

CITY OF CLAXTON PERSONNEL POLICY

REVISED, UPDATED

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ADOPTED DATE:

June 18, 2018

PREFACE

This Personnel Policy and Procedures Manual covers most situations relating to employment with the City of Claxton, however, it is impossible to cover all questions which may arise.

It should be noted that these Policies and Procedures are subject to change at any time.

It is further noted that this Manual of Policies and Procedures is in no way to be considered an employment contract.

City of Claxton
Personnel Policies Manual
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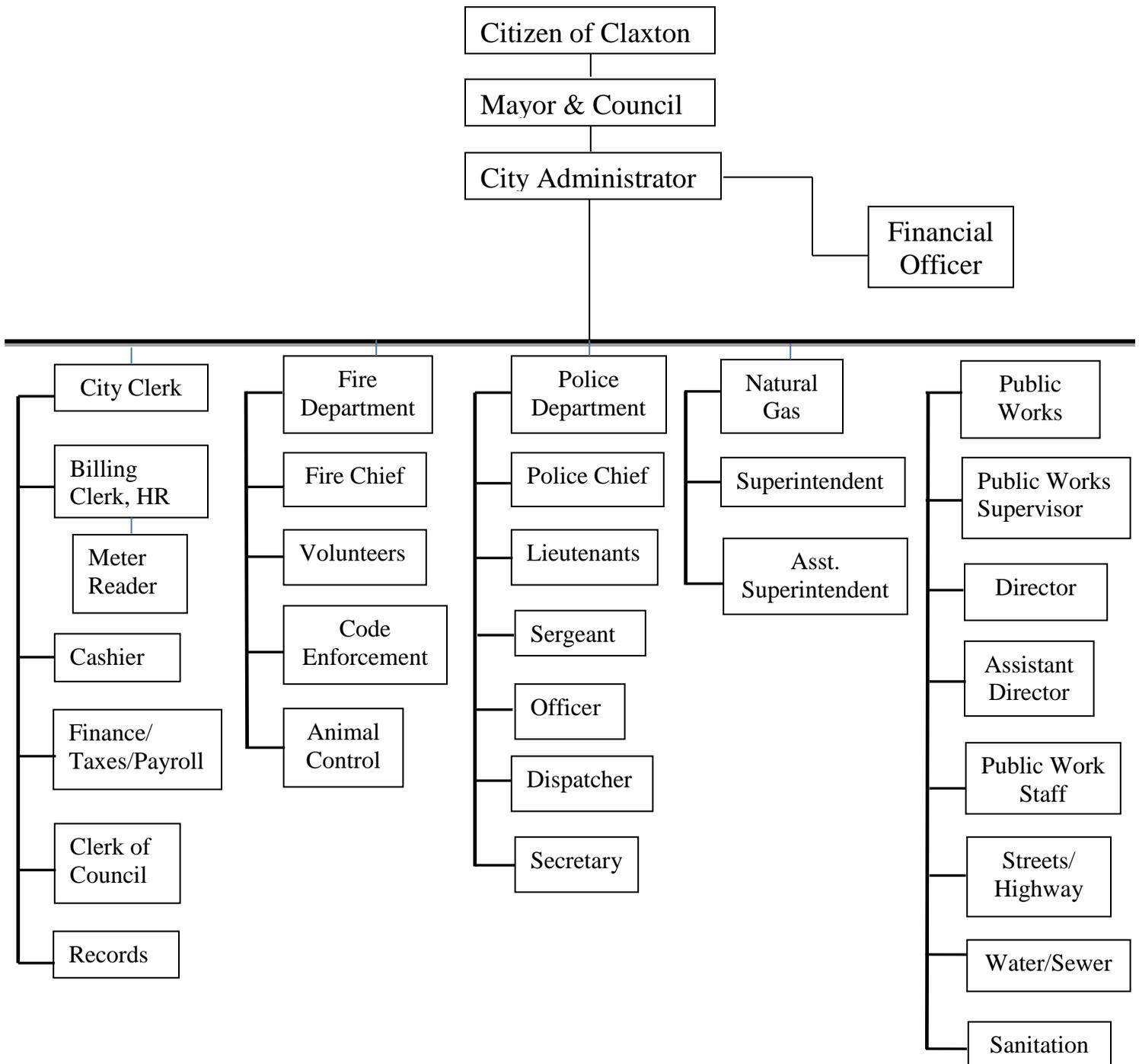
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Organization Chart



DEFINITIONS

Intro: For the purpose of these policies and procedures, the following terms shall have the meanings respectively ascribed to them below, unless another meaning is specifically indicated.

Adverse Action - An action taken against a permanent employee, by the appointing authority or designee, for cause that result in a suspension without pay, salary reduction, demotion, or dismissal.

Appeal - The right of an employee to be heard on any decision relative to any disciplinary action, dismissal, or demotion, etc.

Classified Service - The classified service consists of all positions included in the classification and pay plan with the exception of those positions specifically excluded by the Mayor and City Council.

Classification and Pay Plan - The system of assigning jobs to classes and to appropriate pay grades based on the similarities of positions.

Demotion - Demotion means a change in the rank of an employee from a position in one class to a position in another class having a lower minimum starting salary and less discretion and/or responsibility.

Dismissal - The termination of a regular employee for just cause.

Eligible - A person who has made a passing score on any examination required under these regulations and who has qualified to be employed by the city.

Employee - A person appointed to a position in the city government for which he or she is compensated on a full-time or part-time basis.

Full Time Regular Employee – A full-time regular employee shall be one appointed to a position to work not less than forty (40) hours per week on a continuing (indefinite) basis, has completed the probationary period and is receiving full benefits.

Grievance - The right of an employee to be heard on matters of discrimination, unfair procedures, practices or other grievances of such person in the manner prescribed in these policies and procedures.

Lay off - The separation of an employee from the classified service due to lack of work, lack of funds, abolishment of the position or for other material changes in duties

or organization.

Merit Increase – An increase in pay based on an employee’s job performance.

Overtime – Time worked in excess of the regular work schedule for the position in accordance with the Fair Labor Standard Acts

Performance Evaluation – A method of evaluating each employee on a periodic basis as to his or her performance on the job

Probationary Period – A period of time, usually six (6) months, during which a new employee or an employee who has been promoted to a higher position or transferred to a different class is being tested on job capability and performance.

Promotion – A change in rank of an employee from a position in one class to a position in another class having a higher minimum salary and carrying a greater scope of discretion and responsibility.

Reprimand – A reprimand is a formal means of communication to an employee that a problem exists and that it must be corrected.

Resignation – The termination of an employee at the employee’s request

Salary Increase – An increase in salary within the salary range prescribed for the class by classification and pay plan

Suspension – An enforced leave of absence for either a disciplinary purpose or a pending investigation of charges against an employee

Temporary Employee – An employee appointed to a position with no guaranteed employment continuation and receiving no benefits. Temporary appointments are not to exceed six (6) months.

**MAYOR AND COUNCIL
OF THE CITY OF CLAXTON, GEORGIA**

PERSONNEL POLICY

BE IT RESOLVED BY THE MAYOR AND COUNCIL, of the City of Claxton, Georgia, that the following personnel policies shall govern the appointment, salary, promotion, demotion, dismissal, and conditions of employment of the employees of the City of Claxton, Georgia.

ARTICLE I. THE PERSONNEL SYSTEM

Section 1. Immigration Law Compliance: The City of Claxton is committed to compliance with federal and State laws requiring that the City only hires workers who are lawfully entitled to work in the United States (U.S. citizens or nationals and non-citizens with valid work authorization) without discrimination. As such, the City participates in the E-Verify Program established by the Department of Homeland Security and the Social Security Administration to aid employers in verifying the employment eligibility of all newly-hired employees. Our participation in the E-Verify Program does not exempt us from the obligation to obtain a complete Form 1-9 from every person we hire.

For additional information on the E-Verify program contact:

Department of Homeland Security

USCIS/E-Verify Program

Internet: www.uscis.gov

EM Mail: e-verify@DHS.gov Phone: (888) 464-4218

In compliance with the Georgia Security & Immigration Compliance Act of 2006, as amended on May 11, 2009, the public is hereby notified that the City of Claxton has been registered with E-Verify since 10/25/11. The City's E-Verify Registration number (Company ID#) is 511300.

Section 2. Merit Principles: The personnel system herein established shall be consistent with merit principles so as to assure:

1. Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge and skills, including open consideration of qualified applicants for initial appointment;
2. Providing equitable and adequate compensation;
3. Training employees, as needed, to assure high-quality performance;
4. Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;
5. Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, or religious creed and with proper regard for their privacy and constitutional rights as citizens, and
6. Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office as stipulated in the Act.

Section 3. Responsibility of City of Administrator: The City Administrator shall have the responsibility for the personnel system as set forth in this policy. The City Administrator:

1. Shall serve as Personnel Director and be responsible for effective personnel administration.
2. May appoint an employee to serve as Personnel Officer and such other employees to assist in the preparation and maintenance of the position classification plan and the pay plan, and perform such other duties in connection with a modern personnel system as the City Administrator shall require.
3. Appoint, remove, suspend, and discipline all officers and employees subject to the policies established under this Policy; or he may, at his discretion, authorize the head of the department or office to appoint and remove employees of such departments and offices.
4. Fix and establish the number of employees in various city departments and offices and determine the duties and compensation in accordance with the city's classification and pay plans and policies established under this policy and subject to budget limitations.
5. Perform such other duties and exercise such other powers in personnel administration as may be prescribed by law and this policy.

Section 4. Personnel Officer: The Personnel Officer position may be a full-time or a combination of duties position as deemed advisable by the City Administrator. If

the City Administrator elects to serve as Personnel Officer, he may assign other employees to assist in the maintenance of the personnel system as needed. All matters dealing with personnel shall be routed through the Personnel Officer who shall maintain a complete system of personnel files and records.

Section 5. Employees Subject to Policy: The provisions of this policy shall apply to all full-time regular employees except that in the case of the City Administrator and the position is not classified (non-graded) and those rules and procedures which are in conflict with provisions of the Charter and the City of Claxton, Georgia, shall not apply.

Part-time and temporary employees shall be covered by all provisions except those relating to probationary and regular employee status, step increases, and appeals (although disciplinary actions shall be only for cause as stated in the Personnel Policy), and shall be eligible for only those fringe benefits specifically identified in the Personnel Policy.

The following shall be exempt from the provisions of this Policy: The Mayor and City Council Members and other elected positions; members of authorities, boards, commissions, and committees appointed by the Mayor and Council or the City Administrator; the City Municipal Judge, and Attorney.

ARTICLE II, THE CLASSIFICATION PLAN

Section 1. Coverage of the Classification Plan: The attached position classification plan shall be the classification plan of the City of Claxton. This classification plan shall include all regular classes of positions except those exempted in Article I, Section 4.

Section 2. Allocation of Positions: The City Administrator shall allocate each position covered by the classification plan to its appropriate class in the position classification plan.

Section 3. Administration and Maintenance of Classification Plan: The City Administrator shall be responsible for the administration and maintenance of the position classification plan. Department heads shall be responsible for bringing to the attention of the City Administrator:

1. The need for new positions;
2. Material changes in the nature of duties, responsibilities, working conditions, or other factors affecting the classification of any existing position.

Following the receipt of such information concerning any existing or proposed position, the City Administrator shall restudy the position.

New positions shall be established only with the approval of the Mayor and Council, after which the City Administrator shall either (a) allocate the new position to the appropriate class within the existing classification plan, or (b) recommend that the Mayor and Council amend the position classification plan to establish a new class to which the new position may be allocated.

Section 4. Amendment of Classification Plan: Classes of positions shall be added to and deleted from the position classification plan upon the recommendation of the City Administrator and with approval of the Mayor and Council.

ARTICLE III THE SALARY PLAN

Section 1. Coverage of Salary Plan: The attached "Schedule of Salary Ranges" and "Schedule of Pay Allocations" shall be the salary plan of the City of Claxton. The salary plan shall include all regular classes of positions included in the classification plan.

Step 1 of each pay grade shall be considered the prevailing wage or standard rate upon which subsequent step increases are based as provided in this Policy. Step 1 to 16 represents sixteen increments of 2-1/2% each or a total range of 37.5% above Step 1.

Section 2. Administration and Maintenance of the Salary Plan: The City administrator shall be responsible for the administration and maintenance of the salary plan. Each year, prior to the preparation of the annual budget, the Personnel Officer shall secure information concerning the general level of salaries paid and fringe benefits provided in private industry in the area, the salaries paid and fringe benefits in comparable municipal, county and state employees, and any change in the cost of living in the area during the fiscal year. The Personnel Officer shall conduct continuing studies of the internal relationships between classes in order to reduce or eliminate inequities between classes of positions. Based on the studies and recommendations of the Personnel Officer and the general financial condition of the City, the City Administrator shall recommend to the Mayor and Council such increases, reductions, or amendments of the salary plan as he deems necessary to maintain the fairness and adequacy of the salary plan.

Section 3. Transition to New Salary Plan: The following four principles shall govern the transition to a new salary plan:

1. No employee shall receive a salary reduction as a result of the transition to a new salary plan.
2. All employees being paid at a lower rate than the minimum rate established for their respective classes shall have their salaries raised at least to the new minimum for their classes.
3. All employees being paid at a rate below the maximum rate established for their respective classes shall be paid at a rate listed in the salary schedule; all employees not at a listed rate shall have their salaries raised to a listed rate.
4. All employees being paid at a rate above the maximum rate established for their respective classes shall remain at their present salaries as long as the maximum rate is below the employees' present salaries.

Section 4. Payment Listed Rate: All employees covered by the salary plan shall be paid at a listed rate within the salary ranges established for their respective job classifications except employees in a "trainee" status, or employees whose present salaries are above the established maximum rate following transition to a new pay plan.

Section 5. Entrance at the Minimum: Each new employee shall be appointed at the minimum salary which has been established for the classification in which he/she is employed (Step 1) except:

1. If the new employee does not meet the minimum requirements of the position and qualified applicants for the position are not available, the City Administrator may designate the employee as a "trainee" to be appointed at a salary below the minimum.
2. When the City Administrator shall determine that there has been a demonstrated inability to recruit at the minimum salary.
3. When the applicant possesses exceptional qualifications, the Administrator may authorize the employment of an applicant at a higher rate than the minimum in the salary range.

Section 6. Salary of Trainee: A new employee who does not meet all of the established qualifications for a position may be appointed with the approval of the City Administrator at a "training" salary no more than two (2) steps (5%) below the minimum salary established for the position. The employee shall continue to receive a reduced salary during the probationary period until the department head concerned with the approval of the City Administrator, shall determine that the trainee is qualified to assume the responsibilities of the position, or until the end of the probationary period when the employee is either discharged or moved to a listed rate in the salary range established for the position.

Section 7. Pay Increases: There are two (2) major methods by which employees rates of pay may be increased while they are serving in the same positions and the same pay grades, as follows:

1. **Cost of Living** - Annually, at the beginning of the budget year, the Mayor and Council will consider adjustments to all salaries to compensate for increases in the cost of living. Such increases will change the entire salary schedule by whatever percent or dollar amount the Mayor and Council may decide is necessary.

2. Step Increases - Each pay grade contains 2-1/2% step increases. Each employee covered by this plan shall be eligible for consideration for step increases in accordance with the following rules:
 - a. Probationary Increases - Such employee shall be considered for an increase from Step-1 (entrance rate) to Step-2 of the pay grade to which the position is assigned, upon the completion of six (6) months of satisfactory service. Upon the successful completion of the probationary period, the employee shall be eligible for an increase to Step-2, which shall be considered the prevailing wage or standard rate for the pertinent pay grade. Employees employed initially at higher than the minimum entrance rate (Step-1) shall have the probationary increases of 2-1/2% in accordance with the procedure outline above.
 - b. Merit Increases - Such employee may be considered for a merit increase one (1) year after the completion of the probationary period and annually thereafter. The anniversary date shall be the first day of the pay period following the completion of the probationary period for the position to which the employee is initially appointed or promoted.
 1. Department heads, in determining whether an employee shall be recommended for merit increases, shall review all personnel records, including performance ratings by supervisors, attendance records, citations, and disciplinary actions, giving particular emphasis to evaluation of services rendered. In order to be recommended by the department head the employee's performance evaluations must meet "At Expectations", as well as an attitude reflecting concern for the best interests of the City and for efficient service to its citizens.
 2. The number of merit increases to be awarded may also be dependent upon the amount of money budgeted yearly for such purposes.
 3. Normally a merit increase will consist of one-step (2-1/2%) increase. In the event of outstanding or exceptional performance or achievement, a department head may recommend a two-step increase. However, recommendations for more than a one-step increase must contain specific reasons and examples of performance to support such exceptional recommendations.
 4. All merit increases require the review and approval of the City

Administrator in order to be granted.

Section 8. Salary of Reclassified Employee: An employee whose position is reclassified to a class having a higher pay range shall receive a two-step (5%) salary increase, or an increase to the minimum step of the new salary range, whichever is higher. An employee whose position is reclassified to a class having a lower pay range may remain at the present salary or be reduced to the highest step in the new pay range, whichever is higher.

Section 9. Salary of Promoted Employee: An employee promoted to a position in a class having a higher pay range shall receive at least a two step (5%) salary increase, or an increase to the minimum step of the new salary range, whichever is higher. Upon recommendation of the Department Head and approval of the City Administrator, a promoted employee may be granted an increase of any number of steps that will reflect no larger increase in salary than exists between the pay grades of the old and new positions. If an employee fails to complete successfully the probationary period following promotion, he/she shall be reinstated in his/her former position or in a position in the same class as the former position, if available. Such person may be listed on the reemployment list for the former position.

Section 10. Salary of Transferred Employee: Transfer shall mean lateral reassignment of an employee from one position class to another class with the same salary range. When an employee is transferred, the employee shall be paid at the same step rate he/she received prior to the transfer. Completion of probationary period and schedule merit or cost of living increases shall not be affected by an employee transfer.

Section 11. Salary of Demoted Employee: The salary of an employee demoted to a position in a class with a lower salary range shall be adjusted to the maximum of the new range or to one step below his former salary, whichever is lower. If the demotion is non-disciplinary, the City Administrator may, if the employee's present salary falls with the range of the new position's grade, elect to leave the employee's salary at the same level as the salary prior to demotion.

Section 12. Salary of Part-Time Employees: The pay plan established by this Policy is for full-time employees' service. An employee appointed for less than full-time service shall be paid at a rate determined by converting the established monthly or yearly salary of the position into an hourly rate.

Section 13. Year-End Pay: On or about December 15 of each year, employees **with a satisfactory performance** evaluation will receive a check for 1.0% of their base pay received during the preceding year. Termination of employment prior to

December 15 will void any claim to their year-end pay.

Section 14. Pay Periods: All employees are paid weekly, on Friday. All employees are paid for work completed through Wednesday before each regular pay-day. Federal income tax, state income tax, social security, life and health insurance (for employees who elect to participate) are withheld from employee's payroll checks and itemized on attached stubs.

Section 15. Effective Date of Salary Adjustments: Salary adjustments approved after the first working day of a pay period shall become effective at the beginning of the next pay period or at such specific date as may be provided.

ARTICLE IV APPLICATION, APPOINTMENTS, PROBATIONARY PERIOD PROMOTIONS, SEPARATIONS, REINSTATEMENTS

Section 1. Applicability of Article: Provisions of this article shall be applicable to all employees except those exempted in Article I, Section 4.

Section 2. Recruitment and Application:

1. **Eligibility for Employment:** Individuals shall be recruited for employment with the City from a geographic area as wide as is necessary to obtain a sufficient number of well qualified candidates for various positions. Employment, therefore, shall not necessarily be limited to the residents of Claxton or Evans County; however, when ready access is required for call-back emergencies, employees may be required to live within a prescribed time distance.
2. **Equal Opportunity:** Discrimination in the employment of any person who is an applicant for a position covered by this merit system because of race, creed, color, sex, national origin, or handicapped status is prohibited. It shall be the responsibility of the City Administrator to insure that the City's Equal Employment Opportunity policy is carried out. Any official or employee of the City with information that the provisions of this section have been violated should advise the City Administrator in writing, of such violations.
3. **Notification of Available Positions:** The Personnel Officer shall have prepared recruiting notices to publicize vacancies and to obtain candidates when sufficient applicants are not on the eligible list for vacant positions. Various publicity media shall be used to bring notice of vacancies to as many qualified persons as possible. Job vacancy notices will be posted for all vacancies in all City offices and departments.

4. Method of Making Application: Each applicant for a career position with the City of Claxton shall make application on standard application form available at the City Hall. Applications for employment are normally accepted at any time regardless of whether or not a vacancy has been announced. However, where vacancies are not anticipated in a specific job category within a reasonable period of time (six months), applicants may be asked to fill out a card requesting that they be notified whenever a vacancy occurs, so that a timely application may be made for the position concerned. Each candidate will be requested to designate the type of position or positions for which he/she is making application. Applications will be considered for only those positions for which the applicant applies and will be invalid after six (6) months unless renewed in writing by the applicant.

5. Disqualification of Applicant: The City Administrator shall remove from consideration the application of any applicant who:
 - a. Does not possess the minimum qualifications for the position for which application is made.
 - b. By reference check evidence unsatisfactory employment or personal conduct to a degree so as to demonstrate unsuitability for employment.
 - c. Has made any false statements or practices deception in his/her application.
 - d. Is found to be physically or mentally unqualified for the position for which application is made.
 - e. Does not reply to a mail inquiry within ten days or does not return a telephone inquiry within two days.
 - f. Fails to accept appointment or to report to duty within the time prescribed in an employment offer.
 - g. Has been employed previously by the City and has been removed for cause or did not resign in good standing, and is not recommended for reemployment by the Department Head of the department in which applicant was previously employed.

Section 3. Qualifications and Evaluations: Employees shall meet the employment standards established by the position classification plan and such other reasonable minimum standards as to character, aptitude, ability to meet the public and physical conditions, as may be established by the City Administrator with the advice and recommendations of the department heads, provided, however,

that such minimum standards are necessary for satisfactory job performance and so not discriminate against any person because of race, creed, color, sex, national origin, political affiliation, or handicapped status.

Section 4. Eligibility List: Applicants for employment with the city who are determined to be qualified shall be placed on the eligibility list established by the City Administrator for a specific class or classes of employment. Names of those persons are no longer available for employment may be deleted and names of new applicants may be added to eligible lists by the City Administrator as necessary.

Section 5. Appointments: Whenever a vacancy exists in any position other than City Administrator, applications of all shall be reviewed by the Personnel Officer and forwarded to the department head for his/her review. Whenever the City Administrator judges that sufficient qualified employees exist for promotional openings, applications may be restricted to employees only. The department head shall recommend the person best qualified for the position, stating reasons. After investigating the duties and responsibilities of the position and the qualifications and experience of the recommended applicant, the City Administrator shall accept or reject the applicant and if accepted, shall allocate the position to a proper class in the classification plan and approve the starting salary. Each full-time shall be required to pass a standard medical examination at City expense prior to being placed on the City payroll.

Section 6. Provisional Appointments: The City Administrator may approve a substitute appointment of a City employee to fill temporarily a position with a higher classification. No such substitute appointment shall continue more than six months.

Section 7. Emergency or Temporary Appointments: In order to prevent stoppage of public business or loss or serious inconvenience to the public, appointment of employees on an emergency or temporary basis may be authorized by the City Administrator. Emergency or temporary appointments may not be made for a period to exceed six months, and employees in this status have no guaranteed employment continuation privileges under this plan.

Section 8. Probationary Period:

1. **Purpose:** The probationary or working test period is an integral part of the examination process. It shall be utilized to observe closely the employee's work, to secure the most effective adjustment of the new or promoted employee to his/her position, and the rejection of any employee whose performance does not meet required work standards. Each applicant appointed to a merit system regular position shall serve the designated probationary period prior to obtaining regular status as a merit system employee. Any employee selected

from a reemployment list for a position in the same classification and department as he/she occupied prior to layoff or extended leave will not be required to serve a probationary period.

2. Duration: The probationary period shall be divided into two probationary steps following regular career appointment or promotion. The first shall be for a period of six months, and the second shall be for an additional period of up to six months, the exact time for completion of the probationary period to be recommended by the Department Head (based on the employee's attainment of knowledge and skills deemed necessary for standard performance of the duties of the position) and approval of the City Administrator. Any employee who has failed to complete the probationary period within one year shall be terminated or moved to another position for which he/she may be qualified.
 - a. New Employee Orientation: Each new employee will be given an orientation by the Personnel Officer covering the following:
 - i. Personnel Resolution
 - ii. Pay and Benefit Information
 1. Pay to include when and how raises are given.
 2. Health/Life insurance plan.
 - a. Explain plan and give plan booklet
 - b. Explain employee costs
 3. Retirement Plan
 4. City Tour
 - b. Department Orientation: Each new employee will be given a department orientation by the department head or supervisor cover the following:
 - i. Functions of the department
 - ii. Explanation of the new employee's job
 - iii. Rules of the Department
 - iv. Work Hours
 - v. Explain Probationary Performance Reports
 - vi. Introduce to mentor and explain mentor's function.
 - c. Employee Mentor: Each new employee will be assigned to a member of their department who will function as a mentor. The mentor is to help the employee adjust to the job by explaining the job and giving advice on how to carry out the duties of the job in a proper and safe manner. Mentor is to advise supervisor on status of new employee's strong points and areas that need improvement.
 - d. Probationary Employee Performance Evaluation: Newemployees will

be evaluated each week for the first four weeks of employment. Once four weeks of evaluations have been completed then the probationary employee will be evaluated monthly for the next four months. A six (6) month evaluation will be given 15 days prior to the end of the six (6) month probationary period and future evaluations will be done in accordance with Article VI, Section 9. The employee mentor will assist the supervisor with the evaluations.

Police and Fire Departments will develop their own evaluation calendar since uncertified personnel remain on probationary status until certified.

Probationary employees may be terminated at any point during the probationary period in accordance to the City's current Personnel Rules and Regulations.

3. Evaluation: It shall be the responsibility of department heads or other designated supervisory person to prepare a written evaluation on all probationary employees at least thirty days, but not more than sixty days prior to the termination of the probationary period, which is for 1 year, or at the discretion of the City Administrator. This evaluation shall cover the probationary employees' performance and his or her ability to perform assigned duties satisfactorily. During the probationary period, the employee's supervisor will be responsible for counseling with the employee when he or she is not performing satisfactorily and is not meeting probationary test requirements.
 - a. Employee Performance Evaluations: Each City Department will complete an annual employee performance evaluation. It will be the duty of the department head or the employee's supervisor to conduct the evaluation. The City Administrator will conduct an annual employee performance evaluation of all department heads.
 - b. Annual Pay Increases: Annual employee pay increases will be based on job performance in the following manner:
 - i. Employees receiving a performance evaluation of "at expectations" or above will receive a pay increase.
 - ii. Employees receiving a performance evaluation of below expectations will receive no pay increase and will be reevaluated in six (6) months. If performance has not improved then the employee will be terminated.

- c. Probationary Employee Performance Evaluation: Probationary employees will be evaluated in accordance with Section 8, Paragraph 8. "Probationary Employee Performance Report" and will be given a 2.5% salary increase with a satisfactory performance evaluation at the end of six (6) month probationary period and an additional 2.5% salary increase with a satisfactory performance evaluation at the end of 12 month probationary period.
- d. Transfers at Employees Request: An employee, being transferred, at his or her request, to a position having a lower grade requiring certification, would be placed in that position at the entry or probation level. Transfers at employees request to positions not requiring certification would be changed to the lower grade, but would retain the step of the previous grade. Transfers to positions would be required to serve the required probationary period or periods with evaluations but would not be eligible for the probationary increases.

Note- all pay increases are based on the City's ability to pay.

- 4. Dismissal: During the probationary period, the Department Head may recommend removal of any employee who is unable or unwilling to perform the duties of the position satisfactorily or whose habits and dependability do not merit continuance in the employment of the City. Such an employee may be removed without prior notice and without the right of appeal. The Department Head will recommend such removal to the City Administrator, who shall review and approve or disapprove the action. Each probationary-status promoted employee who has regular employee status in another classification shall retain appeal privileges with the exception that he/she may be demoted without the right of appeal under Article V, Section 3 of this Policy.
- 5. Eligibility after Dismissal: If an employee is removed from his/her position during or at the time of the probationary period, and the City Administrator determines that such employee is suitable for appointment to another position; the employee's name may be restored to the list from which it was certified. An employee appointed from a promotional list who does not successfully complete the probationary period shall be reinstated to a position in the City career service in the classification occupied by the employee immediately prior to promotion.
- 6. Benefits: Employees serving a probationary period following initial employment in a regular position shall receive all benefits provided in accordance with this Policy with the following exceptions or as otherwise

provided:

- a. The employee may accumulate vacation leave after six months' employment, but shall not be permitted to take vacation leave during the probationary period unless the denial of such leave shall create an unusual hardship. Vacation leave may be granted to such employee only with the approval of the City Administrator.
- b. The employee, if dismissed during the probationary period, shall not be eligible for terminal pay for accumulated vacation leave, nor shall he/she be entitled to exercise the right to appeal his/her dismissal.

Section 9. Promotions: Vacancies in positions above the lowest rank in any employment category covered by the provisions of the merit system shall be filled as far as practicable by the promotion of employees of the City, but non-City applicants may be considered also if in the judgment of the City Administrator sufficient qualified employees have not applied for the position. The Personnel Officer shall assure that vacancy notices are posted in all city offices and departments for five working days prior to reviewing the list of eligibles. Any employee desiring to apply for such position shall submit his/her request for consideration to the Personnel Officer. The Personnel Officer shall review the qualifications of each employee making application for promotion and place the names of those employees found to possess the prescribed qualifications for the position desired on the eligible list.

Section 10. Separations: An employee may be separated from City service by any one of the eight different methods as described below:

1. **Resignation** - To resign in good standing, an employee should give his Department Head at least fourteen calendar days prior notice. Normally, failure to comply with this rule shall be entered on the employee's personnel records and may be grounds for refusal to reemploy. However, the City Administrator may exempt an employee who has given less than required notice if in his judgment exceptional circumstances warrant such exemption.
2. **Compulsory Resignation** - An employee who, without valid reason, failed to report to work for three consecutive days without authorized leave shall be separated from the payroll and reported as a compulsory resignation. Such an employee may not be eligible for re-employment. An employee absent without valid leave for less than three days may be separated as a compulsory resignation if such person has been guilty of absence without leave previously and warned of the possibility of dismissal.

3. Lay Off – Lay off is the termination of employment of a regular employee when, for any valid reason, it may be necessary to abolish one or more positions or reduce the number of employees in the city service. Lay off does not reflect discredit upon the service of the employee.

Prior to lay off the Department Head shall make recommendations to the City Administrator who shall consider work records, employee evaluation rating and length of service in determining which employees shall be laid off. The chief basis of the decision shall be the relative competence of the employee for the job that remains. If it is found that two or more persons in the organizational unit in which lay off is to be made have equal ratings, the order of lay off shall be the last employee to enter the service shall be the first to be laid off. No regular employee shall be laid off while another person in a classified position is employed on a temporary or part-time basis in the same class if the employee is willing to accept the temporary or part-time work.

Regular employees shall be notified in writing at least fourteen calendar days prior to the effective date.

4. Disability: The City Administrator may direct any employee under his jurisdiction to be examined by a physician, mutually agreed upon by the employee and the City. When a disability of any kind is discovered which impairs the effectiveness of an employee or makes his continuance on the job a danger to himself or others, one of the following actions shall be taken:
 - a. If the disability is correctable, a specified period of time shall be allowed for its correction. Failure to correct shall be grounds for disciplinary action.
 - b. If in the opinion of the examining physician, the disability cannot be corrected, the City Administrator may place the employee in another position which he/she can perform satisfactorily, or take steps to separate the employee from City service through retirement or lay off.
5. Loss of Job Requirements -An employee who is unable to do his/her job adequately because of loss of a necessary license or other requirement may be separated by a termination or placed in another position which he/she may be qualified.

6. Dismissals - See Article V, Section 1.
7. Death - When a regular employee dies while in the classified service, his estate shall be eligible to receive the accumulated annual leave and any other compensation due the deceased employee.
8. Retirement - Retirement shall be governed by policies set forth in the City Retirement Plan.

Section 11. Reinstatements: An employee who has been separated because of reduction in force or who has resigned while in good standing shall be credited with his/her previously accrued sick leave if reinstated within five years. If the reinstated employee shall have continued to be a member of the Retirement Plan, he/she shall receive full credit for all accrued contributions to the time of separation.

ARTICLE V
DISCIPLINARY ACTIONS, APPEALS, GRIEVANCES

Section 1. Disciplinary Actions

1. **Policy.** A disciplinary action against an employee shall be initiated promptly when it is evident that such action is necessary to maintain an orderly and productive work environment. Except in cases of theft or serious violations of policy or procedure that creates a health or safety risk, disciplinary actions must be progressive in severity. The severity of the action shall be determined after consideration of the nature and gravity of the offense, its relationship to the employee's assigned duties and responsibilities, the employee's work record and other relevant factors.

2. **Types of Disciplinary Action:**
 - a. **Verbal admonishment** - A spoken warning or indication of disapproval concerning a specific act, infraction or violation of a policy or procedure that is usually given by the immediate supervisor and is noted for the record but does not become part of an employee's personnel record.
 - b. **Written Warning** - A written statement concerning a specific act, infraction or violation of a policy or procedure shall be part of the employee's personnel record. Such warnings shall be removed from the record if no further violations occur within one year of the date of the warning.
 - c. **Decision Making Leave** - The placing of an employee on paid leave for up to three (3) days to decide if they wish to continue employment with the city. During this time if they decide to continue employment with the city they are to write a corrective action plan.
 - d. **Suspension Without Pay Pending Investigation of Charges or Trial** - The placing of an employee on leave without pay status for an indefinite period pending investigation of charges and/or trial for job related offenses. If found innocent, the employee shall be reinstated without loss of pay. Any salary due for such period shall equal the employee's normal earnings less amount earned in other employment obtained and engaged in during period.
 - e. **Demotion** - The movement of an employee from one merit system

position or class to another with a lower grade level assignment.

- f. **Dismissal** - The removal of an employee from the city service for cause. All types of disciplinary action shall be signed and dated by employee, immediate supervisor and City Administrator.

Section 2. Offenses

Group I Causes and Action

- a. Attendance
 - i. Improper or unauthorized use or abuse of paid or unpaid (FMLA) leave.
 - ii. Any single day of unexcused absence including unjustified sick leave in a twelve month period.
 - iii. Repeated unauthorized tardiness or early departure from work
- b. Behavior
 - i. Inconsiderate attitude or actions in dealing with the public and fellow employees.
 - ii. Interference with or disruption of other employee's performance of their job duties.
 - iii. Failure to follow any internal policies and procedures.
 - iv. Conducting of personal activities or inefficient use of time during the work period.
 - v. Excessive use of telephone for personal calls or unauthorized use of City telephones for long distance calls.
 - vi. Failure to report an occupational injury or accident during the shift on which it occurred.
 - vii. Leaving a continuous duty station at the end of scheduled shift with no relief available.
 - viii. Engaging in horse play or other malicious mischief or other disorderly conduct on the job.
- c. Performance
 - i. Carelessness or lack of attention in following supervisory instructions or written procedures and policies that results in inefficiency or reflects adversely upon the City.
 - ii. Failure to perform duties in a competent and acceptable manner
 - iii. Failure to carry out a direct order from a supervisor, except where the employee's safety may reasonably be jeopardized by the order.

- iv. Failure to work assigned hours, including overtime
- v. Violation of safety rules or practice
- d. Disciplinary Action
 - i. Positive Discipline - Coaching/Counseling Session

First Violation - The appropriate supervisor will conduct a coaching/counseling session with the employee to discuss rule violation or violations. The supervisor is to use Coaching Model outline, Appendix "A". A record of the session will be kept in the employee's personnel file. If no further violations occur within one year of the session, the record shall be removed from the employee's personnel file.
 - ii. Coaching/Counseling - Decision Making Leave/Contract *Second Violation* - A single violation or more than one separate item on the Group I list within one year. The appropriate supervisor will conduct a plan for continued employment session with the employee to discuss rule violation or violations. The supervisor is to use Coaching Model Outline and Work Continuation Plan and Agreement Outline, Appendix "A" and "8". The continued employment plan will remain in the employee's personnel file for a period of three (3) years. If no further violations occur for three (3) years from date of continued employment plan, the record shall be removed from the employee's personnel file.
 - iii. Termination Per Previous Contract

Additional violation or violations within three (3) years will result in dismissal from employment per continued employment plan.

2. Group II Causes and Action

- a. Behavior
 - i. Use of profane or abusive language or disorderly treatment of the public or a fellow employee.
 - ii. Failure to disclose a private interest or to disqualify oneself from participation in any decision or other action in which

there is a conflict between professional duties and private interests.

- iii. Engaging in a private business or in a trade or occupation during official working hours in violation of City ordinances, regulations or administrative procedures.
- iv. Directing a City employee to perform any service or work outside of official duties.
- v. Conviction of any legal misdemeanor offense committed while on duty or on City premises.
- vi. Provoking or instigating a fight on the job, or fighting on any City property.
- vii. Sleeping during working hours unless otherwise provided for certain jobs.
- viii. Gambling and engaging in games of chance on the job or at any time on City property.

b. Performance

- i. Insubordination - willful failure to follow reasonable instructions or City policies in situations not under emergency conditions or causing personal injury or danger.
- ii. Job related careless mistakes damaging material, parts or equipment.
- iii. Careless mistakes that affect the safety of City employees or bystanders.
- iv. Inefficiency, incompetence, or negligence in performance of duties, including failure to perform assigned task or training, or failure to discharge duties in a prompt, competent and reasonable manner.
- v. Refusal or inability to improve job performance in accordance with written or verbal direction after a reasonable time period.

c. Disciplinary Action

- i. Coaching/Counseling - Decision Making Leave/Contract *Second Violation* - A single violation or more than one separate item on the Group I list within one year. The appropriate supervisor will conduct a plan for continue

employment session with the employee to discuss rule violation or violations. The supervisor is to use Coaching Model Outline and Work Continuation Plan and Agreement Outline, Appendix "A" and "B". The continued employment plan will remain in the employee's personnel file for a period of three (3) years. If no further violations occur for three (3) years from date of continued employment plan, the record shall be removed from the employee's personnel file.

ii. Termination Per Previous Contract

Additional violation or violations within three (3) years will result in dismissal from employment per continued employment plan.

3. Group III Causes and Actions - Disciplinary action subject to review and approval of the Department Head and City Administrator, up to and including employee dismissal.

a. Attendance - job abandonment when an employee is absent three (3) consecutive days without notifying supervisor.

b. Behavior:

i. Deliberate misuse, destruction, damage or pilferage of City property or of any City employee.

ii. Abuse of authority or status as an employee or official of the City for personal gain or to harm or intimidate others.

iii. Willful misuse or embezzlement of City funds.

iv. Consumption, sale or unauthorized possession of alcoholic beverages or illegal drugs while on duty.

v. Falsification of City records including but not limited to employment applications, accident reports, purchase orders, time records, work records and administrative records.

vi. Unauthorized possession of any weapon or explosive on the job

vii. Concerted curtailment or restrictions of production or interference with work in or about City work stations, included but not limited to leading or participating in any walk out strike, slowdown or other work stoppage or refusal to return to work when scheduled.

- viii. Refusal to take a medical examination or to provide medical records as directed.
- ix. Being under the influence of alcohol or dangerous substances while at work, on call or when reporting to work
- x. Violation of any criminal law of the State of Georgia or of the United States which constitutes a felony, if such violation is related to city employment. If there has been no conviction for a criminal offense, the City Administrator shall be satisfied by a preponderance of the evidence that there has been a violation of the felony criminal law of either the State of Georgia or of the United States. Such violation shall be deemed to be related to city employment if any of the following factors are present:
 - 1. The violation occurred at work, or on, or in, real or personal property owned or leased by the City of Claxton.
 - 2. The violation involves the theft, embezzlement, or damage to property owned or leased or held on behalf of others by the City of Claxton.
 - 3. The violation is of a type that would reasonably adversely affect the public's confidence in such employee's ability to competently perform his/her job with the City; or
 - 4. The violation is of a type that would reasonably adversely affect a harmonious and productive work environment with fellow employees.
 - xi. Loss of driver's license, when required to perform one's job
 - xii. When duly and properly called as a witness before any city appeals board, state or federal judicial or administrative tribunal, and while before such tribunal by failing to answer any question concerning the performance of official duties with the City

c. Performance:

- i. Insubordination - willful failure to follow reasonable instructions or City policies in situations involving emergency conditions or creating personal injury or danger.

4. Group IV Causes and Action.

A. Workplace Harassment/Sexual Harassment:

See Discrimination and Harassment Policy set forth at Section XIII.

Section 3. Notification and Response: Once it has been determined that an adverse action should be taken, the following notification and response procedure will be observed;

1. Employee Response to Proposal - The employee may respond in person or in writing with a personal, signed letter (not email), to the named official with ten (10) days of receiving the notice of the proposed adverse action. In the event the proposed adverse action is a termination, the employee shall respond in person to the named official within (10) days of receiving this notice of the proposed adverse action, and such response shall constitute said employee's pre-termination hearing. All pre-termination hearings shall be recorded, and the employee shall be informed that such pre-termination hearing is being recorded. The recording shall be held for a period of at least forty-five (45) days subsequent to the pre-termination hearing.
2. Notice of Final Action - The appointing authority, after considering the employee's response, will give the employee a written notification of the decision on the action to be taken within two (2) days of the effective date of the action. The notification will contain a statement informing the employee of his or her right to appeal the action.
3. Postponement of Deadlines - If the employee responds to the named official, the official may postpone the deadline for the final notice by a specific number of days to conduct further investigation, with written consent from the employee. If the deadline for the final notice is postponed, the effective date of the final action will be postponed by as many days.

4. Emergency Action - The appointing authority or the designee may take immediate action against an employee under emergency situations. The immediate action will be to suspend the employee with pay until an investigation can be conducted. If discipline is appropriate, the procedure described above will be followed under normal circumstances. If the employee is unable to communicate or respond, the employee will be placed on leave without pay until it is determined that the employee cannot return to work or until the employee can respond. Examples of emergency situations are:
 - a. When crimes of moral turpitude are committed,
 - b. When an employee may be injurious to himself/herself, fellow workers or the general public,
 - c. When an employee may damage public property.

5. Authority
 - a. Supervisor - an immediate or higher level supervisor may be delegated the authority to immediately relieve an employee from duty if the retention of such employee will cause or continue a disruption of the work force and, within one day, shall submit a recommendation for appropriate disciplinary action to the department head.
 - b. Department Head - With the approval of the City Administrator, a department head shall have the authority to take any disciplinary action provided for in these regulations. Prior to taking any disciplinary action, the department head shall provide the employee with a copy of the charges and allow such employee a reasonable period of time to respond, which shall be not less than two (2) work days.
 - c. City Administrator - The City Administrator may initiate any disciplinary action provided for in these regulations, following the same procedures as outlined above.

6. Appeals - Any employee may appeal a written reprimand or within grade reduction in accordance with Section 4 (Grievance Procedure) of this Article. Career service employees may appeal a demotion, suspension, dismissal, or allegation of discrimination in promotional procedures or lay-off in accordance with Section 3 of this Article (Appeals).
 - a. Employees Eligible for Appeal - any full-time employee who has been demoted for cause, suspended, dismissed or who alleges discrimination in promotional procedure or layoff in violation of established policy,

shall have the right of appeal to the Personnel Policy Hearing Officer. The employee or his/her authorized agent shall file such an appeal in writing by way of a personal, signed letter (not email) with the office of the City Administrator within five (5) work days of the effective date of such action and shall file a copy of such an appeal at the same time with his/her department head.

- b. Time and Place of Hearing - The City Administrator shall set a time and place for the hearing which shall be held not less than five (5) not more than twenty work days after receipt of this request.
- c. Hearing and Appeals Procedure - Hearings shall be conducted informally and technical rules of evidence shall not apply. All testimony shall be under oath in the presence of the Hearing Officer.
 - i. The decision of the board shall be final.
 - 1. If the affected employee is not satisfied with the ruling of the Hearing Officer, and can show reason that the Hearing Officer is in error with its ruling or that new facts affecting the case are available, an appeal may be made within five work days to the City Administrator by way of a personal, signed letter (not email), who may uphold, reverse or alter the ruling of the Hearing Officer, or may return the case to the board for reconsideration. If upon reconsideration the employee is still not satisfied with the decision of the Hearing Officer, all records of the case shall be referred to the City Administrator, whose decision shall be final.
 - 2. Upon completion of the appeals process and the final decision is for dismissal, reasonable effort should be made by the City Administrator to hold an exit interview with the terminated employee to inform him/her of benefits available to employee i.e., COBRA, accrued vacation hours, etc. and the disposition of City property, tools, and uniforms in the possession of the employee.
- d. Notification of Results of Appeals - Upon final completion of the Appeals procedure, the affected employee shall be promptly notified of the decision in writing by the City Administrator. If the final decision does not sustain the disciplinary action, the affected employee shall be paid in full for such portion of time as he/she was unjustly suspended, reduced in pay or removed. In the event that the disciplinary action was

removal or reduction in pay, the affected employee shall be restored to his/her former position and pay status, or to a position in the same class and pay status.

e. Rules for Conduct and Appeals -

- i. The time limits specified above may be extended to a definite date by mutual agreement of the employee and the City Administrator. Such agreement must be reduced to writing and signed by both parties to be effective.
- ii. The employee may request the assistance of another person of his/her own choosing in preparing and presenting the appeal at any level of review.
- iii. The employee and his/her representative may be privileged to use reasonable amount of work time as determined by the appropriate department head in conferring about and presenting the appeal.

7. Grievances

- a. Policy - Legitimate problems and differences of opinion may and will arise between the City as an employer and its employees. It is the responsibility of all department heads, supervisors, and administrators to establish and maintain a work climate within which an employee's grievance may be identified, presented, discussed and given fair, prompt consideration. In presenting a grievance, an employee shall be assured freedom from restraint, interference, coercion, discrimination or reprisal. A department head may establish reasonable limits on the amount of city time authorized for the purpose of preparing and presenting a grievance. An employee shall have the right to representation, of his/her own choosing and expense, at any level of review.
- b. Definition - A grievance is a formal written complaint by an employee arising out of a misunderstanding or disagreement between a career service employee and supervisor, which expresses the employee's dissatisfaction concerning a term or condition of employment or treatment by management, supervisors, or other employees. A grievance may be filed if an employee believes he/she has been adversely affected by an alleged:

- i. Violation, misinterpretation, or improper application of established laws, rules, regulations, procedures or policies.
- ii. Improper or unfair act by a supervisor or other employee, which may include coercion, restraint, reprisal, harassment, or intimidation.
- iii. Improper, inequitable or unfair act in the administration of the merit system, which may include promotional opportunities, selection for training, duty assignments, work scheduling, evaluation of work performances, transfers.
- iv. Improper, inequitable or unfair application of the compensation policy and employee benefits, which may include salary, pay differentials, awards, overtime pay, leave, insurance, retirement and holidays.
- v. Disciplinary action, which includes written reprimands and within grade reductions.

SPECIAL NOTE: THE APPEALS PROCEDURE AS OUTLINED IN SECTION 3 SHOULD BE USED FOR CASES INVOLVING DEMOTION, SUSPENSION, DISMISSAL OR CHARGES OF DISCRIMINATION IN PROMOTIONAL OR LAY-OFF PROCEDURES.

c. General Procedures

- i. An employee may submit a complaint on a continuing condition or action at any time. For other specific one-time occurrences, the employee must submit the initial complaint by way of a personal, signed letter (not email), within five workdays from the date the matter arose; otherwise, it will not be accepted.
- ii. An employee desiring to continue a grievance to a higher step must submit it (personal, signed letter - not email) within five work days after receiving the lower step decision, or within five work days after any management official fails to observe the time limits established by this procedure. Otherwise, the grievance will be canceled.

- iii. If the employee complaint is the result of an action or decision of a management official above the first line supervisor, the initial complaint will be submitted to that person.
- iv. For each grievance, a file will be maintained of all written material submitted by the employee or management for use at every step.
- v. Rules for conduct of appeals listed under Section 3-E shall also apply to grievances.
- vi. Informal discussions and meetings will be held within three days from receipt of the complaint. Formal hearings will be held within 10 days from the date of the filing of written complaint or notice of appeal. Oral and written decisions shall be rendered within five working days after hearing is held.
- vii. Written grievances must explain the complaint and what remedy is sought. They must be in the form of a personal, signed letter (not email).
- viii. Employees cannot use this procedure to complain about any proper order, directive, regulation, policy or administrative decisions issued by any supervisory or management official who is acting within his delegated authority. If there is reasonable evidence that proper authority has been exceeded, this procedure may be used to challenge this issue.

8. Informal Grievance Procedure

- a. Step 1 - An employee submitting a grievance for the first time must discuss it informally with the immediate supervisor unless the complaint resulted from an action of a higher-level manager. The employee will be given an oral decision within five workdays after the discussion.
- b. If the employee is not satisfied with the decision in Step 1, or the supervisor fails to comply with the time limits established in this procedure, the employee may continue the grievance by discussing it with his supervisor's immediate superior in the administrative service. Every effort should be made to find an acceptable solution by informal means at the lowest possible level of supervision. If the employee is not in agreement with the decision reached by informal discussion, he/she shall then have the right to file a formal grievance in writing (personal, signed letter - not email) within five workdays

after receiving the informal decision or decisions.

9. Formal Grievance Procedure

- a. Step 1 - If the employee is not in agreement with the decision reached under the informal grievance procedure, he/she may present the complaint in writing (personal, signed letter - not email) to his/her department head. The department head shall render a decision and comments in writing. If the employee does not agree with decision reached, or if the department head fails to provide resolution of the grievance as outline above, the employee may present an appeal in writing (personal, signed letter - not email) to the City Administrator.
- b. Step 2 - The City Administrator upon receiving the grievance shall discuss the grievance with the employee, his/her representative, if any, and with other appropriate persons. The City Administrator shall render a decision and comments in writing. Decision of the City Administrator shall be final (note Appeals Procedure should be used as outlined in Section 3 for cases involving demotion, suspension, dismissal, or charges of discrimination in promotional or lay-off procedures).

ARTICLE VI ATTENDANCE AND LEAVE

Section 1. Hours of Work. The established work week for full-time employees in the career service shall be not less than 40 hours, and shall be the same for all persons occupying full-time positions in the same class under the same conditions. The work week for all employees shall begin on Thursday and end on Wednesday. The work schedules for each department shall be established by the Department Head. Office hours will be established by the Department Head with the approval of the City Administrator. Break periods, not to exceed fifteen minutes in the morning and fifteen minutes in the afternoon may be scheduled by the Supervisor if assigned work can be accomplished with desired speed and efficiency. The Department Head shall be responsible for making such determinations and for enforcing these rules. Breaks shall normally be held at the work site, but a supervisor may allow stopping to obtain coffee or soft drinks if employees are in transit in a city vehicle and are near the food establishment. In no case shall an employee remove a city vehicle from a work site solely for the purpose of obtaining desired refreshments.

Section 2. Attendance. Each Department Head shall be responsible for the Punctual attendance of all employees under his/her administrative supervision and shall keep such attendance records as shall be required by the City Administrator.

Section 3. Overtime. An employee must work 40 hours or in excess of regularly scheduled hours of work before being eligible for overtime pay. The following rules apply:

1. All city employees except the City Administrator, Department Heads, Firefighters and Policemen shall be paid one and one-half times the regular rate of pay for all qualified and approved work in excess of 40 hours during a seven-day work period.
2. Firefighting personnel shall be paid one and one-half times the regular rate of pay for approved overtime worked in excess of 212 hours.
3. Policemen shall be paid one and one-half times the regular rate of pay for approved overtime worked in excess of 171 hours.
4. Travel overtime on weekends not allowed for convenience of employee to spend nights. If travel time on work day exceeds regular 8 hours, time

traveling is allowed.

5. Maintenance Employees of Standby Status

- a. Regular Weekend Duty - regular weekend duty shall be considered to be up to eight hours of work to be compensated in accordance with rules in paragraph “d” of this section.
- b. Holiday Duty - employees on standby status for a holiday shall receive their regular rate of pay for their holiday plus eight hours at regular time.
- c. Holiday Standby Duty - holiday standby duty shall be considered to be eight hours of work to be compensated in accordance with paragraph "d" below. In addition, the employee on standby status for a holiday shall receive eight hours at regular time.
- d. Rules Governing Standby Pay
 - i. In computing time worked, authorized sick leave, annual leave, and holidays will not be considered as time worked, except for the employee on standby status.
 - ii. All time worked in excess of 40 hours during the pay period will be paid at the rate of one and one-half times the employee's regular rate of pay.
 - iii. That portion of time worked in standby status needed to bring the employee's total time worked during the pay period up to 40 hours shall be paid at straight time at the employee's regular rate of pay.
 - iv. All duties, other than emergencies, that can possibly be done during regular hours shall not qualify for overtime pay. Those non-emergency duties that absolutely must be done in other than regular hours, must receive prior approval of the City Administrator.
 - v. Overtime work of less than one-half hour shall be credited as one-half hour, and overtime work of more than one-half hour but less than one hour shall be credited as one hour.

Section 4. Holidays.

1. **General Policy.** Regular employees shall be eligible for holiday leave for nine holidays yearly, such days to be specified at the beginning of each year by the Mayor and Council. Regular employees working less than full-time shall also be eligible for the designated holidays pay for their regular number of hours at their regular rate of pay. In order to receive pay for an observed holiday, an employee must not have been absent without leave on

either the work day immediately preceding or the work day immediately following the holiday.

2. **Compensation for Work on Scheduled Holiday.** Employees who work on officially designated holiday shall be compensated as provided under Article VI, Section 3, and Overtime.

Section 5. Annual Leave (Vacation)

1. **Persons Entitled.** All regular employees working full or part-time and regular employees serving temporarily in substitute or acting capacities, are eligible to accrue vacation leave as outline below.
2. **Accrual and Accumulation of Vacation Leave.** When a fulltime probationary employee is been employed by the City, he/she begins to accrue leave. This does not include temporary employees. Such accrued leave shall not be taken until successful completion of the probationary period except with specific approval of the City Administrator. Full-time employees accrue leave at the rate of 96 hours per year.
 - i. Regular 40 hour per week employees shall accrue vacation leave at the rate of 96 hours per year.

No annual leave shall accrue while an employee is on leave without pay, worker's compensation, or disability leave; and

- ii. No normal leave shall accrue when, due to an unexcused absence, an employee works less than sixty (60) percent of the scheduled hours in a pay period.
- b. Vacation leave will be charged for each duty hour taken off. Employment for less than six months does not entitle the employee to any accrued vacation or leave.
- c. Maximum amount of vacation time an employee can accrue is 30 days. The following represents number of hours in a 30 day period:
 - i. FD 8 hours
 - ii. PD 8 hours
 - iii. Other 8 hours

3. Time for Using Vacation Leave. Vacation leave assignments will be made in accordance with the preference of the employees where possible; however, leave must be taken at the convenience of the department, and the Departments Head's or City Administrator's decision as to when leave may or may not be taken will be final. Seniority will be a major factor when preparing leave schedules. No split vacation leave will be granted without prior approval of the City Administrator.
4. Pay in Lieu of Vacation Leave. All personnel are normally required to take their vacation or leave rather than be paid in lieu. Therefore, key personnel can be exempted by the City Administrator during peak workload periods when their absence would create hardship upon the City, or if at any time, it is considered to be in the best interest of the City, the City Administrator may authorize one week of pay in lieu of vacation.
5. Payment for Unused Leave. When an employee is separated from the service, such employee shall be paid for all unused annual leave (up to 96 hours) unless he or she fails to give proper notice of resignation as provided in Article IV, Section 10.

Section 6. Sick Leave

1. **General.** Sick leave shall be allowed to an eligible employee:
 - a. In the case of actual sickness or disability of the employee or for medical, dental or eye examination or treatment for which arrangements cannot be made outside of working hours and
 - b. When the employee is required to care for a sick or injured spouse, child, or member of the immediate family. The employee shall report the illness prior to his or her scheduled work time if possible. If not, the employee shall see that the illness is reported within 30 minutes after the time he or she is scheduled to have reported for work.
2. **Persons Entitled.** Those employee entitled to earn annual leave shall also be eligible to earn sick leave.
3. **Job Related Accident or Injury of Employee.** See Section 7 of this Article.
4. **Accrual of Sick Leave Only.** Sick leave will be accumulated at the rate of

four (4) hours per month, for a total of forty-eight (48) hours per year. Following one (1) year of service, fulltime employees shall accrue sick leave at the rate of eight (8) hours per month for a total of ninety-six (96) hours per year.

5. Reporting Sick Leave. An employee who is absent from work because of illness is responsible for reporting to the appropriate supervisor or Department Head prior to the beginning of designated reporting time on the day of absence, and will be expected to keep his/her supervisor or Department Head informed of his/her progress on a regular basis; such leave will be charged against sick leave. In the event of failure of compliance with this provision, the employee will be charged on the payroll with leave without pay.
6. Use of Sick Leave. Sick leave is not to be considered a right which an employee may use at his/her discretion, but a privilege not to be abused. Department heads who feel an employee is abusing sick leave privileges may require the employee to furnish a doctor's certificate for each period of absence regardless of the provisions of "8" below.
7. Transfer of Sick Leave. Upon approval of the City Administrator an employee may transfer a portion of his/her accumulated sick leave to another employee who has no sick leave and has a need for it.
8. Doctor's Certificate. Sick leave with pay in excess of three consecutive work days for reasons of personal illness or physical incapacity shall be granted only after presentation of a written statement of a licensed physician, or dentist, certifying that the employee's condition prevented performance of the duties of the position, and shall always be required when a paid replacement is called to duty.
9. Sick Leave on Termination of Employment. An employee upon separation from the City service shall not receive payment for accumulated sick leave.
10. Advance of Sick Leave. The City Administrator may, upon request, advance sick leave equal to accrued but unused vacation time.
11. Leave Without Pay. A Department Director, with the approval of the City Administrator, may grant a full-time employee a leave of absence without

pay for a period not to exceed six (6) months. Leave of absence without pay for a period exceeding six months and not more than one year may be granted with the approval of the City Administrator. (This leave is in addition to any other leaves taken, and is granted only when all other accrued leave time has been exhausted).

- a. All departments are required to adhere to the following practices:
 - i. Leave without pay shall be granted only when it will not adversely affect the interests of the City service.
 - ii. Failure of an employee to return to work at the expiration of approved leave shall be considered as absence without leave and a voluntary resignation or grounds for disciplinary action, including dismissal.
 - iii. An employee granted leave of absence who wishes to return before the leave period has expired shall be required to give his/her Department Head at least two (2) weeks' notice. Upon receipt of such written notice, the employee may be permitted to return to work.
 - iv. Benefits such as medical insurance and retirement contributions will be suspended after thirty (30) days unless the employee chooses to pay the required contribution.
 - v. Eligibility for these benefits will be reinstated if the employee returns to work within the one year period.
 - vi. No sick leave, vacation, or credit toward merit increases will be earned by an employee for the time the employee is on leave without pay.
 - vii. An employee will return from leave without pay to the same step of his/her salary grade as at the time of commencement of leave.
 - viii. An employee while on an authorized leave of absence without pay, who obtains either part-time or full-time employment elsewhere, is required to notify his/her Department Director in writing within three (3) days of accepting such employment and will be processed out as a voluntary resignation in the case of full-time employment.
 - ix. An employee returning from a leave of absence without pay will be entitled to employment in the same department in the same equivalent class wherein employed when leave begins, although not necessarily in the same job as it may have been filled in the meantime, if such a job is

available; otherwise, the returning employee will be placed on a preferential hiring list for such a vacancy.

Section 7. Funeral Leave.

1. **Purpose:** Funeral leave of three (3) working days will be granted with pay for employees absent from duty to the event of death in the immediate family. Family shall consist of spouse, children, parents, brother, sister, grandchildren and grandparents of the employee or employee's spouse including step family members.

Section 7-A. Workers Compensation Policy.

1. **Purpose:** To establish a guideline for the administration of workers' compensation benefits, applicable to all occupational injuries and diseases arising out of and in the course of the employment with the City, as defined under the Georgia State Workers' Compensation Law.
2. **Definitions:**
 - a. **Employee** - any individual employed by the City of Claxton (not to include contracted services or elected officials) on a full or part-time basis.
 - b. **Reportable Injury or Illness** - any job-related injury or illness, including those which may or may not require first aid treatment.
 - c. **Compensable Injury or Illness** - any injury or illness that arises out of and in the course of the employment. Compensability is determined by the employer. If compensability is denied by the employer, the employee may ask for a hearing with the State Workers' Compensation Board.
 - d. **Hazardous Duty** - An activity which inherently exposes an employee to a risk of death or serious bodily harm.
 - e. **Workers' Compensation** - Services, fees, and benefits that are required by law (State of Georgia Workers' Compensation Rules and Regulations) to be paid by the City to an employee that has sustained a job-related injury/illness.

- f. Supplemental Benefits - Lost time benefits paid by the City to an injured employee in an amount above and beyond what is required by State Workers' Compensation Law. Supplemental Benefits are granted at the discretion of the City of Claxton.
- g. Disability - The inability of an employee to assume his/her regularly assigned job after sustaining a job related injury/illness.
- h. Panel of Physicians - The list of three (3) or more physicians chosen by the City to provide the medical needs of employees who are injured in a job related accident. Additions or deletions of physicians from this panel will be made by the Chief Administrative officer for the City.
- i. Authorized Treating Physician - The doctor that is authorized by the City to treat an employee for a job-related injury or illness and the doctor that writes the medical opinion concerning the employee's return to work status.
- j. Specialist - A medical doctor that specializes in a specific area of medicine, such as orthopedist, neurologist, etc.
- k. City Physician - A physician who performs medical services for the City.
- l. First Aid - The immediate medical aid give to an injured/ill person before the service of a physician is or can be secured.
- m. Medical Emergency - A situation arising as a result of a job related injury/illness where there is a potential threat to loss of life, limb or phalanges.
- n. Risk Management Coordinating Committee - This committee makes the final decisions for supplemental benefits for work related injuries of City employees. The committee is comprised of the Chief Administrative officer, the Finance Officer, the City Attorney, the Safety Officer or their designated representatives and the Department Head of involved employee. The Safety officer chairs the committee.
- o. Claims Handling Service - A private company that the City contracts with to assist the City in administering its compensation program.

3. Applicability:
 - a. All City of Claxton Employees.
4. Responsibilities:
 - a. Employee
 - i. Report all injuries, regardless of how trivial to his/her immediate supervisor as soon as the job related injury/illness occurs.
 - ii. Those employees who are witness to a job-related injury/illness must fill out a Statement of Witness Form when requested by the City.
 - b. Supervisor
 - i. Insure that injured employee is provided with first-aid treatment or proper medical treatment.
 - ii. Notify the Clerk's Office within 24 hours after being made aware that a job related injury has occurred.
 - iii. Thoroughly investigate the claim of accidental injury and report findings to the Clerk's Office.
 - iv. Aid in the securing of witnesses and obtaining written statements from them on job related injuries and accidents.
 - c. Department Head
 - i. Insure that employees and supervisors follow correct procedures in notification.
 - ii. Insure that supervisors investigate and report all injuries/illnesses.
 - d. Safety Officer
 - i. Coordinates the City's Safety, Health, Loss Control and Accident Prevention Program.
 - ii. Ensures that employees, supervisors and department heads comply with procedures relative to Workers' compensation.

Section 7-A.1 Procedures for Handling Job-Related Injuries and Illnesses

1. Emergencies (Potential loss of life, limb or phalanges):
 - a. Seek immediate medical services for the injured/ill employee.
 - b. Inform the Department Head of the injury or illness as soon as possible.
2. Non-Emergencies:
 - a. Employee reports injury to immediate supervisor as soon as possible, but no later than the end of the day's shift.

- b. The employee may get treatment from a Panel Physician or the Emergency Room.
 - c. If the employee is referred to a Panel Physician, the physician treats the employee or refers employee to another doctor (specialist). If the specialist treats the employee, the specialist then becomes an Authorized Treating Physician.
3. Clearance to Return to Work (Workers' Compensation Cases Only):
- a. Will be provided by Attending Physician.
4. Return to Work Status:
- a. Regular duty
 - i. Return to original job in original department with no limitations
 - b. Modified duty
 - i. Assignment of the employee to a job that meets with medical restrictions assigned by the authorized treating physician.
 - ii. Employee remains on modified if available duty until the Authorized Treating Physician clears the employee for regular duty.
 - c. New job assignment:
 - i. When the employee has sustained a permanent partial disability as a result of a job related injury/illness and cannot perform the requirements of his/her regular job, then the City shall follow the rules for employee rehabilitation as spelled out in the Georgia State Workers' Rules and Regulations.

Section 7-A.2 Employee Failure to Report for Scheduled Work

- 1. First Week of Lost Time:
 - a. Employee receives 100% of gross weekly wages through normal departmental payroll for the remainder of the week in which the employee suffered a job-related injury or illness.
- 2. Second week through fourth week of lost time:
 - a. The maximum spelled out in the State of Georgia Rules and Regulations for Workers' Compensation. The amount is paid weekly from the City's Workers' Compensation Insurance. This amount is not taxed.
 - b. A supplemental benefit will be paid that when combined with

workers' compensation payments will assure the employee the same after tax income as before the compensable injury or illness. This supplement will be paid by the City to the employee through the normal weekly departmental payroll.

3. After the fourth week of lost time:

If it appears that the employee will still be off from work after the fifth week, the case shall be subject to administrative review by the Risk Management Coordinating Committee, to include the department head of the employee involved. This review shall be done prior to the end of the fifth week so that a determination can be made as to whether the employee will receive supplemental benefits. An employee would be eligible for supplemental benefits only if the injury/illness were the result of performance of hazardous duty as explained in Section 7-A.3 below.

Section 7-A.3 Granting of Supplemental Benefits:

1. An employee shall continue to receive Supplemental Benefits for lost time beyond the twenty-eight day, only if the Risk Management Coordinating Committee determines that the injury/illness resulted from the employee's performance of hazardous duty.

Hazardous Duty: is herein defined as an activity which inherently exposes an employee to a risk of death or serious bodily harm. The provisions for supplemental payments as outlined above shall not be construed as a waiver on the part of the City of its legal rights under the state law which imposes no tort liability upon the City in the event an employee of the City sustains an injury or suffers an illness arising out of and in the course of his/her employment with the City; nor shall be construed only as a voluntary increase in compensation over and above workers' compensation benefits.

2. None of the said Supplemental Benefit Payments shall be paid or enjoyed by an employee who suffers an injury or illness:
 - a. Which is not compensable under the Workers' Compensation Law of the State of Georgia
 - b. While action in disobedience of a lawful order of his /her supervisor or individual authorized to give such orders.
 - c. While grossly negligent in the discharge of his/her duty in the decision of the Risk Management Coordinating Committee.
 - d. While under the influence of alcohol and/or illegal intoxicants.

3. If the employee is determined not to be eligible for Supplemental Benefits and if the employee has accrued sick leave, then the employee may use sick leave to make up for any loss of net wages that may occur.

Section 7-B. Family and Medical Leave Act of 1993 As Amended FMLA

1. **PURPOSE:** The Family and Medical Leave Act ("FMLA") provides eligible employees the opportunity to take unpaid, job protected leave for certain specified reasons. The maximum amount of leave an employee may use is either 12 or 26 weeks within a 12 month period depending on the reason for the leave.

2. **EMPLOYEE ELIGIBILITY**

To be eligible for FMLA leave, you must:

- A. Have at least 12 months of service with the City of Claxton;
- B. Have worked at least 1,250 hours within the preceding 12 month period;
- C. Currently work at a location where there are at least 50 employees within 75 miles.

3. **CONDITIONS TRIGGERING LEAVE**

FMLA leave may be taken for the following reasons:

- A. Birth of a child, or to care for a newly-born child (up to 12 weeks);
- B. Placement of a child with the employee for adoption or foster care (up to 12 weeks);
- C. To care for an immediate family member (employee's spouse, child or parent) with a serious health condition (up to 12 weeks);
- D. The employee's serious health condition that makes the employee unable to perform the employee's job (up to 12 weeks);
 - i. To care for a covered service member with a serious injury or illness related to certain types of military service (up to 26 weeks) (see Military Related FMLA Leave for more details); or,
 - ii. To handle certain qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on duty under a call or order to active duty in the Armed Forces (e.g., National Guard or Reserves) in support of a contingency operation (up to 12 weeks) (see Military Related FMLA Leave for more details).

The maximum amount of leave that may be taken in a 12 month period for all reasons combined is 12 weeks, with one exception. For leave to care for a covered service member, the maximum combined leave entitlement is 26 weeks, with leaves for all other reasons constituting no more than 12 of those 26 weeks.

4. DEFINITIONS

- A. Serious Health Condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement includes an incapacity of more than three full calendar days and two visits to a health care provider or one visit to a health care provider and a continuing regimen of care; an incapacity caused by pregnancy or prenatal visits, a chronic condition, or permanent or long-term conditions; or absences due to multiple treatments. Other situations may meet the definition of continuing treatment.
- B. Covered Service Member is a member of the Armed Forces, including a member of the National Guard Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. The term "serious injury or illness" means an injury or illness incurred by the member in the line of duty while on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating.
- C. Qualifying Exigencies include activities such as short-notice deployment, military events, arranging alternative childcare, making financial and legal arrangements related to the deployment, rest and recuperation, counseling and post-deployment debriefings.
- D. Family Member for this policy is recognized as a spouse, parent or child.
1. Spouse - A husband or wife as defined or recognized under appropriate state law.
 2. Child - A biological, adopted or foster child, a stepchild, a legal ward or child or a person standing in loco parentis who is either under 18 or who is 18 or older and incapable of self-care because of a mental or physical disability.
 3. Parent - A biological parent or any individual who stood in loco parentis when the employee was a child as defined above. The term does not include parents-in-law.
- E. Next-of-Kin for this policy is the nearest blood relative.
- F. Health Care Provider includes, but is not limited to, a doctor of medicine or osteopathy, clinical psychologist, podiatrist, dentist, optometrist, chiropractor, or licensed nurse practitioners. The City of Claxton requires that a medical certification be obtained from the attending health care

provider for any request for FMLA leave for a serious health condition of self or family member. Medical certification forms (WH380E for employee; WH380F for family member) can be obtained from Human Resources.

5. PROCEDURES/RULES

A. Identifying the 12 Month Period

The City measures the 12 month period in which leave is taken by the "rolling" 12 month method, measured backward from the date of any FMLA leave with one exception: for leave to care for a covered service member, the City calculates the 12 month period beginning on the first day the eligible employee takes FMLA leave to care for a covered service member and ends 12 months after that date. FMLA leave for the birth or placement of a child for adoption or foster care must be concluded within 12 months of the birth or placement.

B. Using Leave

Eligible employees may take FMLA leave in a single block of time, intermittently (in separate blocks of time), or by reducing the normal work schedule when medically necessary for the serious health condition of the employee or immediate family member, or in the case of a covered service member, his or her injury or illness. Eligible employees may also take intermittent or reduced scheduled leave for military qualifying exigencies. With the City's prior approval, intermittent leave is permitted but must be concluded within 12 months of the birth or placement of a child, to care for a newborn child, or for placement of a child for adoption or foster care. Employees who require intermittent or reduced schedule leave must try to schedule their leave so that it will not unduly disrupt the City's operations. Eligible employees should contact their manager requesting leave (this should be done at least 30 days in advance for foreseeable leave; for unforeseeable circumstances, the employee must inform their supervisor as soon as possible, but not more than two days after the beginning of the absence).

Contact Human Resources to obtain a medical certification form (WH380E or WH380F); or military family leave certification for serious injury or illness (WH385); or military family leave certification of exigency (WH384).

C. Use of Accrued Paid Leave

Employees must use any accumulated sick leave and vacation leave to the extent

available during FMLA leave unless such leave is covered under workers' compensation, in which case the employee may use accumulated leave time for the purpose of satisfying any waiting period. Absences in excess of these accumulated days will be treated as FMLA leave without pay.

D. Maintenance of Health Benefits

The City of Claxton will maintain health care benefits for the employee if covered by the plan, but the employee is responsible for paying the normal monthly premium contribution. If the employee elects not to return to work at the end of the leave period, the employee will be required to reimburse The City of Claxton for the cost of the premiums paid for maintaining coverage during the leave period. All other benefits cease to accrue during the unpaid portion of the leave.

E. Notice and Medical Certification

When seeking FMLA leave, you are required to provide:

1. Sufficient information for us to determine if the requested leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that you are unable to perform job functions, a family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting military family leave. You must also inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified.

If the need for leave is foreseeable, this information must be provided 30 days in advance of the anticipated beginning date of the leave. If the need for leave is not foreseeable, this information must be provided as soon as is practicable and in compliance with the City's normal call-in procedures, absent unusual circumstances.

2. Medical certifications supporting the need for leave due to a serious health condition affecting you or an immediate family member within 15 calendar days of the City's request to provide the certification (additional time may be permitted in some circumstances). If you fail to do so, we may delay the commencement of your leave, withdraw any designation of FMLA leave or deny the leave, in which case your leave of absence would be treated in accordance with our standard leave of absence and attendance policies,

subjecting you to discipline up to and including termination. Second or third medical opinions and periodic re-certifications may also be required.

3. Periodic reports as deemed appropriate during the leave regarding your status and intent to return to work.
4. Medical certification of fitness for duty before returning to work, if the leave was due to your serious health condition. The City will require this certification to address whether you can perform the essential functions of your position.

Failure to comply with the foregoing requirements may result in delay or denial of leave, or disciplinary action, up to and including termination.

F. Employer Responsibilities

To the extent required by law, the City will inform employees whether they are eligible under the FMLA. Should an employee be eligible for FMLA leave, the City will provide them with a notice (WH381) that specifies any additional information required, as well as the employee's rights and responsibilities. If employees are not eligible, the City will provide a reason for ineligibility. The City will also inform employees if leave will be designated as FMLA-protected and, to the extent possible, note the amount of leave counted against the employee's leave entitlement. If the City determines that the leave is not FMLA-protected, the City will notify the employee.

G. Job Restoration

Upon returning from FMLA leave, eligible employees will typically be restored to their original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions.

H. Failure to Return After FMLA Leave

Any employee who fails to return to work as scheduled after FMLA leave or exceeds the 12-week FMLA entitlement (or in the case of military caregiver leave, the 26-week FMLA entitlement), will be subject to the City's standard leave of absence and attendance policies. This may result in termination if you have no other City-provided leave available to you that applies to your continued absence. Likewise, following the conclusion of your FMLA leave, the City's obligation to maintain your group health plan benefits ends (subject to any applicable COBRA rights).

I. Other Employment

The City prohibits employees from holding other employment when on leave of absence. This policy remains in force during all leaves of absence including FMLA leave, and may result in disciplinary action up to and including termination of employment.

J. Fraud

Providing false or misleading information or omitting material information in connection with an FMLA leave will result in disciplinary action up to and including termination of employment.

6. **EMPLOYER'S COMPLIANCE WITH FMLA AND EMPLOYEE'S ENFORCEMENT RIGHTS**

FMLA makes it unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided under FMLA, or discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

While the City encourages employees to bring any concerns or complaints about compliance with FMLA to the attention of the Human Resources Department, FMLA regulations require employers to advise employees that they may file a complaint with the U.S. Department of Labor or bring a private lawsuit against an employer.

Further, FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

7. **LIMITED NATURE OF THIS POLICY**

This policy should not be construed to confer any express or implied contractual relationship or rights to any employee not expressly provided for by FMLA. The City reserves the right to modify this or any other policy as necessary in its sole discretion to the extent permitted by law. State or local leave laws may also apply.

8. **CONFLICT BETWEEN THIS POLICY AND FMLA OR REGULATIONS**

To the extent, if any, that this policy is in conflict with any part of the

Family and Medical Leave Act of 1993, as presently amended, or as the same may be amended in the future, which Act is found at 29 USC Section 2611 et seq., or the regulations promulgated there under, which regulations are found at 29 CFR 825.100 et seq., the Act and regulations shall prevail over this policy. The Act, and regulations promulgated there under, as the same may be amended from time to time, are expressly incorporated herein and made a part of this policy. Provided further, to the extent that the Act or regulations, as the same may be amended from time to time, provide additional rights or protections for the employer, the same shall be deemed to be a part of this policy, and are expressly incorporated herein and made a part hereof.

SAMPLE LETTER (FMLA)

June 2, 2008

Mary Pentecost
106 Rogers Dr.
Ringgold, GA 30736

Dear Mary,

Please find enclosed the necessary paperwork to initiate Family Medical Leave. According to Federal law the City must provide you with this paperwork and ask that you have your physician complete the paperwork and then return it to us. This process is being initiated just in case you need to take advantage of this benefit.

Mary, all of us here are hoping to see you back at work as soon as possible. We miss you and are praying for you. You are in our thoughts often.

If you have any questions, please feel free to contact me at the number above.

Sincerely,

Personnel

Employee's Name: _____

Dates of Leave Requested: _____

Reason For Leave (check all that apply): _____

____ Birth of a child and to care for the newly-born child, or placement of a child with the employee for adoption or foster care

____ To care for an immediate family member (employee's spouse, child or parent) with a serious health condition

___ Your own serious health conditions

___ Because of a qualifying exigency arising out of the fact that your ___ spouse; ___ son or daughter; ___ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserve.

___ Because your ___ spouse; ___ son or daughter; ___ parent; ___ next of kin of a covered service member with a serious injury or illness
___ Personal

Other reason: _____

Type of Leave Requested For the Purpose Identified Above (check all that apply, if available):

- Accrued paid vacation or paid-time off
- Unpaid family and medical leave
- Accrued paid medical/sick leave
- Other type: _____

To receive paid leave during all or part of an FMLA leave, employees must satisfy the paid leave policy requirements.

Is intermittent leave or reduced work schedule requested? If yes, explain why it is needed and the leave schedule proposed:

Intention to Return to Work When the Leave Ends (select one):

___ Employee will not be returning to work

___ Employee intends to return to work

Authorization, Certification and Signature

Who provided information to complete form (if other than employee)?

Name of person who completed for _____ Date: _____ I

certify that the above information is true and correct to the best of my knowledge. I

understand that any misrepresentation concerning the above facts can result in

termination of employment.

Employee's Signature

Date

MILITARY RELATED FMLA LEAVE

FMLA leave may also be available to eligible employees in connection with certain service-related medical and non-medical needs of family members. There are two forms of such leave. The first is Military Caregiver Leave (WH385) and the second is Qualifying Exigency Leave (WH384). Each of these leaves is detailed below.

MILITARY CAREGIVER LEAVE

Unpaid Military Caregiver Leave is designed to allow eligible employees to care for certain family members who have sustained serious injuries or illnesses in the line of duty while on active duty. The family member must be a "covered service member," which means: (1) a current member of the Armed Forces, National Guard or Reserves, (2) who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list, (3) for a serious injury or illness that may render him or her medically unfit to perform the duties of the member's office, grade, rank, or rating. Military Caregiver Leave is not available to care for former members of the Armed Forces or the National Guard or Reserves, or for service members on the permanent disability retired list.

To be "eligible" for Military Caregiver Leave, the employee must be a spouse, son, daughter, parent, or next of kin of the covered service member. "Next of kin" means the nearest blood relative of the service member, other than the service member's spouse, parent, son or daughter, in the following priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions; brothers and sisters; grandparents; aunts and uncles; and first cousins, unless the service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of Military Caregiver Leave. The employee must also meet all other eligibility standards as set forth within the FMLA Leave policy.

An eligible employee may take up to 26 workweeks of Military Caregiver Leave to care for a covered service member in a "single 12-month period." The "single 12-month period" begins on the first day leave is taken to care for a covered service member and ends 12 months thereafter, regardless of the method used to determine leave availability for other FMLA qualifying reasons. If an employee does not exhaust his or her 26 workweeks of Military Caregiver Leave during this "single 12-month period," the remainder is forfeited.

Military Caregiver Leave applies on a per-Jury basis for each service member. Consequently, an eligible employee may take separate periods of caregiver leave for each and every covered service member, and/or for each and every serious injury or illness of the same covered service member. A total of no more than 26 works weeks of Military Caregiver Leave, however, may be taken within any "single 12-month period."

Within the "single 12-month period" described above, an eligible employee may take a combined total of 26 weeks of FMLA leave including up to 12 weeks of leave for any other FMLA-qualifying reason (i.e., birth, adoption of a child, serious health condition of the employee or close family member, or a qualifying exigency). For example, during the "single 12-month period," an eligible employee may take up to 16 weeks of FMLA leave to care for a covered service member when combined with up to 10 weeks of FMLA leave to care for a newborn child.

An employee seeking Military Caregiver Leave may be required to provide appropriate certification from the employee and/or covered service member and completed by an authorized health care provider within 15 days. Military Caregiver Leave is subject to the other provisions in our FMLA Leave Policy (requirements regarding employee eligibility, appropriate notice of the need for leave, use of accrued paid leave, etc.). Military Caregiver Leave will be governed by, and handled in accordance with, the FMLA and applicable regulations, and nothing within this policy should be construed to be inconsistent with those regulations.

QUALIFYING EXIGENCY LEAVE

Effective January 16, 2009, eligible employees may take unpaid "Qualifying Exigency Leave" to tend to certain "exigencies" arising out of the duty under a call or order to active duty of a "covered military member" (i.e., the employee's spouse, son, daughter, or parent). Up to 12 weeks of qualifying Exigency Leave is available in any 12-month period, as measured by the same method that governs measurement of other forms of FMLA leave within the FMLA policy (with the exception of Military Caregiver Leave, which is subject to a maximum of 26 weeks of leave in a "single 12-month period"). Although Qualifying Exigency Leave may be combined with leave for other FMLA-qualifying reasons, under no circumstances may the combined total exceed 12 weeks in any 12-month period (with the exception of Military Caregiver Leave as set forth above). The employee must meet all other eligibility standards as set forth within the FMLA POLICY.

Persons who can be ordered to active duty include retired members of the Regular

Armed Forces, certain members of the retired Reserve, and various other Reserve members including the Ready Reserve, the Selected Reserve, the Individual Ready Reserve, the National Guard, State Military, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard, Air Force Reserve, and Coast Guard Reserve.

Although Qualifying Exigency Leave is available to an eligible employee whose close family member is called up from status as a retired member of the Regular Armed Forces, it is not available for a close family member on active duty or on call to active duty as a member of the Regular Armed Forces. Also, a call to active duty refers to a federal call to active duty, and state calls to active duty are not covered unless under order of the President of the United States pursuant to certain laws:

Qualifying Exigency Leave is available under the following circumstances:

1. Short-Notice Deployment - To address any issue that arises out of short notice (within seven days or less) of an impending call or order to active duty.
2. Military Events and Related Activities - To attend any official military ceremony, program, or event related to active duty or a call to active duty status or to attend certain family support or assistance programs and informational briefings.
3. Childcare and School Activities - To arrange for alternative childcare; to provide childcare on an urgent, immediate need basis; to enroll in or transfer to a new school or daycare facility; or to attend meetings with staff at a school or daycare facility.
4. Financial and Legal Arrangements - To make or update various financial or legal arrangements; or to act as the covered military member's representative before a federal, state, or local agency in connection with service benefits.
5. Counseling - To attend counseling (by someone other than a health care provider) for the employee, the covered military member, or for a child or dependent when necessary as a result of duty under a call or order to active duty.
6. Temporary Rest and Recuperation - To spend time with a covered military member who is on short-term, temporary rest and recuperation leave during the period of deployment. Eligible employees may take up to five days of leave for each instance of rest and recuperation.
7. Post – Deployment Activities - To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of up to 90 days following termination of the covered military member's active duty status. This also encompasses leave to address issues that arise from the death of a covered military member while on active duty status.
8. Mutually Agreed Leave - Other events that arise from the close family member's duty under a call or order to active duty, provided that the County

and the employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave.

An employee seeking Qualifying Exigency Leave may be required to submit appropriate supporting documentation in the form of a copy of the covered military member's active duty orders or other military documentation indicating the appropriate military status and the dates of active duty status, along with a statement setting forth the nature and details of the specific exigency, the amount of leave needed and the employee's relationship to the military member, within 15 days. Qualifying Exigency Leave will be governed by, and handled in accordance with, the FMLA and applicable regulations, and nothing within this policy should be construed to be inconsistent with those regulations.

FMLA NECESSARY FORMS

1. Employee Rights & Responsibilities Under the Family & Medical Leave Act (DOL - WHD1420).
2. Notice of Eligibility and Rights & Responsibilities (DOL - WH381).
3. Leave Request Form (County).
4. Designation Form (DOL - WH382).
5. Certification of Health Care Provider for Employee's Serious Health Condition (DOL- WH380E).
6. Certification of Health Care Provider for Family Member's Serious Health Condition (DOL- WH380F).
7. Certification of Qualifying Exigency for Military Family Leave (DOL - WH384).
8. Certification for Serious Injury and Illness of Covered Service Member for Military Family Leave (DOL - WH38).+-

Section 8. Military Leave:

1. An employee who is a member of the National Guard or an organized military reserve of the United States will be allowed leave of absence with pay to participate in ordered military duty or training for a period consistent with Georgia Law, as follows (Ga, L. 1979, p.623):
 - a. Any and all periods of absence while engaged in the performance of ordered military duty and while going to and returning from such duty, not exceeding a total of 90 days in any one calendar year and not exceed 18 days in any one continuous period of absence.
 - b. For a period not exceeding 30 days in any one calendar year and not exceeding 30 days in any one continuous period when the Governor declares an emergency and orders any public officer or employee to State active duty as a member of the National Guard.
2. An employee, other than emergency or temporary, who leaves employment with the City for military service with the United States shall have reemployment rights upon successful completion of such service, consistent with Federal Law.

Section 9. Civil Law.

Any employee shall be given necessary time off without loss of pay when performing jury duty or when required by proper authority to be a witness in legal proceedings, provided such call to duty is reported in advance to the individual's supervisor. In order to receive full pay for necessary time off duty, the employee shall report to work at all times when not required to be in attendance by the Court.

ARTICLE VII
EMPLOYEE DEVELOPMENT

Section 1. In-Service Training.

The City Administrator shall be responsible for fostering and promoting in-service training of employees for the purpose of improving the quality of service and to assist employees in preparing themselves for advancement. In case of necessary training which involves travel, the City Administrator may approve compensation based on regular City travel policies.

Section 2. Educational Enrichment.

Upon the recommendation of the department head and the approval of the City Administrator, an employee may receive payment for the cost of tuition and books for any job-related post-high school course successfully completed. Such courses shall be taken during employee off-duty hours unless it is necessary training for the job which is specifically approved by the department head and the City Administrator.

Section 3. Retirement System.

Provisions for Retirement System for City employees shall be as outlined in the Retirement Contract passed by the Mayor and Council on January 1, 1972, or as it may be amended or changed by future action of the Mayor and Council. All employees are also covered under Social Security.

Section 4. Insurance Benefits.

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

Section 5. Equipment, Uniforms, Dress and Appearance Policy.

Uniforms for police and fire department employees and such other employees as the City Administrator may authorize, may be furnished by the City. In departments which uniforms are provided, it shall be the responsibility of the department head to insure that uniforms are properly worn. If for some reason, the employee is unable to wear those uniforms which are provided or the uniform company serving the City is unable to provide uniforms which can be worn by the employee, the employee shall provide his or her like uniform and will be reimbursed monthly, an amount equal to that currently being paid for uniforms. It shall be the responsibility of the department head to insure that all

uniforms and/or equipment paid for or rented by the City are turned in when an employee leaves the employment of the City. Employees leaving the employment of the City will be required to turn all uniforms and equipment which is considered to be property belonging to the City prior to the employee receiving any final compensation.

1. Supervisor Responsibility - It is the responsibility of the supervisor to ensure that his/her employees are appropriately dressed for work including, if appropriate, uniform, safety shoes or slip-resistant shoes, and safety eye wear or other personal protective equipment. The employee's immediate supervisor is responsible for ensuring that the employee wears the uniform properly.

2. Employee Responsibility - It is your responsibility to be appropriately attired for work at the beginning of your work shift (i.e., wearing your uniform if in a uniform-designated job title; wearing safety shoes or slip-resistant shoes if in a job title that requires them; for a job title that does not require a uniform, dressed in personal attire appropriate for the position).

3. Compliance - If you arrive at work not appropriately attired for your job (i.e., not wearing the uniform while serving in a uniform-designated job title; not wearing safety shoes or slip-resistant shoes when the job title requires them; or not dressed in personal attire appropriate for the position while serving in the job title that does not require a uniform) you will be instructed to leave the workplace on your own time and return appropriately attired to perform your job. Failure to adhere to the *Uniforms, Dress, and Appearance* policy as described in this section may result in progressive disciplinary action, up to and including dismissal.

4. Uniforms - Wearing uniforms has many advantages to both the City and you. Your business-like appearance enables you to represent the City in a safe and professional manner. Uniforms are intended to give you a neat, presentable, professional appearance that enhances your status in the eyes of the community. Keeping the uniform clean and neat shows your sense of pride in belonging to an accomplished organization and a professional attitude towards your work. Uniforms make it possible for building occupants and law enforcement personnel to recognize people who have authorized access to a property. Lastly, uniforms are a benefit that helps save on wear and tear to your personal clothing.

Appearance considered appropriate for uniformed personnel with the department includes:

- a. Matched uniform combinations.
- b. Wearing a uniform when reporting for the regular workday or scheduled overtime duties except when reporting for emergency after-hour callback.
- c. Shirts buttoned.
- d. No torn, frayed, or dirty uniform worn at the beginning of the workday.
- e. Shirt tails tucked inside trousers, and trousers are worn around the waist, whether belted, suspended, or worn snugly enough to keep them in place.
- f. No sandals, flip flops/thongs, or sports-type shoes (tennis, sneakers, canvas) with the exception of shoes prescribed for medical conditions supported by a doctor's prescription or approved by a foreman for special job requirements. (Meter reading personnel are allowed to wear tennis shoes, sneakers, etc. based on their job requirements.)
- g. No clothing/accessories that reflect poorly upon the City.

Uniforms, including laundry and repairs, are furnished at no cost to the employee. All crafts/trade employees are eligible for the uniform benefit. Safety shoes/boots will be supplied by the City annually at a \$120.00 limit.

Upon termination of employment or transfer from the department, employees are responsible for returning all of their uniforms.

5. Dress and Appearance for Employees Not Designated to Wear Uniforms - The objective of the dress code is to encourage employees to maintain personal appearance in a manner reflecting a good image of pride of ownership. All City employees are expected to be clean and neat when reporting for work each day. Employees in offices that have constant personal contact with the public are expected to dress in attire appropriate for the business world. Office employees should dress with safety in mind and appropriate footwear should be worn at all times. Office employees visiting job sites should wear appropriate personal protective equipment. Employee attire should reflect a level of modesty appropriate for the workplace. Employees will also practice proper personal hygiene so as to not become a distraction to other employees or customers in the workplace. Shop employees are expected to dress in a way that is safe and appropriate for their work or craft.

City administrative and clerical employees are expected to dress in appropriate professional or business attire during the performance of their duties. It is important that the City employees present a good public image without distracting others by wearing outlandish or inappropriate attire.

The following is a partial list with examples of attire that will be

considered inappropriate for the business of the City.

- Clothing that needs cleaning
- Clothing that has holes in it or is in need of repair
- T-shirts, sweatshirts, and any apparel with inappropriate logos and or writing emblazoned on it.
- Shorts, short skirts, low-cut, revealing, see-through or light weight clothing without proper undergarments, and
- Flip flops/shower shoes, etc.

Your supervisor will give you guidelines for the appropriate dress in your work setting. All uniform attire is to be monitored for repairs or replacement.

6. Enforcement

- The dress and appearance standards are to be consistently enforced by supervisors. Therefore, supervisors should carefully observe their employees each day to ensure compliance utilizing progressive counseling and discipline to correct all noncompliance with this policy.
- The annual performance evaluations should also be used to communicate an employee's compliance with departmental dress and appearance policies. Employees who excessively abuse these standards will have the abuse noted in the performance evaluations, which may be subject to appropriate disciplinary action.

Public Safety Employees will continue to follow the City's Public Safety policies.

Section 6. Outside Employment.

Outside employment is defined as paid employment of an employee in addition to such employee's employment with the City of Claxton. As related to one's employment with Claxton City Government, no employee shall engage in other employment without written authorization of the Department Director. Outside employment shall only be allowed under the following conditions:

1. Such employment shall not interfere with nor affect the performance of the employee's duties in his primary City job.
2. Such employment shall not involve a conflict of interest, or a conflict with the employee's duties.

3. Such employment or outside business shall not interfere with the efficient performance of his/her duties as an employee with the City.
4. Such employment shall not occur during the employee's regular or assigned working hours, unless the employee is either on paid vacation leave, or leave without pay.
5. Under no circumstances can an employee be paid sick leave or Workers' Compensation pay, or be paid disability and continue working outside employment.
6. Such employment shall not involve the use of records or equipment of the City. Police uniforms shall not be considered equipment in the meaning of this rule.
7. City employees are strictly forbidden from pursuing outside business activity on City time. Government time or property is not to be used for personal gain of any kind.

Procedure: No employee shall perform outside employment without having first filed a written request, included with this policy, with the employee's department director for permission to engage in outside employment including self-employment. Such request shall state the nature and type of employment, the hours of work, the name and business address of the prospective employer, and the location of the place at which the employee shall be engaged in outside employment.

If it is determined that the employment requested is unusually hazardous and may be harmful to the employee, the Department Director will sanction employment only when the employee waives the right to utilize the City's group health plan in the event of an accident or injury, or provide proof of Workers' Compensation coverage.

The Department Director shall have the right to deny the request, or approve same, provided that such employment is in compliance with the provisions of this policy. Anyone violating this policy is subject to disciplinary action.

**OUTSIDE MUNICIPAL
EMPLOYMENT STATUS
CITY OF CLAXTON**

**TO BE COMPLETED BY
EMPLOYEE:**

Name:	Social Sec. Number:
Position :	Department :
PLACE OF OUTSIDE EMPLOYMENT	
Name of Business:	
Address:	
Type of Work:	
.	
Employee Signature:	I Date:

**TO BE COMPLETED BY DEPARTMENT
DIRECTOR:**

Comments and Recommendations

Department Director Signature:	Date:
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ARTICLE VIII. RECORDS AND REPORTS

Section 1. Records.

1. **Establishment.** There shall be established and maintained such personnel records as the City Administrator deems necessary for the administration of the City Personnel Management System and to meet legal requirements. These records usually include applicant files, examination records, classification and pay files, leave records, EEO and similar data files, and employee files.
2. **Ownership of Records.** All personnel records on employees of the City government covered under this Personnel Policy and all other records and materials relating to the administration of the City personnel system shall be considered confidential and property of the City. The decision of the City Administrator relating to the use, maintenance and disposition of such records and materials shall be final, subject to relevant State and Federal laws and requirements.
3. **Time Limit Records are to be kept.** Except for employee files, which shall be permanent records, the City Administrator shall determine the length of time that personnel records shall be retained, which shall be in accordance with appropriate State and Federal laws and requirements.
 - a. **Employee Records**
 - i. **Official Record.** Designated officials shall retain and maintain the City's official record for each employee which shall be limited to:
 1. Application for employment or promotion which resulted in appointment or promotion.
 2. Employment history, including personnel action documents effecting appointment, promotion, transfer, salary change, etc.
 3. Copy of disciplinary actions
 4. Employee emergency information.
 5. Payroll withholding documents.
 6. Insurance and retirement record.
 7. Education and training records.
 8. Performance evaluations – limited to last five years only.
 9. Leave records – limited to last five years only.
 10. Results of tests and examinations successfully completed – limited to two years from date of test or examination.

11. Copy of commendations.
12. Copy of reprimands – limited to two years only.

b. Operating Record.

i. A department or office may retain employee files containing documents necessary for program level operations which shall be limited to:

1. Home address and phone number.
2. Present job information, i.e., description, location, etc.
3. Employee emergency information.
4. Data necessary to verify payroll.
5. Copy of leave record - limited to two years only.
6. Copy of periodic performance evaluations, including supporting documentation - limited to two years only.
7. Copy of commendations, reprimands, and disciplinary actions - limited to three (3) years only.

ii. Maintenance. Employee records shall be reviewed periodically to assure compliance with subsections I and ii above and all documents removed shall be destroyed.

iii. Access to Records. Personnel records are considered confidential and available on a "need to know" basis only to:

1. The employee's supervisor.
2. The City Administrator or a designee.
3. The Personnel Director or a designee.
4. Personnel Office staff.
5. The appointing authority considering the employee or applicant for appointment, transfer or promotion.

Except for verification of employment and current salary, requests for information concerning an employee from other than the above-specified individuals may only be considered when accompanied by a signed authorization from the employee. The requestor is required to state the reason for the review and identify the material desired. The City Administrator is responsible for establishing administrative procedures to be followed in reviewing personnel records.

iv. Rights of Employee. An employee or designee thereof has the right to review his/her entire employee file (s) upon request

and at a time and place mutually convenient to the custodian thereof. An employee must be provided a copy of any document that is to be placed in his/her file and provided an opportunity to submit a rebuttal thereto, if desired, to be included in the record.

Section 2. Employee Performance Reports. The Personnel Officer shall be charged with the maintenance of an effective performance appraisal system for all employees covered by provisions of the Personnel Policy. Performance appraisal program is designed to require each supervisor to effectively evaluate the performance of each employee on a regularly scheduled basis and to advise the employee of his/her progress and strengths and weaknesses in carrying out the assigned duties and responsibilities. An employee will be evaluated in accordance with the provisions of the Pay Plan (Article III), and it shall be the responsibility of the Personnel Officer to maintain a roster of employees who are due performance appraisal during probationary periods and to establish the dates that performance based increase reviews are to be conducted. The Personnel Officer will further advise the departments that appraisals are due and follow up to insure that each employee is appraised relative to his performance as scheduled.

ARTICLE IX CONFLICT OF INTEREST

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

1. Engage in any business or transaction or have a financial interest or other personal interest, direct or indirect, which is incompatible with the proper discharge of their official duties or which would tend to impair independence or judgment or action in the performance of official duties.
2. Engage in or accept private employment or render services for private interest when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties.
3. Disclose confidential information concerning the property, agency, or affairs or the City by which they are employed without proper legal authorization, or use such information to advance their financial or other private interests or that of others.
4. Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm or corporation which to their knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the City by which they are employed.
5. Represent private interest in any action or proceeding against the City by which they are employed.
6. Participate in the negotiation or the making of any contract with any business or entity in which they have a financial interest.

Any employee subject to these rules and regulations who violates the provisions of this section shall be guilty of misconduct and subject to appropriate disciplinary action, including dismissal.

ARTICLE X USE OF CITY VEHICLES

Employees driving City vehicles are required to have such driver's licenses for the vehicle being driven as is required by the Georgia state law, irrespective of whether the employee drives the vehicle on regular, occasional or other basis, and whether or not this requirement is included or omitted in the description of the class to which the employee was appointed. Violation citations, fines and other actions taken by any law enforcement jurisdiction against any employee while driving a City vehicle in violation of this rule shall be the responsibility of the employee and may be cause for disciplinary action.

In keeping with the City of Claxton's intent to provide a safe and healthy work environment, smoking and the use of smokeless tobacco products are prohibited in any building owned or operated by the City of Claxton, along with any and all City vehicles.

Anyone misusing or abusing City vehicles, using a vehicle for other than approved purposes, taking a vehicle home when not approved by the City Administrator, shall be subject to appropriate disciplinary action, including dismissal if deemed appropriate.

ARTICLE XI POLITICAL ACTIVITIES

No City employee in the career service shall offer for or hold an elective office in the city, county, state or national government, excepting the office of county school board member, nor shall he/she give or solicit any contribution or assessments, or publicly endorse any candidate for any city elective office.

Nothing herein contained shall effect the right of an employee to contribute to, hold membership in, serve as an officer of, or support a political party; to vote

as he/she chooses, to support or campaign for political candidates of other governmental jurisdictions; to express privately his/her opinions on all political subjects and candidates; to maintain political neutrality or to attend political meetings, provided such activities are outside office or duty hours.

ARTICLE XII NEPOTISM

Section 1. Relatives of Elected Officials and Department Heads.

Relatives of elected officials, department heads, city attorney, municipal judge are excluded from employment in any department of the City.

Section 2. Relatives of Supervisory Employees.

Relatives of employees in positions that carry any degree of supervision shall not be employed anywhere in the department in which the supervisor works, but may be employed in other departments of the City.

Section 3. Relatives of Non-Supervisory Employees.

Subject to the foregoing provisions, relatives of non-supervisory employees may be employed by the City in any position which they are qualified to fill.

Section 4. Definitions.

Relative is defined to include spouse, child, stepchild, grandchild, parent, grandparent, brother, sister, half-brother, half-sister, uncle, aunt, niece, nephew, or the spouse of any of these. These relations shall include those arising from adoption. Persons who are common law married or who are living together without benefit of matrimony are also considered as relatives under the intent of this rule.

ARTICLE XIII DISCRIMINATION & HARRASSMENT POLICY

Section 1. Statement of Policy.

It is the policy of the City of Claxton ("the City") to prohibit all unlawful forms of discrimination, harassment and/or retaliation based on sex, race, color, religion, citizenship status, national origin, age or disability.

Section 2. Scope.

This policy applies to all employees, elected officials, appointed officials, vendors, contractors, consultants, citizens or visitors, and applicants for employment.

Section 3. Responsibility.

Every City employee who is charged with supervising and/or managing subordinate employees is responsible for handling all discrimination and harassment complaints in accordance with this policy. Any supervisor who is informed of or receives a complaint must immediately report the complaint to the City Administrator. Each employee is responsible for following the procedures explained in this policy to ensure that her/his complaint is handled promptly and appropriately.

Section 4. Prohibited Conduct.

Prohibited conduct consists of unwelcome conduct, whether verbal, written, physical or visual, that is based upon a person's race, color, creed, religion, sex, age, disability, national origin, citizenship, marital status or other protected group status. The City maintains a zero-tolerance policy prohibiting unlawful harassment and discrimination, and will not tolerate harassing conduct that affects tangible job benefits, that unreasonably interferes with an individual's work performance, or that creates an intimidating, hostile or offensive working environment.

The City is committed to taking all reasonable steps to prevent such harassment and discrimination, and to promptly correct any such conduct that is identified. In addition to any disciplinary action that the City may take against an offending employee, up and including termination, offenders may also be personally responsible for legal and monetary damages that may arise from such conduct.

The City will be guided in determining the appropriate disciplinary corrective action by state and federal statutes, regulations and case law in light of the particular circumstances of each case. Such corrective action may include any of the actions set forth in Group I, II, III and IV offenses in ARTICLE V. DISCIPLINARY ACTIONS, APPEALS, GRIEVANCES hereof, and may include different or additional measures for appropriate corrective action in light of state and federal statutes, regulations and case law, depending upon the particular circumstances of each case.

Section 5. Sexual Harassment.

In addition to the City's general prohibition against discrimination and harassment based on race, color, religion, sex, citizenship status, national origin, age or disability, the City also specifically prohibits sexual harassment. Sexual harassment includes both a supervisor's demand for sexual favors in return for job benefits or to avoid adverse job consequences, and inappropriate conduct by supervisors, co-employees, elected officials, vendors, contractors, consultants, citizen or visitors, and includes, but is not limited to, slurs, offensive remarks of a sexual nature, jokes with sexual connotations, unwelcome physical contact and any other verbal, physical or graphic conduct of a sexual nature. Employees who violate this policy will be subject to discipline, up to and including termination.

The City will be guided in determining the appropriate disciplinary corrective action by state and federal statutes, regulations and case law in light of the particular circumstances of each case. Such corrective action may include any of the actions set forth in Group I, II, III and IV offenses in ARTICLE V. DISCIPLINARY ACTIONS, APPEALS, GRIEVANCES hereof, and may include different or additional measures for appropriate corrective action in light of state and federal statutes, regulations and case law, depending upon the particular circumstances of each case.

Section 6. Procedure.

1. The City will resolve discrimination and harassment complaints as quickly and confidentially as possible. If an employee believes a co-worker, supervisor, vendor, contractor, consultant, customer, visitor or any other agent of the organization is harassing or discriminating against her/him, the employee is encouraged to tell the offender clearly that the behaviors and actions are unwelcome unless the employee feels uncomfortable in doing so.
2. In addition, the employee must immediately inform her/his supervisor or the City Administrator. If the complaint involves the employee's supervisor, the

employee should instead first inform the City administrator. The employee should be prepared to report the facts of the incident(s), including what happened, how often, and where the incident(s) took place, as well as the names of the individuals and witnesses involved. If the complaint involves the City Administrator the employee should inform the Mayor.

3. All harassment and discrimination claims will be investigated in a timely, fair, and thorough manner, and the City requires all employees to cooperate fully in any investigation. All complaints will be investigated as discreetly and confidentially as possible. If the City determines that discrimination or harassment has occurred, it will take appropriate corrective action up to and including termination of employment of the offending employee, (or other appropriate action if the offender is not an employee of the organization).
4. Every City employee who is charged with supervising and/or managing subordinate employees is responsible for handling all such complaints in accordance with this policy. Any manager who is informed of or receives a complaint must immediately report the complaint to the City Administrator. Each employee is responsible for following the procedures explained in this policy to ensure that her/his complaint is handled promptly and appropriately.

Section 7. Anti-Retaliation Provision.

The City will not permit retaliation against any employee who registers a harassment or discrimination complaint or who assists in investigating such a charge. No employee who registers a harassment or discrimination complaint in good faith or who assists in the investigation of such a complaint will be adversely affected in the terms and conditions of employment, nor will he or she be discriminated against or discharged because of the complaint.

Section 8. Employee Acknowledgment of Receipt.

I acknowledge that I have received, read and become familiar with the City of Claxton's Discrimination and Harassment Policy, the Sexual Harassment Policy, the Procedure for Reporting Harassment and/or Discrimination and the Anti-retaliation Policy, which are set forth above. I also acknowledge that I have received my own copy of these policies and that I will abide by them.

If I believe the policies have been violated in any way, I will report it immediately to my supervisor or City Administrator. I understand that any violation of this policy may be grounds for disciplinary action up to and including dismissal from employment.

DATE

Signature

Print Name

Section 9. Supervisor's Acknowledgement of Receipt of Discrimination - Harassment Policies.

I acknowledge that I have received, read and become familiar with the City of Claxton Discrimination and Harassment Policy, the Sexual Harassment Policy, the Procedure for Reporting Harassment and/or Discrimination and the Anti-Retaliation Policy, which are set forth above. I also acknowledge that I have received my own copy of these policies.

I will immediately report any act or allegation of discrimination or harassment to my supervisor or the City Administrator. I will support the investigation of any complaint initiated in response to this policy, as well as any resulting corrective action. I will not penalize any employee who reports either a potential violation of this policy or the existence of improper conduct that may arise under any work-related circumstances for which I am responsible.

I understand that because I am a representative of management, I may not make sexual advances, welcome or unwelcome, toward any subordinate. I further understand that the City could be held responsible for acts of harassment that I commit, condone, tolerate, or fail to investigate.

If I know of or have reason to believe that an act of harassment or discrimination has been committed, or if I am aware of the existence of a hostile, intimidating, or offensive work environment in any City work unit, I understand that both the City and I can be placed in jeopardy if I fail to report the act(s) to the City Administrator.

Finally, I understand that if I violate any provision of this policy, I will be subject to disciplinary action up to and including dismissal from employment. I further understand that under federal law, I may be held personally liable for my improper conduct or for my failure to act responsibly with respect to the provisions of this policy.

Date

Supervisor's/Administrator
Signature

Print Name

ARTICLE XIV

AMERICANS WITH DISABILITIES ACT (ADA) & ADA AMENDMENTS ACT (ADAAA)

- A. The City is committed to complying fully with the Americans with Disabilities (ADA) and its amendments, including :
1. Ensuring equal employment opportunities for qualified persons with disabilities and making reasonable accommodations for qualified individuals, unless making the reasonable accommodation would result in undue hardship to the City.
 2. When asked, we will attempt to make job applications available in alternative, accessible formats; and will also give assistance in completing the application.
 3. We only make pre-employment inquiries regarding an applicant's ability to perform the duties of the job.
 4. We require post-offer medical examinations only for jobs that have bona fide job-related physical requirements.
 5. We keep medical records confidential and separate from other personnel files.
- B. On January 1, 2009, the ADAAA become law and both clarified, as well as added, new components to the original ADA law. The ADAAA: Broadens the definition under the ADA of "disability" from "a physical or mental impairment that substantially limits one or more major life activities." Under the new law, one impairment will constitute a disability as long as it "materially restricts" a major life activity. The ADAAA does not define this term, but makes clear that a restriction need not be "significant" to qualify as "material." EEOC guidance issued in 2011 also declined to define "substantial limitation" other than to state that it is less than the previous standard of "prevents or significantly restricts." Moreover, an impairment does not have to last at least six months to be an actual disability. The EEOC opines [offers its opinion] that an impairment that lasts at least a few months can be a disability, but that those that last a short time will not be-unless "sufficiently severe."

The non-exhaustive list of "major life activities" will now include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

For the first time, major life activities will also include the operation of major bodily functions, including functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

In determining whether an employee is substantially limited in a major life activity, employers should now compare them to "most people in the general population: in the following respects:

- The condition under which they perform the major life activity.
- The manner in which they perform the major life activity.
- How long it takes them to perform the major life activity and how long they are able to perform it
- The difficulty, effort, or time required to perform the major life activity.
- The pain experienced when performing the major life activity
- The adverse effects of mitigating measures (such as prosthetics, medications, etc.)

Similarly, the determination of whether a disability exists under the new law must be made without taking into account whether medication or any other mitigating measures lessen the impairment (excluding prescription eyeglasses and contact lenses.) Employees will be evaluated without regard to hearing aids, medication, prosthetic devices and other measures they might use to manage their impairments.

Under a secondary definition, an employee or applicant qualifies as "disabled" if he or she is regarded as having a physical or mental impairment that substantially limits one or more major life activities. The ADAAA makes clear that an individual meets this definition so long as he or she establishes that he or she has been subjected to

prohibited action based on an actual or perceived impairment. The individual need not establish that he or she actually is substantially limited in a major life activity to be protected.

In addition, under the ADAAA, an impairment that is episodic or in remission will qualify as a disability, so long as that impairment-in its active state-would be substantially limiting.

- C. Individualized Assessments are one of the hallmarks of both the ADA and the ADAAA. All impairments require an individualized assessment to determine whether they rise to the level of disability. This requires a good faith and well-documented interactive process with impaired employees.
- D. Applicants or employees who need a reasonable accommodation in order to complete the hiring process or their job duties are to make a request of their supervisor, who will then coordinate their response with the City Administrator, his or her designee, or the Personnel Officer.

Anyone who feels there is a concern regarding compliance with the ADA should address their concerns to their supervisor, the City Administrator, his or her designee or Personnel Officer.

ARTICLE XV

STATUS OF PRESENT EMPLOYEES

Employees holding positions in the regular employee status herein for one year or more immediately prior to the adoption of this Policy shall be continued in their respective positions without further review of qualifications until separated from their current positions. Such employees shall be placed on a step within the appropriate grade for positions. Those holding positions for less than one year immediately prior to the adoption of this Policy shall serve a probationary period as prescribed by this plan. Those who shall have failed to qualify as provided herein shall be dismissed from their positions within 30 days after the establishment of an eligible list for their respective positions. Nothing herein shall preclude the reclassification or reallocation as provided by this policy of any position held by any incumbent.

ARTICLE XVI
SEPARABILITY

If any provision of this Policy, or if any policy or order thereunder, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of the Policy and the application of such provisions or policies or order to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

ARTICLE XVII REPEALER

Any policies or rules and regulations previously adopted by the City of Claxton which may be in conflict with this Policy are hereby repealed.

ARTICLE VIII OFFICIAL COPY

The official copy of the Personnel Policy shall be attested by, and placed upon file with the City Clerk.

ARTICLE XIX EFFECTIVE DATE

This Policy shall take effect:

Approved by the Mayor and Council of the City of Claxton, Georgia,

On this _____ day of _____, 2018.

Mayor

_____ [SEAL]

City Clerk

APPENDRIX A COACHING MODEL

1. Clearly state the expectation for performance.
 - a. Provide a business reason that supports the expectation.
 - b. Gain agreement on the importance of the issue.
2. Describe the performance discrepancy or issue.
 - a. Focus on observable, measurable behaviors, not attitude or personality.
 - b. Gain agreement that the expectation is not being met.
3. Collaborate on a plan to correct the performance issue.
 - a. Ask why the expectation is not being met so that you can fully understand the situation. (“Why did this occur? Or “Why didn’t this occur?”)
 - b. Solicit the employees’ idea regarding how and when he/she will meet the expectation. (“What will you do to correct the situation and when will you do it?”)
 - c. Emphasize that it is the employees; responsibility to ensure the change is made; do not take personal responsibility for the change (“Do you realize that you are responsible for this change?”)
 - d. Gain agreement on the process and the steps to be taken by the employee.
4. Follow up.
 - a. Monitor (closely) continued progress or lack thereof.
 - b. Recognize and reward or move forward to corrective action.
5. Consequences: Positive or Negative (but never use “NONE”).

*This Personnel Policy contains amendments adopted and voted on by Council that supersede the original personnel policy sections regarding the same. They are:

Article IV. Section 9. Revision Date December 31, 1999.

Article IV. Addition to Page 11, Section 8. Paragraph B. on "New Employees".

Article V. Disciplinary Actions, Appeals, Grievances with memorandum attached dated November 7, 1997.

Article XII. Nepotism done at the same time as the amendment to Article V (November 7, 1997).

Article VI. Attendance and Leave dated and marked "Corrected Revision, February 1998".

Article III. Section 13. Year End Pay to make year-end pay dependent upon a satisfactory employee evaluation. (Amended December 1, 2006).

Article III. Section 14. Pay Periods established as bi-weekly with the work week ending on Wednesday before each regular pay-day.

Article V. Disciplinary Actions revised December 1, 2006.

Article III. The Salary Plan revised December 18, 2007.

Article VI. Section 5. Annual Leave accrual rates revised June 2008.

Article VI. Section 7b. Family Leave revised to meet legal requirements in May 2009.

Article VII. Employee Development revised in 2009.

This policy incorporates any other amendments voted on as designated and contained in this manual.

Please be sure to read thoroughly the Personnel Policy and its amendments.

