city financially; put staff or citizens at risk; put facilities at risk; or could cause legal liability. Examples of critical data include staff health information, social security numbers, credit card holder information, banking information, police crime investigation information, etc.
  - b. Staff with access to critical information are responsible for its protection. Staff must take reasonable steps to ensure the safety of critical information, including to avoid putting critical data on laptops; encrypting data any time it is electronically transported outside the city network; not storing, saving, or transmitting critical data to a home computer or other external computer; ensuring inadvertent viewing of information does not take place; and destroying or rendering the information unreadable when done with it.
  - c. Staff should not transport critical city data on unencrypted devices such as thumb drives, compact discs (CDs), or smartphones.
  - d. IT department approval is required prior to moving any and all physical media containing critical data from a secured area.

- e. The city will restrict access to critical information only to staff that have a legitimate business need-to-know. Each system owner is responsible for keeping an inventory of critical information and ensuring that access to it is limited.
  - f. Staff will be assigned unique user identifiers (IDs) and passwords for network access. Access to systems and applications containing critical information will only be allowed via unique user IDs. Access will be monitored and actions will be traceable to authorized users.
  - g. Staff is prohibited from sharing their passwords or allowing anyone else to use their network account for any reason.
- (11) Passwords are an important aspect of computer security. A poorly chosen password may result in unauthorized access and/or exploitation of the City of Richmond's resources. All users, including contractors and vendors with access to the city of Richmond systems, are responsible for taking the appropriate steps as outlined below to select and secure their passwords. The purpose of this policy is to establish a standard for creation of strong passwords, the protection of those passwords, and the frequency of change. The scope of this policy includes all personnel who have or are responsible for an account or any form of access that supports or requires a password on any system that resides at any City of Richmond facility, has access to the City of Richmond network, or stores any nonpublic City of Richmond information.
- a. All user-level and system-level passwords must conform to the Password Construction Guidelines.
  - b. Users must not use the same password for City of Richmond accounts as for other non-City of Richmond access (for example, personal internet service provider (ISP) account, option trading, benefits, and so on).
  - c. Where possible, users must not use the same password for various City of Richmond access needs.
  - d. User accounts that have system-level privileges granted through group memberships or programs must have a unique password from all other accounts held by that user to access system-level privileges.
  - e. All passwords should meet or exceed the following guidelines:
    1. Contain at least eight alphanumeric characters.
    2. Contain both uppercase and lowercase letters.
    3. Contain at least one number (for example, 0-9).
    4. Contain at least one special character (for example, \$%^&\*() \_+|~-=\`{}[]:;'<>? /).
    5. DO NOT use words that can be found in a dictionary, including foreign languages, or exist in a language slang, dialect, or jargon.

6. DO NOT contain personal information such as birthdates, addresses, phone numbers, or names of family members, pets, friends, and fantasy characters.
  7. ARE NOT some version of “Welcome123” “Password123” “Changeme123”
- f. All system-level passwords, e.g., root, enable, NT admin, application administration accounts, and so on, must be changed at least on an annual basis.
  - g. All user-level passwords, e.g., email, web, desktop computer, and so on, must be changed at least every four months. Passwords may not be used more than once in a 12-month period.
  - h. Passwords must not be shared with anyone. All passwords are to be treated as sensitive, confidential City of Richmond information.
  - i. Passwords must not be inserted into email messages or other forms of electronic communication.
  - j. Passwords must not be revealed over the phone to anyone.
  - k. Do not reveal a password on questionnaires or security forms.
  - l. Do not hint at the format of a password (for example, "my family name").
  - m. Do not share City of Richmond passwords with anyone, including administrative assistants, secretaries, managers, coworkers while on vacation, and family members.
  - n. Do not write passwords down and store them anywhere in the office. Do not store passwords in a file on a computer system or mobile devices (phone, tablet) without encryption.
  - o. Do not use the "Remember Password" feature of applications, e.g., web browsers. Use of a password keeper technology such as Last Pass or Bit Warden.
  - p. Any user suspecting that their password may have been compromised must report the incident to IT immediately and change all passwords.
  - q. Application developers must ensure that their programs contain the following security precautions:
    1. Applications must support authentication of individual users, not groups.
    2. Applications must not store passwords in clear text or in any easily reversible form.
    3. Applications must not transmit passwords in clear text over the network.
    4. Applications must provide for some sort of role management, such that one user can take over the functions of another without having to know the other's password.

- (12) The IT department must approve connecting devices to the city's network. This includes personal computers (PCs), network hubs and switches, printers, handhelds, scanners, remote connections, and wireless or wired devices. The use of personal routers and wireless access points on the city network is not allowed.
- a. The installation, removal, or altering of any software on city-owned equipment is prohibited without authorization from the IT department or designee.
  - b. Smart phones (internet and/or email capable mobile phones) must meet and adhere to the current standards for those devices as established by the IT department. Personal smart phones may be connected to the city's network after the IT department approval. This approval will only be granted after verification that the phone meets city standards. At no time will the IT department provide support for personally owned smart phones or wireless devices.
  - c. Exploiting or attempting to exploit any vulnerability in any application or network security is prohibited. Sharing of internal information with others that facilitates their exploitation of a vulnerability in any application or network security is also prohibited. It is also prohibited to knowingly propagate any kind of spyware, and/or denial of service attack or virus onto the city network or computers. Staff who encounter or observe vulnerability in any application or network security must immediately report it to the IT department.
  - d. Staff must follow the privacy and rules governing the use of any information accessible through the network, even if that information is not securely protected.
  - e. Non-city staffs, e.g., vendors, contractors, are required to have their personal computers scanned by the IT department for virus detection prior to connecting to the city's network. If the personal computer is going to continue to be connected (even occasionally) to the city's network it must be scanned a minimum of every 30 days. Representatives of the contracting departments are responsible for assisting their contractors to engage the IT department to perform these services.
  - f. Disabling, altering, overriding, or turning off any mechanism put in place for the protection of the network and workstation environments is strictly forbidden. This includes the installation of any software designed to circumvent security measures.
  - g. Because of bandwidth limitations inherent in any network system, use of the city's network to download nonbusiness-related information is prohibited. Examples include streaming video of baseball games, streaming audio of radio programs, MPEG Audio Layer 3 (MP3) files, online games, etc.
  - h. Transmission, distribution, or storage of any information or materials in violation of federal, state, or municipal laws is prohibited. Software that is copyrighted or licensed may not be shared or illegally distributed. Copyright violations are federal offenses that may result in civil and criminal penalties to staff and the City of Richmond.
  - i. Users must manage their electronic documents in accordance with records retention policies and procedures as defined and identified by the city clerk's office. Documents past their retention schedules should be deleted from the network to conserve storage

space, eliminate the need to backup unnecessary files, and to eliminate the opportunity for exposure of personal information.

- j. Access to the city's network via virtual private network (VPN) requires approval from the IT department. VPN accounts will be audited quarterly. Accounts not actively being used will be deactivated or removed. Reactivation of intermittently used VPN accounts for vendor support purposes will be accommodated upon request. VPN users must have commercial up-to-date antivirus software. Vendors accessing the city network via VPN must adhere to any rules or stipulations put forth by the IT department. Only VPN access is provided; at no time will the IT department provide technical support for non-city-owned equipment or devices.
  - k. At least annually, departments need to review and approve network accounts and accounts for their applications. The IT department will assist as needed in doing these reviews.
  - l. Unless prior arrangements have been secured with the IT department, accounts not actively being used, regardless of system, will be deactivated and removed if not accessed at least once every 45 days. All data pertaining to said accounts will be permanently removed 30 days after closure.
- (13) The IT department in conjunction with all other departments share responsibilities in enforcing the Information Technology Acceptable Use Policy, as follows:
- a. The IT department is responsible for recommending guidelines that are enforceable for enterprise monitoring of technology resources using security and monitoring tools. Security and monitoring information will be provided to department heads as requested to support the investigation of policy violations.
  - b. Department heads are responsible for assisting in the adoption, development, communication, and education of the Information Technology Acceptable Use Policy with their staff on an ongoing basis.
- (14) If in the normal course of business activities, department management suspects staff has or is violating the policy they must report the suspected infractions to the IT department for further investigation. If the IT department discovers violations of policy, they will report the activities to the staff's supervisor, human resources, and/or to the city manager depending upon the severity of the infraction. The department head, human resources, and/or the city manager are responsible for carrying out any disciplinary action in response to violations.
- (15) As with any set of policies or rules, exceptions may be granted and documented on a case-by-case basis. These require authorization from the department involved as well as from the IT department. Some exceptions may also require city manager approval.
- (16) Violations of the Information Technology Acceptable Use Policy, work rules, or otherwise inappropriate use of technology resources are subject to disciplinary action, up to and including termination. Actions that demonstrate a clear disregard for these policies and requirements and either resulted or could have resulted in damage or serious disruption to the city's network, systems, services, or data; or either resulted or could have resulted in damage to the city's credibility or reputation with the public may result in immediate discharge.

- (17) Internet access, network access, and email access will be discontinued upon termination of staff, completion of contract, end of service of non-staff, or disciplinary action arising from violation of this policy. In the case of a change in job function and/or transfer the original access code will be discontinued and only reissued if necessary and a new request for access is approved.
- (18) The procedure for submitting an IT Help Desk ticket is as follows:
  - a. Any issues with city-owned and/or city-issued technology or devices should be submitted to the IT Help Desk email address, at [helpdesk@richmond.ky.us](mailto:helpdesk@richmond.ky.us). Any issues not submitted to the IT Help Desk risk going unaddressed in a timely manner.
  - b. Upon receipt of an IT Help Desk ticket, IT staff is required to call the listed employee to understand the urgency of the request. If the issue cannot be taken care of at that moment, IT staff will schedule a time and date to resolve the issue. IT staff is not permitted to resolve IT Help Desk tickets unannounced or without first contacting an employee who submits an IT Help Desk ticket.
  - c. If the issue can be resolved through remote access by IT staff, the employee must give them permission to access the computer through the appropriate software. IT staff is prohibited from gaining remote access into an employee's computer without prior permission.
  - d. If the issue is resolved through in-person support, the employee listed must be present during the IT staff's support. If the employee cannot be present, IT staff must be given verbal or written permission from the appropriate department head or the city manager before proceeding to resolve the issue.

## Artificial Intelligence (AI) Tools

- (1) This policy provides requirements for city employees on the acceptable and ethical use of Gen AI as defined by this policy. This policy does not specify guidance concerning:
  - a. Facial recognition technology.
  - b. Unmanned aerial vehicles (UAV).
  - c. Surveillance systems with AI capability.
  - d. Autonomous vehicles.
  - e. Body camera reviews.
  - f. Predictive policing.
  - g. AI consideration impacting recruitment and retention.
  - h. Social media scraping.
  - i. License plate readers.
  - j. Gun shot detection systems.

- k. AI considerations concerning workplace conduct. (AI video, pictures, texts, etc.)
- (3). Definitions
- a. Artificial intelligence (AI): a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments. AI systems use machine and human-based inputs to perceive real and virtual environments and use model inference to formulate options for information or action.
  - b. Algorithm bias (AI bias): The tendency for AI algorithms to exhibit bias or discrimination based on factors such as race, gender, and socioeconomic status due to data used to train the AI.
  - c. Generative AI (Gen AI) systems: The class of AI models that emulate the structure and characteristics of input data to generate derived synthetic content. This can include images, videos, audio, text, and other digital content.
  - d. Personal information: Includes but is not limited to any person's name, date of birth, social security number, other unique number identifiers, home or work address, next of kin, other coworker's or customer's names, phone number, picture, image, or video of a person.
- (4) Provided city Gen AI systems: OpenAI and Microsoft Copilot
- a. Employees are granted access to Microsoft Copilot under the license agreement for Microsoft Office.
  - b. Employees who utilize Gen AI and Microsoft Copilot must do so in accordance with the following guidelines.
  - c. Use of Gen AI is only permitted when using Gen AI systems provided by the city. The employee use of personal Gen AI system accounts is strictly prohibited.
  - d. The use of any Gen AI system not approved by the city will require the written pre-approval of a supervisor and the proposed system must adhere to the general standards required by this policy. Any account created in order to use a Gen AI system must be associated with a city-provided email address and this information must be provided to the city's IT department.
  - e. It is the responsibility of every employee who utilizes Gen AI to verify the accuracy of the information produced by Gen AI. AI can produce content, but employees are responsible for their own work product when AI is used.
  - f. Every employee is responsible for and must ensure that the use of Gen AI-related capabilities and the resulting information using Gen AI is trusted, safe, and secure to the best extent possible.
  - g. When an employee uses Gen AI for any task approved by this policy, they must inform their supervisor who will thoroughly review the resulting work product.
  - h. It will be city policy to prioritize privacy and the protection of citizen's data as AI systems are developed, implemented, and procured. To ensure the highest data

security and protection, any development, procurement, or trial of Gen AI applications, software, tools, or applications that include Gen AI capability must be approved by the city manager with input from the city's IT department.

- i. All images and videos created by Gen AI systems must be attributed to the appropriate Gen AI system.
  - j. Whenever source citations are required or deemed appropriate for any written materials when Gen AI is used as a source, it will be cited in the same manner as any other source.
- (5) City employees using Gen AI systems will:
- a. Ensure that only the most necessary data is used in AI systems and that no personal information of any kind as defined by this policy is entered or utilized in any fashion. Misuse of personal information will result in disciplinary action, up to and including termination.
  - b. Never enter any city proprietary information into a Gen AI system. Such proprietary information includes, but is not limited to:
    - 1. Calls for service for specific locations.
    - 2. Calls for service types and codes.
    - 3. Crime data.
    - 4. Personnel or staffing structure.
    - 5. Agency policies or procedures or any portion thereof.
    - 6. System passwords or software codes.
    - 7. Intellectual property.
    - 8. Any and all law enforcement-sensitive data.
    - 9. Agency logos or insignias.
- (6) Using any personal Gen AI system for any work-related activity is prohibited.
- (7) The use of Gen AI will never be used for:
- a. Continuous coaching of an employee.
  - b. Any documentation related to the disciplinary policies set forth in Section 2.
- (8) The use of Gen AI on any personal device during work hours is prohibited.
- (9) The city will ensure that Gen AI system's development, use, and deployment are evaluated for compliance with this policy.
- (10) Pursuant to the Employee Privacy Expectations policy in Section 3, there is no expectation of privacy when using any city-approved Gen-AI system and an employee's use of that system is subject to review at any time.

- (11) The city will work to ensure that AI systems perform reliably and consistently under expected use conditions and that ongoing evaluation of system accuracy throughout the development and/or deployment lifecycle is managed and governed to the greatest extent possible.
- (12) Audits and random review process may be used and should aim to identify any use of Gen AI that has resulted in algorithm bias or has, or appears to have, a disparate impact.
- (13) City administration, through the city manager and/or the city's IT department, is responsible for regularly monitoring relevant Gen AI technology as best possible, because new developments emerge rapidly.
- (14) Any employee learning of any Gen AI output or Gen AI use that may be considered discriminatory, having disparate impact, producing an algorithm bias, or in violation of this policy must report what they have learned to their immediate supervisor and/or the city's IT department.
- (15) The city values transparency and accountability and understands the importance of these values when using authorized AI systems.
- (16) A training program has been developed and must be completed by all employees, Any employee who is unsure of the requirements associated with the use of Gen AI or has questions concerning the use of any Gen AI tool or application should consult with their immediate supervisor and/or the city's IT department.
- (17) The violation of this policy will subject an employee to disciplinary action by the city, up to and including termination.

## **City Social Media**

- (1) The city may utilize social media and social network sites to further communicate with citizens. The purpose of the city's social media sites is to disseminate information from the city and to encourage discussion of city issues, operations, and services by providing members of the public the opportunity to participate through various platforms.
- (2) For purposes of this policy, "comments" include information, articles, pictures, videos, or any other form of communicative content posted on the city's social media site.
- (3) The establishment and use by any city department of city social media sites are subject to approval by the city manager or their designee.
- (4) City social media sites should clearly state they are maintained by the city and that they follow the City Social Media Policy. All social media sites will clearly indicate that any content posted or submitted for posting is subject to public disclosure.
- (5) The designated coordinator will monitor content on the social media sites to ensure adherence to both the City Social Media Policy and the interest and goals of the city. The city reserves the right to restrict or remove any content that is deemed in violation of the City Social Media Policy or any applicable laws. Any content removed, based on these guidelines, must be retained by the designated coordinator as determined by the KDLA Record Retention Schedule.

- (6) The city's website is <https://www.richmondky.gov/> and serves as the city's primary and predominant internet presence. All city social media sites will have the government's contact information prominently displayed. Whenever possible, the city's social media sites should link back to the city's official website for forms, documents, online services, and other information necessary to conduct business with the city.
- (7) Employees representing the city via the city's social media sites must always conduct themselves as a representative of the city and in accordance with all city policies.
- (8) When a city employee responds to a comment in their city employee capacity, the employee's name and title will be made available, and the employee will not share personal information about themselves or other city employees.
- (9) All social networking coordinators will be trained regarding the terms of the City Social Media Policy, including their responsibilities to review content submitted for posting to ensure compliance with the policy. When possible, the city's IT security policies will apply to all social networking sites and articles.
- (10) All comments posted to any city social media site are bound by the Social Media's Statement of Rights and Responsibilities. The city reserves the right to report any violation to the social media sites with the intent being that the social media sites takes appropriate and reasonable responsive action.

## **Employee Guidelines for Participating in Social Media**

- (1) Employees that choose to participate in social media as a city employee should adhere to the following guidelines:
  - a. City policies, rules, regulations, and standards of conduct apply to employees that engage in social networking activities while conducting city business. Use of the employee's city email address and communicating in their official capacity will constitute conducting city business.
  - b. Departments have the option of allowing employees to participate in existing social media sites as part of their job duties. Department directors may allow or disallow employee participation in any social media activities in their departments.
  - c. The employee should protect their privacy and the privacy of citizens by following all privacy protection laws, e.g., Health Insurance Portability and Accountability Act (HIPAA), and protect sensitive and confidential city information.
  - d. Do not cite vendors, suppliers, clients, citizens, coworkers, or other stakeholders without their approval.
  - e. The employee should make it clear that they are speaking for themselves and not on behalf of the city. If the employee publishes content on any website outside of the city, and it has something to do with the work they do or is on a subject associated with the city, the employee should use a disclaimer such as, "The postings on this site are my own and don't necessarily represent the City of Richmond's positions or opinions."

- f. Do not use ethnic slurs, profanity, personal insults, or engage in any conduct that would not be acceptable in the city's workplace. Avoid comments or topics that may be considered objectionable or inflammatory.
  - g. If the employee identifies themselves as a city employee, they should ensure that their profile and related content is consistent with how they wish to present themselves to colleagues, citizens, and stakeholders.
  - h. Frame any comments or opposing views in a positive manner. Add value to the city through interaction by providing worthwhile information and perspective.
- (2) Guidelines for participating in social media by police officers and firefighters are contained within the police department policies and procedures manual and the fire department policies and procedures manual.

## **Employee Privacy Expectations**

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

## **Social Security Numbers and Privacy Protection**

- (1) This policy is adopted in accordance with KRS 61.931- 61.934 and is applicable to all personal confidential information received and retained by the city in regard to employment and within the regular course of city business.
- (2) The city will take reasonable measures necessary to ensure the confidentiality of social security numbers collected in the ordinary course of the city's business. Neither the city nor any of its employees will unlawfully disclose the social security numbers or other confidential personal information obtained during the ordinary course of business.

- (3) Non-digital media containing personal information will be physically controlled and securely stored in a manner meant to ensure that the media cannot be accessed by unauthorized individuals. This may require storing media in locked containers such as cabinets, drawers, rooms, or similar locations if unauthorized individuals have unescorted access to areas where personal information is stored. If personal information is stored in an electronic format, it will be protected from access by unauthorized individuals. Such information must be protected by software that prevents unauthorized access. If personal information is transmitted via email or other electronic means, it must be sent using appropriate encryption mechanisms.
- (4) The city designated point of contact (POC) will be human resources. The POC will serve the following functions:
  - a. Maintain the city's adopted Information Security Policy and be familiar with its requirements.
  - b. Ensure the city's employees and others with access to personal information are aware of and understand the Information Security Policy.
  - c. Serve as contact for inquiries from other agencies regarding its Information Security Policy and any incidents.
  - d. Be responsible for ensuring compliance with the Information Security Policy.
  - e. Be responsible for responding to any incidents.
- (5) Only authorized individuals are permitted access to media containing personal information. In addition to controlling physical access, user authentication should provide audit access information. Any access must comply with applicable regulatory requirements.
- (6) The city may use a social security number to perform an administrative duty related to employment, e.g., to verify the identity of an individual; detect or prevent identity theft; investigate a credit, criminal, or driving history; enforce legal rights or obligations; or administer insurance or benefits programs.
- (7) Security software used to protect personal information must provide user identification, authentication, data access controls, integrity, and audit controls.
- (8) Security software should be adequately tested to confirm functionality and to ensure that it is minimally disruptive to all associated operating systems, communications, applications, and other associated software systems. Contractual provisions must also ensure that the supplier's software, by design or configuration, will not introduce any security exposures.
- (9) The level of protection afforded by security software should be commensurate with the sensitivity of the data. The level of protection along with the methods to implement that protection should be addressed before any personal information is stored on a device.
- (10) Systems, networks, and application software used to process personal information must adhere to the highest level of protection reasonably practical. The city will use intrusion detection and prevention software approved by the Commonwealth Office of Technology (COT). A list of approved software is available on the COT website (<https://technology.ky.gov/services-and-support/Pages/services.aspx> ). Or the software must provide comparable or superior protection.

- (11) Information stored on digital media will be encrypted in accordance with contemporary standards.
- (12) This policy prohibits the unnecessary placement (download or input) of personal information on portable computing devices. However, users who in the course of city business must place personal information on portable computing devices must be made aware of the risks involved and impact to the affected person/entities in the event of actual or suspected loss or disclosure of personal information. If personal information is placed on a portable computing device, reasonable efforts must be taken, including physical controls and encryption, to protect the information from unauthorized access. Additionally, each person using the portable computing device must sign a form approved by the city indicating acceptance of the information and acknowledging their understanding of the responsibility to protect the information. In the event the portable computing device is lost or stolen, the city should be able to accurately recreate the personal information and must be able to provide notification to all affected persons/entities.
- (13) When it is determined that personal information must be placed on a portable computing device, every effort should be taken to minimize the amount of information required. If possible, information should be abbreviated to limit exposure, e.g., last four digits of the social security number.
- (14) The city will secure and, when applicable, appropriately dispose of non-digital media. Non-digital media containing personal information must be properly stored and secured from view by unauthorized persons.
- (15) Secure measures must be employed by the city and all permissive users to safeguard personal information contained on all city technology resources.
- (16) Cities will ensure that all authorized personnel are familiar with and comply with this policy. The city will ensure that only authorized personnel may hold and have access to personal information.
- (17) Threats to the security of personal information arise in many different ways. The city will make an attempt to be aware of the different types of threats and to enact reasonable measures to protect against each. Attacks on personal information may arise from:
  - a. External/Removable Media—An attack executed from removable media, e.g., flash drive, CD, or a peripheral device.
  - b. Attrition—An attack that employs brute force methods to compromise, degrade, or destroy systems, networks, or services.
  - c. Web—An attack executed from a website or web-based application.
  - d. Email—An attack executed via an email message or attachment.
  - e. Improper Usage—Any incident resulting from violation of an organization’s acceptable usage policies by an authorized user, excluding the above categories.
  - f. Loss or Theft of Equipment—The loss or theft of a computing device or media used by the organization, such as a laptop or smartphone.

- (18) Whether in digital or non-digital format, the city will retain and keep secure all personal and confidential information, as set out in the KDLA Record Retention Schedule. The city will physically destroy documents that contain personal confidential information, including social security numbers by shredding or other secure fashion. Personal confidential information, including social security numbers stored in a computer database which need to be removed will be deleted from all programs and processes pursuant to techniques and standards commonly used for such purposes. The methods set forth below are listed in priority order with the most highly recommended safeguard listed first. One of the following safeguards must be implemented:
- a. Hire a document disposal contractor to dispose of the material. The contractor should be certified by a recognized trade association and should use disk sanitizing software and/or equipment approved by the United States Department of Defense (USDOD). The city will review and evaluate the disposal company's information security policies and procedures. The city will review an independent audit of a disposal company's operations and/or its compliance with nationally recognized standards.
  - b. Secure and utilize shredding equipment that performs cross-cut or confetti patterns.
  - c. Secure and utilize disk sanitizing or erasing software or equipment approved by the USDOD.
  - d. Modify the information to make it unreadable, unusable, or indecipherable through any means.
- (19) The city must disclose a security breach in which personal information is disclosed to or obtained by an unauthorized person. Notification of the incident must be made in the most prompt and expedient manner after the incident has been discovered. Within 35 days, a letter notifying affected individuals of actual or suspected loss or disclosure of personal information must be sent by the city describing the types of information lost and recommended actions to be taken to mitigate the potential misuse of their information.
- (20) When the city identifies that a security breach has occurred in which personal information has been disclosed to or obtained by an unauthorized person, within three business days the city will notify the Kentucky State Police, the Auditor of Public Accounts, the Attorney General, and the Commissioner of the Department for Local Government, and complete Form COT-F012. The city will document the following:
- a. Preliminary reporting and description of the incident.
  - b. Response, including evidence gathered.
  - c. Final assessment and corrective action taken.
  - d. Final reporting.
- (21) Incident response procedures can be a reaction to security activities such as:
- a. Unauthorized access to personal information, data, or resources.
  - b. Denial of service attacks.
  - c. Actual or anticipated widespread malware infections.

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

## **Smoke-Free Workplace**

- (1) The city has a strict Smoke-Free Workplace Policy in all city buildings pursuant to City of Richmond Ordinance 14-24 to provide a safe and healthy environment for all employees and customers.
- (2) Smoking, use of e-cigarettes, vaporizers (vape), or chewing tobacco is not allowed:
- a. In any city-owned building.
  - b. In any city-owned vehicle.
  - c. In any other place prohibited by law or city ordinance.
- (3) Designated smoking areas outside and away from entrances to city-owned buildings will be specified for employees.

## **Customer Relations**

- (1) The city requires city employees to provide excellent customer service to the public and to their coworkers. The same quality service is provided to all customers regardless of age, race, nationality, socioeconomic and educational background, physical condition, etc. The city's success and long-range plans are built on this commitment to provide excellent customer service by:

- a. Revising policies to value and support customer service.
- b. Creating customer service training.
- c. Establishing plans for promoting customer communication.
- d. Developing metrics for customer satisfaction.

## **Open Records Policy**

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

## **Suggestion System**

- (1) Employees are encouraged to submit suggestions that could allow the city to operate more efficiently and effectively.
- (2) Information or notification of safety concerns or imminent hazards to employees or to the public should be reported directly to the supervisor responsible for the location or the work process. Anonymity as to this reporting cannot be guaranteed.
- (3) Suggestions should be submitted either to the department head or through the city website. The suggestion will be forwarded to the city manager along with a recommendation for approval or disapproval by the department head, if applicable. Employees who submit suggestions that are approved may receive recognition at the board of commission meeting following implementation of the suggestion.

## **Section 4 – Employee Financial Practices, Reporting, and Reimbursement**

# Employee Expense Reports and Reimbursement

- (1) Business expenses may be charged to the city on a credit card issued to the employee in accordance with the Use of a City Credit Card Policy in Section 4 or paid from the employee's private funds and reimbursed upon the submission of the documentation required under this policy.
- (2) An employee requesting reimbursement for business-related expenses made on behalf of the city will complete the Expense Report ([HR Form 12](#)). The employee will submit expenses and supporting documentation in the following manner:
  - a. Expenses will be submitted on at least a calendar-month basis. Expenses submitted for reimbursement are due to the city accounting department within 15 days from the end of the month in which the expense was incurred. Employees will not include expenses from different calendar months on the same expense report.
  - b. Requests for reimbursement in expense reports will be accompanied by an itemized receipt and all supporting documentation. The employee will provide the business purpose, date, location, amount, and the persons being covered by the purchase on the receipt or in the supporting documentation. Failure to provide a receipt and other applicable supporting documentation will result in denial of the reimbursement, unless the expense report is accompanied by an approved Missing Receipt Affidavit ([HR Form 13](#)) subject to the approval of the city manager. Credit card statements will not be accepted as evidence of a receipt.
- (3) All expense reports must be approved and signed by the employee's supervisor or department head with the responsibility of budgeting and reviewing business expense information for the employee's department. The department head or their designee will review all expense reports prior to reimbursement for the purpose of determining compliance with city policies. An employee who submits a fraudulent receipt or falsifies their expense report will lose reimbursement privileges, will be terminated, or other appropriate disciplinary action will be taken.
- (4) The city may withhold reimbursement while it investigates or verifies expense report reimbursement requests.

## Use of a City Credit Card

- (1) The city has authorized revolving city credit cards to be issued to certain officers and employees recommended and approved by the city manager and the city finance director. City credit cards are for use in making operational business purchases, purchases related to meetings, and other legitimate business expenses as set forth in this policy.
  - a. Employees may use the city credit card for legitimate operational expenses that are necessary for the city and city-related meeting expenses. Examples include but are not limited to office supplies and equipment, other office-related expenses, and computer supplies.
- (2) Employees issued a city credit card for operational or meeting-related expenses will be subject to the following conditions:

- a. The city credit cards will not be used for personal expenses of any kind. If an expense is determined to be personal in nature, the expense must be immediately reimbursed. The legislative authority, upon review, may require reimbursement of a personal expense outside of this time frame.
  - b. All monthly credit card statements will be reviewed by the person named on the card and their immediate supervisor, both of whom will sign each page of the statement as evidence that they accept the identified expenses as legitimate business expenses. In addition, the statements will be reviewed by the department head or their designee to determine compliance with city policies.
  - c. Itemized receipts of each transaction made using a city credit card must be promptly submitted to supervisor for approval. The receipts will provide details on the business purpose, date, location, amount, and persons covered by the purchase, and will bear evidence of supervisor approval on their face. Credit card statements will not be accepted as evidence of a receipt.
  - d. The city holds tax-exempt status. Any employee issued a city credit card for purchases must present tax-exempt status at the time of purchase.
- (3) The city will review the policy regarding credit card usage and credit card limits on an as-needed basis, but no less than every three years.

## Employee Travel Expense Reimbursement

- (1) Prior to any travel, an employee will receive written approval through the submission of a Travel, Meeting, and Training Request ([HR Form 10](#)). The form will be reviewed and approved by the city manager and/or the employee's immediate supervisor. Any travel that has not been approved in the city operating or travel budget will be approved by amendment of the budget by the board of commissioners.
- (2) Registration for conferences and meetings will be performed by the department head or other designated staff. Before registration is complete, the employee will provide the city finance department and the city manager with an approved copy of the Travel, Meeting, and Training Request Form. All out-of-state travel must be preapproved by the city manager through the submission and approval of the form. Employees should make an effort to provide this information in a timely manner so that the lowest possible registration fees may be obtained.
- (3) Reservations for overnight lodging will be made by the department head or designated staff unless otherwise approved by the city manager.
  - a. Reservations will be made in such a manner to secure the best available rate for safe, clean, and secure accommodations that are as close to the meeting location as possible. Every attempt should be made for stay in the hotel hosting the conference or meeting and to pay the conference room rate.
  - b. In-room movies, room service, mini-bar, use of hotel gym, spa, massage services, sauna facilities, or other additions to room bills are not reimbursable. Only usual and customary expenses are eligible for reimbursement.

- c. A copy of the hotel folio or receipt showing proof of payment will be submitted by the employee for expense reimbursement.
- (4) Employees may use a city-owned vehicle or their own vehicle for business travel on behalf of the city. Employees will adhere to the following process related to mileage reimbursement:
- a. If an employee traveling by vehicle on behalf of the city chooses to use a city-owned pool vehicle, vehicles will be reserved on a “first-come, first-served” basis.
    - 1. Employees using a city-owned vehicle will complete a mileage log detailing amount of travel and the purpose of the travel.
    - 2. Employees traveling more than 50 miles in a city-owned pool vehicle will return the vehicle with a full tank of gas after use.
    - 3. Employees using a city-owned vehicle will use a city-issued fuel card when refueling. If for whatever reason the city fuel card cannot be used, the employee may submit gas receipts for refueling a city-owned vehicle in order to receive reimbursement.
  - b. When an employee traveling on behalf of the city chooses to use their personal vehicle, the employee will be reimbursed for mileage. An employee will be reimbursed at the mileage rate allowed by the IRS for business expense deductions under the following guidelines:
    - 1. An employee will not be reimbursed for transportation or commuting between the employee’s home and their permanent workplace.
    - 2. Mileage will not be reimbursed for attendance of a city function or event held outside of the workplace unless the employee has been assigned to work at the event.
    - 3. When an employee does not report to their permanent workplace, or makes business trips before or after reporting to their permanent workplace, the allowable mileage is:
      - (a) The lesser of the mileage from the employee’s residence to the first stop or from the office to the first stop.
      - (b) All mileage between points visited on city business during the day.
      - (c) The lesser of the mileage from the last stop to the employee’s residence or from the last stop to the city office.
    - 4. To receive mileage reimbursement, the employee will state on their expense report the total number of miles traveled on city business. The employee will include the starting points and ending destinations for each trip along with a description of the purpose of the travel. Any travel of a personal nature while on city business will be deducted from the total miles traveled. This submission for reimbursement must include a printout of the beginning and end points for all mileage claimed using Google Maps or a similar mapping website.

5. Parking violations and traffic or other moving motor violations are not reimbursable expenses.
  6. If the employee is involved in an auto accident while driving their own privately owned vehicle on city business, they will follow the Vehicle Accident Reporting Requirements Policy outlined in Section 3.
- (5) Except for reimbursable expenses related to official city business as provided in Section 4, employees will only be provided reimbursement for meals involving overnight travel within Kentucky and for required travel after 7:00 p.m. Meal and incidental reimbursement amounts will be determined using the federal per diem schedule for each meal as established by the U.S. General Services Administration (USGSA) at [www.gsa.gov](http://www.gsa.gov). The applicable rates are established and updated by the USGSA on October 1 of each year and are available from the finance department upon request. No receipts are required for per diem meal reimbursement and an employee will receive meal reimbursements in accordance with the following guidelines:
- a. For overnight travel, an employee is responsible for identifying the city of travel and the associated per diem rates for each meal. The per diem amounts include the cost of the meal and gratuity and no additional amounts will be reimbursed. An employee will be reimbursed the per diem amounts for breakfast, lunch, dinner, and incidentals for full days of travel involving overnight stay. An employee will receive per diem reimbursement for only certain meals on both the first and the last day of travel depending on the employee's departure and return times. The employee will use the per diems applicable to the city of primary destination. The city of primary destination is the city the employee is traveling to on days of departure and the city the employee is traveling from on days of return. If the employee is visiting multiple cities and has stayed overnight within the state, the employee will select one city to serve as the primary destination for calculation of the per diems for the day.
    1. Breakfast will be reimbursed if the employee departs for travel before 7:30 a.m.
    2. Lunch will be reimbursed if the employee is traveling through 2:00 p.m.
    3. Dinner will be reimbursed if the employee will not return until 7:00 p.m. or later.
  - b. The city will not reimburse a meal per diem allowance for any meal that is included in a registration fee for a conference or training, when the employee's meal is covered under a group meal receipt submitted under paragraph (5) (d) of this section, or when a receipt has been submitted for reimbursement as an expense related to official city business as provided in Section 4. Conference or training functions where finger foods or hors d'oeuvres are served and continental breakfasts provided by hotels or conference sponsors do not constitute meals and the employee is entitled to claim the per diem for that meal.
  - c. If the employee has attended a conference or training in conjunction with the travel, the employee is required to submit a detailed program agenda for per diem meal reimbursement.
  - d. Employees may submit and receive reimbursement for a group meal receipt for more than one employee if the dining establishment is unable or unwilling to provide individual checks, provided that the total cost of the meal does not exceed the total allowable per diems for all the participating employees. An employee submitting a

group meal receipt will follow the procedures required for reimbursement on an expense report in Section 4 or the Use of a City Credit Card Policy in Section 4 when using a city credit card. The receipt will state that the receipt is for a group meal and the name of each participating employee. Employees covered by a group meal receipt will not be eligible for per diem reimbursement for that meal. Gratuity will not exceed 20% of the cost.

- (6) The city will reimburse employees for the following expenses relating to parking:
  - a. An employee will be reimbursed for parking at hotels or overnight lodging accommodations for business-related meetings or in conjunction with business travel for the city. Employees will only be reimbursed for standard hotel parking rates unless the option is not available. Employees electing for valet parking will only be reimbursed up to an amount equal to the standard parking rates applicable at the hotel.
  - b. All other business-related parking fees are reimbursable upon the submission of a valid receipt in accordance with the Employee Expense Reports and Reimbursement Policy in Section 4.
- (7) Employees may be reimbursed for taxis, ride-sharing services, shuttles, public transportation, and rapid transit used for business-related transportation. Employees may be reimbursed for the payment of gratuities for taxi drivers up to a maximum of 20% of the total fare. The employee will submit a receipt in accordance with the Employee Expense Reports and Reimbursement Policy in Section 4.
- (8) Except as otherwise specifically provided in this policy, gratuities related to employee travel will not be a reimbursable expense.
- (9) The city will not reimburse or pay for the travel of an employee's family member or other guest. When a family member or other guest joins an employee on business-related travel, the employee or the guest is responsible for paying all travel costs, including airfare and meals.
- (10) Except for the travel-related expenses outlined in this policy, all other travel-related expenses are deemed non-reimbursable unless approved in writing by the city manager and accounted for in the city budget. An employee will submit their travel-related expenses for reimbursement on an Expense Report Form within 15 days after the end of the month in which the travel expenses were incurred as provided in Section 4.
- (11) In the case of extreme financial hardship, an advance for overnight travel may be granted to an employee by the city manager. The request will be made by the employee in writing with enough time to approve the request and process an advance check. An employee who has received a travel advance must deduct the total amount of the advances from the total reimbursement request when submitting an expense report detailing expenditures. If the amount of the advance exceeds the total reimbursable expenditures, the employee will pay the difference back to the city.

# Reimbursable Expenses Related to Official City Business

- (1) City officers or employees receiving prior approval from the city manager will be reimbursed for reasonable business expenses incurred while conducting official city business. Examples of official city business include but are not limited to situations where individuals present are representing the city or if the individual's attendance has been requested by the city. The individual seeking reimbursement will be responsible for using good judgment to ensure the expenses incurred are budgetary sound and are compatible with the goodwill of the city.
- (2) The city manager will have the authority to approve meal expenses for a new employee as part of the new employee's orientation and other discretionary employee meal functions as appropriate to recognize extraordinary work effort and as set out in the city budget.
- (3) Receipts detailing the business purpose, date, location, amount, and persons present must be submitted with the expense report as provided under the Employee Expense Reports and Reimbursement Policy in Section 4 or if a city credit card is used as provided under the Use of a City Credit Card Policy in Section 4. This information will be written on the front or back of the receipt and on the expense report.
- (4) In the event the receipt is for reimbursement of a meal, an itemized receipt will be submitted and the tip will not exceed 20% of the cost.

## Alcohol Reimbursement

No reimbursement will be made for alcoholic beverages.

## Contract Review and Execution

- (1) All written contracts or contract renewals will be reviewed by the city attorney or their designee before execution.
- (2) Approval in accordance with the city budget and specifications as set by the board of commissioners is required prior to requesting the city attorney to draft a contract on behalf of the city.
- (3) The city manager will provide a copy of the contract or the information necessary for drafting of the contract to the city attorney or their designee as soon as possible to expedite the review or drafting process.
- (4) All contracts made on behalf of the city will be signed by the mayor.
- (5) A copy of all executed contracts must be provided to the city clerk for tracking and filing purposes unless other arrangements have been made.

# Check Handling by City Employees

Any check or other form of payment received by a city employee will be immediately presented to the department head or their designee for deposit.

## Invoices

- (1) All invoices received through the mail will be routed to the named department and then submitted for payment with the appropriate paperwork.
- (2) The amount of budgeted expenditures which may be approved by each level of management is as follows:
  - a. Department heads with board of commission approval may approve budgeted expenditures up to \$1,000,.
  - b. The city manager may approve budgeted expenditures up to the current statutory bid threshold pursuant to KRS 424.260(1).
  - c. The board of commissioners approves all budgeted expenditures over the current statutory bid threshold pursuant to KRS 424.260(1) that have been properly bid or are otherwise exempt from state bidding requirements
- (3) No employee may give final approval for expenditures directly relating to themselves. All such expenses, regardless of the dollar amount, must be approved by the employee's department head or by the city manager.
- (4) Accounts payable checks will be cut weekly. The finance director or their designee will review all check run reports prior to the release of checks. All checks will require two signatures.
- (5) Invoices received for payment will be paid in accordance with the terms stated on the invoice or by the negotiated agreement/contract.

## **Section 5 – Classification and Compensation**

# Employment Types and Classification

- (1) As used in this handbook, the terms below will have the following meanings:
  - a. “Full-time employee” is an employee who is normally scheduled and expected to work a minimum of 40 hours each workweek on a regularly scheduled basis and has an indefinite term of employment.
  - b. “Part-time employee” is an employee who is normally scheduled and expected to work less than 40 hours in a single workweek and for retirement purposes averages less than 100 hours a month in a calendar or fiscal year and has an indefinite term of employment.
  - c. “Temporary employee” is an employee who is hired and works for a definite period of time. Generally, a temporary employee will be employed for a period of time not to exceed nine months and the position is not renewable.
  - d. “Seasonal employee” is an employee hired in a position that is temporary in duration, whose position coincides with a particular season or seasons of the year, and which may recur regularly from year to year. The time period of employment will not exceed nine months.
  - e. “Intern” is an individual who works in an internship approved by the city manager and as outlined in the budget for one period not to exceed 26 weeks. The position may be paid or unpaid as designated by the budget and/or pay and classification plan. To be eligible for city internship positions, the individual must be enrolled at an accredited college or university and must have a declared major pertinent to the internship prior to its start.
- (2) Employees occupying full-time positions will be entitled to benefits provided by the city. All other categories of employment will not be entitled to benefits, except those required by state or federal laws, unless approved by the board of commissioners.
- (3) The city designates all employment positions as either “exempt” or “nonexempt” based on applicable federal and state laws and regulations. The classifications are for purposes of determining whether overtime compensation is due to the employee for hours worked in excess of 40 hours in a single workweek. Classifications of positions are reviewed by the city manager, in consultation with the city attorney, at the time of position creation or modification and on an annual basis to ensure legal compliance. As used in this handbook, the terms below will be given the following meanings unless specifically stated otherwise:
  - a. “Nonexempt employee” is an employee in a position whose duties and responsibilities require overtime compensation for any time worked in excess of 40 hours in any workweek pursuant to the Fair Labor Standards Act (FLSA) and Kentucky wage and hour laws. The additional overtime compensation for nonexempt employees is calculated under the city’s Overtime Policy established in Section 5.
  - b. “Exempt employee” is a salaried employee in a position whose duties and responsibilities render the employee exempt from the overtime requirements of FLSA and Kentucky wage and hour laws. An exempt employee is not eligible for additional compensation for working in excess of 40 hours in a workweek under the city’s Overtime Policy established in Section 5.

# Fiscal Year

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

## Official Workweek

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

## Overtime

- (1) "Overtime" means any time actually worked by a nonexempt employee in excess of 40 hours in any single workweek. In addition, if a nonexempt employee works seven days in any one workweek, and works over 40 hours in those seven days, all hours worked on the seventh day are at time and a half. For purposes of this section, "workweek" is defined in this handbook.
- (2) Time off with pay such as vacation leave, personal leave, and sick leave hours are not included in the calculations for overtime purposes. The date of a city-observed holiday will be included in the calculation for overtime purposes.
- (3) The city is required under FLSA and Kentucky wage and hour laws to pay overtime wages to a nonexempt employee if the employee works more than 40 hours in a single workweek. Overtime wages will be calculated at a rate of one and one-half times the employee's regular hourly rate of pay. A salaried employee's regular hourly rate of pay will be calculated by dividing the annual salary by the annual hours (annual hours = 40 hours per week x 52 weeks = 2080 hours per year).
- (4) A nonexempt employee must be authorized orally or in writing by the employee's department head or immediate supervisor prior to the employee's performance of any work that would result in overtime. The employee will verify that their time record accurately reflects any overtime worked as required in Section 5. Any employee who works overtime without prior authorization or fails to properly report overtime work will be subject to disciplinary action.
- (5) The city and the employee's immediate supervisor or department director may require any nonexempt employee to take time off during any workweek that the employee has worked or will work more than 40 hours to minimize overtime costs.
- (6) Firefighters working 24/48 hour shifts, because of the nature of their work and because of the requirements placed upon their working hours by applicable Kentucky laws, necessarily accrue overtime in a given workweek, overtime which is both (1) scheduled in advance of the workweek and which, because it is known and scheduled in advance, (2) is taken into consideration in calculating such employee's annual pay ("scheduled overtime"). Scheduled overtime will be paid to such employees regardless of the number of hours actually worked in a given workweek. Overtime which is not scheduled overtime will be governed in accordance with the provisions of the Overtime Policy.

- (7) Exempt employees are not eligible for overtime compensation.

## Compensatory Time

- (1) Pursuant to KRS 337.285, the city gives nonexempt city employees the option of receiving compensatory time off instead of overtime pay for overtime hours worked.
- (2) Exempt employee are expected to conform their work schedules to the hours established by their department head. However, because of the nature of the city's work, there will be situations where an exempt employee will be required to sustain a level of heightened work effort and make extraordinary time commitments. In those situations, an exempt employee may earn compensatory time at an hour for hour basis for any hours worked in excess of 40 hours in the workweek, up to 100 hours.
- (3) All compensatory time off for nonexempt employees must be given at the rate of one and one-half hours for each hour of overtime worked (hours worked over 40 hours within the workweek as defined by the city in Section 5).
- (4) The maximum number of compensatory hours that may be accrued is 240 hours for all city employees. other than nonexempt firefighters. Nonexempt firefighters and police officers in hazardous duty positions will be allowed to accrue 480 hours. An employee who starts work with the city on or after January 1, 2026, may accrue a maximum of 100 hours compensatory time. An employee who starts work with the city on or after January 1, 2026, in a hazardous duty position may accrue a maximum of 200 hours compensatory time Any hours over these maximums will be paid to the employee in overtime compensation at the regular rate earned by the employee at the time the employee receives the payment.
- (5) The city will require any employee who has reached the maximum number of compensatory hours as set forth in paragraph (4) above to use compensatory leave before using vacation leave. The use of compensatory leave time will be allowed if it will not unduly disrupt the operations of the department.
- (6) To request the accrual of compensatory time, employees must submit the Agreement to Accept Compensatory Time Off in Lieu of Overtime Pay (HR Form 05 or through the employee online portal) it must be approved by the department head and/or immediate supervisor in advance of any accrual on the employee portal's status change request.
- (7) Requests for time off using accrued compensatory time must be done on a prior approval basis by the submission of the employee portal's status change request. The request must have the approval of the employee's department supervisor and will be scheduled to meet the needs of the employees, the city, and the public.
- (8) Compensatory time will be earned in one-fourth hour increments and will be taken off in 30-minute increments.
- (9) An employee who is transferred to or otherwise moves from one city department to another department will retain the compensatory leave time in their new department.
- (10) Upon termination of employment, all unused accrued compensatory time accrued by both exempt and nonexempt employees will be paid at their regular rate of compensation at the time of their termination of employment.

# Work Performed by Nonexempt Employees Outside of Normal Working Hours

- (1) A nonexempt employee will not perform any work outside of their normal work hours unless the work has been approved in advance by their supervisor. In addition to “typical” work encompassing all time the employee is required to be on the work premises or at an assigned work location, “work” also means any effort, whether physical or mental, exerted by the employee for the benefit of the city, including but not limited to travel time to and from an off-site work location and any time spent by the employee using the phone, emailing, text messaging, or other electronic communications for the purposes of the city, regardless of the time of day or the location where such effort is expended.
- (2) Under both federal and state laws, a nonexempt employee will be compensated for any and all work that they perform for the city. Any work performed, including work performed outside of normal working hours by a nonexempt employee in a single workweek that results in overtime or the accrual of compensatory time, will be governed by the Compensatory Time Policy and the Overtime Policy within this handbook. All nonexempt employees will keep track of any time spent working outside of their normal working hours and report that time in accordance with this handbook.
- (3) A nonexempt employee that has the service of an electronic device paid for by the city as allowed by the Mobile Telephones Policy within this handbook, with the explicit expectation for it to be used outside of normal working hours on an ongoing basis, will communicate each workweek with their supervisor if the inclusion of such time will result or appears it could result in overtime, so that appropriate action may be taken to avoid overtime, if possible.
- (4) No employee will be required, encouraged, or expected to work “off the clock,” which is defined as not tracking or reporting time worked. If any employee has been required to work “off the clock,” they will immediately report it to the city manager. Any supervisor that has required or is attempting to require “off the clock” work will be subject to disciplinary action.

## Work-Related Training and Travel Time

- (1) Time spent by employees commuting back and forth from home to the workplace is not considered hours worked and is not compensable.
- (2) Employees who travel as part of their principal work activity, including travel time from job site to job site during the workday will be considered hours worked.
- (3) Employees who travel when travel is required by the city, e.g., work-related training, away from home is considered hours worked. Time spent by employees at meetings, lectures, training, travel time, or other similar activities will be counted as hours worked, if all the following criteria are met:

- a. Attendance is required by the city.
  - b. The course, training, or meeting is directly related to the employee's job.
  - c. The employee performs productive work during such attendance.
- (4) Any questions regarding this policy should be directed to human resources.

## **On-Call Employees**

- (1) As a condition of employment, employees will agree to report within a reasonable period, if requested during a period of emergency. If an employee is called to report to work either after normal working hours or before normal working hours, the employee will be paid at the regular rate of pay for actual time worked with a four-hour minimum. Employees called into work for weather emergencies will be paid at time and a half of their normal hourly rate regardless of their hours worked in the week to reflect this weather emergency call-out.
- (2) Employees who are on call must adhere to all city policies, including the Vehicle Use Policy and the Drug- and Alcohol-Free Workplace Policy.

## **Base Salary and Salary Adjustment**

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

## **Payroll Deductions**

- (1) The city will make all legally required deductions from an employee's gross pay in accordance with applicable legal requirements, including:
  - a. Federal and state income taxes.
  - b. Social Security/Federal Insurance Contributions Act (FICA) taxes.

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

## **Direct Deposit**

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

## **Time Records**

- (1) Time records will be kept on all nonexempt employees to facilitate the city's compliance with overtime pay requirements. Nonexempt employees will submit time records through completion of the appropriate time records form for their department which is submitted through the employee online portal. The time record will reflect a single pay period consisting of two workweeks. Time must be logged as the total number of hours actually worked each day, excluding meal periods. Any vacation leave, sick leave, compensatory leave, or other paid leave time used by the employee must be recorded on the time record.

Supervisors will review and approve or disapprove time records in a timely manner based on the submission requirements set by the employee's department.

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

## **Unemployment Compensation Insurance**

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

**Section 6 – Health, Retirement, and Other  
Benefits**

# Limitations of Coverage

All insurance benefit coverages stated in the City of Richmond Employee Handbook are subject to plan document restrictions, if applicable.

## Health Insurance

- (1) All full-time employees, elected officials, and other employees qualifying under the Affordable Care Act are eligible for group health insurance for themselves and their dependents. Dependents are defined in the Certificate of Coverage. The effective date of coverage will be the first day of the month following the first day of employment.
- (2) The city may provide coverage for employees and their dependents up to a maximum amount as determined by the city and reflected in the annual budget. Specific information regarding health insurance plans available to employees should be obtained from human resources. All employees who attain 20 years of employment with the city will receive an additional \$50 per month toward optional health insurance coverage.
- (3) The city complies with federal regulations under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) and any additional amendments designed to provide employees and eligible dependents with the opportunity to continue health insurance coverage at group rates, where the coverage would otherwise cease, such as upon termination of employment, death of the employee, divorce, or a child ceases to be a qualified beneficiary. The premium for this continuation coverage will be the sole responsibility of the employee or dependent, unless otherwise provided for by law. Coverage is not automatic and employees and/or their eligible dependents must make an affirmative election before coverage will begin. More detailed information regarding the continuation of health insurance coverage under COBRA may be obtained by going to the U.S. Department of Labor website at <https://www.dol.gov/general/topic/health-plans/cobra>.

## Dental Insurance

All full-time employees are eligible for dental insurance for themselves and their dependents beginning on the first day of the month following their first day of employment with the city. The employee incurs all costs of dental coverage. Specific information about the city's dental insurance plan is available from human resources.

## Life Insurance

- (1) All full-time employees will be provided life insurance coverage during employment with the city. Life insurance will be effective on the first day of the calendar month following the first day of employment with the city.
- (2) Life insurance coverage will be in the amount approved by the board of commissioners as reflected in the annual budget. Specific information about the life insurance plan is available from human resources.

## Other Optional Benefits

- (1) All full-time employees may participate in other optional benefit plans. Participation in these benefits is voluntary and the cost of the premium will be paid by the employee. Benefits are subject to change, but may include:
  - a. Additional Life Insurance
  - b. Accident Insurance
  - c. Short-Term or Long-Term Disability
  - d. Hospital Indemnity
  - e. Critical Illness Insurance
  - f. Deferred Compensation Plan (e.g., 401k or 457)
- (2) Specific information about all optional benefit plans is available from human resources or through the city's benefit summary guide.

## Employee Assistance Program (EAP)

- (1) The city will provide confidential and voluntary assistance, through its EAP to all employees and their family members who may be faced with dynamic challenges of financial concerns, legal issues, alcohol or drug problems, relationship problems, illness of a family member, emotional worries, childcare problems, etc. For the welfare of the employees as well as effective business operations, the city encourages its employees to take advantage of this valuable benefit of employment with the city. There is no charge for employees or their families to use the EAP.
- (2) Employees and their family members can refer themselves to the EAP. The program may be reached 24 hours a day on weekdays and weekends. Additional information on the city's EAP is available through the city's benefit summary guide. The EAP can be reached by calling **855.387.9727** or by going to [guidanceresources.com](http://guidanceresources.com) and using the password **"ONEAMERICA3."**
- (3) EAP counselors are available to meet with employees or family members to assess a problem and develop a plan for resolution. The counselors may suggest a referral to an outside resource, such as a therapist, agency, physician, treatment facility, or other professional that would be appropriate to assist in resolving the problem or situation. Where an employee may be in need of information, a referral or suggestion may be made over the telephone.
- (4) The EAP counselors will make every effort to coordinate referral for ongoing treatment with the employee's health insurance coverage and their ability to pay for the ongoing treatment. Any time needed for illness-related appointments made by the EAP requires use of sick leave, vacation leave, or personal time on the same basis that it is granted for other health issues.
- (5) When an employee's job performance or attendance is unsatisfactory or there appears to be signs of other problems during the workday, the supervisor should counsel the employee in

consultation with the city manager or their designee with an end toward resolving the situation. If the employee appears to be unwilling or unable to correct the situation, the employee may be referred to the EAP to assist in the resolution of the problem. Depending on the situation, the employee may accept or refuse participation in the EAP. However, there may be situations where continued employment with the city may be contingent upon the employee calling the EAP for assistance.

- (6) Participation in the EAP does not jeopardize job security or promotional opportunities. However, it does not excuse the employee from following the city policies and procedures or meeting required standards for satisfactory job performance, except where specific accommodations are required by law.
- (7) All contact between an employee and the EAP is held strictly confidential. In cases where an employee's continued employment is contingent upon calling the EAP, the EAP counselor will only verify whether the employee has contacted the EAP, if ongoing treatment is necessary, and that the employee is following through on the treatment.

## Workers' Compensation

- (1) The city pays the entire amount of the workers' compensation insurance premium providing benefits to employees who experience injury or illness in connection with employment. Eligibility begins on the first day of employment. Workers' compensation benefit entitlements are governed by KRS Chapter 342. If employees have questions concerning their rights or benefit amounts, they should contact the risk management department.
- (2) Unless extenuating circumstances make it impossible or impractical an employee who is injured or becomes ill in connection with employment, regardless of the severity of the injury, will immediately notify their department head and/or immediate supervisor as well as the risk management department who will see to necessary medical attention and assist in the completion of any required reports. In any case of serious injury, employees are required to receive prompt medical attention by a physician authorized under the city's designated workers' compensation plan. Employees and supervisors will contact human resources to report all work-related accidents and injuries. The city will follow the OSH Injury and Illness Reporting in Kentucky requirements found in Appendix A.
- (3) Except in the case of serious illness or injury, an employee must also call the "Company Nurse" on the Injury Hotline at **855.339.1889**. More information on this program can be found in the Reporting Work-Related Accidents Policy in Section 3.
- (4) If the city has reasonable suspicion that the employee's drug or alcohol use may have been a factor in an injury while the employee is working for the city, the employee will be subject to the post-accident drug testing policy found within the city's Drug- and Alcohol-Free Workplace Policy in Section 3.

## Return-to-Work Program

- (1) It is the policy of the city, when possible, to modify work assignments for a limited period to assist employees who are temporarily restricted from performing their regularly assigned duties due to an on-the-job injury. Note: This policy should not be construed as recognition

that an employee has a disability as defined by the ADA of 1990 and its amendments. This policy applies to all city employees.

- (2) Return-to-Work (RTW) (modified-duty) position is a temporary position to which an employee is assigned when they are unable to return to their regular position following an on-the-job injury or illness. The return-to-work position temporarily addresses the restrictions placed on an individual by an evaluating physician.
- (3) It is the responsibility of the employer to inform the evaluating physician and the claims adjuster of the employer's RTW Program; to adhere to the assigned restrictions/limitations for the specified period of time; to maintain a positive attitude toward working within physical restrictions/limitations; and to continue to seek and follow appropriate medical care throughout the recovery period.
- (4) It is the responsibility of the employer to review and evaluate work alternatives for a temporary specified period of time as established by the evaluating physician; to evaluate the job description and modify requirements within the position to accommodate the employee to the assigned restrictions; to monitor the injured employee to ensure work performed is within the assigned restrictions; and to continue to review and adjust job assignments as the medical condition improves and restrictions change until the final goal of either release to full duty or maximum medical improvement is achieved.
- (5) To be eligible for participation in the RTW Program, an employee must have a written statement from the designated treating physician stating that they are:
  - a. Temporarily unable to perform their essential duties following an employment-related injury or illness.
  - b. Capable of carrying out work of a lighter or modified nature from their regular duties and they are expected to return to their regular duties within 90 calendar days.
- (6) Once notified of an on-the-job injury or illness, and the injury has been reported to the employer's workers' compensation carrier, the employer will inform the employee in writing of the RTW Program.
- (7) The employee must be seen and evaluated by a physician to determine if the employee is able to return to work, and if so, with or without restrictions.
- (8) Prior to the evaluation, or as soon thereafter, the employer must inform the evaluating physician of the RTW Program and provide them with a copy of the employee's regular job description that identifies the essential job functions and its requirements.
- (9) When the employee can return to work with restrictions, the employee's evaluating physician must complete a report indicating the specific restrictions and the duration of those restrictions. Clarification regarding temporary restrictions may be requested of the evaluating physician.
- (10) Taking into consideration the information provided by the evaluating physician, the city manager with assistance from their city attorney will determine if a temporary modified-duty assignment can be offered. There may be instances in which the city will not be able to offer a modified-duty assignment.
- (11) If the employee's regular department is unable to meet the employee's need for the modified-duty position, the employee's department is responsible for payment of the

employee's salary and benefits while performing a modified-duty position in a different department which has been able to meet the employee's need for modified duty.

- (12) Income benefits otherwise payable to the employee, by the workers' compensation carrier, for temporary total disability during the period the employee has returned to a modified-duty position will be offset by an amount equal to the employee's gross income minus applicable taxes paid by the employer to the employee during the period of work in the modified-duty position.
- (13) Once the employee has been approved to participate in the RTW Program, the city manager or their designee must provide a return-to-work letter. This letter will include:
  - a. The position offered.
  - b. The location and duties of the position offered.
  - c. The wages and schedule of the position offered.
  - d. The duration of the temporary work assignment.
  - e. A statement that the employer is knowledgeable about and will abide by the limitations under which the treating physician has authorized the return to work.
  - f. A statement acknowledging that the employee will or will not accept the modified duty and this must be returned to the employer.
- (14) An employee may choose to accept or refuse the return-to-work offer. Rejection of the job could result in suspension of income benefits under workers' compensation insurance. Any acknowledgment received by the employer that the employee has refused the return-to-work offer will be sent by the employer to the claims adjuster.
- (15) Employees do not waive any rights to workers' compensation benefits by participating in the RTW Program. Employees participating in the RTW Program will continue to be covered by the Workers' Compensation Act for reasonable and necessary medical expenses and disability benefits related to the injury or illness.
- (16) The maximum length of a return-to-work with modified-duty offer will be 90 calendar days. The duration of approved time will be based upon the information provided by the employee's evaluating treating physician.
- (17) An employee who is unable to return to their regularly assigned duties at the end of the modified-duty assignment and who remains with temporary restrictions which will prevent them from returning to their preinjury position, will begin to receive temporary total disability benefits through the workers' compensation program. If the restrictions are permanent and will not allow the employee to return to their preinjury position, then the employee may be eligible to request a leave of absence pursuant to the employer policies or an accommodation pursuant to the ADA policy addressed within Section 2. However, the employer can terminate the employee if leave of absence is considered an undue hardship on the employer and no other ADA accommodation can be made based on the employee's restrictions.
- (18) Employees may be required to attend an independent medical exam to either clarify the continued restrictions or find that they have reached maximum medical improvement and permanent restrictions are assigned as determined by the evaluating physician.

- (19) Provided the employee has exhausted any entitlement under FMLA, the department has the option to approve or deny the leave of absence request after considering the ADA. If leave without pay is denied, and no accommodation can be made under the ADA, employment with the city will be terminated.

## Retirement Plan and Social Security

- (1) Employees who work in a regular full-time position who are not serving within an introductory period for the city must be enrolled in the Kentucky Public Pension Authority (KPPA). City employees are covered under the County Employees Retirement System (CERS) portion of the plan. Regular part-time employees must also be covered if they average 100 or more hours of work per month over a calendar or fiscal year, including employees who work a total of more than 100 hours per month in two or more positions with employers under the same retirement system.
- (2) The retirement plan is a qualified public defined benefit plan and was established under Section 401(a) of the Internal Revenue Code (IRC). A defined benefit plan pays benefits based upon a formula rather than on an account balance. The formula used to compute CERS benefits provides participating members with a guaranteed lifetime payment at retirement based on beginning participation date, the number of years of service, the employee's average salary, and a multiplying factor.
- (3) Employees and the city contribute to the plan. The percentage of contribution may change annually and is based on hazardous and nonhazardous positions. The contribution amount is set by the Commonwealth of Kentucky. For more information about KPPA, contact human resources or KPPA via their website, <https://kyret.ky.gov>, or by phone at **800.928.4646**.
- (4) The city participates in the federal social security program and will contribute a percentage of salary, to the extent required by law, to the Social Security Administration for each employee.

## Kentucky Public Employee's Deferred Compensation

The city participates in the Kentucky Public Employee's Deferred Compensation plan. Employees have the ability to choose from qualified plans and can defer a portion of their salary until future years. The city does not match contributions to this plan on behalf of the employee. Participation in the plan is optional and participants in the plan are allowed to choose the investments for their deferrals from various fund types offered under the plan. For more information about the Kentucky Public Employee's Deferred Compensation plan, contact human resources or the Kentucky Deferred Comp website, <https://www.kentuckyplans.com/rsc-preauth/index.html>.

## Public Service Loan Forgiveness

- (1) If an employee has a Federal Direct Loan, including a Direct Consolidation Loan, they may be eligible for Public Service Loan Forgiveness, also known as PSLF.

- (2) If an employee makes 120 qualifying monthly payments under a qualifying repayment plan while serving in the military or employed at a government or nonprofit entity, the employee may be eligible to get the balance of their loans forgiven.
- (3) For additional information, see the following link, <https://studentaid.gov/manage-loans/forgiveness-cancellation/public-service>. For assistance in applying for the Public Service Loan Forgiveness, please contact human resources.

## **Professional Membership, Training, Licensing, and Certification**

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

## **Section 7 – Paid and Unpaid Leaves**

# Holidays

- (1) All full-time city employees will receive paid leave for the following holidays:
  - a. New Year's Day
  - b. Martin Luther King, Jr. Day
  - c. President's Day
  - d. Good Friday
  - e. Memorial Day
  - f. Juneteenth
  - g. Independence Day
  - h. Labor Day
  - i. Veterans Day
  - j. Thanksgiving Day
  - k. Day after Thanksgiving
  - l. Christmas Eve
  - m. Christmas Day
  - n. New Year's Eve
- (2) The police and fire departments will adhere to the following as to full-time employees:
  - a. The police chief, assistant police chiefs, major, secretaries, records personnel, evidence personnel, public affairs personnel, fire chief, assistant fire chiefs, training officer, fire prevention personnel, and all office personnel of the police and fire departments will observe the above-listed holidays.
  - b. All other members of the police department and all uniformed members of the fire department assigned to 24-hour shifts will receive holiday pay calculated based upon the total number of holidays observed by the city in a year multiplied by eight hours in addition to their annual leave, which may be used as holidays with pay. These are floating holidays and must be approved in advance by the police officer's or firefighter's supervisor. A status change form must be completed in advance for a request for holiday time. This holiday leave will be credited to eligible employees annually on January 1 of each year and will be taken in increments of not less than one hour. Any holiday leave not used by December 31 of the year the leave was granted and any leave unused at the time of the employee's separation from the city will not be paid.
- (3) In the event that any of the holidays fall on a Saturday, the holiday will be observed on the preceding Friday. If any of the holidays fall on a Sunday, the holiday will be observed on the following Monday. In addition, any day may be designated a holiday by the board of commissioners. Any non-police and/or non-fire full-time employee who is not defined in

Section (2) (a) and (b) above, who is required to work on the actual holiday will be paid for all hours worked in addition to eight hours of holiday pay.

- (4) An employee may substitute the fully paid days granted for Christmas Eve and Christmas Day under paragraph (1) of this policy to use for the observation of another religious holiday or another personal holiday if the employee submits written notification to the city manager or their designee of their intent to make such a substitution prior to using the time

## Vacation Leave

- (1) All full-time employees will receive paid vacation leave. Part-time employees, temporary employees, and seasonal employees will not be eligible for paid vacation leave. Contracted employees vacation leave will be controlled by the specific terms enumerated in their employment contract with the city.
- (2) Eligible employees begin earning vacation leave on the completion of their first calendar month of employment with the city. Vacation leave will be granted to an employee each calendar year on the following basis:
  - a. A full-time employee will receive 10 hours per month, or 120 hours per year, from the beginning of employment with the city through the end of the fifth year of employment.
  - b. A full-time employee will receive 12 hours per month, or 168 hours per year, for the sixth through their 10th year of employment.
  - c. A full-time employee will receive 14 hours per month, or 144 hours per year, for the 11th through their 15th year of employment.
  - d. A full-time employee will receive 16 hours per month, or 192 hours per year, for the 16th year of employment and each year of employment thereafter.
- (3) An employee will receive advance approval from their department head prior to the use of any vacation leave time by the submission of a status change request through the employee online portal in accordance with Section 7. Requests for use of vacation leave time should be made as soon as possible to ensure minimum disruption to the department and the organization work schedule and workflow.
- (4) An employee may carry over a maximum of 320 hours of accrued and unused vacation leave time to the next calendar year.
- (5) The department head in scheduling vacation times for the employee will give due consideration to the employee's requested time, the needs of the city, and the seniority of the other employees within the department who have also requested vacation leave.
- (6) Payment in lieu of vacation is authorized only when an employee separates from the city by resignation, death, or disability, and further provided that the employee has completed at least six months of satisfactory service. Unused vacation leave may not be used to fulfill any service requirements for retirement vesting. The employee will be compensated at the regular hourly rate earned by the employee at the time of separation. The applicable hourly rate for both exempt and nonexempt employees will be calculated as provided in Section 5.

# Personal Leave Time

- (1) A full-time employee will receive two paid personal leave days (eight hours) each year which may be used by the employee for any purpose.
- (2) An employee will not accrue personal leave. All personal leave time will expire at the end of the calendar year if not used.
- (3) An employee will receive advance approval from their immediate supervisor prior to the use of any personal leave time by the submission of a status change request through the employee online portal in accordance with Section 7. Requests for use of personal leave time should be made as soon as possible to ensure minimum disruption to the department and the organization work schedule and workflow.
- (4) An employee will not receive compensation for any unused personal leave time upon separation from employment.

# Sick Leave

- (1) All full-time employees will receive paid sick leave each calendar year in the amount of eight hours per month, or 96 hours per year, except that uniformed members of the fire department assigned to 24-hour shifts will accrue 12 hours of sick leave for each completed calendar month. Part-time employees, temporary employees, and seasonal employees will not be eligible for paid sick leave. A contracted employee's sick leave will be controlled by the specific terms enumerated in their employment contract with the city.
- (2) Sick leave time begins to accrue on the first day of employment. For periods of less than one month, such as at the beginning or end of employment, sick leave will accrue on a pro rata basis in minimum increments of one hour based on the remaining days left in the month. For example, an employee starting work on the 15th of the month would be entitled to four hours of sick leave for their first month. Any fractions will be rounded up to the next whole hour.
- (3) An employee may use sick leave for any one of the following reasons:
  - a. To avoid jeopardizing the health of other employees.
  - b. Illness, disability, medical condition, or a medical or dental appointment of the employee or a member of the employee's immediate family necessitating the employee's presence. "Immediate family" will mean the employee's spouse, child, mother, father, or other permanent members of the employee's household.
- (4) All foreseeable sick leave will require specific prior written approval of the department head on the status change request through the employee online portal. An employee using sick leave will notify their department head as soon as possible of the need to use sick leave, but not less than 30 minutes before their work shift. The failure to report may be cause for the denial of sick leave. Employees must personally call and speak directly with their department head in the absence of extenuating circumstances. For periods of sick leave lasting longer than one full day, the employee will notify their immediate supervisor or department head each separate day unless prior arrangements have been made. Employees must immediately submit their status change on return to work if the sick leave was not

requested prior to missing work. For periods of three or more days, see the Family and Medical Leave Act Policy in this section.

- (5) Each pay period the employee's sick leave account will be debited for the amount of sick leave actually used by the employee during the preceding pay period. The department head will keep records of sick leave allowance, sick leave taken, and balance of sick leave allowance for the individual employee remaining. Any employee fraudulently obtaining sick leave or a department head falsely certifying a sick leave allowance for an employee's absence from work will be subject to disciplinary action, up to suspension or dismissal from employment with the city. Records will be checked against personnel records kept by human resources on a requested basis.
- (6) Notwithstanding the requirements for FMLA leave, a medical certification or physician's statement will generally not be required to return to work after the use of sick leave. However, an employee's department head may require medical certification or a physician's statement when there is a reasonable basis to believe the Sick Leave Policy is being abused, to certify that the employee can perform the essential functions of the job without risking the safety of themselves or others, or the employee's length of absence exceeds three full workdays.
- (7) An employee may carry over an accumulated maximum of 960 hours (120 days) of unused sick leave time to the next calendar year, except that uniform members of the fire department assigned to 24-hour shifts may accrue up to a maximum of 1,440 hours. Sick leave will be charged in increments of not less than one hour.
- (8) No employee will be compensated for any accumulated and unused sick leave time upon separation from employment except as provided for in the County Employees Standard Unused Sick Leave Program. Information regarding this program may be obtained by contacting the KPPA office. Any agency participating in CERS which has formally adopted a sick leave program that is universally administered to its employees, may purchase service credit with the retirement system for up to six months of unused sick leave for each retiring employee. This does not apply to any employee who begins participation in KPPA after January 1, 2014.
  - a. Employees hired before July 1, 2004, have the following options relative to accrued but unused sick leave upon the end of retirement with the city:
    1. The employee could be paid for such sick leave.
    2. The employee could apply up to six months of such accumulated sick leave toward CERS retirement at the expense of the city.
    3. The employee could roll such sick leave into the employee's deferred compensation plan. Information on available options can be obtained from human resources.
  - b. Employees terminated from the city service are not eligible for the payout of sick leave and no other payouts except as provided in the County Employees Standard Unused Sick Leave Program.
  - c. The applicable hourly rate for both exempt and nonexempt employees will be calculated as provided in Section 5 and subject to all required deductions.

# Sick Leave Donation

- (1) In circumstances that require a full-time employee to be absent from work for an extended period of time after the employee has exhausted all accumulated paid leave, and at such time as the continued need to be absent from work has been medically documented, human resources on the request of the employee will prepare a memorandum setting forth:
  - a. Such information as the employee may deem appropriate relative to the employee's or family member's medical circumstances.
  - b. The employee's request for the donation to them from fellow employee's accrued paid sick leave.
  - c. An employee wishing to donate accrued paid sick leave should do so by completing a donation of time form and a status change request through the employee online portal and then delivering these forms to human resources.
- (2) An employee who meets the following criteria will be eligible to receive donated sick leave hours on the first pay period where the employee's accrued paid leave (vacation leave, sick leave, personal leave, or other form of accrued paid leave) is exhausted.
  - a. The employee will not solicit any other employee on their own behalf for the donation of sick leave to them.
  - b. An employee must have worked for the city for 12 months or longer and must be an employee in good standing.
  - c. An employee must be in a full-time position established by the board of commissioners.
  - d. An employee must be off work due to a verifiable personal or family catastrophic illness or injury, not including workers' compensation. "Family member" is defined as employee's spouse, child, mother, father, grandmother, grandfather, brother, sister, immediate in-law, or other permanent member of the employee's household.
  - e. An employee must provide medical certification of inability to work or certification of a serious illness of a family member.
- (3) Provided an employee meets the above criteria, the employee may receive no more than 240 hours of donated sick leave from other employees during a single 365-day period.
- (4) A receiving employee may use the donated sick leave at the same rate as the receiving employee is normally scheduled to work.
- (5) There will be no accrual of vacation leave, holiday leave, personal leave, or sick leave as a result of the donated sick leave hours.
- (6) An employee receiving sick leave donations will continue to receive all other benefits provided by the city in accordance with the city's policies and procedures.
- (7) Any pay received by the employee as a result of donated sick leave time will be subject to any usual deductions on income, e.g., federal and state income taxes, etc.
- (8) An employee who has received donated sick leave must return to work at the earliest possible date the employee is fit to return to work, regardless of the availability of additional donated

sick leave time. The city reserves the right to request an opinion from a medical professional of the city's choosing to attest to the need for the continued absence from work.

- (9) The donating employee may donate accrued sick leave hours to coworkers who have experienced a personal or family catastrophic illness or injury and who have exhausted their accumulated paid leave time. "Family member" is defined as employee's spouse, child, mother, father, grandmother, grandfather, brother, sister, immediate in-law, or other permanent member of the employee's household. Donating employees must meet the following criteria:
  - a. After donating their accrued sick leave, the donating employee must still have a minimum of 75 hours of accumulated sick leave remaining.
  - b. Cannot donate more than 24 hours to any one recipient employee during a single 365-day period.
- (10) The completed donation of time form and the completed status change request form through the employee online portal will be delivered by the donating employee to human resources for verification of their sick leave hours. Donation of sick leave hours will be taken and applied in the order in which they were received by human resources up to the 240-hour donation limit to a single city employee. Each donating employee will be notified by human resources as to the number of any donated hours that will be deducted from the employee's own accumulated paid sick leave hours resulting from their donation of the sick leave.

## **Family and Medical Leave Act (FMLA)**

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

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

- a. The nearest blood relative is defined as a blood relative other than a covered service member's spouse, parent, son, or daughter, in the following order of priority:
    1. Blood relatives that have been granted legal custody of the covered service member by court decree or statutory provisions.
    2. Brother and sister.
    3. Grandparent.
    4. Aunt and uncle.
    5. First cousin.
  - b. If the covered service member has specifically designated in writing another blood relative as their nearest blood relative for purposes of military caregiver leave under the FMLA, then the designated individual will be deemed to be the covered service member's nearest blood relative. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members will be considered the service member's nearest blood relative.
  - c. For spouses, if each spouse is a parent, spouse, son or daughter, or next of kin of the service member who both work for the city and wish to take military caregiver leave may only take a combined total of 26 weeks of leave. When spouses take military caregiver leave as well as other FMLA leave in the same leave year, each spouse is subject to the combined limitations for the reasons for leave listed above.
- (4) In any event where FMLA-qualifying leave is foreseeable by the employee, the employee will provide their immediate supervisor with advance notice of the leave request by submitting an FMLA Leave Request ([HR Form 07](#) or through the employee online portal). In many instances, the need for FMLA leave may not be foreseeable by the employee. In those instances, the employee's immediate supervisor or department head will notify human resources of any circumstances that may qualify for FMLA so that the city may decide whether to designate the leave as FMLA-qualifying for the employee.
- (5) The city will require the following information to be submitted in conjunction with a request for FMLA leave or where the city has designated the leave as FMLA qualifying:
- a. A FMLA Medical Certification Form, which can be obtained from the Department of Labor website (<https://www.dol.gov/whd/fmla/2013rule/militaryForms.htm>), will be required if FMLA leave is for the employee's own serious health condition or to care for a family member's serious health condition. Failure to provide the requested medical certification in a timely manner may result in denial of the leave until it is provided, including a reason for the delay. The city, at its expense, may require an examination by a second health care provider designated by the city if the city has a reasonable question regarding the medical certification provided by the employee. Depending on the circumstance of the request the following forms should be used:
    1. An FMLA Certification of Health Care Provider of an Employee's Serious Health Condition Form (WH 380E) will be required to certify the employee's own serious health condition.

2. An FMLA Certification of Health Care Provider for Family Member's Serious Health Condition Form (WH 380F) will be required to certify the employee's family member's serious health condition.
  3. An FMLA Certification of Qualifying Exigency for Military Family Form (WH 384) will be required if any of the qualifying exigencies stated in (2)(d)(1-8) apply.
  4. An FMLA Certification for Serious Injury or Illness of Covered Service Member Form (WH 385) will be required for care of an injured service member.
  5. An FMLA Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave Form (WH 385V) will be required if FMLA is for the care of a veteran who was a member of the Armed Forces at any point in time within the five years preceding the date the veteran undergoes medical treatment, recuperation, or therapy.
- b. The employee may be asked to provide a new medical certification through the submission of the FMLA Medical Update ([HR Form 08 or through the employee online portal](#)):
1. When the employee requests an extension of leave and the original medical certification states that serious health condition of employee or employee's family member will last a specified period and that period has ended
  2. When circumstances described in the original medical certification have changed significantly, e.g., change in duration or frequency of employee's absence.
  3. When the original medical certification states that serious health conditions of employee or employee's family member will last indefinitely, the employee may be asked to provide a new medical certification, but no more frequently than every 30 days.
  4. The employee must provide the new medical certification within 15 calendar days; however, the city may provide a reasonable amount of additional time if the employee has been unable to obtain certification despite employee's diligent, good faith efforts.
- c. The first time an employee requests leave because of a qualifying exigency arising out of the active duty or call to active-duty status of a covered military member, the city will require the employee to provide a copy of the covered military member's active-duty orders or other military documentation which indicates the appropriate military status and the dates of the active-duty status.
- (6) Employees must use any accumulated sick leave, vacation leave, personal time, compensatory leave, or other paid leave to the extent available during the FMLA leave period, unless such leave is covered under workers' compensation, in which case the employee may only use accumulated leave time for the purpose of satisfying any waiting period. Absences in excess of the employee's total accumulated leave will be treated as leave without pay, except in situations where the employee is eligible for sick leave donation time as provided under Section 7.
- (7) The city will require employees returning from FMLA leave for a qualifying event related to the employee's serious illness to provide an FMLA Medical Release to

Return-to-Work ([HR Form 09](#) or through the employee online portal). Upon return from FMLA leave, the employee will be restored to their original or an equivalent position. If an employee fails to return at the end of FMLA leave, the employee will be considered to have voluntarily resigned their position with the city.

- (8) The city will maintain health care benefits for the employee while on FMLA leave, but the employee is responsible for paying the normal monthly contribution for any portion of leave that is unpaid. If the employee elects not to return to work at the end of the leave period, the employee will be required to reimburse the city for the cost of premiums paid for maintaining coverage during the leave period. All other benefits cease to accrue during the unpaid portion of the leave.
- (9) It may be medically necessary for some employees to use intermittent FMLA leave. The city will work with employees to arrange reduced work schedules or leaves of absence in order to care for a family member's serious medical condition or their own serious medical condition. Employees must follow normal call-in procedures as found in the Sick Leave Policy in Section 7 whenever using intermittent leave.
- (10) In addition, intermittent leave may be used for the birth or adoption of a child or the placement of a child with the employee for foster care provided that the employee and the city agree upon a scheduled use of intermittent leave for this purpose and any leave is concluded within 12 months following the date of the birth, adoption, or placement.

## Pregnancy and Parental Leave

- (1) The city recognizes that employees may need to be absent from work to care for a newborn child, newly adopted child, or placement of a foster child (referred to as parental leave in this policy), or due to a pregnancy-related condition (referred to as pregnancy leave in this policy). The city provides pregnancy and parental leaves of absence to all eligible employees in accordance with FMLA, Pregnancy Discrimination Act, ADA, Kentucky Pregnant Workers Act, and any other applicable laws.
- (2) Human resources is responsible for the administration of this policy. If the employee has any questions regarding this policy or questions about pregnancy or parental leave that are not addressed in this policy, they should contact human resources.
- (3) If an employee needs to take parental leave for the birth of their child, to care for a newly adopted child, or foster child, the employee should provide advance notice to their supervisor or human resources. When possible, the employee should give at least a 30-day notice of their request for leave. If a 30-day notice is not possible because of medical necessity or for other reasons, the employee should give as much advance notice to the city as possible.
- (4) Written notice is preferred but not required.
- (5) If an employee is suffering from a pregnancy-related disability and requires reasonable accommodation which may include leave for this purpose, the employee should speak with their department head and/or the city manager to discuss a reasonable accommodation. The employee may be required to submit medical certification of their disability.
- (6) All employees are eligible for two weeks of paid parental leave to be taken before any other accrued paid leave during their 12 weeks of FMLA leave, if eligible.

- (7) Short-term disability insurance may also be available for pregnancy leave. Please see human resources for information about short-term disability insurance, including eligibility requirements.
- (8) During pregnancy and parental leave, all benefits provided under an employee benefit plan are governed by the terms and conditions of the applicable employee benefit plan documents in accordance with applicable laws. For all other benefits, an employee on pregnancy or parental leave will receive the same rights and benefits as employees on a paid leave of absence.
- (9) The employee's job will be held for them in accordance with applicable laws while they are on pregnancy or parental leave.
- (10) If an employee is on pregnancy-related disability leave, when they are able to return to work, they must submit a doctor's certification stating they are medically able to return to their normal duties. The employee's continued absence from work beyond their required disability leave period as determined by their physician, and exhaustion of all other available leave may be deemed a voluntary abandonment of their job.
- (11) Nothing in this policy requires the city to reemploy individuals who are not eligible for reemployment rights under applicable laws.
- (12) The city prohibits and will not tolerate discrimination or retaliation against any employee or applicant because of that person's pregnancy or parental leave. Specifically, no one will be denied employment, reemployment, promotion, or any other benefit of employment, or be subjected to any adverse employment action based on that person's pregnancy or parental leave. In addition, no one will be disciplined, intimidated, or otherwise retaliated against because that person exercised rights under this policy or applicable laws.
- (13) The city is committed to enforcing this policy against discrimination and retaliation. However, the effectiveness of the city's efforts depends on employees telling the city about inappropriate workplace conduct. If employees feel that they or someone else may have been subjected to conduct that violates this policy, they should immediately report it. If employees do not report such conduct, the city may not become aware of a possible violation of this policy and may not be able to take appropriate corrective action.

## Adoption Leave

- (1) The city provides two weeks of paid adoption leave. An employee who is not eligible for FMLA will be allowed six weeks of adoption leave of which two weeks will be paid under this policy. An FMLA-eligible employee will be allowed up to 12 weeks of FMLA leave pursuant to the FMLA policy in this section, of which two weeks will be paid under this policy. An adopting employee may use any accrued paid leave time available to make the remaining four weeks paid leave as well.
- (2) This leave is not available to an adoption by fictive kin, stepparent, stepsibling, blood relative, including a relative of a half-blood, first cousin, aunt, uncle, nephew, niece, and a person of a preceding generation as denoted by prefixes of grand, great, great-great, or foster parent who adopts a foster child who is already in their care.

# Critical Incident Leave for Police Officers and Firefighters

- (1) Up to two working days of critical incident leave is provided to police officers and firefighters when an officer or firefighter is involved in an event resulting in a stressful impact that is sufficient to overwhelm a police officer's or firefighter's usual coping strategies as defined in KRS 15.518, the Police Department SOPs, KRS 95A.292, and the Fire Department SOPs.
- (2) A police officer or firefighter involved in a critical incident must make the request for this leave from their supervisor as described in the Police Department SOPs or Fire Department SOPs.
- (3) The leave provided under this policy will be paid to the officer or firefighter at their normal rate of pay. Any leave beyond the two working days will be unpaid; however, any additional time needed by the officer or firefighter may be covered by any of their available accrued leave time.
- (4) Whenever the use of critical incident leave is necessary, the employee will provide advance notice to their supervisor and the employee will submit a status change request through the employee online portal in accordance with Section 7. When possible, the employee will submit the form in advance of the leave. Otherwise, the employee will immediately submit the form upon return to work.

## Paid Leave for Volunteer Activity

- (1) As an organization focused on the enhancement of the quality of life in the city, the City of Richmond encourages its employees to participate in and support volunteer activities that improve and serve the city and the county. While the city may sponsor events throughout the year where employees may collectively volunteer during normal working hours, any full-time employee is eligible to take paid leave for a maximum of eight hours per calendar year to volunteer with a nonprofit organization or a government to participate in activities that provide an opportunity for meaningful community engagement within the city and county.
  - a. Examples of activities that meet the purposes of this policy include but are not limited to volunteering in disaster recovery, food banks and kitchens, homeless shelters, community cleanup initiatives, and involvement on a nonprofit board of directors.
  - b. Examples of activities that do not meet the purposes of this policy and that will not be approved include but are not limited to involvement with any partisan political activity, with organizations that discriminate based on any protected class as outlined in this handbook, coaching a family member's sports team, attending a family

member's school functions, or attendance at a professional, religious, or personal interest conference.

- (2) An employee wishing to use the paid leave time provided by this policy will submit a Volunteer Time Off/Blood Donation Request ([HR Form 06](#) or through the employee online portal) to their department director. The leave request must be approved by the employee's department director prior to the employee's use of time under this policy. A department director will consult with human resources and/or the city manager if the employee's selected activity is questionable as meeting the purposes of this policy.
- (3) An employee that has received prior approval for a request submitted under this policy will report the leave time in accordance with this handbook.
- (4) An employee will be credited with leave time under this policy on January 1 of each year. A newly hired employee will not receive credit until the first day of January after they begin employment with the city. All volunteer leave time will expire at the end of the calendar year if not used. An employee will not receive compensation for any unused volunteer activity leave time provided in this policy upon separation from employment.

## Blood Donation Leave

- (1) The city recognizes the need for blood donation within the community and encourages employees to donate. Employees who wish to donate whole blood may receive four hours leave time with pay for the purpose of donating and recovering from the donation up to two times per calendar year, for a total of eight hours paid leave.
- (2) An employee wishing to use the paid leave time provided by this policy will submit a Volunteer Time Off/Blood Donation Request Form to their department director. The leave request must be approved by the employee's department director prior to the employee's use of time under this policy.
- (3) The donation must occur during an employee's scheduled work hours in order to qualify for leave which does not include the lunch period. All employees are permitted to donate blood at any licensed blood center certified by the FDA. All employees are required to submit verification to their department director of blood donation or their deferral from the blood center.
- (4) An employee will be credited with leave time under this policy on January 1 of each year. A newly hired employee will not receive credit until the first day of January after they begin employment with the city. All blood donation leave time will expire at the end of the calendar year if not used. An employee will not receive compensation for any unused blood donation leave time provided in this policy upon separation from employment.

# Bereavement Leave

- (1) All full-time city employees will be eligible for paid bereavement leave in the event of death in the employee's immediate or extended family. Bereavement leave will be granted on the following basis:
  - a. An employee will be authorized for up to 40 hours of paid bereavement leave in the event of death in the employee's immediate family. The 12- to 24-hour shift employees will be authorized for up to 48 hours of paid bereavement leave in the event of death in the employee's immediate family. For the purposes of this paragraph "immediate family" will mean the employee's parent, spouse, and child (including in the case of a miscarriage at any term of pregnancy).
  - b. An employee will be authorized for paid bereavement leave for up to 24 hours in the event of death of a family member of the employee. For purposes of this paragraph "family" will mean grandparent, grandparent-in-law, grandchild, brother, sister, spouse's parent, adopted/stepparent, or anyone permanently residing with the employee.
  - c. An employee will be authorized for paid bereavement leave for up to 16 hours in the event of the death of an extended family member of the employee. For purposes of this paragraph "extended family member" will be limited to brother-in-law, sister-in-law, uncle, aunt, cousin, niece, and nephew.
  - d. Requests for additional time off with or without pay may be granted at the discretion of the department head, with the approval of the city manager or in the case of the department head, at the discretion of the city manager. In these instances, the employee should discuss the circumstances of the relationship with the department head or the city manager who will grant or deny such request considering the employee's current workload, the needs of the department, as well as the employee's circumstances, and other pertinent factors.
- (2) Whenever the use of bereavement leave is necessary, the employee will provide advance notice to their department head or immediate supervisor and the employee will submit the status change request through the employee online portal in accordance with Section 7. When possible, the employee will submit the form in advance of the leave. Otherwise, the employee will immediately submit the form upon return to work.

# Unpaid Leave of Absence

- (1) Upon exhaustion of all paid leave time, any request for an unpaid leave will be submitted to the employee's department head or immediate supervisor. The department head or immediate supervisor, in consultation with the city manager, will decide whether to grant the unpaid leave request and other terms of the leave depending upon the reasons for the requested leave and the needs of the department and the city.
- (2) If granted an unpaid leave of absence, an employee will not be compensated and will not receive any other employee benefits provided by the city, except as required by FMLA.

- (3) If an employee is out on FMLA the city will continue to pay its share of any group healthcare premiums paid by the city prior to the FMLA leave, while any share of the group healthcare premiums which had been paid by the employee prior to FMLA leave must continue to be paid by the employee during the FMLA leave period. If any employee-required portion of the group health insurance premium becomes more than 30 days late while on unpaid FMLA leave, the city may terminate coverage retroactively. For continuation of all other employee-paid optional benefits, such as life insurance, the employee will be subject to the terms and conditions of the specific plan, and the employee must prepay any applicable contribution or premium during the period of the absence in order to maintain those benefits.
- (4) For any unpaid leave that does not qualify under FMLA, the employee will not receive any employee benefits provided by the city. As such, the employee must make an election as to COBRA coverage for group healthcare for the employee as well as any qualified dependents. In addition, the employee will be subject to the terms and conditions of the specific plan to continue any optional benefits upon prepayment by the employee of the applicable contribution or premium during the period of the absence. Any failure by the employee to prepay any optional benefits may result in termination of the benefit.
- (5) Employees on unpaid leave will not accrue any vacation leave, holiday leave, personal leave, or sick leave time during the unpaid absence, except as provided by this policy.

## **Jury Duty and Court-Ordered Appearances**

- (1) The city encourages employees to fulfill their obligation as citizens when called to serve jury duty or to comply with a court or administrative subpoena. An employee that is required to attend jury duty or comply with a court or administrative subpoena during their regular working hours at the city will be paid their full salary for the period of such service. An employee involved in litigation or court proceedings as a plaintiff/petitioner or as a defendant/respondent and who is not appearing before the court because of a duly issued subpoena, will not be eligible for the paid leave provided under the provisions of this policy but may be permitted to use annual or compensatory leave time for such absences as provided in Section 7.
- (2) The employee must provide a copy of the summons or subpoena to their department head as soon as possible after receiving such notice.
- (3) The employee will submit an status change request through the employee online portal in accordance with Section 7 of this handbook showing the dates and times out of the office necessitated by the employee's service required by the court.
- (4) Any employee excused by the court during their normal working hours will contact their immediate supervisor to determine if they will be required to work the remainder of their normal work schedule.

## **Voting Leave**

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

- (2) The department head will grant a period of voting leave not less than four hours for an employee who is qualified to vote and who has requested voting leave in accordance with this policy. The city will compensate the employee for the leave. The department head will specify the hours during which the employee may be absent.
- (3) Prior to using voting leave, the employee will submit an status change request through the employee online portal in accordance with Section 7 showing the times the employee has been approved to be out of the office for voting leave.
- (4) An employee who requests and takes voting leave but who fails to vote without an acceptable reason will be subject to disciplinary action.

## **Military Leave**

- (1) The city will comply with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), the provisions of KRS 61.373 through 61.377, and KRS 61.394. USERRA grants military leave for employees, and in most cases, reinstatement rights regardless of whether the service is voluntary or involuntary.
- (2) As the laws change, or as interpretations of the laws change, military leave benefits for city employees may change accordingly. No attempt is made in this policy to cover all possible situations and circumstances that may arise when an employee is ordered to active duty. Therefore, as military leave situations arise, an employee should consult with their immediate supervisor or human resources for details regarding their military leave rights as a city employee.
- (3) Unless precluded by military necessity, an employee will provide written notice to their department head and/or their immediate supervisor as soon as possible regarding the need for military leave.
- (4) In any one federal fiscal year (October 1-September 30), all full-time and part-time employees involved in military service for the United States or the Commonwealth of Kentucky are eligible, upon request of the employee, to be paid their normal wages for a maximum of 21-calendar days while on military leave. Employees will only be paid based on the days they would have been scheduled to work if not for military leave. Any unused military leave in a federal fiscal year will be carried over to the next year. Any unused military leave will expire two years after it has accrued.
- (5) An employee will be entitled to military leave without loss of time, pay, regular leave, impairment of efficiency rating, or any other employment rights or benefits to which the employee is entitled, while:
  - a. In the performance of duty or training in the service of a state or of the United States under competent orders as specified in this section.
  - b. Physically disabled as a result of an injury, illness, or disease incurred or aggravated in the line of duty while performing active duty or inactive-duty training.
  - c. Entitled to incapacitation pay pursuant to 37 U.S.C. sec. 204.
  - d. Leave pursuant to paragraphs (5) (b) and (c) will not exceed six months unless approved by the employee's appointing authority.

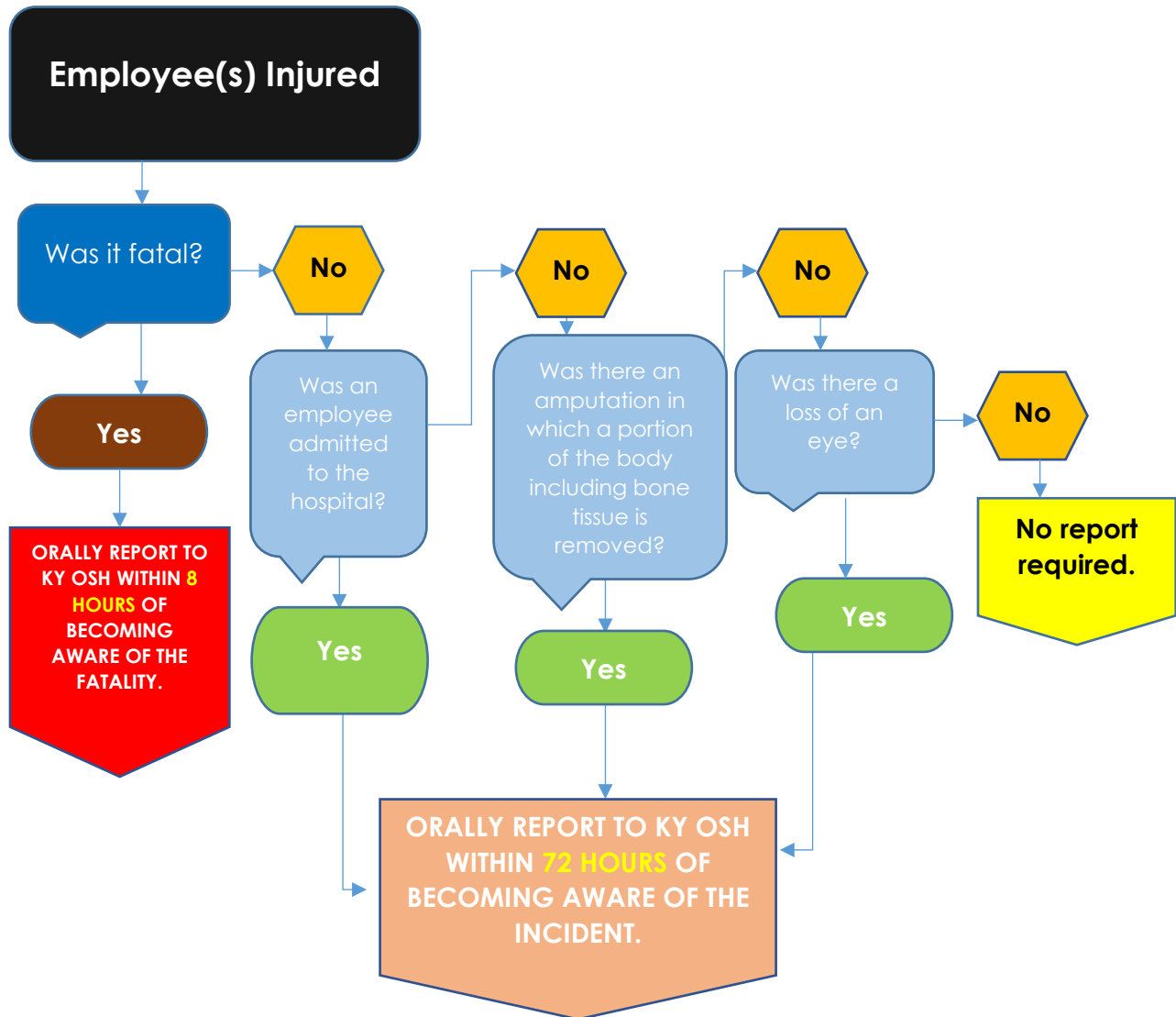
- (6) Benefits in paragraph (5) include employer contributions that would have been paid into CERS if the employee had not been on military leave. Employer-provided CERS contributions will only be paid to KPPA if the employee returns to work with the city upon an honorable discharge from the military.
- (7) Employees called to active duty should fill out the Active-Duty Military Leave Notification ([HR Form 17](#)) as soon as practicable.

## Status Change Request Form

- (1) The status change request is available through the employee online portal. When this form is submitted, the employee's immediate supervisor who will be responsible for exercising managerial discretion in deciding whether to approve or deny the leave request.
- (2) Employees are required to submit a status change request whenever any type of leave is requested or taken as outlined in the policies contained in this handbook. The employee is required to provide the date and time of the leave. Employees are permitted to use any type of leave time in 30-minute increments. Whenever possible, employees are required to submit a status change request before the leave is taken. If it is impossible or impractical for the employee to submit a prior to taking the leave, the employee will immediately submit the status change request upon return to work. Any employee who takes leave time and fails to submit a status change request will be subject to disciplinary action.

## **Section 8 – Appendices and HR Forms**

## APPENDIX A – OSH INJURY AND ILLNESS REPORTING IN KENTUCKY



REPORT TO THE **KENTUCKY LABOR CABINET, DIVISION OF OSH COMPLIANCE** AT **502.564.3070**. IF AFTER HOURS, REPORT TO **OSHA TOLL-FREE HOTLINE** AT **1.800.321.OSHA (6742)**.

NOTE: The employer **must** speak to someone. Messages or faxes are not acceptable to meet the reporting requirement.

## APPENDIX B – DRUG- AND ALCOHOL-FREE WORKPLACE DEFINITIONS

Definitions of terms used throughout this policy:

- a. *Accident* means an occurrence associated with the operation of a vehicle or equipment, if, as a result:
  1. A person dies.
  2. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident.
  3. An employee receives a citation, within eight hours of the occurrence under state or local laws, for a moving traffic violation arising from the accident, if the accident involved:
    - (a) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident.
    - (b) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
  4. Covered employees involved in covered functions regulated by the Pipeline and Hazardous Materials Safety Administration (PHMSA) who cannot be discounted as a contributing factor to an accident or incident involving any of the above, as well as:
    - (a) Explosion or fire.
    - (b) Release of five gallons or more of hazardous liquid or carbon dioxide.
    - (c) Estimated property damage exceeding \$50,000.
  5. The employer could reasonably believe that employee drug or alcohol use could have contributed to an incident.
- b. *Actual knowledge* is defined by 49 CFR 382.107. Actual knowledge by an employer that a driver has used alcohol or controlled substances based on the employer's direct observation of the employee, information provided by the driver's previous employers, a traffic citation for driving a commercial motor vehicle (CMV) while under the influence of alcohol or controlled substances, or an employee's admission of alcohol or controlled substance use, except as provided in §382.121. Direct observation as used in this definition means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing under §382.307. As used in this section, "traffic citation" means a ticket, complaint, or other document charging driving a CMV while under the influence of alcohol or controlled substances.
- c. *Adulterated specimen* is a specimen that contains a substance that is not expected to be present in human urine or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

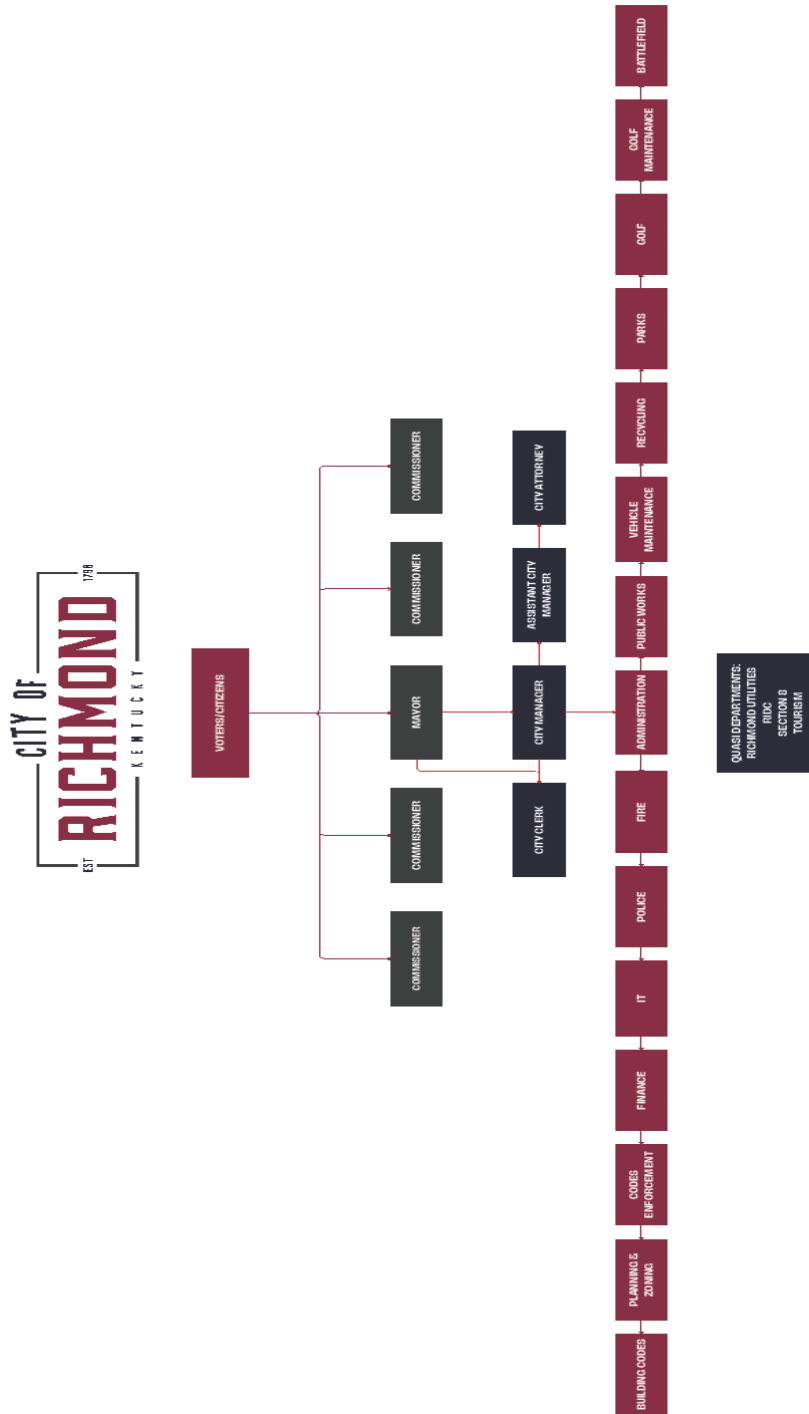
- d. *Alcohol* means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food preparation, or medication.
- e. *Alcohol concentration* is expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath testing device or in blood alcohol content (BAC) when required for post-accident testing.
- f. *Canceled test* is a drug test that has been declared invalid by a medical review officer. A canceled test is neither positive nor negative.
- g. *Consortium* means an entity which may involve varied pools of employers and their employees, established to provide cost-effective services to employees to help the employers comply with the drug-free workplace program requirements.
- h. *Department of Transportation (DOT)* is the department of the federal government which includes the U.S. Coast Guard (USCG), Federal Transit Administration (FTA), Federal Railroad Administration (FRA), Federal Highway Administration (FHWA), Federal Motor Carrier Safety Administration (FMCSA), Research and Special Programs, and the Office of the Secretary of Transportation.
- i. *Dilute specimen* is a specimen with creatinine and specific gravity values that are lower than expected for human urine.
- j. *Disabling damage* means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated. This does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors, or windshield wipers that makes them inoperative.
- k. *Employee* is defined in KRS 342.640 as every person in the service of the city under any contract of hire, express or implied, and every official or officer of those entities, whether elected or appointed, while performing their official duties; every person who is a member of a volunteer ambulance service, fire department, or police department; and every person who is a regularly enrolled volunteer member or trainee of an emergency management agency as established under KRS Chapters 39A to 39E.
- l. *Employee Assistance Program (EAP)* means an established program providing:
  - 1. Professional assessment of employee personal concerns.
  - 2. Confidential and timely services to identify employee alcohol or drug abuse.
  - 3. Referral of employees for appropriate diagnosis, treatment, and assistance regarding employee alcohol or substance abuse.
  - 4. Follow-up services for employees who participate in a drug or alcohol rehabilitation program and are recommended for monitoring after returning to work.
- m. *Evidentiary Breath Testing Device (EBT)* is a device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations. Approved devices are listed on the NHTSA-conforming products list.

- n. *Federally regulated employees (FRE)* are those designated in DOT regulations as safety-sensitive employees and include those regulated by the Federal Aviation Administration (FAA) (aviation), Federal Motor Carrier Safety Administration (FMCSA) (commercial motor carriers), Pipeline and Hazardous Materials Safety Administration (PHMSA) (gas pipeline), and Federal Transit Administration (FTA) (transit). These employees include anyone with a commercial driver's license (CDL) or mechanics who work on CDL vehicles.
- o. *Heightened Safety-Awareness Level (HSAL) (safety-sensitive) positions* are those positions involving special, dangerous, and skilled activities, and those that would involve exceptional duty to community citizens in the area of public safety.
- p. *Medical Review Officer (MRO)* means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with their medical history, and any other relevant biomedical information.
- q. *Negative dilute* is a drug test result which is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine.
- r. *Negative test result* for a drug test means a verified presence of the identified drug or its metabolite below the minimum levels specified in 49 CFR Part 40, as amended. An alcohol concentration of less than 0.02 BAC is a negative test result.
- s. *Non-negative test result* is a test result found to be adulterated, substituted, invalid, or positive for drug/drug metabolites.
- t. *Performing a safety-sensitive function* includes any period in which an employee is actually performing, ready to perform, or immediately available to perform such functions.
- u. *Positive test result* for a drug test means a verified presence of the identified drug or its metabolite at or above the minimum levels specified in 49 CFR Part 40, as amended. In addition, the claimed use of cannabidiol (CBD) products will not be considered a medical excuse for a positive marijuana test. A positive alcohol test result means a confirmed alcohol concentration of 0.04 BAC or greater.
- v. *Prohibited drug* means CBD/tetrahydrocannabinol (THC), cocaine, opiates, amphetamines, or phencyclidine at levels above the minimum thresholds specified in 49 CFR Part 40, as amended. In addition, the city tests for benzodiazepines, propoxyphene, methaqualone, methadone, barbiturates, synthetic narcotics, illicit substances, and volatile substances as defined by KRS 217.900, KRS 218A.010, 803 KAR 25:280, and 902 KAR 55, as amended.
- w. *Rehabilitation program* means a service provider that provides confidential, timely, and expert identification, assessment, treatment, and resolution of employee drug or alcohol abuse and may include inpatient or outpatient programs, as well as the EAP.
- x. *Safety-sensitive functions* include:
  1. The operation of a vehicle by an employee when the operation of the vehicle requires the driver to hold a CDL.
  2. Maintaining a CDL vehicle or equipment used in repair of CDL vehicles.
  3. Operating a transportation vehicle as defined by the FTA.
  4. Maintaining transportation vehicles as defined by the FTA.

5. Operating, maintenance, or emergency-response functions on a pipeline regulated by 49 CFR Part 199 and 807 KAR 5:022.
  6. The essential functions of actions performed by employees are considered to establish heightened safety-awareness level (HSAL) positions.
- y. *Substance* means drugs or alcohol.
- z. *Substance Abuse Professional (SAP)* means a licensed physician (medical doctor or doctor of osteopathy), licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse) with knowledge of and clinical experience in the diagnosis and treatment of drug- and alcohol-related disorders.
- aa. *Substituted specimen* means a specimen with creatinine and specific gravity value that is so diminished that it is not consistent with normal human urine.
- bb. *Test refusal* includes but is not limited to when an employee does any of the following:
1. Fails to appear for any drug or alcohol test (except a pre-employment test) within a reasonable time, as determined by the employer, consistently with any applicable DOT agency regulations after being directed to do so by the employer.
  2. Fails to remain at the testing site prior to the commencement of the test and until the testing process is complete provided that an employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test.
  3. Fails to provide a urine, saliva/breath, or blood specimen for any drug or alcohol test required by regulations or this policy.
  4. Fails to permit the observation or monitoring of the employee's provision of a specimen in the case of a directly observed or monitored collection in a drug test.
  5. Fails to provide a sufficient amount of urine or breath when directed and it has been determined through a required medical evaluation that there was no adequate medical explanation for the failure.
  6. Fails or declines to take an additional drug or alcohol test the employer or collector has directed the employee to take.
  7. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process or as directed by the DER. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment. If there was no contingent offer of employment, the MRO will cancel the test.
  8. Fails to cooperate with any part of the testing process, e.g., refuses to empty pockets when directed by the collector, behaves in a confrontational way that disrupts the collection process, and/or fails to wash hands after being directed to do so by the collector.
  9. Reported by the MRO as having a verified adulterated or substituted specimen.

- cc. *Verified negative test* means a drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (HHS).
- dd. *Verified positive test* means a drug test result reviewed by an MRO and determined to have evidence of prohibited drug use above the minimum cutoff levels specified in 49 CFR Part 40, as revised.
- ee. *Validity testing* is the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

# APPENDIX C – ORGANIZATIONAL CHART



# HR FORM 01 – HANDBOOK ACKNOWLEDGMENT

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

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

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

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

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Employee Printed Name

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Employee Signature

---

Date

## HR FORM 02 – JOB DESCRIPTION REVIEW AND ACKNOWLEDGMENT

	Supervisor	Employee
Discussed essential job functions.	_____	_____
Discussed additional job duties.	_____	_____
Discussed physical requirements.	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**I certify** that I have received a copy of the job description for my position as \_\_\_\_\_ and have read and fully understand the requirements and expectations. I have discussed the contents of the job description with \_\_\_\_\_ and have had an opportunity to ask my supervisor or the management personnel questions. I further certify that I have the ability to meet the job requirements, including the physical requirements.

\_\_\_\_\_  
Employee Printed Name

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor Printed Name

\_\_\_\_\_  
Supervisor Signature

\_\_\_\_\_  
Date

**HR FORM 03 – DRIVER’S LICENSE BACKGROUND CHECK RELEASE**  
**CONFIDENTIAL**

Based on the fact that I will need to drive a city-owned vehicle or my own vehicle on city business, I, \_\_\_\_\_, give the City of Richmond my permission to conduct a driver’s license background check using my name and personal information.

**I understand** the information given and received will be kept confidential and may affect the offer of employment. I also understand that if hired, a driver’s license background check will be done on a yearly basis for as long as driving a vehicle on city business is a part of my job duties.

Full Name \_\_\_\_\_

Maiden Name (if applicable) \_\_\_\_\_

Other Former Names (list all) \_\_\_\_\_

Birthday (MM/DD/YYYY) \_\_\_/\_\_\_/\_\_\_ Social Security Number \_\_\_-\_\_\_-\_\_\_

Driver’s License Number \_\_\_\_\_ Issuing State \_\_\_\_\_

\_\_\_\_\_  
Applicant Signature Date

# **HR FORM 04 – DRUG- AND ALCOHOL-FREE WORKPLACE ACKNOWLEDGMENT**

- (1) The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited within the workplace of the City of Richmond.
- (2) An employee found to be abusing drugs, but not convicted of any drug statute violation, will be subject to appropriate disciplinary action, up to and including termination or be required to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes. The employer is not required to pay for this rehabilitation.
- (3) Each employee is required as a condition of employment to abide by the terms of paragraph (1) of this acknowledgment and notify the employer of any criminal drug conviction for a violation occurring in the workplace no later than five days after such conviction.
- (4) The city will, within 30 days after receiving notice from an employee of a conviction pursuant to paragraph (3), take appropriate disciplinary action against such employee, up to and including termination.
- (5) The city also assures to make a good faith effort to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), and (4).

## **CERTIFICATION AND ACKNOWLEDGEMENT**

I, \_\_\_\_\_do hereby certify that I have read and understand the City of Richmond 's Drug- and Alcohol-Free Workplace Policy and have received a copy of the aforementioned policy.

Employee Signature \_\_\_\_\_

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

Date \_\_\_\_\_

# HR FORM 05 – AGREEMENT TO ACCEPT COMPENSATORY TIME OFF IN LIEU OF OVERTIME PAY

**I understand** that, in accordance with the provisions of the Fair Labor Standards Act and KRS 337.285, nonexempt employees are allowed, with the approval of their department director, to accrue compensatory time off work instead of receiving payment for overtime hours worked.

**I voluntarily agree** ahead of time to accept compensatory time off in lieu of overtime pay for any overtime hours which I will work from \_\_\_\_\_(date) to \_\_\_\_\_(date). I understand that I will accrue compensatory time at the rate of one and a half hours for each overtime hour which will be worked during this period. I understand that this compensatory time will not be counted as time worked for purposes of computing overtime or additional compensatory time.

**I further understand** that compensatory time may be accrued up to 100 hours for nonpublic safety and exempt employees OR 200 hours for public safety employees and must be used or paid in accordance with city policy and the law. I understand that I may use the compensatory time within a reasonable period after making the request to use the time if the use of the compensatory time does not unduly disrupt the operations of the employer. I also understand that the city can require me to take compensatory time off in order to manage the accrual limitation. In addition, I understand that it is the sole responsibility of this department to monitor and maintain records of my accrued and used compensatory time.

**I understand** that if I were to resign or be terminated from this position, to be transferred from this department, or be promoted into an exempt position within this department, this department is responsible for arranging for me to use, or to be paid, the balance of my accrued compensatory time at a rate of compensation not less than the average rate received by the employee during the last three years or the final regular rate received by the employee, whichever is higher.

**I understand** that this agreement is only in effect for the specific date or dates cited above.

Employee

Employee Printed Name \_\_\_\_\_ Title \_\_\_\_\_

Employee Signature \_\_\_\_\_ Department \_\_\_\_\_ Date \_\_\_\_\_

Department Director Approval

Department Director Printed Name \_\_\_\_\_ Title \_\_\_\_\_

Department Director Signature \_\_\_\_\_ Department \_\_\_\_\_ Date \_\_\_\_\_

**HR FORM 06 – VOLUNTEER TIME OFF/BLOOD DONATION  
REQUEST**

Date of Request \_\_\_\_\_

Employee Name \_\_\_\_\_

Charitable Organization/Blood Center Information

Name \_\_\_\_\_

Address \_\_\_\_\_

Website \_\_\_\_\_

Date(s) and time(s) of requested leave.

\_\_\_\_\_

Total number of hours requested (not to exceed eight hours per calendar year). \_\_\_\_\_

Description of volunteer activity you would like to do within Madison County OR indicate if  
this is for blood donation.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

Department Director Signature \_\_\_\_\_ Date Received \_\_\_\_\_

SUBMIT COMPLETED AND APPROVED FORM TO HUMAN RESOURCES.

# HR FORM 07 – FMLA LEAVE REQUEST

I, \_\_\_\_\_, request to be placed on the city's Family and Medical Leave of Absence in regard to the following:

Reason for Leave of Absence

- The birth of a child or placement of a child with me for adoption or foster care.
- My own serious health condition.
- Because I need to care for my  spouse  child  parent due to their own serious health condition.
- Because of a qualifying exigency arising out of the fact that my spouse, son, daughter, or parent is on active duty status in support of a contingency operation as a member of the National Guard or Reserves.
- Because I am the  spouse  son  daughter  parent  next of kin of a covered service member with a serious injury or illness.

Family and Medical Leave Start Date \_\_\_\_\_

Family and Medical Leave End Date \_\_\_\_\_

Request for Intermittent Family Medical Leave or reduced work schedule, including duration (cannot be used for birth of a child, placement of a child for adoption, or foster care).

\_\_\_\_\_  
\_\_\_\_\_

**I understand** that I must first use all my personal, vacation and compensatory time, and accrued sick leave.

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

Department Head Approval \_\_\_\_\_ Date \_\_\_\_\_

# HR FORM 08 – FMLA MEDICAL UPDATE

For Completion by the HEALTH CARE PROVIDER

Employee Name \_\_\_\_\_

**INSTRUCTIONS to the HEALTHCARE PROVIDER:** The employee listed above is either your patient or is requesting continuation of leave under FMLA to care for your patient. Based on the attached original Medical Certification for FMLA please advise as to any changes since the last certification was filled out by you. Answer, fully and completely, all applicable changes. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as “lifetime,” “unknown,” or “indeterminate” may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee or employee’s family member is seeking continued leave. Please be sure to sign the form on the last page.

Provider’s Name and Business Address \_\_\_\_\_

Type of Practice/Medical Specialty \_\_\_\_\_

Telephone ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_

### CHANGES IN MEDICAL CERTIFICATION

Identify the question number in the original certification with your response.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_  
Healthcare Provider Signature

\_\_\_\_\_  
Date

**PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT**

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 CFR § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210. **DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR. RETURN TO THE PATIENT.**

# HR FORM 09 – FMLA MEDICAL RELEASE RETURN-TO-WORK

(To be completed by health care provider.)

Page 1 of 2

Due Date of Form \_\_\_\_\_

Employee Name \_\_\_\_\_

Position \_\_\_\_\_

Department \_\_\_\_\_

**NOTE TO THE EMPLOYEE:** It is the responsibility of the employee to have their treating physician(s) complete this form. It is the responsibility of the employee to ensure that the form is returned to the human resource department by \_\_\_\_\_.

## Healthcare Provider Instructions

Complete this section by marking the applicable statements, providing the requested information, and signing and dating where indicated. You may provide comments on a separate sheet if you need additional space. Please review the attached list of essential job functions in answering the following questions.

1. Please review the attached list of essential job functions. Is the employee currently able to perform the essential function of their job?

Yes  Yes, with restrictions and/or accommodations.  No

2. In reviewing the list of essential functions of the employee’s job, list any medically necessary restrictions that the employee has in returning to active employment.

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3. Are the medically necessary restrictions permanent or temporary? If temporary, please describe an anticipated timeline for the employee to reach maximum medical improvement.

Permanent     Temporary

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4. If the medical condition of the employee will change over time, please describe these changes as they relate the capability of the employee to perform the essential functions of their job.

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5. Is there other information related to work that the city should be aware of that would assist the employee in a successful return to active employment?

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Name of Healthcare Provider \_\_\_\_\_

Specialty

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Address \_\_\_\_\_

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Healthcare Provider Signature \_\_\_\_\_

Date \_\_\_\_\_

# HR FORM 10 – TRAVEL, MEETING, AND TRAINING REQUEST

*This form is to be filled out prior to the event.*

Name \_\_\_\_\_

Supervisor Approval \_\_\_\_\_ City Manager Approval \_\_\_\_\_

Department \_\_\_\_\_

Meeting Title \_\_\_\_\_ Meeting Date \_\_\_\_\_

Meeting Location \_\_\_\_\_

Reason for Attendance \_\_\_\_\_ Estimated Cost \_\_\_\_\_

Name of Spouse/Guest Attending \_\_\_\_\_  
(The city will not pay for spouse attendance.)

Does spouse/guest need to be registered for the conference?  Yes  No

Special Requirements \_\_\_\_\_

Hotel Request  Yes  Will make own reservations. (Must have city manager approval on file.)  No

Hotel Other than Conference Hotel \_\_\_\_\_

Arrival Date \_\_\_\_\_ Departure Date \_\_\_\_\_

Choice of Accommodation  Single  Double  King Bed  Smoking  Non-Smoking

Guaranteed to city credit card; spouse/guest to pay own charges. The city will cover room and tax only; however, this must be requested at least five days prior to departure.

Travel Request

Flight Request  Yes  Will make own reservations. (Must have city manager on file.)  No

From (city/time) \_\_\_\_\_ To (city/time) \_\_\_\_\_

Car Rental  Yes (Must have city manager approval on file.)  No

# HR FORM 11 – COMPLAINT FORM

## Employee Information

Name \_\_\_\_\_ Job Title \_\_\_\_\_

## Complaint Information

Date of Occurrence \_\_\_\_\_

Have you discussed this issue with your supervisor?  Yes  No

Date(s) of Discussion \_\_\_\_\_ Supervisor's Name \_\_\_\_\_

Issue of Complaint List specific problem(s)/issue(s).

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For clarification of the issues of your complaint, please provide statements regarding the unfavorable employment condition which is the subject of this complaint. Describe what happened, when and where this occurred, how your employment has been affected, and indicate names of others involved or who may have witnessed the incident. Attach any supporting documentation.

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List of persons with knowledge of problem.

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My signature indicates that the information contained on this form and attachments to this form are true and factual to the best of my knowledge.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Clerk Signature

\_\_\_\_\_  
Date Received

\_\_\_\_\_  
City Manager Signature

\_\_\_\_\_  
Date Received

# HR FORM 12– EXPENSE REPORT

Name \_\_\_\_\_

Department \_\_\_\_\_

Meeting Title \_\_\_\_\_ Meeting Date \_\_\_\_\_

Meeting Location \_\_\_\_\_

Reason for Attendance \_\_\_\_\_

Expense Reimbursement Advance Request  Yes  No Date Submitted \_\_\_\_\_

Mileage Request  Yes, I used my privately owned vehicle.  No, I used a city-owned vehicle.

Date	Number of Miles	Reason for Travel

Total Miles \_\_\_\_\_ x IRS Mileage Rate = Total Reimbursement Requested \$ \_\_\_\_\_

Per Diem Request  Yes, *with* overnight stay.  Yes, *no* overnight stay.  No

Was a conference agenda provided?  Yes. If yes, attach a copy to the request.  No

Total Reimbursement Requested (use [www.gsa.gov](http://www.gsa.gov) to calculate below.) \$ \_\_\_\_\_

- Breakfast      # of meals \_\_\_\_\_ = \$ \_\_\_\_\_
- Lunch            # of meals \_\_\_\_\_ = \$ \_\_\_\_\_
- Dinner           # of meals \_\_\_\_\_ = \$ \_\_\_\_\_

Other Expense Request: Attach all itemized receipts and note reason for expense below.

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**I attest** the above accurately reflects actual expenses incurred on behalf of the city.

Employee Signature \_\_\_\_\_

Date \_\_\_\_\_

# HR FORM 13 – MISSING RECEIPT AFFIDAVIT

*Use with purchasing card for purchases and travel expense transactions.*

## USE ONE AFFIDAVIT FOR EACH MISSING RECEIPT

I \_\_\_\_\_ have either not received or have misplaced a receipt totaling \_\_\_\_\_. This expense was incurred on behalf of the city. This form is submitted in lieu of the original receipt.

Reference Number \_\_\_\_\_ Transaction Date \_\_\_\_\_

Vendor \_\_\_\_\_

Detailed Explanation

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**I certify** that the amounts shown above were expended for city business purposes.

\_\_\_\_\_  
Employee/Officer Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approving Official Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approving Official Signature



# HR FORM 15 – CONTINUOUS FEEDBACK

Employee \_\_\_\_\_

Department \_\_\_\_\_ Supervisor \_\_\_\_\_

Goals (\_\_\_/\_\_\_/\_\_\_)

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Date	Discussion Notes
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

# HR FORM 16 – OUTSIDE EMPLOYMENT REQUEST

Please be advised of my intention to engage in work outside the City of Richmond. The employer, type of work I will be doing, and the work hours are as follows:

(1) Prospective Employer \_\_\_\_\_

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

(2) Type of work that I will be doing. Explain in detail.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(3) Work schedule. Include the hours to be worked and the period of time you will be keeping the job. If you do not know, please state that below.

Hours \_\_\_\_\_

Days \_\_\_\_\_

Period of Employment \_\_\_\_\_

(4)

(5) I am not presently involved in any job task or responsibility that may create a potential conflict of interest with the outside employer listed above. I agree that if in the future my job duties create an actual or perceived conflict, I will immediately notify the city and the Ethics Board and take steps to avoid any conflict of interest.

Employee Printed Name \_\_\_\_\_ Job Title \_\_\_\_\_

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

.....  
I, \_\_\_\_\_, department director for \_\_\_\_\_  
have reviewed the employee's job duties and assignments as to whether there is actual or perceived  
conflict.

Recommend

Not Recommended

Reason/Comment \_\_\_\_\_  
\_\_\_\_\_

Supervisor \_\_\_\_\_ Date \_\_\_\_\_

.....  
I have reviewed the employee's job duties and assignments as to whether there is actual or perceived  
conflict.

Recommend

Not Recommended

Reason/Comment \_\_\_\_\_  
\_\_\_\_\_

City Manager \_\_\_\_\_ Date \_\_\_\_\_  
.....

# HR FORM 17 – ACTIVE-DUTY MILITARY LEAVE NOTIFICATION

Name \_\_\_\_\_ Date \_\_\_\_\_

Department \_\_\_\_\_

Date of Leave \_\_\_\_\_ Approximate Date of Return \_\_\_\_\_

Do you wish to receive payment of your normal wages for up to 21 calendar days?

Yes  No

If leave is expected to extend beyond your paid leave, do you wish to continue your voluntary benefits?

Yes  No

If yes, please list the benefit and amount below.

(Examples: FSA, Life Insurance, Family Health Insurance, United Way Payroll Deductions)

Benefit	Amount
_____	_____
_____	_____
_____	_____

You will need to indicate how you would like to pay your premium(s) and or contributions below.

\_\_\_\_\_ Monthly \_\_\_\_\_ Quarterly \_\_\_\_\_ Annually

Payments are due as follows. \_\_\_\_\_  
\_\_\_\_\_

If payments are not made as indicated, you are subject to losing coverage and or benefits.

Written order attached?  Yes  No

NOTE: You are not required to provide written orders until you have been on leave more than 30 days. Once you have exceeded 30 days you will need to submit a copy of your orders to the city to ensure your eligibility under the Uniformed Services Employments and Reemployment Rights Act (USERRA).

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

Supervisor Signature \_\_\_\_\_ Date \_\_\_\_\_

City Manager Signature \_\_\_\_\_ Date \_\_\_\_\_

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Office Use Only

Date Received \_\_\_\_\_ Copy to Payroll \_\_\_\_\_ Copy of Orders \_\_\_\_\_