WELCOME TO THE CITY OF EAST POINT

East Point is the crown jewel of the suburban metropolitan Atlanta area. The City offers the amenities of a large city with the safety, convenience, friendliness and charm of a small town. One of the safest and most economical areas to reside and work, East Point has award-winning public safety divisions including outstanding Police and Fire Departments. The City provides its own electricity, water, sewer, sanitation and municipal services.

MISSION & VISION STATEMENT FOR THE CITY OF EAST POINT:

> To provide exceptional city services in the most professional, courteous and effective manner to enhance the quality of life in the City of East Point. East Point is a city of excellence in providing housing and business development opportunities, public safety, recreational and cultural activities.

You are joining a staff that is committed to providing the following:

City of East Point's Standards for Public Service Delivery

- **Effective Business Management** – We pledge to make ethical, cost-effective use of the resources available to use in carrying out our duties.
- **Advocacy for the City of East Point** – We take pride in working for the City of East Point, value our service to the community and seek opportunities to show it.
- **Focus on Employee & Customer Safety** – We pledge to value safe working conditions for ourselves, our co-workers and those we serve in the community.
- **Excellence in Employee Development** – We pledge to continuously pursue professional excellence for ourselves and the City of East Point through fostering service, training, mentoring, coaching, teaming and leadership among all employees.
- **Exceptional Customer Service** – We pledge to deliver exceptional service to all our customers – internal & external – to continually seek ways to improve our service delivery and to foster a "customer first" mind-set in the City of East Point.

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Acknowledgment and Receipt of East Point Personnel Manual

I hereby acknowledge that I have received the City of East Point's personnel manual. I understand this manual contains only general information and as a guideline to the City's rules and regulations. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. If I have any questions concerning eligibility for a particular benefit, or the applicability of a policy or practice, I will address that specific question to the Human Resources Department. I understand that each Department may have additional rules and regulations that may apply and that this manual may not include all rules and regulations.

I further understand this personnel manual is subject to change and revision at the discretion of the City Manager and the Human Resources Department as needed to provide for the effective, safe and equitable operation of the City and for the correction and/or clarification of any omission or errors contained herein.

I understand the interpretation of the rules and regulations contained in this manual shall be at the discretion of the City Manager, provided that the rules and regulations are equitably and fairly enforced by the City for the welfare of the City and its employees.

I understand it is my responsibility to thoroughly review this manual and I will ask my supervisor for any clarification needed. I understand I am responsible for complying with the rules and regulations and any subsequent changes that are made and distributed for inclusion in the manual.

I understand that neither this handbook nor any other city document, confers any contractual right, either express or implied, to remain in the City's employ. Nor does it guarantee any fixed terms and conditions of my employment. My employment is not for any specific time and may be terminated at will without any prior notice if I am an unclassified employee, or with cause if I am a classified employee.

_____ _____

Employee's Printed Name If Police, Badge Number

_____ _____

Employee's Signature Date

City of East Point **PERSONNEL MANUAL**	**Policy: 10-1**
Subject: Personnel Administration: Equal Employment Opportunity	**Effective:** Revised 03/01/2015
Policy Administrator: Director of Human Resources	**Replaces:** 20-10 Effective 1-1-2000

1. Purpose:

The Mayor and City Council are committed to providing equal employment opportunities by assuring that all East Point employees are hired and evaluated based on their own merit and are committed to prohibiting discrimination in employment because of race, creed, ancestry, sexual orientation, gender identity, veteran status, color, religion, age, disability, sex, or national origin. Furthermore, it is the policy of the city to ensure that all employees comply with the spirit and the intent of the federal, state and local legislation in providing equal opportunity. Pursuant to this Equal Employment Opportunity policy, the City will not permit its employees to engage in any act of discrimination or harassment affecting other persons employed by the City of East Point.

2. Individuals and Conduct Covered

These policies apply to all applicants and employees, and prohibit harassment, discrimination and retaliation by a supervisor or manager against an employee, by an employee against fellow employees, or by an employee against someone not directly connected to the City; i.e. an outside vendor or customer.

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business related social events.

3. Definition of Discrimination or Harassment

Discrimination or harassment is illegal under federal, state and local laws. For the purposes of this policy, discrimination or harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as verbal or physical conduct that belittles or shows hostility or aversion toward an individual because of their race, color, religion, national origin, age, disability or any other characteristic protected by law, that:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

4. Examples of Discriminating or Harassing Behavior

Discrimination or harassment may include a range of subtle or not so subtle behaviors. Depending on the circumstances, these behaviors may include, but are not limited to:

1. Epithets, slurs or negative stereotyping;
2. Threatening, intimidating or hostile acts;
3. Condescending, demeaning or belittling jokes;
4. Terms and conditions of employment such as:
    a. Hiring and firing;
    b. Compensation, assignment, or classification of employees;
    c. Transfer, promotion, layoff, or recall;
    d. Job advertisements;
    e. Recruitment;
    f. Testing;
    g. Use of company facilities;
    h. Training and apprenticeship programs;
    i. Fringe benefits;
    j. Pay, retirement plans, and disability leave; or
    k. Displays or circulations in the workplace of written or graphic materials, discriminatory objects or pictures, including emails; or
5. Displays or circulations in the workplace of written or graphic materials, discriminatory objects or pictures, including emails; or
6. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

5. Complaint Procedure

The City strongly urges the prompt reporting of all incidents of discrimination or harassment regardless of the offender's identity or position. In order to better enable the City to obtain all the relevant facts, allegations of discrimination or harassment should, if at all possible, be made within ten (10) after the act(s) of discrimination or harassment occurs.

A. Employee's responsibility:

i. Employees who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this complaint procedure. An employee's failure to fulfill this obligation could affect his or her rights in pursuing legal action.

ii. Employees who believe they have experienced conduct that they believe is contrary to the City's policy or who have concerns about such matters should file their complaint with the Director of Personnel or his designee before the conduct becomes severe or pervasive.

iii. Employees are not obligated to file their complaints with their immediate supervisor before filing the complaint with the Director of Human Resources.

iv. If, during or after the investigation, the employee who filed the complaint feels any employee, supervisor or manager is engaging in any retaliating action against them for filing the complaint, the employee has the obligation to report this action immediately to the Human Resources Department.

B. Employer's responsibility:

i. Any reported allegations of harassment, discrimination or retaliation will be investigated promptly, thoroughly and impartially. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

ii. To further protect the employee who filed the complaint, the City reserves the right to **temporarily** separate the complainant from the alleged harasser during the course of the investigation.

iii. Confidentiality will be maintained throughout the investigatory process to the extent consistent will adequate investigation and appropriate corrective action.

iv. If the investigation reveals misconduct constituting harassment or retaliation, the conduct will be dealt with promptly and appropriately. Responsive action may include, for example, training, referral to counseling, monitoring of the offender and/or disciplinary action including a suspension without pay or termination as the City believes appropriate under the circumstances.

v. If the investigation reveals no misconduct occurred and the employee making a compliant does not agree with the resolution the employee may appeal to the investigative finding to the City Manager.

vi. If either employee was temporarily transferred, at the conclusion of the investigation, the City reserves the right to return either employee back to their original position.

6. Retaliation Prohibited

The City prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and like harassment or discrimination, will be subject to disciplinary action. Retaliatory practices include, but are not limited to:

a. Attempting to, or disciplining or terminating the complainant;
b. Attempting to, or reducing the pay of the complainant;
c. Attempting to, or reducing the work schedule or hours of the complainant;
d. Attempting to, or transferring the complainant; or
e. Any other such behavior which could be viewed in a retaliatory manner.

7. Disparate Treatment Prohibited

This discrimination harassment policy cannot be used as a basis for excluding or separating individuals of a particular characteristic from participating in business or work-related social activities or discussions in order to avoid allegations of harassment. The law and the City's policies prohibit disparate treatment on the basis of certain characteristics with regards to the terms, conditions, privileges and prerequisite of employment. The prohibitions against harassment, discrimination and retaliation are intended to compliment and further support these policies, not to form the basis of an exception to them.

City of East Point **PERSONNEL MANUAL**	**Policy: 10-2**
Subject: Personnel Administration: Sexual Harassment	**Effective:** Revised 03/01/2015
Policy Administrator: Director of Human Resources	**Replaces:** 20-14 Effective 1-1-2000

1. Purpose:

The City of East Point is committed to assuring that all of its employees are hired and evaluated based on their own merit and without regard to race, religion, sex, color national origin, disability or age. As part of its Equal Employment Opportunity policy, the City will not permit its employees to engage in any act or sexual harassment affecting other persons employed by the City of East Point.

2. Individuals and Conduct Covered

These policies apply to all applicants and employees, and prohibit harassment, discrimination and retaliation by a supervisor or manager against an employee, by an employee against fellow employees, or by an employee against someone not directly connected to the City; i.e. an outside vendor or customer.

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business related social events.

3. Definition of Sexual Harassment

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature when, for example:

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

4. Examples of Sexually Harassing Behavior

Sexual harassment may include a range of subtle or not so subtle behaviors. Depending on the circumstances, these behaviors may include, but are not limited to:

1. Unwanted sexual advances or requests for sexual favors;
2. Sexual jokes and innuendos;
3. Verbal abuse of a sexual nature;
4. Commentary about an individual's body, sexual prowess or sexual deficiencies;
5. Leering, catcalls or touching;
6. Insulting or obscene comments or gestures, including the exposure or touching of one's genitals;
7. Display or circulation in the workplace of sexually suggestive objects or pictures, including emails; or
8. Other physical, verbal or visual conduct of a sexual nature.

5. Complaint Procedure

The City strongly urges the prompt reporting of all incidents of discrimination or harassment regardless of the offender's identity or position. In order to better enable the City to obtain all the relevant facts, allegations of discrimination or harassment should, if at all possible, be made within ten (10) after the act(s) of discrimination or harassment occurs.

A. Employee's responsibility:

i. Employees who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this complaint procedure. An employee's failure to fulfill this obligation could affect his or her rights in pursuing legal action.

ii. Employees who believe they have experienced conduct that they believe is contrary to the City's policy or who have concerns about such matters should file their complaint with the Director of Human Resources or his designee before the conduct becomes severe or pervasive.

iii. Employees are not obligated to file their complaints with their immediate supervisor before filing the complaint with the Director of Human Resources.

iv. If, during or after the investigation, the employee who filed the complaint feels any employee, supervisor or manager is engaging in any retaliating action against them for filing the complaint, the

employee has the obligation to report this action immediately to the Human Resources Department.

B. Employer's responsibility:

i. Any reported allegations of harassment, discrimination or retaliation will be investigated promptly, thoroughly and impartially. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

ii. To further protect the employee who filed the complaint, the City reserves the right to **temporarily** separate the complainant from the alleged harasser during the course of the investigation.

iii. Confidentiality will be maintained throughout the investigatory process to the extent consistent will adequate investigation and appropriate corrective action.

iv. If the investigation reveals misconduct constituting harassment or retaliation, the conduct will be dealt with promptly and appropriately. Responsive action may include, for example, training, referral to counseling, monitoring of the offender and/or disciplinary action including a suspension without pay or termination as the City believes appropriate under the circumstances.

v. If the investigation reveals no misconduct occurred and the employee making a compliant does not agree with the resolution the employee may appeal to the investigative finding to the City Manager.

vi. If either employee was temporarily transferred, at the conclusion of the investigation, the City reserves the right to return either employee back to their original position.

6. Retaliation Prohibited

The City prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and like harassment or discrimination, will be subject to disciplinary action. Retaliatory practices include, but are not limited to:

a. Attempting to, or disciplining or terminating the complainant;

b. Attempting to, or reducing the pay of the complainant;
c. Attempting to, or reducing the work schedule or hours of the complainant;
d. Attempting to, or transferring the complainant; or
e. Any other such behavior which could be viewed in a retaliatory manner.

7. **Disparate Treatment Prohibited**

This sexual harassment policy cannot be used as a basis for excluding or separating individuals of a particular gender from participating in business or work-related social activities or discussions in order to avoid allegations of harassment. The law and the City's policies prohibit disparate treatment on the basis of sex with regards to the terms, conditions, privileges and prerequisite of employment. The prohibitions against harassment, discrimination and retaliation are intended to compliment and further support these policies, not to form the basis of an exception to them.

City of East Point **PERSONNEL MANUAL**	**Policy: 10-3**
Subject: Personnel Administration: Americans with Disability Act (ADA)	**Effective:** Revised 03/01/2015
Policy Administrator: Director of Human Resources	**Replaces:** 20-11 Effective 1-1-2000

1. **Purpose**:

The Mayor and City Council are committed to providing equal employment opportunities by assuring that all East Point employees are hired and evaluated based on their own merit and are committed to prohibiting discrimination in employment because of disability. Furthermore, it is the policy of the city to ensure that all employees comply with the spirit and the intent of the federal, state and local legislation in providing equal opportunity. Pursuant to this policy, the City will not permit its employees to engage in any act of discrimination or harassment affecting other persons because of a disability who employed by the City of East Point.

2. **Individuals and Conduct Covered**

Employment discrimination is prohibited against "qualified individuals with disabilities." This includes applicants for employment and employees. An individual is considered to have a "disability" if:

a. They have a physical or mental impairment that substantially limits one or more major life activities;
b. They have a record of such an impairment; or
c. They are regarded as having such an impairment;
d. They are discriminated against because they have a known association or relationship with an individual with a disability.

The ADA applies to persons who have impairments and that these must substantially limit major life activities such as seeing, hearing, speaking, walking, breathing, performing manual tasks, learning, caring for oneself and working. An individual with epilepsy, paralysis, HIV infection, AIDS, a substantial hearing or visual impairment, mental retardation, or a specific learning disability is covered, but an individual with a minor, non-chronic condition of short duration, such as a sprain, broken limb or the flu, generally would not be covered.

The ADA protects individuals with a record of a disability and would cover, for example, a person who has recovered from cancer or a mental illness.

The ADA also protects individuals who are regarded as having a substantially limiting impairment, even though they may not have such an impairment. For

example, this provision would protect a qualified individual with a severe facial disfigurement from being denied employment because an employer feared the "negative reactions" of customers or co-workers.

The ADA also protects individuals who have a known association or relationship with a disability, such as an employee who is discriminated against because their spouse has a disability such as HIV, etc.

These policies apply to all applicants and employees, and prohibit harassment, discrimination and retaliation by a supervisor or manager against an employee, by an employee against fellow employees, or by an employee against someone not directly connected to the City; i.e. an outside vendor or customer.

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business related social events.

3. Qualified Individual with a Disability

A qualified individual with a disability is a person who meets the legitimate skill, experience, education, or other requirements of an employment position that the person holds or seeks, and who can perform the essential functions of the position with or without reasonable accommodation. Requiring the ability to perform "essential" functions assures that an individual with a disability will not be considered unqualified simply because of inability to perform marginal or incidental job functions. If the individual is qualified to perform essential job functions except for limitations caused by a disability, the employer must consider whether the individual could perform these functions with a reasonable accommodation.

4. Reasonable Accommodation

Reasonable accommodation is any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions. Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has rights and privileges in employment equal to those of employees without disabilities.

An employer is required to make an accommodation to the known disability of a qualified applicant or employee if it would not impose an "undue hardship" on the operation of the employer's business. Undue hardship is defined as an action requiring significant difficulty or an expense when considered in light of factors such as an employer's size, financial resources and the nature of its operation.

Examples of reasonable accommodation include making existing facilities used by employees readily accessible to and usable by an individual with a disability; restructuring a job; modifying work schedules; acquiring or modifying equipment; providing qualified readers or interpreters; or appropriately modifying examinations, training, or other programs. Reasonable accommodation also may include reassigning a current employee to a vacant position for which the individual is qualified, if the person is unable to do the original job because of a disability even with an accommodation. However, there is no obligation to find a position for an applicant who is not qualified for the position sought. Employers are not required to lower quality or quantity standards as an accommodation; nor are they obligated to provide personal use items such as glasses or hearing aids.

Managers and supervisors are responsible for making reasonable accommodations to the known disabilities of applicants and employees. Every effort should be made to assure that people with disabilities have equal opportunities to demonstrate that they can perform the job successfully.

Qualified people with disabilities should not be denied opportunities solely because of those disabilities. Reasonable accommodations should be provided if it makes it possible for qualified people with disabilities to do their jobs unless the agency can demonstrate that such accommodations cause undue hardship on the operation of its program.

5. Definition of Discrimination or Harassment

Discrimination or harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, discrimination or harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of their disability that:

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

6. Examples of Discriminating or Harassing Behavior

Discrimination or harassment may include a range of subtle or not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to:

1. Epithets, slurs or negative stereotyping:

2. Threatening, intimidating or hostile acts.
3. Condescending, demeaning or belittling jokes.
4. Terms and conditions of employment such as:
    a. Hiring and firing
    b. Compensation, assignment, or classification of employees.
    c. Transfer, promotion, layoff, or recall.
    d. Job advertisements
    e. Recruitment.
    f. Testing
    g. Use of company facilities.
    h. Training and apprenticeship programs.
    i. Fringe benefits.
    j. Pay, retirement plans, and disability leave; or
5.Displays or circulations in the workplace of written or graphic materials, discriminatory objects or pictures, including emails; or
6. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

7. Complaint Procedure

The City strongly urges the prompt reporting of all incidents of discrimination or harassment regardless of the offender's identity or position. In order to better enable the City to obtain all the relevant facts, allegations of discrimination or harassment should, if at all possible, be made within ten (10) after the act(s) of discrimination or harassment occurs.

A. Employees' responsibility:

i. Employees who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this complaint procedure. An employee's failure to fulfill this obligation could affect his or her rights in pursuing legal action.
ii. Employees who believe they have experienced conduct that they believe is contrary to the City's policy or who have concerns about such matters should file their complaint with the Director of Human Resources or his designee before the conduct becomes severe or pervasive.
iii. Employees are not obligated to file their complaints with their immediate supervisor before filing the complaint with the Director of Human Resources.

iv. If, during or after the investigation, the employee who filed the complaint feels any employee, supervisor or manager is engaging in any retaliating action against them for filing the complaint, the employee has the obligation to report this action immediately to the Human Resources Department.

B. Employer's responsibility:

i. Any reported allegations of harassment, discrimination or retaliation will be investigated promptly, thoroughly and impartially. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

ii. To further protect the employee who filed the complaint, the City reserves the right to **temporarily** separate the complainant from the alleged harasser during the course of the investigation.

iii. Confidentiality will be maintained throughout the investigatory process to the extent consistent will adequate investigation and appropriate corrective action.

iv. If the investigation reveals misconduct constituting harassment or retaliation, the conduct will be dealt with promptly and appropriately. Responsive action may include, for example, training, referral to counseling, monitoring of the offender and/or disciplinary action including a suspension without pay or termination as the City believes appropriate under the circumstances.

v. If the investigation reveals no misconduct occurred and the employee making a compliant does not agree with the resolution the employee may appeal to the investigative finding to the City Manager.

vi. If either employee was temporarily transferred, at the conclusion of the investigation, the City reserves the right to return either employee back to their original position.

8. Retaliation Prohibited

The City prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of

this policy and like harassment or discrimination, will be subject to disciplinary action. Retaliatory practices include, but are not limited to:

a. Attempting to, or disciplining or terminating the complainant;
b. Attempting to, or reducing the pay of the complainant;
c. Attempting to, or reducing the work schedule or hours of the complainant;
d. Attempting to, or transferring the complainant; or
e. Any other such behavior which could be viewed in a retaliatory manner.

9. Disparate Treatment Prohibited

This discrimination harassment policy cannot be used as a basis for excluding or separating individuals of a particular disability from participating in business or work-related social activities or discussions in order to avoid allegations of harassment. The law and the City's policies prohibit disparate treatment on the basis of a disability with regards to the terms, conditions, privileges and prerequisite of employment. The prohibitions against harassment, discrimination and retaliation are intended to compliment and further support these policies, not to form the basis of an exception to them.

City of East Point **PERSONNEL MANUAL**	**Policy: 10-4**
Subject: Personnel Rules and Regulations: Substance Abuse	**Effective:** 03/01/2015
Policy Administrator: Director of Human Resources	**Replaces:** 20-12 Effective 1-1-2000

1. **Purpose**:

To establish the City's policy on the use and abuse of alcohol and/or controlled substances by its employees.

The City recognizes drug dependency as an illness and a major health problem. The City also recognizes drug abuse as a potential health, safety, and security problem.

2. **Prohibitions**

a. All employees of the City are strictly prohibited from the possession or use of illegal drugs or drug paraphernalia.

b. All employees are prohibited from the use of alcohol while performing work for, or the business of, the City whether during regular business hours or otherwise.

c. All employees are prohibited from reporting to work while under the influence of illegal drugs or alcohol.

d. All employees are prohibited from participating in the manufacture, distribution, transfer, storage, concealment or transportation of illegal drugs and substances.

3. **Testing**

a. Drug and alcohol screening tests shall be administered to City employees in accordance with the terms and conditions of this policy.

b. Categories of persons subject to drug/alcohol screening under this policy:

1. Persons applying for all City positions.

2. Police Officers and Firefighters (on a random basis.)

3. Persons under consideration for transfer or promotion to a safety-sensitive position.

4. Employees required to have an annual physical or examination.

5. Employees involved in certain accidents or personal injuries that are considered to be caused by the negligence of the employee.

6. Employees who give the City reasonable suspicion to believe that they are violating this policy.

7. Employees who have successfully completed a rehabilitation program.

4. Random Testing

The City reserves the right to conduct random drug testing as mandated by the Drug-Free Workplace Act of 1988. The purpose of random drug testing is to establish a safety program designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances. As a condition of continued employment all persons employed in high risk or safety sensitive positions by the City shall voluntarily submit to drug and alcohol testing when "random" drug and alcohol screening is scheduled.

The Department of Transportation's Drug and Alcohol Rule (49 C.F.R. Part 40) states that every CDL commercially licensed driver shall submit to random alcohol and controlled substance testing as required in section 382.305. The minimum annual percentage rate for random alcohol/controlled substance testing shall be 25 percent of the average number of driver positions.

The selection of employees for random alcohol/drug testing shall be made by a scientifically valid method, such as a computer-based random number generator that is matched with the employees' Social Security number. Under this selection process, each employee shall have an equal chance of being tested each time selections are made.

5. Reasonable Suspicion

Any employee who appears to be impaired based on their behavior, appearance, and/or odor or causes a suspicious accident or injury while performing City business or while on City property will be required to undergo drug and alcohol screening.

The employee shall be observed by two or more City supervisors who will make the initial determination that the employee has symptoms that generally convey the appearance of an impairment or the presence of alcohol.

Reasonable suspicion must be based on specific, objective facts about the conduct of an individual that would lead the reasonable person to suspect that the individual is or has been using drugs or alcohol. Observations which may

constitute a factual basis for determining reasonable suspicion may include but are not limited to the following, alone or in combination:

1. Slurred speech.
2. Alcohol on breath.
3. Inability to walk a straight line.
4. Any accident involving city property when the following elements are present:
   a. Vehicular accidents involving city employees who are cited for traffic code violations.
   b. Vehicular accidents involving city employees while driving non-City vehicles in the performance of City business.
   c. Other accidents involving city property in conjunction with additional behavior as outlined in this subsection.
5. Behavior which is so unusual and inappropriate in its nature as to create an unsafe work environment or disrupt the normal working condition.
6. Possession of alcohol and/or illegal drugs.

Failure or refusal by the employee to undergo the drug and alcohol screening immediately will be ground for termination. Failure to cooperate with the agency authorized to perform screening or interfering with the testing process shall also be ground for termination.

6. Employee Assistance Program

An employee Assistance Program (EAP) will be available to provide help with substance abuse problems. The program will provide employees with the opportunity to seek counseling and substance abuse rehabilitation through the Personnel office. An employee may seek assistance directly through his/her health care provider if preferred.

No adverse action will be taken against any employee who enters the EAP voluntarily, who successfully completes a rehabilitation program, and who thereafter complies with this policy. However, the EAP may not be available to an employee who does not volunteer to enter and who is later found to have violated this policy.

5. Disciplinary Action

1. An employee of the City will be discharged from his/her employment in all of the circumstances set out below.

2. An employee knowingly violates any provision of this policy; or

3. An employee fails to cooperate with supervisors, representative of the City, or persons administering screening, including a failure to follow instructions in providing a urine, breath or blood sample.

4. An employee knowingly adulterates or contaminates a sample taken pursuant to this policy;

5. An employee helps another employee violate any provision of this policy;

6. An employee who tests positive for the presence of drugs or alcohol after committing a vehicle accident while the driver of a city vehicle or having an accident while the driver of either a City vehicle or another vehicle while conducting City business;

7. An employee who tests positive for the presence of alcohol or illegal drugs while at work when required to be screened during a random drug screen;

8. An employee who tests positive when tested for reasonable suspicion.

City of East Point **PERSONNEL MANUAL**	**Policy: 10-5**
Subject: Personnel Rules and Regulations: Smoke-Free Workplace	**Effective:** Revised 03/01/2015
Policy Administrator: Director of Human Resources	**Replaces:** 20-12 Effective 1-1-2000

1. Purpose:

The City of East Point is committed to providing a healthful and safe environment for all of its personnel. As part of its smoke-free workplace policy, the City has declared its workplace a smoke-free environment for the benefits of all its employees and citizens. Smoking in thereby prohibited in all municipal buildings either permanently or temporarily owned or operated by the City.

2. Prohibitions

This policy applies to all areas, including but not limited to the following:

a. Reception spaces and waiting rooms;
b. Offices and work stations;
c. Vehicles;
d. Lounges and conference rooms;
e. Hallways, stairwells and elevators;
f. Bathrooms;
g. Store rooms; and
h. Fire stations.

3. Enforcement

This policy will be strictly enforced. Any person found to be smoking or carrying a lit cigarette, cigar, pipe, or other tobacco product inside any city owned building will be deemed in violation of this policy and subject to disciplinary action for failing to follow departmental rules and regulations.

The intent of this policy is not to punish or coerce smokers to quit. Therefore, smoking continues to be permitted outdoors in the vicinity of the buildings. Every effort will be made to provide adequate fireproof disposal containers.

City of East Point **PERSONNEL MANUAL**	**Policy: 20-6**
Subject: Personnel Administration: Violence in the Workplace	**Effective:** Revised 03/01/2015
Policy Administrator: Director of Human Resources	**Replaces:** 20-9, 20-13 Effective 1-1-2000

1. **Purpose**:

To establish the policy of the City of East Point regarding violence in the workplace.

It is the policy of the City to provide a safe and healthful workplace for its employees and believes that all employees should be treated with dignity and respect. The City has a "zero tolerance" for incidences of violence in the workplace committed by one employee against another employee or customer during the course of their regular job duties.

Workplace violence is violence or the threat of violence against employees, vendor or customers. It can occur at or outside the workplace during the course of business and can range from threats and verbal abuse to physical assaults and homicide,

Employees shall notify their immediate supervisor or department head of any threat of workplace violence or any work-related activity which could indicate a future occurrence of workplace violence. If the threat is initiated by a department head or supervisor, the employee should report such activity to the Human Resources Department or the City Manager.

Employees who are victims of workplace violence should:

1. Immediately report all incidents and threats of workplace violence to a supervisor or to the Director of Human Resources;
2. Seek prompt medical evaluation and attention, if required;
3. Report any violent incident to the police department;
4. Seek posttraumatic counseling services from EAP, if required.

The City will promptly respond and investigate any incident or suggestion of violence. Violation of this policy will result in disciplinary action, up to and including termination.

City of East Point **PERSONNEL MANUAL**	**Policy: 10-7**
Subject: Personnel Rules and Regulations: Fraud Hotline	**Effective:** 03/01/2015
Policy Administrator: Director of Human Resources	**Replaces:** N/A

1. Purpose:

The City of East Point is pleased to announce that a fraud hotline has been established for employees to report fraud in the workplace. This hotline number is **1-877-217-4789** and will be toll free and available to all employees 24 hours a day, 7 days a week. The hotline will enable employees to make complaints anonymously without fear of retaliation.

Success of any organization depends on the employees. Employees demonstrate this by being honest and having ethical behavior. Simply put, this will promote the success of the City and make things better for all employees.

2. Definition

Fraud is defined as deliberate misrepresentation, which causes loss to an organization or an individual and these losses are almost always financial.

3. Examples of Fraud

- Destroying, altering or falsifying documents
- Misuse of City property for personal gain
- Accounting or auditing irregularities
- Vandalism or sabotage
- Fraudulent insurance claims
- Misuse of City assets including, city vehicles and equipment
- Conflicts of interest, which affects the city financially

4. Process

All employees are encouraged to report any occurrences of fraud to their supervisor. However, if the employee does not feel comfortable in doing this they can report fraud 24/7 to the fraud hotline and remain anonymous. The hotline is staffed and maintained by a company called The Network.

Once a call is made to the hotline provider, a few things will occur:

1. You will be greeted on the telephone by an interviewer, who will document the situation with you in detail. You do not have to give your name; and your call is not recorded.

2. The interviewer assigns a report number to you and asks that you make one call back.

3. The information is then relayed to the City's management team to investigate.

4. Using the report number and the scheduled call back date given to you by the Interviewer, you can call for the follow-up. You may be asked additional questions or asked to add additional information at that time.

Please do your part to make the City of East Point a better place to work.

City of East Point **PERSONNEL MANUAL**	**Policy: 20-1**
Subject: Personnel Rules and Regulations: Personnel Administration; System; Purpose; Principles	**Effective:** Revised 03/01/2015
Policy Administrator: Director of Human Resources	**Replaces:** 10-1 Effective 1-1-2000

1. **Purpose**:

   To establish a system of personnel administration for the City.

2. **Personnel Administration System**

   1. The administrative system shall consist of the following merit principles:

   2. Recruiting, selecting and promoting or advancing employees on the basis of their ability, knowledge and skills.

   3. Establishing pay rates or schedules consistent with principles of providing comparable pay for comparable work.

   4. Retaining employees on the basis of the competency of their job performance; correcting inadequate or incompetent job performance and separating when required.

   5. Assuring equal opportunity to applicants and employees of the City in all respects without regard to political affiliation, race, creed, color, national origin or ancestry, age, sex, religious affiliation, or disability.

City of East Point **PERSONNEL MANUAL**	**Policy: 20-2**
Subject: Personnel Rules and Regulations: Personnel Administration: Classified and Unclassified	**Effective:** Revised 03/01/2015
Policy Administrator: Director of Human Resources	**Replaces:** 10-2 Effective 1-1-2000

1. **Purpose**:

To define classes associated with all City positions.

2. **Policy**

All offices and positions of the City shall be and are hereby divided into those of classified service and those of unclassified service.

3. **Unclassified Service**

Except as herein provided, the unclassified service shall include the mayor, members of the city council and city manager, city attorney, municipal judges, department heads, assistant department heads and any other full-time employee specifically placed in the unclassified service, temporary employees, part-time employees, contract employees, members of all boards, commissions, authorities and agencies, and any and all others who are appointed by direct action of council. Any position over grade 68 may be classified if so approved by the mayor and city council with a recommendation from the department head, the Director of Human Resources and the city manager.

4. **Classified Service**

The classified service of employment of employees of the city shall include all other full time positions of employment with the city, which are not specifically placed in the unclassified service to the city. Unless specifically designated otherwise by ordinance, resolution or contract, personnel policies, rules and regulations shall apply only to employees of the classified service of employment to the City.

Any classified employee, employed by the City on or before August 5, 2002, whose position **was made unclassified, shall remain a classified employee for the duration of their tenure in such position. Any employee may elect to enter the unclassified service upon a transfer to an unclassified position or on other terms and conditions which may be offered by the city.**

City of East Point **PERSONNEL MANUAL**	**Policy: 20-3**
Subject: Personnel Rules and Regulations: Personnel Administration: The Role of City Council	**Effective:** 03/01/2015
Policy Administrator: Director of Human Resources	**Replaces: N/A**

1. **Purpose**:

To establish, in compliance with the City Charter, the relationship among the Mayor, City Council and the City Manager as it relates to City personnel.

2. **Powers and Duties of the City Council**

a. To ensure the actuality and appearance of neutrality, neither the city manager nor any department heads shall participate in any political activity on behalf of the mayor, any councilmember, or any candidate for such offices, nor shall the city manager or any department head make any political contribution to the mayor, any councilmember, or any candidate for such offices. The mayor and council members shall not solicit or accept any campaign contributions from any city employee;

b. The city manager is the chief executive officer of the city, and, as such, all department heads report to the city manager, except the city attorney and city clerk who are appointed by and report to the city council, the mayor and city council shall observe the management authority of the city manager.

i. The mayor and council members shall not in any manner dictate the appointment or removal of any city administrative officers or employees whom the city manager or any of his or her subordinates are empowered to appoint;

ii. Except for the purpose of conducting an investigation or inquiry authorized by the city council pursuant to the City's Code of Ethics, the mayor and council members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the mayor nor any council members shall give orders to any such officers or employees either publicly or privately;

iii. The mayor and city council shall not give directives to any city officers or employees, other than the city manager, city attorney, and city clerk, regarding any matters including, but not limited to, constituent complaints and complaints regarding the services,

operation, or administration of any department or function of city government. Although the mayor and city council shall not be prohibited from communicating with city officers or employees with constituent complaints or concerns, the city manager shall be copied on all such communications;

iv. The mayor and council members, unless acting pursuant to a duly authorized investigation or inquiry, shall not discuss in open session the performance of or complaints against any city officer or employee during a city council meeting. This provision is not intended to prevent the mayor or city council from discussing, in general terms, the performance of or any issue relating to any department or function of city government; and

v. It shall be prohibited for the mayor or any councilmember to sit in on personnel and management meetings between the city manager and city employees unless such participation is consented to by the city manager and approved by the city council; and

c. The mayor shall have no management authority or responsibility with respect to the operations and administration of city government.

3. **City Employee Interaction with Council**

Based on the responsibilities and duties of the Mayor and City Council and the City Manager, no city employee who is a direct or indirect report to the City Manager, may contact the Mayor or a member of City Council for any personnel, management or administrative issue.

Only Department Heads (and their designees) should send e-mail to the Mayor and Council members. A copy of all communication between employees and Council/Mayor must be sent to the City Manager. Likewise, the Mayor and Council members should not send e-mail directly to employees, but should direct them through the appropriate Department Head, and a copy of all such e-mails must be sent to the City Manager.

Failure to abide by this policy could subject the employee to discipline.

City of East Point **PERSONNEL MANUAL**	**Policy: 20-4**
Subject: Personnel Rules and Regulations: Personnel Administration: City Manager	**Effective:** Revised 03/01/2015
Policy Administrator: Director of Human Resources	**Replaces:** 10-3 Effective 1-1-2000

1. **Purpose**:

The City Manager shall be responsible for a personnel system conforming to the policies and principles established in this policy.

2. **Powers and Duties of the City Manager**

1. The city manager shall, subject to the policy control, direction, and supervision of the mayor and city council, be the head of the administrative branch of the municipal government of the City of East Point and responsible for the efficient administration of all departments. The city manager shall be responsible to the city council for the administration of all city affairs placed in the city manager's charge by or under the City charter. As the chief executive and administrative officer, the city manager shall be:

2. Responsible for the administration of the personnel system.

3. Responsible for the selection of a Director of Human Resources who will be responsible for the technical direction and operation of the personnel system.

4. Responsible for the appointment and, when the city manager deems it necessary for the good of the city, the suspension, discipline or dismissal of any city employees and administrative officers the city manager appoints, except as otherwise provided by law or personnel ordinances subject to the City's policies, the City charter and state and federal law. The city manager may authorize any administrative officer who is subject to the city manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;

5. Responsible for establishing the number of City Employees in the various City Departments and offices and determining the duties and compensation of employees in accordance with the City's Policies and subject to budget limitations and approval of the Mayor and Council.

Responsible for performing other duties in personnel administration as prescribed by law and the City's policies.

City of East Point **PERSONNEL MANUAL**	**Policy: 20-5**
Subject: Personnel Rules and Regulations: Personnel Administration: Director of Human Resources	**Effective:** Revised 03/01/2015
Policy Administrator: Director of Human Resources	**Replaces:** 10-4 Effective 1-1-2000

1. **Purpose**:

Define the role and scope of the Director of Human Resources

2. **Powers and Duties of the Director of Human Resources**

1. The City Manager shall appoint or cause to be appointed a Director of Human Resources who shall be responsible for the technical direction and operation of the personnel program. The Director of Human Resources shall specifically be responsible for:

2. Administration of the personnel system, under the direction of the City Manager, as set forth in the City's policies and the Personnel Rules and Regulations.

3. Recommendation of Personnel Rules and Regulations to the City Manager.

4. Maintenance of the administration of the classification any pay schedule plan.

5. Development, coordination and administration of recruiting and training programs for the City and its employees.

6. Overseeing and administering the maintenance of comprehensive personnel records of all employees of the City.

7. Recommending changes to the personnel rules and regulations and to these policies, as necessary for the effective.

City of East Point **PERSONNEL MANUAL**	**Policy: 20-6**
Subject: Personnel Rules and Regulations: Personnel Administration: Rules and Regulations	**Effective:** Revised 03/01/2015
Policy Administrator: Director of Human Resources	**Replaces:** 10-5 Effective 1-1-2000

1. **Purpose**: Establish rules and regulations that govern the Personnel System.

The City Manager shall present to the City Council Personnel Rules and Regulations to be acted upon and approved by the Council. The Rules and Regulations shall cover specific procedures and policies governing the following phases of the personnel system:

1. Administration of a position classification plan.
2. Administration of a compensation plan.
3. Announcement of employee vacancies, acceptance of applications and selection methods.
4. Establishment of promotional policies.
5. Evaluation of the work of employees, including those serving probationary periods.
6. Separation from service of employees by resignation, lay-off, suspension or dismissal.
7. Establishment of work schedules, attendance and leave regulations.
8. Development of employee training and safety programs.
9. Rules governing additional or outside employment of City employees.
10. Uniform system of handling all grievances.
11. Maintenance and use of necessary records and forms.
12. Progressive discipline procedure.
13. Any other matters that may be necessary to carry out the intent and purpose of the City's policies.

City of East Point **PERSONNEL MANUAL**	**Policy: 20-7**
Subject: Personnel Administration: Recruiting and Hiring	**Effective:** Revised 03/01/2015
Policy Administrator: Director of Human Resources	**Replaces:** 20-3 Effective 1-1-2000

1. **Purpose**:

   Establish the policies and procedures for recruiting and hiring of City employees.

2. **Employment Opportunities**

   The recruitment, selection, appointment and promotion of employees shall be in such a manner as to promote equal employment opportunity for all persons without regard to race, age, color, creed, sex, national origin, disability or political affiliation.

3. **Vacant Positions**

   Department heads shall be responsible for notifying the Director of Human Resources of vacant, or soon to be vacant authorized positions in their department. The notification shall include the class title and salary range. The City Manager shall review the information and determine whether the vacancy should be filled.

4. **Recruitment for Vacant Positions**

   All full-time vacancies shall be publicized by the Director of Human Resources, by positing announcements and by other such means as necessary to assure obtaining well qualified candidates for the positions. The announcements shall specify the title and salary range of the vacant position, any minimum qualification requirements, manner of making application, the final date on which applications shall be received and other pertinent information, as determined. Every reasonable effort shall be made to publicize vacancies so that all interested persons are informed and qualified persons are attracted to compete.

5. **Employment Application**

   Applications shall be made online via the City's applicant tracking system. The forms shall include information covering training, experience and other pertinent factors. All applications shall be signed by the person applying.

6. Disqualification

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

a. Does not meet the minimum qualifications established for the position.

b. Has a health disability that would prevent satisfactory performance of the duties of the position which could not be reasonably accommodated.

c. Has made false statements of material fact or practiced deception in this application.

d. Tests positive on pre-employment drug/alcohol screening.

e. Has an unsatisfactory employment record of such a nature as to demonstrate unsuitability for employment.

f. Has been convicted of a crime involving moral turpitude or a felony within the past **five (5) years**.

g. Has failed to submit the application within the prescribed time limit.

7. Selection

The Director of Human Resources may review all applications for employment to determine whether the applicant meets the established standards for employment. When appropriate, written or oral examinations may be used. The tests shall be practical in character and shall relate to the duties and responsibilities of the position for which the applicant is being examined.

Applicants meeting the employment standards will be referred to the employing Department head by the Director of Human Resources. The Director of Human Resources may reasonably limit the number of applicants referred to the Department Heard; however, the department head may request that all applications be referred to him. The department head shall make a selection from the applicants referred and shall notify the Director of Human Resources of his recommendation.

8. Appointment

The City Manager or Director of Human Resources shall review and accept or reject the department head's recommendation of the applicant. If the applicant recommended by the Department head is rejected, the department head shall make another recommendation to the City Manager or the Director of Human Resources. Upon the failure or refusal of the department head to make a

recommendation (or additional recommendation(s) if previous recommendation is rejected), the City Manager may select the person considered to be the most qualified to fill the position for employment with the City. When an applicant is selected, the City Manager or Director of Human Resources shall authorize or direct an offer of employment.

9. Pre-Employment Medical Examinations

Any prospective employee shall be required to undergo a physical examination by a medical provider selected by the City prior to employment. The pre-employment examination shall include a test for illegal drugs and alcohol. Candidates for Police sworn positions or positions within the Fire Department may be required to undergo a more comprehensive physical examination, including a psychological exam.

Any prospective employee who tests positive for illegal drugs or alcohol will be denied employment.

Any prospective employee for a Police or Fire sworn position will not be hired if the background investigation reveals a prior conviction on a drug-related offense or a conviction for a DUI.

10. Objective of Probationary Period

The probationary period shall be regarded as an integral part of the selection process and shall be utilized for closely observing the employee's work, securing the most effective adjustment of a new employee to their position and for rejecting an employee whose performance is not satisfactory. Employees currently serving their probationary period do not have appeal rights unless there is alleged discrimination because of race, age, color, creed, sex, disability or national origin. Employees who are separated from the City's service prior to the completion of their probationary service shall not receive vacation pay.

11. Duration of Probation

The probationary period shall be for **twelve (12) months** unless the length of the probationary period for each class shall be otherwise established by the Director of Human Resources with the approval of the City Manager. Requests by the department director for extensions of probation beyond the established period shall not be granted, except for limited, extenuating circumstances. If granted, the probationary period of a particular employee may be extended for up to **three (3) months** beyond the end of the normal probationary period.

12. Eligibility for Transfer

Employees serving their **initial twelve (12) months** probationary period must complete a full **six (6) months** in their original position before applying for a transfer to another City position. The Department head must approve all transfers of probationary employees.

13. Dismissal during the Probationary Period

During the probationary period, the Department head may remove an employee with or without cause. The department head shall immediately report the removal to the Director of Human Resources and to the employee. Employees serving their probationary period do not have appeal rights under this policy unless there is an allegation the dismissal was because of age, race, color, creed, sex, religion, disability or national origin.

14. Rehired Employees

Employees who are employed at the City of East Point on a full-time continuous basis for one full year or more, leave in good standing, and return to work at the City of East Point shall (immediately upon rehire) have their time bridged to include the initial years of service for the purpose of leave accrual.

Employees returned from layoff status are additionally eligible to receive all prior sick leave accrual and are exempt from the medical benefit waiting period.

It is the employee's responsibility to submit this request to the Human Resources Department at the time of rehire.

City of East Point **PERSONNEL MANUAL**	**Policy: 20-8**
Subject: Personnel Rules and Regulations: Employee Orientation	**Effective:** Revised 03/01/2015
Policy Administrator: Director of Human Resources	**Replaces:** 20-15 Effective 1-1-2000

1. Purpose:

The City of East Point is committed to ensuring that every City employee receives an employee handbook upon the commencement of their employment with the City.

The City has created this employee handbook which shall be distributed to all new City employees during employee orientation immediately upon hire. This handbook should be used as a resource to familiarize new employees with the City's expectations, employee policies and benefits. This handbook should also be maintained by existing employees as a reference manual.

Employees shall attend a new hire orientation conducted by the Personnel Department, where they will be given a summary of key City policies and procedures. In addition, employees will be asked to complete any necessary paperwork including medical benefit plan enrollment forms, appropriate state and federal tax forms, etc.

Employees will acknowledge, by their signature, that they have received the employee handbook and that they understand their rights and obligations as outlined. In addition, employees will be required to sign an acknowledgement that they have reviewed the City's employment discrimination policies and they understand their rights and obligations.

The employee handbook is a summary of City rules and regulations and shall only be a guide to the applicable City Code. Furthermore, this employee handbook, specifically the disciplinary procedures outlined herein, are applicable to City employees in the classified service only, and does not serve as an employment contract for any City employee in the unclassified service, as that term is defined herein.

City of East Point **PERSONNEL MANUAL**	**Policy: 20-9**
Subject: Personnel Rules and Regulations: Performance Evaluation	**Effective:** Revised 03/01/2015
Policy Administrator: Director of Human Resources	**Replaces:** 20-5, 50-3 Effective 1-1-2000

1. Evaluation of Performance - Probation

For all employees in the classified service: After an employee has completed one-half of the established probationary period, the department head shall report to the Director of Human Resources, in writing, his observation of the employee's work and his judgment as to whether or not the employee's services have been satisfactory. During the probationary period, the employee's supervisor will tell the employee when he is not performing satisfactorily. At least fifteen (15) days prior to the expiration of an employee's probationary period, the department head shall notify the Director of Human Resources, in writing, whether or not an employee has satisfactorily completed his probationary period.

2. Annual Performance Evaluation

The Director of Human Resources, under the direction of the City Manager, and in cooperation with the Department Heads, shall establish a system of performance evaluation based on standards of performance to be completed on or about the employee's service anniversary.

Each supervisor, by observation and in consultation with the Department Head, shall review the quality of performance for each employee annually. Each employee's job performance will be evaluated on departmental goals, accomplishments, strengths and weaknesses. The employee will be informed about their progress towards the defined goals, and what, if any, improvements are needed.

At the time of the performance evaluation, the employee will have an opportunity to review the performance evaluation form and discuss the ratings with the evaluator. Each employee is encouraged to ask questions regarding individual performance or performance standards.

While performance evaluations are generally conducted annually, informal evaluation discussions may occur periodically throughout the year.

Department Heads or supervisors shall review service ratings with employees, but the ratings shall be confidential between the supervisor, the department head, the employee and the Director of Human Resources. City Council may set salary adjustments based upon the performance evaluation rating.

City of East Point **PERSONNEL MANUAL**	**Policy: 20-10**
Subject: Personnel Rules and Regulations: Promotions and Transfers	**Effective:** Revised 03/01/2015
Policy Administrator: Director of Human Resources	**Replaces:** 20-3 Effective 1-1-2000

1. Promotions

The City strongly supports growth and development opportunities for all City employees. In furtherance of this goal, the City encourages an employee workforce where promotional opportunities are available to existing, qualified staff. A **promotion** is defined as the advancement from a position of one class to a position of another class which has a higher maximum salary rate.

In situations where an employee is promoted to a new position, upon selection and approval by the City Manager, an employee shall be granted a pay increase to at least the first step of the new pay grade, and in no case the increase shall be less than **five (5%)**.

2. Transfers

a. **Generally**, an employee may be transferred to meet the needs of the City or may be transferred, upon request and acceptance, to a position in the same class or in a different class having the same entrance salary. A transfer may require the employee to move from one department to another or within a department.

b. **Intradepartmental transfers**: A department head may, with the approval of the City Manager, reassign an employee of the department from one position to another in the same class or another class within the same pay range within the same department.

c. **Interdepartmental transfers**: A transfer of an employee from one department to another must be approved by the City Manager, and the two affected department heads. Requests for such transfer shall establish that the employee meets the qualification requirements of the class to which the transfer is proposed.

d. **Salary range after transfer:** An employee who is transferred shall continue to receive the same rate of pay, except as otherwise provided.

e. **Transfer of physically incapacitated employee**: If an employee becomes physically incapacitated to the extent that such employee is unable to perform the essential functions of the employee's position without

reasonable accommodation, the City Manager may, with the consent of such employee and the Department Head, transfer the employee to another position in the same pay range, the duties of which such employee can perform despite the physical incapacity.

f. **Use of intradepartmental or interdepartmental transfer for retaliation**. Notwithstanding the foregoing subparagraphs, no employee shall be subject to intradepartmental or interdepartmental transfer in retaliation or response to engaging in a protected activity such as reporting fraud, waste or abuse in city government.

City of East Point PERSONNEL MANUAL	**Policy: 30-1**
Subject: Personnel Rules and Regulations: Employment Conditions	**Effective:** 03/01/2015
Policy Administrator: Director of Human Resources	**Replaces:** 20-9 Effective 1-1-2000

1. Working Hours

The standard for all full-time employees is a 40-hour workweek, except for certain sworn members of the Fire Department who work a 53-hour week. Employee work schedules may vary from these standard hours, based on operational needs. The standard workday is eight hours, although some operations may require longer shifts. Supervisors will inform employees of their specific work schedules. The work schedule will be determined by the Department Head and must meet Fair Labor Standards Act (FLSA) and other legal requirements.

2. Attendance

The City of East Point depends heavily upon its employees; therefore, it is important that employees attend work as scheduled. Dependability, attendance, punctuality, and a commitment to do the job right are essential at all times. As such, employees are expected to work on all scheduled work days and during all scheduled work hours and to report to work on time. An employee must notify the supervisor in their department as far in advance as possible according to their department's guidelines. This policy applies for each day of the employee's absence. An employee who fails to contact their immediate supervisor for a period of three (3) consecutive days will be considered as having voluntarily resigned. A careful record of absenteeism and lateness is kept by the employee's supervisor and becomes part of the personnel record. To the extent permitted by law, absenteeism and lateness lessen an employee's chances for advancement and may result in dismissal.

3. Weather

In the event of inclement weather (snow and ice) it is the policy of the City of East Point to provide timely and accurate information regarding any possible closings and/or change in operational hours in relation to inclement weather.

The City's Public Information Officer (PIO) will be in direct contact with the City Manager, and together, they will develop the communications messages. The City's PIO will notify the local television stations, as early as possible, upon receiving the authorization from the City Manager.

4. **Sexual Relationships**

a. Consenting "romantic" or sexual relationships between a supervisor/manager and an employee may at some point lead to unhappy complications and significant difficulties for all concerned; the employee, the supervisor/manager and the City. Any such relationship may, therefore, be contrary to the best interests of the City.

b. Accordingly, the City prohibits such relationships and any conduct (such as dating between a supervisor/manager and an employee) that is designed or may reasonably be expected to lead to the formation of a "romantic" or sexual relationship.

c. By its prohibition of romantic and sexual relationships, the City does not intend to inhibit the social interaction (such as lunches or dinners or attendance at entertainment events) that are or should be an important part or extension of the working environment; and the policy articulated above is not to be relied upon as justification or excuse for a supervisor's/manager's refusal to engage in such social interaction with employees.

d. If a romantic or sexual relationship between a supervisor/manager and an employee should develop, it will be the mandatory obligation of the supervisor/manager to promptly disclose the existence of the relationship to the employee's department director.

e. The City recognizes the ambiguity of and the variety of meanings that can be given to the term "romantic", it is assumed, or at least hoped, however, that either or both of the parties to such a relationship will appreciate the meaning of the term as it applies to either or both of them and will act in a manner consistent with this policy.

f. The Director of the Department shall inform the City Manager of the existence of the relationship.

g. Upon being informed or learning of the existence of such a relationship, the City Manager will take all steps that he, in his discretion, deems appropriate. At a minimum, the employee and supervisor/manager will not thereafter be permitted to work together on the same matters (including matters pending at the time disclosure of the relationship is made), and the supervisor/manager must withdraw from participation in activities or decisions (including, but not limited to, hiring, evaluations, promotions, compensation, work assignments and discipline) that may reward or disadvantage any employee with whom the supervisor/manager has or has had such a relationship.

h. In addition, and in order for the City to deal effectively with any potentially adverse consequences such a relationship may have for the working environment, any person who believes that he or she has been adversely affected by such a relationship, notwithstanding its disclosure, is encouraged to make his or her views about the matter known to the City Manager. This policy shall apply without regard to gender and without regard to the sexual orientation of the participants in a relationship of the kind described.

5. Use of Electronic Equipment

The City's equipment, such as telephone, postage, facsimile and copier machine, is intended to be used for business purposes only. The personal use of this equipment is against City policy, and any violation of this policy is grounds for disciplinary action.

6. Use of City Equipment, City Vehicles & Computer Systems

a. The City provides any supplies, uniforms, equipment, automobiles and materials necessary for the job to be performed. These items are to be used solely for the City's purposes. Employees are expected to exercise care in the use of City equipment and property and use such property only for authorized purposes. Loss, damages or theft of City property may be considered grounds for discipline, up to and including termination. Upon termination of employment, the employee must return all City property, uniforms, equipment, work product and documents in his or her possession or control.

b. It is the policy of the City of East Point that the use of its computers and software is limited solely to appropriate business use. Employees are not allowed to use the computer system for their personal benefit. Employees are strictly forbidden from installing software on the system. Further, this policy reaffirms that the City's employees have no reasonable expectation of privacy with respect to any computer hardware, software, electronic mail or other computer or electronic means of communication or storage, whether or not employees have private access or an entry code into the computer system. The City reserves the right to monitor the use of its computer system.

c. Only employees with an unrestricted, current driver's license may operate City vehicles or use a vehicle to conduct City business. City vehicles may only be used for authorized City business. Any employee operating a City vehicle must do so in a safe manner. Any employee operating a City vehicle under the influence of drugs or alcohol or in an unsafe or negligent manner will be immediately terminated. The City has the right to search

any City vehicle at any time. Therefore, employees have no reasonable expectation of privacy with respect to City vehicles.

d. The employee's driving record is a direct reflection on the City. The City's insurance company will not allow an employee to drive a City vehicle with a poor driving record. The City's insurance rates are highly affected by the driving record of the employee. The City does not differentiate between violations occurring during working and nonworking hours, or whether the violation occurred prior to employment with the City. The employee is responsible for any fines or other penalties assessed against them. It is the policy of the City to check driving records at least annually. An employee that receives a Driving While Intoxicated (DWI) or Driving under the Influence (DUI) violation while driving a City vehicle will lead to immediate dismissal.

e. All work-related accidents and injuries, no matter how minor, should be reported to the supervisor immediately. This is for the protection of the employee in case medical attention is necessary, or in the event of some future complication, caused by the accident. It is the policy of the City to require that all employees submit to a drug and alcohol test after an on-the-job accident when a vehicle is involved. The tests will be paid for by the City and the results will be kept strictly confidential.

7. Licenses and Certifications

Certain positions within the City require the employee who occupies the position, to possess and maintain a license or certification in order to perform the essential functions of their position. Therefore, it is the responsibility of the employee to fulfill any requirements necessary to maintain the license or certification. Any employee holding such license or certification is required to notify the City if the license or certification lapses, is revoked or suspended. It is the policy of the City that if an employee loses their license or certification required for their position, through revocation, suspension or is otherwise cancelled, the employee will no longer be able to perform the essential functions of that position, and will be subject to termination.

8. Employment of Relatives

a. It is the policy of the City not to employ any person in a position in which such person directly supervises, or is directly supervised by a member of an employee's immediate family. As used herein, "immediate family" shall mean any person holding a relationship with a present employee of the City of husband, wife, son, daughter, brother, sister, father, mother, father-in-law, mother-in-law, sister-in-law, brother-in-law, son-in-law, or daughter-in-law. This policy applies to promotions, demotions, transfers, reinstatements and new employees.

b. If two (2) employees marry while working with the City then one shall not thereafter be in a supervisory capacity over the other. If two (2) employees are married and one is in a supervisory capacity over the other or attains a supervisory position while working in the same department, one must transfer, within thirty (30) days of the date of their marriage, to another department, if both are to continue working for the City. Subject to the approval of the City Manager, the two (2) employees may agree which would prefer to transfer. In the event the City Manager does not approve the agreement between the two (2) employees, or the two (2) employees are not able to agree upon which should transfer, the employee with the shortest seniority in the department will be required to transfer. In the event there has been no position available for transfer at the end of the thirty (30) days, the transferring employee shall be required to take a leave of absence without pay, unless such employee has accrued vacation or compensatory time, and shall have five (5) months thereafter within which to effectuate such transfer to the first available position. If said additional five-month period expires without said employee transferring to another position, all continued rights of employment shall cease. If or when said transferring employee is on a leave without pay pending transfer, all benefits of the City shall cease during the period of said leave and not recommence thereafter until such transferring employee resumes employment with the city.

c. If the City institutes a reorganization which changes departmental boundaries where an employee would be supervising or supervised by an immediate family member, one of such employees must transfer to another department within thirty (30) days of the date of the reorganization if both are to continue working with the City. Subject to the approval of the City Manager, the two (2) employees may agree which would prefer to transfer. In the event the City Manager does not approve the agreement between the two (2) employees, or the two (2) employees are unable to agree upon which should transfer, the employee in the lowest pay grade in the new department will be required to transfer. In the event there has been no position available for transfer at the end of the thirty (30) days, the transferring employee shall be transferred to any position designated by the City Manager. The employee will be compensated at the highest pay grade available for such position if the transfer results in a reduction in pay for the individual (provided that said transferring employee's pay does not exceed the pay of an employee in the lower pay grade with like seniority of the transferring employee). Thereafter, the transferring employee may transfer to any other department in the City provided said employee may not resume a position in the department wherein an immediate family member holds a supervisory position.

9. Outside Employment

No employee may engage in any paid activity and/or employment in addition to his employment with the City unless it is approved by the Department Head. The standards used for approval or disapproval of outside employment shall be based on whether the outside employment will or can cause a conflict of interest or whether it will cause interference with the efficient performance of an employee's duties. Department Heads of the City shall be required to comply with the foregoing except that the approval for a Department Head shall be obtained from the City Manager.

10. Political Activity

a. Employees of the City are encouraged to exercise their right to vote, but no employee shall make use of City time or equipment to aid a political candidate, political party, or a political cause. Nor are they to use a City position to persuade, coerce or intimidate any person in the interest of a political candidate, political party or political cause.

b. It shall be unlawful for any officer or employee of any county, municipal corporation, school district, or other political subdivision to coerce or attempt to coerce or command directly or indirectly any other officer or employee of such political subdivision to pay, lend, or contribute any part of his salary or to kick back any sum of money or anything else of value to any party, committee, organization, agency, or person for political purposes.

c. Any employee who has qualified or seeks to qualify for any elected office shall comply with the following provisions:

    1. Within three (3) days of qualifying, notify the Director of Human Resources and file a statement indicating what steps the candidate will take to assure that no City time, resources or equipment will be used to assist in the campaign, as well as what steps will be taken to meet the employee's job responsibilities if elected.

    2. Provide notice to the Director of Human Resources, City Manager and City Council of his qualification or intent to qualify and seek elective office, together with the office to which election is sought.

    3. Provide notice of the date the employee will take leave of absence by vacation or leave without pay in the event insufficient accumulated vacation time is available to the employee. In no event shall the date of leave of absence of such employee from employment with the City be less than forty-five (45) days preceding the date of the election or primary for which said employee is seeking election. No sick leave time will be allowed to

any employee seeking elective office or participating in the political process. In the event a City employee seeking an office should succeed to a runoff election, the leave of absence herein provided shall extend through the period of time of any such runoff election or primary runoff.

d. Any City employee seeking election to an elective office as part of the governing authority of the City, either Mayor or City Council, shall be required, upon election to such office, to resign from employment with the City effective immediately upon the date after election certification.

e. In the event a City employee is elected to an office other than an elective office of the governing authority of the City, the employee shall be required to show the City Manager satisfactory proof (which will have to be approved by the City Manager and recommended by the City Council) that the employee will not be required to devote any portion of his time in his capacity as employee of the City to serve or fulfill his function and obligations by virtue of his elected position, or take leave from employment with the City (either with or without pay, depending upon availability of such leave, not including sick leave) or resign employment with the City.

11. Holidays

a. The following days are designated as City observed holidays for Full-Time, non-police / fire:

1. Martin Luther King Jr. Day
2. Memorial Day
3. Independence Day
4. Labor Day
5. Thanksgiving Day
6. The Day after Thanksgiving Day
7. Christmas Eve (when Christmas falls on a normal Tuesday – Friday workday)
8. Christmas Day
9. New Years Eve (1/2 day when New Years day falls on a Tuesday – Friday, City will close at noon)
10. New Year's Day

b. When one of the observed holidays falls on a Saturday, the holiday should be observed on the preceding Friday.

c. When one of the observed holidays falls on a Sunday, the holiday should be observed on the following Monday.

d. Employees **(non-police/fire)** that must work on the holiday shall be considered as working overtime (must have management approval) and shall be paid at the overtime rate or given compensatory time off at the overtime rate. They shall additionally receive pay for the holiday at the straight time rate. The net effect will be paid holiday, plus pay for overtime worked at the rate of time and one-half.

e. If an employee calls in sick the day before, or the day after a holiday, the employee will not receive pay for the holiday unless medical documentation is provided.

12. Updating Personal Information

The City retains employment records for all employees in the Human Resources Department. The City requires employees to keep their employment history current by submitting notice of change of address, telephone number, educational status, marital and benefit status, emergency contacts, etc. immediately. Notice of change should be submitted to the Human Resources Department on the status change form provided.

City of East Point PERSONNEL MANUAL	**Policy: 30-2**
Subject: Personnel Rules and Regulations: Dress Code	**Effective:** 03/01/2015
Policy Administrator: Director of Human Resources	**Replaces:** 20-9 Effective 1-1-2000

1. Dress Code

Employees are expected to report to work dressed appropriately, based upon the nature of their assigned duties. Personnel should have a neat appearance which will provide a positive image and will represent the City as a professional within their scope of activities.

2. Casual Friday

The City of East Point has determined that Friday of each week will be "casual dress" day. Employees must use good judgment in determining what casual attire is appropriate to wear to the office. Department Heads must enforce appropriate attire and determine.

3. Uniforms

Employees whose jobs require the use of uniforms and/or whose attire must meet prescribed safety standards must follow their department guidelines. Such employees may present a professional image by ensuring that their clothing is complete, clean and in good condition. Clothing should not be excessively worn or faded. Shirttails should be tucked into trousers. Modifications to uniforms (i.e., unauthorized logos on hats or wearing tee shirts) are not permitted unless authorized by the Department Head.

4. Unacceptable Attire

The following attire is considered inappropriate for the office environment or in the field and should not be worn while the employee is representing the City of East Point:

a. Torn attire;
b. Athletic clothing with spandex material, shorts, miniskirts, skorts;
c. T-shirts, shirts or other appeal with inappropriate graphics or slogans, sweatshirts, tank tops, halter tops, or tube tops;
d. Excessively tight shirts, skirts, and pants;
e. Sports caps;
f. Provocative/revealing clothing, such as spaghetti strap dresses, plunging necklines, strapless and backless dresses, halters or midriff tops;

g. Flip-flops, shower or pool shoes, or other beach style sandals; and
h. Dresses or skirts that are excessively short or that have front or side slits mid-thigh or higher.

5. Supervisory Responsibility

Supervisors are ultimately responsible for ensuring that employees are in compliance with this policy and all applicable safety standards.

City of East Point **PERSONNEL MANUAL**	**Policy: 30-3**
Subject: Personnel Administration: Technology Policy	**Effective:** 03/01/2015
Policy Administrator: Director of Human Resources	**Replaces:** N/A

1. **Purpose**: To establish the technology policy for the City of East Point.

Technology is a valuable and costly city resource provided to city employees for the benefit of the City's business. Irresponsible or unauthorized use of technology resources reduces their availability for critical business operations, compromises network security and poses other risks to the City's efficient and professional operation.

This purpose of this policy is to instruct employees on their duties and responsibilities with regard to technology provided by the City and to define authorized uses and prohibited uses of such technology.

2. **Definitions**

2.1 **Archive** - To copy files into a long-term storage medium in order to retain for utilization backup.

2.2 **Copyright Infringement** - A Copyright is the exclusive right of a person or a legal entity to reproduce, publish or sell a work (e.g., a picture, written article or a computer program) which it has created. Copyright infringement may occur if, for example, an individual copies a computer program or other work without the author's permission. E-mail messages which have computer programs or artwork attached to them should be carefully analyzed to insure that no copyrights are violated by the use or other reproduction of the program or artwork.

2.3 **Distribution List -** A list of intended recipients of an e-mail communication.

2.4 **Electronic Mail (E-Mail) -** Communications within and among Microsoft Exchange, the City of East Point Home Page, Mindspring, Windows Internet Mail, Microsoft Internet Explorer, etc.

2.5 **E-mail Records Master Copy** - The archived e-mail records maintained by the City.

2.6 **Encryption** - The translation of data into a secret code.

2.7 **Inspect** - The entire range of actions by the City in order to control its technology users and usage, including, but not limited to: monitoring, interception, audit, review, inspection, copying, disclosure, and retrieval.

2.8 **LAN** - A LAN is the acronym for Local Area Network. A network (or group) of personal computers and related devices (e.g., printers) in a small area (such as an office) that are linked together by cable; that can directly communicate with other devices in the network; and that can share resources (e.g., directories and files). LAN Administrators are those individual(s) in charge of insuring that the LAN works properly.

2.9 **Network Server** - A computer which is dedicated to managing network traffic. Individual desktop computers rely on network servers for files, printers and software.

2.10 **Technology** - All forms of internet access, electronic mail ("e-mail"), voice mail, computer equipment, computer software, telephones, cell phones, radios, pagers, and other similar devices or functions

2.11 **WAN** - A WAN is the acronym for Wide Area Network, which is a network (or group) of LANs.

3. No Confidentiality or Expectation of Privacy

3.1 No Confidentiality or Expectation of Privacy

a. All employees are hereby notified that there is no confidentiality, nor expectation of privacy in the use of any technology provided by the City. This includes, but is not limited to: all information transmitted, generated, received, or stored on the City's computer system, or any information processed, generated, received or transmitted by the use of telephones, cell phones, radios, pagers, copy machine, fax machine, or any other similar device or function. This includes both the use of the City's technology for official business use and for authorized personal use.

b. Information, messages and/or documents processed, transmitted, generated or received in any way by the use of City technology are City property and may be retrieved from storage even though they have been deleted by the sender and receiver. These messages may be used in disciplinary proceedings.

c. Employees are cautioned that any message sent electronically can be intercepted, read, stored, or re-transmitted outside the City's control and, as such, there should never be an expectation of privacy.

d. Electronic messages can never be unconditionally and unequivocally deleted. The possibility of discovery always exists. Use caution and judgment in determining whether a message should be delivered in person instead of electronically.

e. Employees should be aware that if they use the technology to transmit personal messages, such messages will be treated no differently than other transmissions and may be accessed, reviewed, copied, deleted, or disclosed by the City. Employees should not expect that a personal message will never be disclosed to or read by someone other than the intended recipient(s).

f. The use of computer passwords or account codes do not ensure or suggest any confidentiality or expectation of privacy. Electronic messages are not the private property of the sender or recipient, even though passwords or encryption codes are used for security reasons.

g. Employees are reminded that anytime they use the City's network or Internet connection, that connection is traceable to the source. Employees are reminded that this City's Internet Protocol (IP) address is transmitted to, and can be traced by, Internet sites visited.

3.2 Ownership of Communications

The City's technology is City property. All communications, by whatever form or nature, conducted over City property belong to the City, and not to the employee.

4. Inspection by the City

4.1 Right of the City to Inspect

a. All information transmitted, generated, composed, received, or stored on the City's computer system, or in any message transmitted by the use of any City technology is subject to inspection at any time without prior warning or notice to any employee and without the knowledge of any employee. Such actions may be conducted using content filtering software, or by designated City employees, and/or designated external entities.

b. The City has the capability and authority to evaluate the performance and use of its technology resources, and will routinely monitor their use. Some of the concerns of the City include cost

analysis, security, bandwidth allocation and the general management of the City's gateway to the Internet.

c. The City reserves the right to alter, modify, re-route, or block the delivery of messages or content as appropriate. This includes, but is not limited to:

    1. Rejecting, quarantining or removing the attachments and/or malicious code from messages that may pose a threat to City technology resources.

    2. Discarding attachments considered to be of little business value and of significant resource cost.

    3. Rejecting or quarantining messages with suspicious content or containing offensive content.

    4. Re-routing messages with suspicious content to designated City employees for manual review.

    5. Rejecting or quarantining messages determined to be unsolicited commercial e-mail (spam).

d. Department Heads/Supervisors have the authority to inspect the contents of any equipment, files, calendars or electronic messages of their subordinates in the normal course of their supervisory responsibilities. The IT Manager or other authorized personnel shall extract stored messages when requested to do so by authorized City personnel.

5. Prohibited Activities

5.1 Prohibited Activities

The following activities are prohibited at all times, while using any of the City's technology in any manner:

1. Using technology to conduct any type of illegal activity.
2. To violate, attempt to violate, or conspire to violate any federal law or regulation; state law or regulation; City ordinance, resolution, directive, policy, procedure, or rule; or any other external directive to which the City is bound (i.e., criminal history rules of GCIC).
3. Accessing, disseminating, or storing any adult pornographic material(s), links to websites, or anything which could be construed as sexually explicit , scandalous, defamatory, libelous,

illegal, immoral or unethical (including hate, illegally discriminatory, or racist literature or messages).

4. Sending or posting threatening, defamatory, slanderous, racially and/or sexually harassing messages, remarks, or proposals; including the use of vulgar or obscene language.
5. Composing or sending any message which contains racial or sexual slurs or jokes, or otherwise contains patently harassing, intimidating, abusive or offense material (pictures, images, words, etc.) to or about others.
6. Use of technology to harass or discriminate against an individual(s) on the basis of sex, age, race, national origin, religion, disability, sexual preference, political belief, and any other characteristic or status protected by federal, state or local law.
7. Using the technology to harass, stalk or annoy another person, such as the persistent annoyance of another user or the interference in another user's work, (e.g. the sending of unwanted e-mail).
8. Using the technology to intimidate, coerce, or antagonize another.
9. Using for commercial, promotional, or business purpose for financial gain (e.g., transmitting personal messages offering to buy or sell goods or services, or operating a business).
10. Advertising, trading, giving away, soliciting, or providing goods or services (except under specifically authorized circumstances and conditions, such as HR sponsored employee morale, or discount programs, or Credit Union-sanctioned activities).
11. Using City technology to conduct any unauthorized employee organization or association business
12. Promoting, conducting, or soliciting for political campaigns or activities.
13. Intercepting, eavesdropping, recording, altering, deleting, examining, copying, or modifying another employee's electronic messages without consent of the other employee.
14. Forward an electronic message to another without the permission of the originator, unless the message is not confidential and forwarding of the message is clearly in the interest of the City.
15. Sending, attempting to send, transmitting, or re-transmitting, anonymous messages.
16. Adopting the identity of another person or misrepresenting yourself as someone else or in any way being deceptive as to the true identity of the sender.
17. Propagating a computer worm or virus, or any other program or material which may have a debilitating or disabling affect on the City's technology; or performing any unauthorized, deliberate action that damages or disrupts technology, alters its normal performance, or causes it to malfunction. Sending or receiving messages (including software) in violation of copyright law.

18. Sending or receiving software in violation of software licensing agreements.
19. Improper distribution, revealing or publicizing proprietary, confidential or privileged information.
20. Attempting to override, disable, tamper with, or avoid any security or integrity procedure, measure, or device.
21. Attempting to tamper with or inappropriately access ("break into") any technology of the City, or of another organization or person.
22. Subscribing to mail lists or list servers that are not related to official City business, or to professional enhancement/development in support of the City's business.
23. Participating during duty hours in unauthorized chat rooms, which are not related to City business or to job related/professional development. Playing computer games during duty hours.
24. Use of technology for gambling.
25. Use of technology to conduct union business or activities.
26. To promote/defame religious perspectives.
27. Establishing personal web sites or bulletin board systems.
28. Using the City Seal, Departmental logos, or other similar markings to misrepresent personal materials as falling under official City auspices. Intentionally misrepresenting, either implicitly or explicitly, personal views or comments in electronic forums or e-mail as official City of East Point policy or position (If there is a reasonable expectation that a personal communication could be interpreted as official business, then a disclaimer shall be used. For example: "My personal opinion is….", or "while not speaking on behalf of the City, I think that….") Any and all opinions communicated using any technology, whether express or implied, are those of the individual and do not necessarily express the opinions of the City or its administration and elected officials.
29. Malicious attempts to harm or destroy data of another user, the Internet, this or other networks.
30. Sending messages or providing information that could damage the City's reputation.
31. Sending deliberately misleading or deceptive messages.
32. Searching for outside employment, except while employee is on their own time.
33. Using any inappropriate background screen images (e.g., screen savers, etc.)
34. Downloading screen-savers and/or games from the Internet.
35. Downloading audio and/or video clips from the Internet, unless it is specifically related to the employee's job duties.
36. Viewing or posting of messages, replies, or any type of announcements to the Internet via message boards, forums, chat rooms, on-line classified, news groups, list serves, or any other

type of public web site, unless directly related to the employee's job duties and not in conflict with any other part of this policy.

37. Use of computer systems and/or networks in attempts to gain unauthorized access to other computer systems ("remote systems").
38. Decryption of system or user passwords.
39. Copying of system files.
40. Attempts to secure a higher level of privilege on network systems than authorized.
41. Downloading of files from peer-to-peer networks (e.g., Kazaa, etc.). Downloading files or attachments from outside e-mail services (AOL, MSN, etc.).
42. Subscribing to push technology services that are not related to official City business or to professional enhancement. This refers to subscription type services that send information to personal computers automatically and routinely as a result of prior registration by the user. Examples of such services include: weather reports, sports news, hobby updates. Certain Push technology services may be permitted at the discretion of the IT Manager where they provide information on City business or professional enhancement topics, such as Government, environmental, health, or technology related subjects. E-mail alerts are permitted (such as for severe weather, breaking local news, etc.).
43. Entering into any lease or contract for professional services that relates to technology hardware and/or software (this includes design, support or maintenance of technology hardware/software, networking, Internet, and computer repair services) without direct involvement of the IT Manager.
44. Changing system settings (network neighborhood, device setup, Internet access options, system registry, control panel Regional Settings, or any other areas dealing with advanced settings which may alter your computer's performance, etc.) Except by authorized IT staff to install, reconfigure or troubleshoot technology issues.
45. Change **ANYTHING** regarding the configuration or functioning of any City owned Technology Device (Computers, Printers, VOIP Phones, and Battery Backups) without prior written consent or direct involvement of the IT Dept.
46. Relocation of any City owned Technology Device (Computers, Printers, VOIP Phones, Battery Backups) without prior written consent or direct involvement of the IT Dept.

5.2 Inadvertent Access

1. It is important to distinguish between passive or inadvertent receipt of materials, on the one hand, and actions which require deliberate decision, on the other.

2. For example, it is possible for an employee to:

    a. Be sent unsolicited sexually-explicit or racist materials; or
    b. Be misled by a search engine's links, such as to accidentally open offensive materials; or
    c. Misdial a phone number.

3. Such activities should be distinguished from those of an employee who consciously accesses, downloads or distributes sexually-explicit materials.

4. Employees who inadvertently access an adult pornographic or other prohibited website or telephonic location shall report this to their supervisor immediately. Inadvertent access shall be treated as a mistake.

5.3 Receipt of Inappropriate Materials

If an employee receives inappropriate/prohibited material from another person, they will immediately advise the sender that they are not permitted to receive such information and not to send similar material again. If the employee needs assistance in responding to such situations, they will contact their supervisor who can assist them or arrange for assistance from other city employees (e.g., if the other party does not cooperate, contact the MIS Coordinator for guidance in blocking transmissions from the offending party.)

6. Confidential, Privileged or Copyrighted information:

6.1 Confidential Information

a. Georgia law requires that all employees protect the integrity of any confidential information generated by or on behalf of the City as well as confidential information concerning others.

b. Employees must exercise a greater degree of caution in transmitting confidential information through technology than with other modes of communication because of the ease and simplicity

with which this information can be redistributed. Confidential information should never be transmitted or forwarded to persons who do not have a need to know the information.

c. To reduce the chance that confidential information may inadvertently be sent to the wrong person, ensure that any distribution lists used are current prior to the transmission of information. Review each name on any list of recipients before transmission to ensure that all recipients have a need to know the information.

d. City employees should consult the appropriate Department Head, Supervisor, or, if necessary and authorized, legal counsel to answer any questions regarding the confidentiality of information.

e. Types of information often considered confidential include, but are not limited to, the following:

1. Information from an individual's personnel file;
2. Personal information about employees, such as home addresses and phone numbers;
3. Information relating to potential litigation, existing litigation, claims against the City, administrative hearings of a criminal or civil nature, or any judicial proceeding;
4. Information which, if released, would give a competitive advantage to one competitor or bidder over another;
5. A draft or working paper involved in the preparation of proposed legislation;
6. Private correspondence of elected officials;
7. Trade secrets;
8. Commercial or financial information of outside businesses,
9. Information related to the regulation of financial institutions securities;
10. Social security numbers;
11. Personal/family information of City employees;
12. Photographs of peace officers;
13. Certain information the City obtains from businesses pertaining to environmental audits.

f. Messages that contain confidential information should have a confidentiality legend in all capital letters at the top of the message in a form similar to the following: "THIS MESSAGE CONTAINS CONFIDENTIAL INFORMATION OF THE CITY OF EAST POINT. UNAUTHORIZED USE OR DISCLOSURE IS PROHIBITED."

g. An additional message can be used (such as on a fax cover sheet, or at the end of the communication) in a form similar to the following:

"This communication and any files transmitted with it, is intended solely for the individual or entity to which it is addressed and may contain confidential, private, and/or privileged material. Any review, retransmission, dissemination or other use of or taking action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you are not the intended recipient, or believe that you have received this communication in error, do not print, copy, retransmit, disseminate, or otherwise use the information. You should reply to the sender and indicate to the sender that you have received this communication in error, and then delete this communication and any accompanying files you received. Thank you."

h. Since copies of messages (particularly e-mail) may be placed on back-up or other systems out of the control of the City employee generating the message and/or may be accessed by information system personnel or others who do not need to know the information, all employees should remember that it may be inappropriate to communicate certain types of confidential information through the e-mail system.

i. In addition, to minimize the inadvertent disclosure of confidential information, employees should not access their e-mail messages in the presence of others unless such messages have been reviewed to ensure that the information contained therein is not confidential. Messages should not remain visible on the monitor when a user is away from his or her computer.

j. Caution should be used when transmitting confidential information. Any employee who knows or suspects that confidential information has been compromised is to report this to their immediate supervisor as soon as possible.

6.2 Attorney-Client Privilege

a. All messages to and from the City Attorney or other legal counsel seeking or providing legal advice or otherwise pertaining to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions are legally privileged information and should be marked with the following legend in all capital letters at the top of the message:

A CONFIDENTIAL ATTORNEY/CLIENT PRIVILEGED INFORMATION.

b. In addition, in order to preserve the attorney-client privilege, messages to and from the City Attorney should never be sent to others via distribution lists, should never be forwarded to anyone else, and should never be retained on a network e-mail system. If it is necessary to retain a copy of an attorney-client privileged communication, it should be printed and placed in the appropriate file. Confidential communications between the City and its legal counsel should not be archived for disclosure to the public.

6.3 Copyright Infringement

The ability to attach a document to a message for distribution to others greatly enhances the risk of copyright infringement. A system user can be liable for the unauthorized copying and distribution of copyrighted material through technology. Accordingly, City employees should not copy, retrieve, modify, distribute, or forward copyrighted material of a third party (such as software, database files, documentation, articles, graphics files and down-loaded information) without advance confirmation that the City has the right to copy or distribute such material. Any questions concerning copyrighted information should be directed to the City Administrator or, if necessary, the City Attorney.

7. Internet Access

7.1 Internet Use Limited

Site searching and access is limited to those sites that provide useful information to City business. The access to the Internet is provided to employees for bonafide job duty use only and for authorized personal use. Internet access is a privilege, not a right. Employees are not authorized to utilize the City's Internet access for any unauthorized use.

7.2 Monitoring and Inspection

The City reserves the right to monitor web sites visited by employees using City technology. The City may use software to undertake such monitoring or may use other methods of inspection and surveillance to ascertain employee internet use.

8. Electronic Mail (E-mail)

8.1 Personal E-Mail

a. Personal e-mail shall be defined as email that is not part of the East Point e-mail system that is accessed through the Internet or third party programs such as America On Line or Microsoft Network.

b. If an employee uses any computer or appliance from inside the East Point computer network to view personal e-mail over the Internet, they may not, under any circumstance, download or activate any attachments to e-mails. Exceptions may be made by the IT Manager only.

c. If a computer or appliance owned by the City of East Point is used to view or send personal e-mail, there should be no expectation of privacy with respect to such e-mail just as there is no expectation of privacy with any e-mail.

d. A computer or appliance owned by the City of East Point will not be used to view or send personal e-mail, where access will directly impact cost of service to this computer or appliance. (i.e., blackberry or mobile data devices).

8.2 E-Mail Contact between Employees and Mayor/Council members

Only Department Heads (and their designees) should send e-mail to the Mayor and Council members. A copy of all communication between employees and Council/Mayor must be sent to the City Manager. Likewise, the Mayor and Council members should not send e-mail directly to employees, but should direct them through the appropriate Department Head, and a copy of all such e-mails must be sent to the City Manager.

9. Separation from Employment or Work Responsibilities

Upon separation from the City's employment, the City will deny all access to technology resources, including the ability to download, forward, print or retrieve any messages stored in the computer system, regardless of sender or recipient.

Upon temporary separation from work responsibilities, including leave of absence, suspension, or any other extended leave the City will deny all access to technology resources, including the ability to download, forward, print or retrieve any messages stored in the computer system, regardless of sender or recipient.

10. Disciplinary and/or Legal Action:

10.1 Violations

Violations of this policy will be evaluated on a case-by-case basis and may result in:

a. Restriction, suspension or loss of technology access or capability, and/or,
b. Disciplinary action up to and including termination.

10.2 Violation of Other City Policies

Some violations of this policy (such as sending sexual or discriminatory messages) may also constitute violations of other City policies (such as the policy prohibiting sexual harassment or discrimination).

10.3 Violation of Federal or State Law, or Administrative Regulations

a. Some actions involving the use of technology may also violate federal or state law. Violations of this policy or misuse of City technology which are of a criminal nature may be referred to the appropriate authorities for criminal prosecution.

b. Some actions involving the use of technology may also violate federal or state regulations (such as the GCIC regulations regarding criminal history record information). The City may be sanctioned for such violations, and the individual(s) responsible for the violation may be disciplined.

Acknowledgment and Receipt of East Point Technology Policy

I hereby acknowledge that I have received the City of East Point's Technology Policy (effective date TBD). I understand that all communications systems and all information processed by, transmitted by, received from, or stored in any of the City's technologies are the property of the City, and that I have no expectation of privacy in connection with the use of this equipment or with the transmission, receipt, or storage of the information in this equipment.

I acknowledge and consent to the City inspecting my communications (including e-mail) at any time as provided by the above-referenced policy. Such inspection may include printing and reading all communications entering, leaving, processed or stored on City of East Point equipment.

I agree to abide by this policy, and not to violation any conditions of the policy. I have read and understand all the provisions specified in this policy, and have had the opportunity to ask any questions

_____ _____

Employee's Printed Name If Police, Badge Number

_____ _____

Employee's Signature Date

_____

Department Head or Supervisor's Signature

City of East Point PERSONNEL MANUAL	Policy: 30-4
Subject: Wireless Device Policy	**Effective:** 03/01/2015
Policy Administrator:Director of Human Resources	**Replaces**: N/A

PURPOSE:Establish a policy that provide guidelines for the use of wireless devices.

Statement of Policy

The purpose of this policy is to provide guidelines to be followed for the provision of wireless cell phones, cell phone radios and /or data devices for employees, who are in need of such electronic equipment.

Eligibility

Employees, whose responsibilities require 24 hour responder accountability, work away from their assigned office location and /or who are required to travel outside the city on a regular basis shall be candidates for a City of East Point wireless device. Request for a device is made by the Department Head in conjunction with a signed release by the City Manager or his/her designated person. Approved device shall be used for conducting necessary City business only and use for emergency situations.

Should the responsibilities of the employee no longer meet the criteria for issuance of a wireless device, as in the case of reassignment or separation the department head, manager and /or immediate supervisor is responsible for notifying the City's IT department for temporary deactivation, and return of equipment within 3 days for reassignment/redistribution. All City provided accessories must be returned with wireless device.

Requests for wireless communication devices can be submitted via email addressed to the Help Desk. A signed Wireless Device Request Form must be attached with Department Head signature. The IT Department will coordinate the delivery of the equipment, documentation, and reference material.

User and Management Responsibilities

It shall be the responsibility of each supervisor, manager, and/or department head to ensure that all employees understand and comply with this policy as outlined here and on the receipt of wireless communication device form which is signed by the employee when the equipment is delivered.

It is the supervisor, manager, department head responsibility and/or employee's responsibility to notify the IT Help Desk immediately in the event a device is lost or stolen, for deactivation with the vendor.

It is the supervisor, manager, and/or department head responsibility to ensure the return of wireless communication devices and related equipment when no longer needed or upon an employee's separation from the City of East Point. The supervisor, manager, and /or department head is responsible for notifying the IT Department for phone temporary deactivation set up, and return of equipment within 72 hours for reassignment/redistribution. If the equipment is not returned upon an employee's separation from the City, the actual replacement cost of the phone and accessories shall be deducted from any amounts owed to the separating employee.

It shall be the responsibility of all departments to follow the prescribed procedures in obtaining and utilizing wireless cell phone and/or data devices.

It shall be the responsibility of all departments to review monthly billing statements to ensure that their employees are utilizing the devices as outlined for business purposes.

Responsibilities on Equipment Loss, Destruction, Repairs, and Maintenance

It is the employee's responsibility, in the event a device is lost or stolen to immediately notify the IT Help Desk for deactivation with the vendor. Notification may be made to the Help Desk (24/7) at helpdesk@eastpointcity.org or (404) 270-7070. It is the responsibility of the employee to immediately notify the Help Desk as prescribe above, and then notify their supervisor, manager and/or department head. It is the responsibility of the department head to follow up within 24 hours, verify notification of loss was received and line temporarily disconnected against misuse.

A determination will be made to decide if an employee is responsible for the loss or destruction of a phone and the actual replacement cost of the phone. A determination will be made the employee lost is responsible for the increases in county monthly service plan expense which may result in plan overage cost county wide being recouped and reassessed to the employees department. The destruction of a phone and the actual replacement cost of the phone shall be paid by the employee to the City within four weeks of the determination of responsibility. **If the employee does not make this payment to the City of East Point, the City will deduct such amount from the employee's paycheck.**This determination shall be made by the cell phone user's management and shall be based upon review of all available information. Responsibility by the employee will only be assigned where the phone was handled in a negligent manner.

To report problems with a City provided cell phone and/or to request accessories such as replacement batteries, adaptors, earpieces, etc., contact the IT Help Desk via email helpdesk@eastpointcity.org or (404) 270-7070.

Wireless Billing Statements

The IT Department shall receive and review each wireless cell phone and/or data device bill of the employees to confirm that the use of the phone is in compliance with this policy.

Restrictions on Wireless Usage

Employees are not allowed to use City provided cell phones in an illegal, illicit, or offensive manner.

The City provided wireless device is a business tool and should be used accordingly. Personal calls are not permitted.

Employees must adhere to all federal, state, or local rules and regulations regarding the use of cell phones. Accordingly, employees must not use cell phones if such conduct is prohibited by law, regulations, or other ordinances. This applies to all situations and especially with regards to cell phone usage while operating a motor vehicle.

Use of Wireless Devices While Driving

The use of a cell phone while driving may present a hazard to the driver, other employees, and the general public. This policy is meant to ensure the safe operation of City vehicles and the operation of private vehicles while an employee is on work time and/or conducting City business.

Employees should not use hand-held cell phones, retrieve or respond to data communications while driving. Should an employee need to make a voice or data communication while driving, they should locate a lawfully designated area to park and make the transmission.

Employees may use ear bud/headsets and cell phones that contain built in speakers to make business calls, but only in emergency situations. Such calls should be kept short and should the circumstances warrant (e.g., heavy traffic, bad weather), the employee should locate a lawfully designated area to park to continue the call.

Discipline for Non-compliance with this Policy

Violation of this policy will subject an employee to disciplinary action up to and including immediate termination.

I have read, understand, and will comply with this policy and in doing so agree to disseminate this information to the wireless users under my supervision/department.

Signature: _____ Date: _____

Print Name:_____

Title: _____

Department/Division: _____

To be completed by IT Personnel:

Device _____:
Manufacturer:
Model:
IMEI:
SN:

Device _____:
Manufacturer:
Model:
IMEI:
SN:

Explanation of Additional Devices: _____

City of East Point **PERSONNEL MANUAL**	**Policy: 40-1**
Subject: Personnel Administration: Classification Plan	**Effective:** Revised 03/01/2015
Policy Administrator: Director of Human Resources	**Replaces: 30-1** **Effective 1-1-2000**

1. **Purpose**:

   To define job classes and their use as well as establish procedures for determining job class allocation.

2. **Positions covered**

   These rules and regulations cover all employees in the classified service of the City.

3. **Administration**

   These rules shall be administered by the Director of Human Resources or his designee under the direction of the City Manager and in accordance with the chapter establishing a personnel system.

4. **Use of Class Specifications**

   Specifications are interpreted in their entirety and in relation to others in the classification plan. Particular phases or examples are not to be isolate and treated as a full definition of a class. Specifications are descriptive and explanatory of the kind of work performed and are not necessarily inclusive of all duties performed.

5. **Definition of Classification Plan**

   The classification plan is a systematic grouping of positions in appropriate classes.

   a. A position is a group of current assigned duties and responsibilities requiring the full or part-time employment of one person. A position may be occupied or vacant.

   b. A class is a group of positions (or single position) that:
      1. Has similar duties and responsibilities
      2. Requires like qualifications
      3. Can be equitably compensated by the same range of pay.

c. The class title is the official designation or name of the class, and shall be used on all personnel records and transactions.

6. Maintenance of the Classification Plan

The Director of Human Resources, under the direction of the City Manager, shall maintain the classification plan so that it will reflect the duties performed by each employee in the classified service. The Director shall periodically review the entire classification plan and recommend appropriate changes in allocations or in the classification plan. Reclassification shall not be abused or use to impose disciplinary action upon an employee.

7 Allocation of Positions

When a new position is established, or duties of an existing position change, the department head involved shall submit in writing a position description stating the duties and responsibilities of the position. The Director of Human Resources shall investigate the actual or proposed duties and recommend the appropriate class allocation or the establishment of a new class to the City Manager. The City Manager shall then approve or change the recommendations and allocate the position to a class.

8. Allocation Appeals

An employee who considers their position improperly classified shall submit his reclassification request in writing to their supervisor, who shall make a recommendation to the Director of Human Resources within **seven (7) days** of receipt of the appeal. The Director of Human Resources shall proceed as outlined in this policy.

9. Classification Plan in Effect

The classification plan shall be considered a part of this manual and shall have the same force and effect as the personnel rules and regulations. A copy of the classification plan shall be maintained by the Director of Human Resources and filed with the City Clerk.

10. Reclassification

a. In situations of reclassification to a higher grade and pay range, the employee shall be granted a pay increase equal to the same step of the new pay grade as held in the previous grade.

b. In situations of reclassification to a lower pay grade, the employee's salary shall not be reduced, but shall be compensated a pay step equal to the employee's current salary. If the new reclassified pay grade is less than the

employee's current salary, the employee's salary shall remain the same until the newly reclassified pay grade exceeds the employee's current salary.

City of East Point **PERSONNEL MANUAL**	**Policy: 40-2**
Subject: Personnel Rules and Regulations: Employee Compensation	**Effective:** 03/01/2015
Policy Administrator: Director of Human Resources	**Replaces:** 30-2 Effective 1-1-2000

1. **Purpose**:

To provide a general overview of the City of East Point's compensation plan. The compensation plan includes the adopted salary schedule and the schedule of salary ranges consisting of rates of pay for all classes of positions included in the classification plan. The compensation plan is intended to provide fair compensation for all classes in the classification plan. Consideration will be given to range of pay for other classes, rates of pay for comparable services in private and public employment in the area, the City's financial condition and policy, and other factors. The Director of Human Resources shall at least annually make or cause to be made comparative studies of all the factors affecting the level of salary ranges as appropriate.

The minimum rate established for each class is the normal hiring rate. Appointments, under special conditions and subject to the prior approval of the City Manager, may be made above the minimum rate when such action is determined to be in the best interest of the City. Approval will be based on such conditions as shortage of qualified applicants available at the minimum step and qualifications of the applicant being in excess of the requests for the class.

2. **Salary Reviews**

When funds have been specifically allocated in the budget by City Council for such purposes, and upon approval of the City Manager, an annual salary increase shall be granted to classified employees who have not reached the maximum step of their pay range.

Upon the establishment of a salary review system based on standards of work performance, salary increases may be granted to individual employees that meet the standards.

3. **Fair Labor Standards Act**

The Fair Labor Standards Act (FLSA) is a federal labor law of general and nationwide application, including Overtime, Minimum Wages, Child Labor Practices, and the Equal Pay Act. The FLSA affects most private and public employment. The FLSA requires employers to pay covered employees who are not otherwise exempt at least the federal minimum wage and overtime pay for all

hours worked over 40 hours in a workweek. The FLSA requires overtime compensation (at time and one-half) for all "hours worked" over a prescribed "threshold" (typically 40 hours per week) for "Non-exempt" employees.

4. Exempt

Employees considered exempt under the FLSA, grade 68 and above, will not be paid for overtime or compensatory time for hours worked in excess of 40 hours per week. There shall be no pay-off of unused personal leave.

5. Non-Exempt

Employees non-exempt from FLSA, grade 67 and below, are eligible for overtime or compensatory time for all hours worked in excess of 40 hours in one week. Employees may be given overtime, as provided below or compensatory time in lieu of overtime pay at the same overtime rate to which they are entitled, provided there is agreement to do so before the overtime is worked. The overtime rate is time and one-half of their regular rate of pay for all hours worked in excess of 40 in one week. Unscheduled absences or time off for sickness, emergencies, or other personal reasons will not be considered hours worked for overtime purposes.

6. Overtime

a. Any overtime work must have the **prior approval** of the Department Head or his designee. Eligible employees shall receive compensation for overtime in the form of overtime pay or compensatory time, as may be decided at the sole discretion of the City. The overtime rate is time and one-half of their regular rate of pay for all hours worked in excess of 40 in one week. Exempt employees, grade 68 and above, are not eligible for overtime pay.

b. Accumulated compensatory time, **properly authorizedin advance**, shall be taken by the employee within ninety (90) days from the date of its accrual. Any employee with accrued compensatory time taking leave shall first charge such leave to accumulated compensatory time, except where said employee has accrued vacation time in excess of the amount permitted to be carried over. In the event an employee has accrued vacation time in excess of the amount allowed to be carried over, the employee may, at his or her option, first charge the leave as vacation time and thereafter charge leave to accrued compensatory time, provided such leave is taken within ninety (90) days of the accrual of the compensatory time. There shall be no conversion of accrued compensatory time to vacation time or vice versa.

City of East Point **PERSONNEL MANUAL**	**Policy: 40-3**
Subject: Personnel Administration: Working in a Higher Capacity Position	**Effective:** Revised 03/01/2015
Policy Administrator: Director of Human Resources	**Replaces:** **N/A**

1. **Purpose**: To establish the policy for compensation of employees who assume the responsibilities of a higher classification position.

   It is the policy of the City to provide compensation, after **thirty (30) days**, for employees who take on the full responsibilities of a position which is at a higher pay grade than the employee normally holds.

2. **Emergency Appointment**

   When an emergency occurs which has a serious potential impact on the City's business with the public makes it impossible to fill a vacant position by normal procedures, the department head, with the approval of the City Manager, may appoint any qualified person to the position on a temporary basis. This will be done in order to prevent stoppage of public business, loss or serious inconvenience to the public. Such an appointment shall be for a reasonable period of time during which time, the normal selection procedures would be followed in order to fill the position permanently.

3. **Compensation**

   In situations where an employee is temporarily required to fulfill the duties of a higher classified position for **thirty (30) calendar days or longer**, upon approval by the City Manager, an employee shall be granted a temporary pay increase to at least the first step of the new pay grade. In the event the employee's current salary is higher than the first step of the new pay grade, the pay increase shall be **five (5%)** above their current salary. After the employee has performed the responsibilities for **thirty (30) days or more,** any such increase will be retroactive back to the first day the employee assumed the responsibilities.

4. **Return to former position**

   The employee temporarily occupying the higher position, if qualified, is strongly encouraged to apply for the higher position. However, in the event the employee is not selected for the position during the normal selection process, the employee will be returned to their former position, and any temporary increase in pay will cease.

City of East Point **PERSONNEL MANUAL**	**Policy: 40-4**
Subject: Personnel Administration: On-Call Assignment and Call Back Compensation Policy	**Effective:** 03/01/2015
Policy Administrator: Director of Human Resources	**Replaces:** **N/A**

1. **Purpose**: From time to time, the City of East Point may create an On-Call List for the purpose of contacting employees to perform work after regular hours and under certain conditions. The City will make every effort to only utilize employees on the On-Call List when work demands require immediate attention, cannot be performed by employees on a regular shift, and cannot otherwise be handled without jeopardizing the protection of citizens and the welfare of the community.

2. **Definitions**

   a. Callback Assignment – where an employee serving on an established On-Call List for a given week is called into work after hours to perform various necessary tasks.
   b. Communication Log – the record produced by the Communications Department each time the Communications Department contacts an employee serving on an On-Call List for purposes of performing a callback assignment.
   c. Employee – for purposes of this policy, an employee of the city who is eligible to serve on an On-Call List and can be called into work after hours to perform various necessary tasks.
   d. Fair Labor Standards Act ("FLSA") – A Federal law that requires, in pertinent part, that non exempt employees be paid at one and one half times their regular hourly rate for all hours worked over 40 in a given work week.
   e. On-Call – an employee is on-call when his name appears on a valid and established On-Call List that entitles the City to require that employee to return to work after hours under certain conditions and to perform various necessary tasks.
   f. On-Call List – a list of employees, prepared at least six (6) weeks in advance that assigns employees to be on-call for a period of seven (7) days.
   g. Overtime – where a nonexempt employee is paid at one and one half times their regular rate for all hours works over 40 in a given work week, pursuant to the FLSA.
   h. Time Sheet – a document that reflects the amount and kind of all work performed by city employees including, but not limited to, regularly scheduled hours, Overtime and Overtime accrued pursuant to Callback assignments.

i. Work Order – for purposes of this policy, a record produced by an On-Call employee describing and detailing various aspects of a Callback Assignment.

3. Requirements

a. To the extent that a department utilizes an On-Call List, the Department will establish a weekly On-Call List from which the City's Communication Department may contact employees.
b. Employees will serve on an On-Call List for a period of one full week (seven days).
c. Employees are not to serve on a On-Call List for two (2) consecutive weeks. The Department Head shall make every effort to avoid scheduling employees on an On-Call List more than once a month.
d. In the event that work demands require immediate attention, cannot be performed by employees already on shift, and cannot otherwise be addressed without jeopardizing the protection of citizens and the welfare of the community, an authorized supervisor or a department head may, via the Communications Department, contact an employee or employees listed on the On-Call List for that particular week to perform the task(s) at issue.
e. Serving on an On-Call List is a condition of employment and employees are expected:
    1. To report to work within a reasonable period of time (one hour) from receiving notification; and
    2. To be in the proper mental and physical condition to perform their work assignments and are strictly forbidden to report to work for a Callback Assignment under the influence of drugs and/or alcohol.

Failure to report for duty within a reasonable period of time and in the proper mental and physical condition to perform work duties shall be grounds for disciplinary action.

4. Overtime Compensation

The FLSA requires that all non-exempt employees be paid one and one half times their regular rate for all hours **worked** over 40 in a given work week.

a. Compensation for Callback Assignments:

    1. Where an employee serving on an established On-Call List receives a Callback Assignment, that employee will receive one and one half times their regular rate for any work performed pursuant to a Callback Assignment, provided the employee exceeds 40 hours of work in a given work week.

2. Where an employee serving on an established On-Call List receives a Callback Assignment, that employee shall receive a minimum of two (2) hours of pay for each shift in which the employee is actually called back from home to report to work.
3. If an employee receives an additional Callback Assignment while still working on a prior Callback Assignment, the time necessary to complete the second and subsequent Callback Assignments will be added to the time allocated to the initial Callback Assignment. If the employee has had time to return home and receives an additional Callback Assignment, that employee will be paid an additional minimum two (2) hours for the subsequent Callback Assignment.
4. **Travel time is not to be counted separately by the employees or the departments for purposes of calculating time worked on a Callback Assignment.**

b. Serving on an On-Call List

1. Employees serving on an established On-Call List will be eligible to receive eight (8) hours of pay at one and one half their regular rate for their week of service on the On-Call List.
2. Employees who serve on an On-Call List during the week of an approved City holiday (s) will be eligible to receive four (4) extra hours of pay per holiday at one and one half their regular rate.
3. The above amounts will be in addition to any Overtime compensation accrued as a result of performing work on Callback Assignments.
4. **The City is not required, either legally or contractually, to provide compensation to employees solely for serving on an On-Call List, and payment of this amount does not constitute a binding obligation on the City to continue to pay this amount into perpetuity. Accordingly, the City is within its rights to revise this Policy such that the amount of compensation offered to employees on an On-Call List is either reduced from that stated in this policy or eliminated entirely.**

c. The presence of an employee on an On-Call List is no guarantee that the employee will be called into work, and is further, no guarantee that the employee has any kind of priority to receive a Callback Assignment or Overtime.
d. Employees who are grade 68 and higher, and designated as Exempt from Overtime, shall not be eligible to receive compensation for serving on an On-Call List and shall further not be eligible for Overtime for Callback Assignments or otherwise, unless determined to be approved compensation in compliance with the conditions for the City Emergency Policy.

6. Disclaimer

This policy is subject to revision and/or amendment by the East Point City Council. Temporary special circumstances, including but not limited to pending inclement weather may lead to a modification of any provisions contained herein when the City's needs require. Any deviation from the established policy shall be in writing with approval by the City Manager or their designee with a reporting of the circumstances of the deviation to City Council. Any deviation must be in compliance with the requirements of FLSA.

City of East Point **PERSONNEL MANUAL**	**Policy: 50-1**
Subject: Employee Benefits	**Effective:** 03/01/2015
Policy Administrator: Director of Human Resources	**Replaces:** 40-2, 40-5 Effective 1-1-2000

1. **PURPOSE:** To provide employee benefits.

2. **DISCLAIMER**

The City has established a variety of employee benefit programs designed to assist employees and their eligible dependents in meeting the financial burdens that can result from illness and disability, and to help plan for retirement. Below is a very general description of the benefits offered to employees of the City.This general explanation is not intended to, and does not provide employees with all the details of these benefits. Therefore, this Handbook does not change or otherwise interpret the terms of the official plan documents.

Nothing contained in the benefit plans described herein shall be held or construed to create a promise of employment or future benefits, or a binding contract between the City and its employees, retirees or their dependents, for benefits or for any other purpose.

The City reserves the right to amend, modify or terminate any or all of the provisions of the benefit plans described herein, including any health benefits that may be extended to retirees and their dependents.

For more complete information regarding any of the benefit programs, please refer to the Summary Plan Descriptions. To the extent that any of the information contained in this Handbook is inconsistent with the official plan documents, the provisions of the official documents will govern in all cases.

3. **Definitions**

3.1 **Eligible dependents**– Eligible dependents include spouse (by legal marriage), natural children, adopted children or children of the spouse.

3.2 **Health Maintenance Organization (HMO)** - The health maintenance organization plan provides comprehensive hospital and major medical insurance coverage, which generally requires participants to utilize only in-network medical providers in order for the services to be covered under the insurance plan.

3.3 **Life Changing Event** – Events which occur that will allow an employee to change their benefits. Events such as the birth of a child, marriage, adoption, change of custody or guardianship. Enrollment must occur no later than **thirty (30) days** after the life changing event in order for the change to be effective, unless benefit change is made during Open Enrollment.

3.4 **Open Enrollment** – A period of time occurring at least once every twelve months that will last for a maximum period of thirty (30) days in which employees may make changes to their benefits.

3.5 **Point-of-Service Plan** The point—of—service plan provides comprehensive hospital and major medical insurance coverage. Under the point of service plan, participants can choose to go in—network or out—of—network at any point in time. Many in—network services are fully covered (some require a co—payment) and no claim forms need to be completed.

4. Health Insurance

The City currently offers all full-time eligible employees and their eligible dependents single or family health coverage under a Point of Service Plan (P-O-S) or a Health Maintenance Organization (HMO).

New employees become eligible for coverage thirty (30) days after the beginning of the month following their date of hire.

Employees who wish to enroll for either single or family coverage must do so upon hire (within a maximum of thirty (30)) days or will be required to wait to enroll at the Open Enrollment period.

Once made, an employee's election is generally fixed for the remainder of the plan year. However, if an employee undergoes a change in family status, an employee may make a mid—year change in coverage (i.e., an employee may change coverage from individual to *family* or from family to individual, add or delete dependents, or revoke coverage), provided the employee does so within 30 days from the date of the change in family status.

At the end of each calendar year, during open enrollment employees are free to change medical elections, including the choice of medical carriers, for the following calendar year, whether or not there is a change in family status.

The Human Resources Department will assist employees in making the necessary arrangements for enrollment. A complete description of the plans is provided to

each employee as Summary Plan Descriptions and appropriate supplements. Copies of health insurance coverage booklets are available from the Human Resources Department. Benefits and employee paid premiums are subject to change at the sole discretion of the City and coverage is not guaranteed.

Any health coverage is subject to proper enrollment and completion of applications and medical questionnaires. The City accepts no responsibility for the employee's failure to complete any appropriate application or change forms.

5. Dental Insurance

All regular full time employees who work 40 hours per week are eligible for single or family dental coverage under the same conditions as for health insurance after 30 days of employment with the City of East Point.

Employees may obtain dental coverage separate from the health coverage, or even if health coverage is denied for the employee and eligible dependents.

Employees may select from two (2) different dental plans, a low and high cost plan. Each plan allows the employee to select a dentist from any licensed dentist or dental specialist desired. Both plan coverage is generally subject to deductibles for non-preventative services, co-payments and an annual benefit maximum per person. In addition, employees may choose between the low plan which has no orthodontic benefit for eligible dependents up to the age of 19, and the high plan which has a lifetime maximum orthodontic benefit for eligible children under 19.

6. Vision

The City offers regular full-time employees vision benefits as part of the health insurance plan. The vision benefit can be used at all licensed vision care providers, including all licensed ophthalmologists, optometrists and opticians. There is no specific network or list of providers the employee is required to use.

7. Group Life Insurance

The City offers a basic group term life policy along with an accidental death and dismemberment policy to all eligible full-time employees, retired employees, council members and mayors. Eligibility will begin on the first day of the calendar month following **thirty (30) days** of employment. The policy also provides dependent life insurance for any eligible dependent. The employer, employee, retiree and/or dependent share in the cost of the insurance provided under this plan.

The City also offers employees the option of purchasing additional voluntary group term life and accidental death & dismemberment insurance for themselves and their eligible dependents for an additional cost.

There are varying degrees of coverage, and some restrictions may apply.

8. Short Term Disability:

The City does not offer employees a short-term disability program. The City allows employees to accumulate unused sick leave on an unlimited basis. In addition, the City does offer employees other options to be used in lieu of short term disability, such as the Family Medical Leave Act, or other leaves of absences.

9. Long Term Disability:

The City offers all regular full-time employees a non-contributory Long-Term Disability (LTD) base plan. LTD is designed to protect an employee's income from disabilities that last longer than **three (3) months**, and potentially throughout an employee's working years to age 67. This non-contributory base plan provides for monthly LTD benefits of 60% of basic monthly earnings to a maximum benefit of $5,000 per month, in the event an employee is unable to work due to injury or illness.

- Benefit payments begins 90 days after the date you become disabled.
- Employees will receive a partial benefit if they return to work part-time.
- Benefits are paid monthly.
- Pre-existing exclusions will apply.
- Mental and nervous exclusions will apply.
- Employee may possibly convert the policy if employee leaves the City.
- Rehabilitation assistance is available.

The City requires an employee to utilize Family Medical Leave prior to utilizing any LTD benefits. Additional information can be obtained from the Human Resources Department.

10. Retirement Plan

The City has adopted a Defined Benefit retirement plan for its employees. All full-time employees shall be eligible for participation on the date of hire. Part-time or temporary employees are not eligible for participation in the plan. The plan is funded by contributions from participants and by the ongoing contributions of the City. Participants contribute **six (6%)** of pay on a before-tax basis.

Benefits under the Plan are paid upon an employee's retirement, death, disability or termination.

Normal Retirement is:

- Class 1 and Class 4: age 50 and eight (8) years of service
- Class 2: full time employees: age 65 and ten (10) years of service
- Class 2: elected officials: age 60 and five (5) years of service
- Class 3: age 55 and ten (10) years of service
- Class 5: age 65 and ten (10) years of service

Early retirement:

- Class 2 and Class 3: age 50 and ten (10) years of service. Benefit is reduced according to the early retirement reduction table.
- Class 5: age 50 for police and firefighters, age 55 and ten (10) years of service for all others

Vesting:

- Class 1 and class 4: eight years of service
- Class 2 and class 3: full-time employees: ten (10) years
- Class 5: elected officials: five (5) years

Disability Benefit:

- Class 1-4: Payable immediately, greater of accrued benefit or 20% x average monthly earnings for the last 12 calendar months.
- Class 4: For service of less than 10 years – the lump sum vested benefit. For 10 years of service – the accrued benefit.

The City retains the right to amend the Plan at any time.

11. COBRA

If a qualifying event occurs that causes the employee, the employee's spouse or dependent children to lose coverage under the City's group health care plan, the employee has the right under the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985 to **purchase at the employee's expense**, a temporary extension of health coverage at group rates.

Employees covered by the City's group health care plan can elect continuing coverage if one of the following qualifying events occur:

1. Voluntary or involuntary termination of employment, for reasons other than gross misconduct, or
2. Voluntary or involuntary reduction of work hours below the level required for participation in the group health plan.

The spouse of an employee covered by the City's group health care plan can elect continuing coverage if one of the following qualifying events occur:

1. The death of the employee
2. A termination of the employee's employment, for reasons other than gross misconduct, or a reduction in the employee's hours of work below the level required for participation in the group health plan;
3. A divorce or legal separation from the employee; or
4. A retired employee's enrollment in Medicare.

The dependent child of an employee covered by the City's group health care plan can elect continuing coverage if one of the following qualifying events occurs:

1. The death of the parent employee;
2. The termination of the employee's employment, for reasons other than gross misconduct, or a reduction in the employee's hours of work below the level required for participation in the group health plan;
3. A divorce or legal separation of the parents, if this causes dependent child to lose coverage under the City's group health plan;
4. The enrollment in Medicare of the retired parent or employee;
5. The child's loss of dependent status due to attainment of the maximum age for coverage under the group health plan.

The employee or other covered individual or a family member has the responsibility to inform the City of the divorce, legal separation or a child's loss of dependent status within **sixty (60) days** of the qualifying event or the date on which group coverage would be lost because of the event. If the employee fails to provide the proper notice within **sixty (60) days**, continuation coverage might not be available.

When a qualifying event occurs, the employee will receive notice within **fourteen (14) days** of the right to elect continuation coverage. The employee will have **sixty (60) days** to decide on the continuation coverage. If the employee chooses not to continue coverage, the group health coverage will end. If the employee elects the continuation coverage, the coverage will be identical to the coverage provided to similarly-situated active employees and family members. The employee will have the right to elect full coverage or medical coverage without dental insurance. If the employee had family coverage at the time of the qualifying event, the employee can elect family coverage or a less broad category of coverage.

Continuation coverage is available for up to **eighteen (18) months** if the qualifying event is the termination or reduction in work hours of the employees. If an employee or family member is disabled under the rules for Social Security disability benefits, the worker and family members are eligible for an additional **eleven (11) months** of continuation coverage, for a total of **twenty-nine (29)**

months. For other qualifying events, the spouse or dependent children are eligible for up to **thirty-six (36) months** of continuation coverage.

Continuation coverage is also available to covered retirees, their spouses and widows or widowers of covered retirees if group health coverage is terminated as a result of the City filing for bankruptcy.

Continuation coverage may be discontinued prior to the end of the full coverage period for any of the following reasons:

1. The City no longer provides group health coverage to any employee;
2. The premium for continuation coverage is not paid in a timely fashion;
3. The employee becomes covered under another group health plan and does not restrict or limit coverage due to a preexisting condition;
4. The employee becomes entitled to Medicare;
5. The disabled individual is no longer disabled as defined by Social Security, during the **eleven (11) months** of extended continuation coverage.

If an employee has any questions about their rights under COBRA, contact the Human Resources Department.

12. Employee Assistance Program (EAP)

The City recognizes that alcoholism and drug abuse are treatable diseases that can cause personal problems. The City also recognizes that employees may have other personal problems which impair their ability to perform satisfactorily in their jobs. Such problems may include emotional behavioral disorders, financial worries or marital and family conflicts. Any one of these problems can result in poor interpersonal relations, excessive absenteeism, deteriorating work performance and lowered productivity.

The City offers the Work-Life Balance program to provide help with substance abuse and other problems. The Work-Life Balance program is a 24 hour, completely confidential consultation service program available to employee and their family. This program will provide employees with the opportunity to seek counseling and substance abuse rehabilitation. An employee may seek assistance directly through their health care provider if preferred without first seeking assistance from the Human Resources Department.

The City shall, whenever feasible, give employees an opportunity to use the employee assistance program before taking the disciplinary action of suspension or discharge.

No adverse action will be taken against any employee who voluntarily enters EAP and who successfully completes a rehabilitation program.

No employee with an alcohol, drug or other personal problem will have his or her job security or promotional opportunities jeopardized by his or her referral or request for consultation or treatment.

It will be the responsibility of the employee to seek and accept medical and professional help if advised or required to do so. If the employee refuses to follow the recommendations of the designated resource person, and job performance or attendance continues to be unsatisfactory, normal disciplinary measures will be taken.

It is expected and hoped that employees who suspect that they have a medical, alcohol or drug related problem, even in its early stages, will be encouraged to seek consultation voluntarily and, when indicated, comply with the prescribed treatment.

The Employee Assistance program will not be available to employees who have been found to have violated the City's substance abuse policy, who have not previously volunteered to enter EAP.

All records will be preserved in the highest degree of confidence. The confidential nature of medical records of employees with alcohol or drug related problems will be preserved to ensure privacy in the same manner as other medical records. Under no circumstances shall materials relating to the employee's participation in the employee assistance program be made a part of the employee's personnel file.

City of East Point **PERSONNEL MANUAL**	**Policy: 60-1**
Subject: Employee Benefits: Leave	**Effective:** 03/01/2015
Policy Administrator: Director of Human Resources	**Replaces:** 40-1; 40-1.1 Effective 1-1-2000

PURPOSE: Provide guidelines for various forms of employee leave.

1. Leave Reporting

All paid leave time in any category shall be approved by the supervisor and reported appropriately in terms of "standard hours" for the preceding pay period. Timesheets, leave slips and related documentation such as military orders, subpoenas, and letters of authorization shall be retained at the department level after such absences have been approved and reported on payrolls. NO leave shall be approved or reported in excess of current accrued leave balances as reflected in official leave records. Periodic internal and external audits of the leave records in each department may be conducted to insure that all leave regulations are being properly followed and enforced.

2. Annual Leave

New employees will begin earning annual hours in the first month of employment. All full-time employees shall be entitled to earn and accrue annual leave. However, annual leave may not be taken until after completion of six (6) months of service. Annual leave will also accrue to the credit of an employee who is on leave with pay such as FMLA, annual, sick, and compensatory.

A request for annual leave shall be submitted to the employee's immediate supervisor for approval. Leave requests shall be granted at the convenience of the employee whenever possible provided adequate coverage is maintained. All leave taken must be earned; employees are not permitted to "anticipate" time.

If an employee's employment is terminated prior to completing their twelve (12) month probationary period, no annual leave will be paid. Employees may carry over up to thirty (30) unused annual leave days or 240 hours into the next calendar year.

Annual Leave will be accrued as follows:

Completed Years of Service	Rate of Accrual (Hours per Pay Period)
0-4	3.077 (3.08)
5-14	4.616 (4.62)
15-19	6.154 (6.20)
20+	7.693 (7.70)

3. **Personal Leave – Non-Exempt Employees**

Personal leave shall be awarded to all regular, full-time non-exempt employees at the rate of four days per year, or .334 days per month. These personal leave days may be used for personal needs including personal or family illness or other purposes at the discretion of the employee.

Personal leave days **shall not be carried forward** into the next calendar year.

Personal leave shall be in addition to annual leave.

Upon termination or resignation, there shall be no pay-off of any unused personal leave.

4. **Personal Leave - Exempt Employees**

All employees, grades 68 and above, who are exempt from overtime will receive **ten (10)days** of personal leave awarded at the beginning of the year to compensate for meetings and obligatory activities outside of normal working hours.

The personal leave days **shall not be carried forward** to the next year.

Upon termination or resignation, there shall be no pay-off of any unused personal leave. Exempt employees are not eligible for overtime or compensatory time and shall not accrue any leave time other than personal, sick or annual leave time.

5. **Reassignment of Leave to Other City Employees**

The City has established a policy which allows any employee with accrued and payable annual, sick, and personal leave to donate or reassign a portion of their leave to another City employee.

An employee may reassign or transfer a portion of annual, sick and/or personal leave to another employee who has satisfactorily demonstrated a severe personal accident or illness which has exhausted the employee's own accrued leave balance.

1. Due to the birth of the employee's child or to care for the newborn child;
2. Due to the placement of a child with the employee for adoption or foster care or to care for the newly placed child;
3. Due to required care for the employee's spouse, child, or parent (but not in-law) who has a serious health condition; or
4. Due to the employee's own serious health condition that renders the employee unable to perform one or more of the essential functions of his or her job.

The employee must use all accrued and applicable leave (annual and personal leave and sick leave where applicable) available as part of the 12 week leave. Leave may be intermittent (non-consecutive) for personal or family illness but not for birth or adoption.The City of East Point may require that any leave request based on a family member's or the employee's own serious health condition be supported by certification by a health care provider. The employee must provide the employer 30 days notice of intent to take leave for expected birth or placement of a child, or, when foreseeable, for leave due to illness.

The certification must contain:

1. The date the serious health condition began.
2. The probable duration of the condition.
3. The appropriate medical facts regarding the condition.
4. If the leave is based on care of a spouse, child, or parent, a statement from the medical physician that the employee is needed to provide the care and an estimate of the amount of time that need will continue.
5. If the leave is based on the employee's own serious health condition, a statement from the physician that the employee is unable to perform the functions of his or her job.
6. In the case of intermittent leave or leave on a reduced schedule for planned medical treatment, the dates the treatment is expected to be given and the anticipated duration of the treatment.

The City can, at its expense, require the employee to get a second medical opinion. The second health care provider may be designated or approved by the City, but that provider may not be an employee of the City. If the second opinion conflicts with the first, the City may require a third medical opinion, again at the City's expense. This provider must be jointly designated or approved by the City and employee. The opinion of the third provider will be final.

The FMLA allows the City to require the employee to provide later recertification of leave "on a reasonable basis." Moreover, the City can require an employee on FMLA leave to report periodically on his on her status and the intention of the employee to return to work.

Before the employee returns to work from FMLA leave for the employee's own serious health condition, the City may require the employee to submit to a fitness for duty evaluation from the City's health care provider, with respect to the condition for which the leave was taken, stating that the employee is able to return to work.

7. Bereavement (Funeral) Leave

All full-time, regular employees may be granted, upon approval of the department head, time off with pay not to exceed **three (3) consecutive workdays** in the event of a death in their immediate family.

The employee may be required to provide the department head proof of death in the immediate family before compensation is approved.

Immediate family for the purpose of this policy is defined as: spouse, children, parent, sibling, father/mother-in-law, brother/sister-in-law, grandparent, grandchildren, stepchildren, step-parents, legal guardian or any relative or dependent living in the employee's household.

8. Civil Leave

An employee called for jury duty or subpoenaed as a witness, except on cases where the employee is a plaintiff, cross-complainant or counter complainant, shall be granted civil leave and shall be excused from work upon presentation of a court notice to the supervisor.

Employees called to court for the purposes of this policy shall promptly notify their immediate supervisor so that arrangements can be made for their absence from work. The employee will be paid his regular pay provided he/she submits evidence of the actual days spent in court. Only the number of actual days or hours spent in court will be considered in granting leave and the employee must return to duty promptly when released from court.

Employees who become plaintiffs or defendants are not eligible for civil leave with pay. Employees subpoenaed as a result of the failure of the employee to make financial payments or to comply with state or federal laws is not eligible for civil leave.

9. Family and Medical Leave (FMLA)

The Family and Medical Leave Act (FMLA) provides eligible employees with up to **twelve (12) work weeks** of leave for certain family and medical reasons during a **twelve (12) month** period. During this leave, an eligible employee is entitled to continued group health plan coverage as if the employee had continued to work. At the conclusion of the leave, subject to some exceptions, an employee generally has a right to return to the same or to an equivalent position.

To be eligible for family or medical leave under the FMLA, an employee must have been employed by the City for at least **twelve (12) months** and for at least **1,250hours** during the prior **twelve (12) month** period.

Leave may be granted for one of the following reasons:

6.4 Certification by a Physician

1. A medical certificate signed by a licensed physician will be required by department heads to substantiate sick leave requests for any of the following reasons:

    a. Any period of absence due to illness consisting of **three (3) or more consecutive work days**.

    b. Sick leave of any duration if the employee has been disciplined for abuse of sick leave, provided the employee has been warned in writing that a certificate will be required.

    c. Any period of absence occurring on a workday prior to or subsequent to a holiday as designated in this chapter.

2. If the employee does not obtain or submit the documentation required above or if the documentation is inadequate, payment for sick leave may be denied.

3. The City reserves the right to investigate, in any manner it deems necessary, any possible abuse of sick leave.

6.5 Payment for unused sick leave upon retirement:

1. Employees shall receive credited service added to their retirement calculation for accumulated sick leave in one (1) month increments for each 173.33 hours of accrued sick leave hours.....OR Each 173.33 hours of accrued sick leave hours will be converted to one month of credited service to the employee's retirement calculation. Only full increments of 173.33 hours can be used. All remaining hours will be forfeited.

2. Employees who, upon retirement, freeze their retirement benefits shall not be paid for any accumulated unused sick leave.

3. Employees on the payroll prior to December 12, 1977, shall be paid upon retirement for all unused sick leave accumulated and recorded in the Human Resources Department through December 31, 1978; less sick leave taken which exceeds unused sick leave accumulated after December 31, 1978. Payment for accumulated sick leave shall be by continuation for salary along with any pension entitlement of said retiring employee.

The ill or injured employee must provide sufficient medical documentation to the Human Resources Department that the illness is long-term and critical. Furthermore, the employee must show this illness has hindered the employee's ability to maintain any gainful employment and that the lack of leave time to continue to receive pay will provide a severe financial hardship.

In order for an employee to be eligible to receive leave from others, the employee must be eligible and must apply for leave under the Family Medical Leave Act (FMLA), as outlined below. The employee seeking to receive leave should apply for FMLA along with the required documentation through the Human Resources Department.

It will be the responsibility of the ill employee or their designated employee representative to inform other employees who may be willing to donate leave. Leave will only be reassigned after the employee has exhausted all of their sick, annual and personal leave.

Leave may be donated in a minimum of **four (4) hour** increments. Leave must be donated by sending the request in writing to the Human Resources Department. The request must be signed by the employee donating the leave.

The City Manager will review and authorize the written approval of the voluntary transfer of the employee's leave to benefit the ill or injured employee.

6. Sick Leave

6.1 Full-time employees begin to accrue sick leave immediately upon employment at the rate of 2.462 hours per pay period. No sick leave may be taken beyond that which is not already accrued. Unused sick leave may be carried into the next calendar year, on an unlimited basis.

6.2 Sick leave with pay shall be granted to regular, full-time employees only in the case of actual sickness or disability of the employee resulting from causes beyond the employee's control, or medical or dental examinations or treatments for which arrangements cannot be made outside of working hours. Illnesses of immediate family shall be charged to personal or annual leave and not to sick leave. Leave that qualifies under the FMLA may only be taken when medical documentation had been provided. Sick leave must be requested either in writing, when advanced notice is possible, or by phone to the employee's supervisor. The "Leave Request" form should be used when requesting sick leave in advance.

6.3 The employee shall report the absence to the supervisor prior to the scheduled work time if possible. If this is not possible, the employee should report the absence within (30) minutes after the scheduled work time. Failure to do so may be cause for denial of sick leave with pay.

FMLA leave or the employee's return to work may be delayed or denied if the appropriate documentation is not provided in a timely manner. Also, a failure to provide the requested documentation of the reason for an absence from work may lead to the termination of employment.

If the employee does not return to work following the conclusion of FMLA leave or otherwise notified the City of their inability to return, the employee will be considered to have voluntarily resigned. The City may recover any health insurance premiums that the City paid on behalf of the employee during any unpaid FLMA leave. The City may not, however, recover its share of the premiums if the employee fails to return to work because of the employee's or a family member's serious health condition or because of other circumstances beyond the employee's control. In such cases, the City may require the employee to provide medical certification of the employee's or the family member's serious health condition.

Procedure

1. Employee's Responsibilities – The employee requesting FMLA should complete a request form provided by the Human Resources Department. The employee should meet with the Human Resources Department to receive an explanation of the employee's rights and obligations under this Act. The employee is also responsible for providing all information required on the form, notice of absence when required and for all certifications by any treating health provider.

2. Department Responsibilities –Department heads or supervisors are prohibited from discriminating against employees who take FMLA in employment decisions such as performance evaluations, promotions or disciplinary actions. Department and division managers are required to maintain the departmental and/or division poster notifying employees of the provisions of the FMLA.

3. Human Resources Department – The Human Resources Department will serve as advisor to employees and supervisors on the requirements of eligibility for FMLA and its provisions. All records pertaining to FMLA will be maintained in the employee's confidential file in the custody of the Human Resources Department.

10. Leave of Absence without Pay

Employees may be eligible for a leave of absence without pay for sufficient personal reasons and provided that no significant disruption to the City's activities will result. However, the employee must be employed for at least **six (6) months** prior to the requested leave.

Leave without pay may be requested for situations where an employee needs time off for a situation not governed by FMLA, by military leave or any other leave, and the employee has exhausted all other accrued leave. An example of when a leave of absence without pay is appropriate is for an employee who has exhausted

their FMLA leave but cannot come back to work for an additional specified period of time.

Any request for a leave of absence without pay must be submitted in writing as far in advance as possible to the Department Head and may be granted to an employee, upon his department head's recommendation, by the City Manager on a case-by-case basis. The needs of the City will be the controlling factor for any leave granted

Leaves of absence will be considered only after all annual and personal leave time has been exhausted. A granted leave of absence will be without pay and benefits. Employees on leave without pay will be required to make contributions for health, life insurance and retirement benefits. Employees on leave without pay will not lose any employment benefits or seniority accrued before the leave begins, however, no accrual privileges or pension, sick leave, or vacation benefits will be allowed for an employee who is on leave of absence

When such leave of absence without pay is granted, the employee shall pay the City's share of the employee's health benefits and insurance.

11. Maternity Leave

Maternity leave is defined as a period of absence because of the incapacity relating to pregnancy and confinement. The City does not have a separate maternity leave policy. Employees requesting time off due to maternity leave may utilize the FMLA policy as defined in this chapter or any combination of sick leave, annual leave, compensatory leave (if applicable) and leave without pay.

12. Military Leave

a. Any permanent employee who leaves the service of the City in order to perform military service for the United States Army, Navy, Air Force, Marines, Coast Guard, National Guard or Reserves during time of war or other national emergency or who is inducted by selective service may be placed on military leave upon a written request prior to the employee's induction into the service.

   The employee, upon return must:

   1. Provide the City with a copy of a certificate of completion of military service duly executed by an officer of the applicable force of the armed forces of the United States or by an officer of the applicable force of the organized militia confirming the date of the honorable discharge; and

   2. Be still qualified to perform the duties of the position; and

   3. Make an application for reemployment within 90 days after the employee is relieved from service.

The City shall restore the employee to the position or to a position of like seniority, status and pay unless the City's circumstances have so changed as to make it impossible or unreasonable to do so.

b. Annual training - Any permanent employee of the City who performs military service for the United States Army, Navy, Air Force, Marines, Coast Guard, National Guard or Reserves may be allowed a leave of absence with pay not to exceed **eighteen (18) calendar days** during any calendar year to participate in assemblies or to attend annual training. The City shall pay the employee the full salary for the military service upon presentation of a copy of a certificate of completion of military training duly executed by an officer of the applicable branch of the armed forces or organized militia.

c. Miscellaneous training – Any permanent employee of the City who performs military service for the United States Army, Navy, Air Force, Marines, Coast Guard, National Guard or Reserves may be allowed an unpaid military leave of absence in order to attend service schools conducted by the armed forces of the United States for a period or periods up to and including six months.

   The employee, upon return must:

   1. Provide the City with a copy of a certificate of completion of the temporary service duly executed by an officer of the applicable force of the armed forces of the United States or by an officer of the applicable force of the organized militia confirming the dates of attendance; and

   2. Be still qualified to perform the duties of the position; and

   3. Make an application for reemployment within 10 days after the employee completion of service.

d. Any employee who is restored to a position under this policy shall be considered as having been on a leave of absence during their period of military service, performing temporary service shall be restored without loss of seniority and shall be entitled to participate in insurance or other benefits offered by the City pursuant to established rules and practices relating to employees on leave of absence that was in effect with the City at the time the employee entered the military service or commenced the temporary service.

13. Separation Leave

Any full time employee who has completed **six (6) months** of service, who is dismissed, resigns, is laid off or whose appointment has expired, shall receive pay for all accrued annual leave and compensatory leave to which he or she was

entitled at the time of such separation, payable in conjunction with the issuance of the final check for hours worked.

An employee who dies while at the City shall have paid to his/her executor of the estate the value of all unused accrued leave balances for annual leave, compensatory leave and/or holiday leave.

14. Time Off to Vote

Employees are permitted time off to vote in any municipal, county, state, or federal political party primary or election for which the employee is registered to vote on the day on which the primary or election is held.

The time taken off to vote must not exceed **two (2) hours** and is permitted only if the employee submits the request to their supervisor at least o**ne (1) working day** in advance. All requests will be considered in light of the business needs. No employee will be penalized or retaliated against for requesting time off to vote.

City of East Point **PERSONNEL MANUAL**	**Policy: 70-1**
Subject: Personnel Rules and Regulations: Disciplinary Action	**Effective:** Revised 03/01/2015
Policy Administrator: Director of Human Resources	**Replaces:** 20-7 Effective 1-1-2000

1. Purpose:

The City endeavors to employ responsible individuals and believes that the vast majority of employees are responsible citizens who understand and respects the rights and property of their fellow employees and that of the City. All employees are expected to meet the City's standards for work performance. Work performance encompasses many factors, including attendance, punctuality, personal conduct, job proficiency and general compliance with the City's policies and procedures To this end, the City has in effect and will establish from time to time such reasonable rules as it considers necessary to ensure the orderly and efficient conduct of business, to assure the safety of its employees and property, and to comply with applicable laws. During working hours, employees are expected to comply with rules established by the City. If an employee does not meet the standards established by the City, the City may, under appropriate circumstances, take corrective, disciplinary action.

2. Policy of Discipline

This disciplinary policy is one of progressive discipline, which can include counseling and training. The intent of this policy is to formally document problems while providing the employee with a reasonable time to bring their performance and conduct up to a satisfactory level. These guidelines are meant to ensure fair and equitable treatment of all employees in situations involving alleged misconduct. The Police Department's Standard Operating Procedure (SOP) will be used in conjunction with the City's Personnel Rules and Regulations for all personnel assigned to the Police Department.

3. Definitions:

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

a. **Adverse action** - A disciplinary action taken for cause by the city manager or a department head which results in suspension without pay, demotion or dismissal of a regular, permanent, non-probationary employee in the classified service of the city as defined in Code Section 4-1065 and 4-1066. It does not include actions which result from challenging the decision to implement or the scope of a layoff as defined in Section 4-

1060, or actions resulting from insufficient funds, decrease in funds or departmental reorganization or denial of annual merit pay increase based on the employee receiving a less than satisfactory performance evaluation. Adverse actions are appealable to the civil service board of appeals.

b. **Appeal-** A written request by an employee for review by the civil service board of appeals of an adverse action.

c. **Appointing authority-** The city manager or department head having the power of appointment, demotion or election to or removal from subordinate positions in the city employment service.

d. **Board-** The civil service board of appeals of the City of East Point.

e. **Classified service-** All positions not specifically included in the unclassified service by this Code. A classified position is a position in the classified service.

f. **Days -** Unless otherwise specified, means business or week days.

g. **Demotion-** A change of employment to a position in a class which has a lower maximum salary limit than the class from which the assignment was made. A reduction in pay shall not be deemed a demotion for cause if such reduction results from a demotion during a probationary period ***such that the employee is returned to his or her former position,*** or to a position with comparable salary, a layoff due to insufficient funds, decrease in funds, departmental reorganization, or a change of appointment made in the discretion of the appointing authority as provided by this Code and shall not be appealable under this article.

h. **Disciplinary action-** An action taken for cause by the city manager or a department head which results in an oral warning, a written reprimand, demotion, suspension without pay or dismissal of a regular, permanent non-probationary employee in the classified service of the city. Disciplinary actions include all adverse actions. Only those disciplinary actions which are adverse actions: suspension without pay, demotions or dismissals, by definition of this article, are appealable to the civil service board of appeals.

i. **Dismissal-** The discharge, termination or removal of an employee from employment with the city. For employees in the classified service, the employee shall be furnished notice of the dismissal for cause in writing, stating the reasons and the employee's right to answer the charge, and the employee's right to appeal.

j. **Grievance-** A written request by an employee for review of an allegation which describes a work-related event or a condition of employment which the employee reasonably believes is unfair in light of the rules, regulations

and standards which govern the employment relationship with the city. Grievances are not adverse actions within the meaning of this chapter and are not appealable to the civil service board of appeals.

k. **Hearing officer-** A member of the civil service board of appeals appointed in accordance with Charter Section 4-106 and who is designated in routine rotating sequence to hear appeals filed with the board.

l. **Hearing panel-** Three members of the civil service board of appeals who are designated in routine rotating sequence to hear appeals of dismissals filed with the civil service board.

m. **Oral warning -** A verbal discussion by a department head or supervisor with an employee calling attention to the employee's substandard work performance or inappropriate conduct and requiring correction of the substandard work performance or inappropriate conduct within a specified timeframe. An oral warning shall not constitute an adverse action within the meaning of this chapter.

n. **Performance evaluation-** A periodic written report approved by the appointing authority or designee relative to the work-related conduct and performance of the employee and which is issued in accordance with this chapter. A negative performance evaluation shall not constitute an adverse action within the meaning of this chapter.

o. **Probationary employee -** Any employee appointed to a permanent position who has not completed the required probationary period in a given class.

p. **Reprimand -** A written report to an employee by a department head or supervisor calling attention to the employee's substandard work performance or inappropriate conduct and requiring correction of the substandard work performance or inappropriate conduct within a specified timeframe. A written reprimand shall not constitute an adverse action within the meaning of this chapter.

q. **Separation-** Termination of the employment relationship as described in Code Section 4-1055.

r. **Suspension -** The temporary removal of an employee from a position of employment with the city with or without pay.

4. Disciplinary Infractions

Disciplinary actions against an employee shall be initiated within **ten (10) days** of an alleged infraction when it is evident that such action is necessary to maintain an orderly and productive work environment. Except in cases of theft, violence or

serious violations of the City's policy or procedure that create a health or safety risk, disciplinary actions must be progressive in severity. The severity of the action shall be determined by the City after consideration of the nature and gravity of the offense, its relationship to the employee's assigned duties and responsibilities, and the employee's work record. Severity of the action may justify the deviation from several steps of the disciplinary procedure with the authorization of the City Manager.

Disciplinary actions shall not be limited to the offenses listed below. This list is subject to revision as deemed appropriate by the City Manager.

All disciplinary reports shall be retained in the employee's personnel file. The employee may make a request to view and copy their personnel file. All employees have the right to see their personnel file. With the exception of the Department Head, City Manager or City Attorney, all other requests to view personnel files shall be made pursuant to an Open Records Act Request.

5. Categories

Category A

Step 1:	First Offense	Oral warning
Step 2:	Second Offense	Written reprimand
Step 3:	Third Offense	Suspension of up to ten (10) days
Step 4:	Fourth Offense	Suspension of up to thirty (30) days
Step 5:	Fifth Offense	Termination of employment

Infractions

1. Chronic absenteeism, as defined as habitual, sustained, confirmed or unexcused absence.
2. Recurring tardiness, as defined as habitual, sustained, confirmed or continued unexcused lateness to work without adequate justification.
3. Abuse of sick leave.
4. Abuse of lunch or break times.
5. Failure to comply with the dress code or grooming standards as appropriate for the department.
6. Absent from work without excused leave.

Category B

Step 1:	First Offense	Written reprimand
Step 2:	Second Offense	Suspension of up to ten (10) days
Step 3:	Third Offense	Suspension of up to thirty (30) days
Step 4:	Fourth Offense	Termination of employment

Infractions

1. Lack of respect or courtesy toward a supervisor.
2. Negligence in the performance of job duties and responsibilities.
3. Violation of departmental rules and regulations.
4. Failure to report damage to City vehicle/property to supervisor within 24 hours.
5. Performing non-City work on City time or using City facilities, equipment or the City's phone/address for non-City purposes.
6. Failure to report work-related injuries as established by City policy.

Category C

Step 1:	First Offense	Suspension of up to fifteen (15) days
Step 2:	Second Offense	Suspension of up to thirty (30) days
Step 3:	Third Offense	Termination of employment

Infractions

1. Intentional failure to follow a direct order of a supervisor.
2. Willfully giving false statements to a supervisor.
3. Misuse or personal use of City vehicles.
4. Abusive language, not including threats or other inappropriate action, toward a supervisor, other employee or citizen.
5. Falsification of time records.
6. Committing a misdemeanor which results in loss of work time and failure to meet the job responsibilities.
7. Careless, negligent or improper use of City property or equipment.
8. Failure to meet performance objectives on a performance evaluation.

Category D

Step 1:	First Offense	Termination of employment

Infractions

1. Theft of City services or property.
2. Being under the influence of illegal substances or alcohol or possession of illegal substances while on duty.
3. Refusal to submit to a drug and/or alcohol analysis when directed by the appointing authority or designee.
4. Immoral or indecent conduct which tends to violate commonly accepted standards of decency or morality.
5. Oppressive or abusive use of official position or power, to include the granting of any improper favor or receiving or soliciting anything of value or any service in return for the discharge of official duties.

6. Communicating the intent or determination to inflict punishment, loss or pain on another or to injure another or his property by the commission of some unlawful act; issuing threats or other inappropriate action toward a supervisor, other employee or citizen.
7. Physical contact with an employee during an argument, regardless of whether it results in bodily harm.
8. Job abandonment – failing to report to work for three (3) or more consecutive work days without authorized leave.
9. Participation in a work slow-down or work stoppage which interferes with City operations.
10. Fraud, falsehood, perjury and malfeasance involving any willful, intentional or deliberate misstatement or concealment of material fact in connection with employment, employment application, work records, responsibilities, reports, investigations or proceedings, or intentional misuse of paid work time or assets.
11. Loss of driver's license due to a DUI or a moving violation, or other license or certification when required for work.
12. Being convicted of a felony or for a misdemeanor involving moral turpitude when it is deemed that retaining the employee would result in liability to the city or would violate specific departmental rules and regulations.
13. Retaliating against an employee who reports discrimination or harassment or participates in an investigation of such report. Retaliatory practices include, but are not limited to:
    a. Attempting to, or disciplining or terminating the complainant;
    b. Attempting to, or reducing the pay of the complainant;
    c. Attempting to, or reducing the work schedule or hours of the complainant;
    d. Attempting to, or transferring the complainant; or
    e. Any other such behavior which could be viewed in a retaliatory manner.
14. Other conduct unbecoming their station, office or position.

Category E: Sexual Harassment

Step 1:	First Offense	Suspension of up of up to fifteen (15) days
Step 2:	Second Offense	Termination

Infraction

Sexual harassment may include a range of subtle or not so subtle behaviors. Depending on the circumstances, these behaviors may include, but are not limited to:

1. Unwanted sexual advances or requests for sexual favors;
2. Sexual jokes and innuendos;
3. Verbal abuse of a sexual nature;

4. Commentary about an individual's body, sexual prowess or sexual deficiencies;
5. Leering, catcalls or touching;
6. Insulting or obscene comments or gestures, including the exposure or touching of one's genitals;
7. Display or circulation in the workplace of sexually suggestive objects or pictures, including emails; or
8. Other physical, verbal or visual conduct of a sexual nature.

City of East Point PERSONNEL MANUAL	**Policy: 70-2**
Subject: Personnel Rules and Regulations: Corrective Discipline Notice	**Effective:** 03/01/2015
Policy Administrator: Director of Human Resources	**Replaces:** N/A

1. Purpose:

To outline the procedure for the issuance of the Corrective Discipline Notice.

2. Procedure

a. All disciplinary actions against an employee shall be initiated within **ten (10) days** of an alleged infraction when it is evident that such action is necessary to maintain an orderly and productive work environment.

b. The supervisor shall complete the Corrective Discipline Notice. The Corrective Discipline Notice must contain the following information:

1. The date, name of the employee and the name of the Department Head;

2. The selection of the appropriate discipline: i.e.: verbal counseling, written reprimand or the recommendation of a suspension;

3. The place and date of the violation or infraction;

4. A description of the violation, to include any prior warnings, etc.;

5. Date(s) of previous Corrective Discipline Notice violations or infractions in the same category as the proposed discipline. **Do not list violations which did not result in the issuance of a corrective discipline notice;**

6. The supervisor and the Department Head's signature. The Department Head must review the Corrective Discipline Notice prior to the meeting with the employee to ensure the notice is properly completed and any previous infractions are noted and the infractions are consistent with the City policy.

c. The supervisor will meet with the employee to review the Corrective Discipline and to provide the employee an opportunity to respond to the notice if requested.

d. The supervisor will also issue the employee a copy of the right to appeal notice when the employee receives the corrective discipline notice.

e. The supervisor will inform the employee of their right to appeal.

f. The supervisor will have the employee sign the Corrective Discipline Notice which acknowledges receipt of the notice. If the employee refuses to sign the corrective discipline notice, the supervisor will note the "employee refused to sign" on the employee's signature block and have the employee initial next to the notation.

g. The Department Head will forward the Corrective Discipline notice to the Human Resources Department for placement in the employee's file.

City of East Point **PERSONNEL MANUAL**	**Policy: 70-3**
Subject: Personnel Rules and Regulations: Appeal Process	**Effective:** Revised 03/01/2015
Policy Administrator: Director of Human Resources	**Replaces:** 20-1 Effective 1-1-2000

1. **Purpose**:

Establish the Procedures regarding the City's Appeal Process as it relates to disciplinary action against non-probationary, classified employees. Only classified employees who have completed their probationary period shall have the right to appeal any proposed disciplinary action.

2. **The Right to File an Appeal**

a. Any permanent employee in the classified service of the city against whom adverse action is proposed, *i.e.,* suspension without pay, demotion or dismissal, shall have the right to appeal the action as provided in this policy.

b. An employee against whom any adverse action is proposed, desiring to appeal such action shall initially file an appeal for a hearing before the city manager by filing notice of such appeal on or before 5:00 p.m. of the fifth (5^{th}) business day after the employee receives notice of the proposed adverse action against him or her. The city manager shall render a written decision within five (5) business days following such hearing.

c. In the event of an appeal to the city manager by an employee against whom an adverse action is proposed, the withholding of wages, salary or dismissal based upon the adverse action shall be abated pending a hearing before the city manager. Such abatement shall only be in effect until a decision is rendered by the city manager in accordance with this policy.

d. An employee who, having first appealed a proposed adverse action to the city manager pursuant to sub-paragraph "a" of this policy, is dissatisfied with the determination of the city manager, shall have the right to appeal to the civil service board of appeals in accordance with this policy.

e. Unless otherwise provided, all appeals to the civil service board of appeals are entitled to a hearing which shall be conducted by a hearing officer of the civil service board of appeals pursuant to this policy. However, with the written consent of all parties and the approval of the hearing officer, a hearing may be waived and the appeal considered on the written record.

3. **Definitions**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

a. **Adverse action** - A disciplinary action taken for cause by the city manager or a department head which results in suspension without pay, demotion or dismissal of a regular, permanent, non-probationary employee in the classified service of the city as defined in Code Section 4-1065 and 4-1066. It does not include actions which result from challenging the decision to implement or the scope of a layoff as defined in Section 4-1060, or actions resulting from insufficient funds, decrease in funds or departmental reorganization or denial of annual merit pay increase based on the employee receiving a less than satisfactory performance evaluation. Adverse actions are appealable to the civil service board of appeals.

b. **Appeal-** A written request by an employee for review by the civil service board of appeals of an adverse action.

c. **Appointing authority-** The city manager or department head having the power of appointment, demotion or election to or removal from subordinate positions in the city employment service.

d. **Board-** The civil service board of appeals of the City of East Point.

e. **Classified service-** All positions not specifically included in the unclassified service by this Code. A classified position is a position in the classified service.

f. **Days** - Unless otherwise specified, means business or week days.

g. **Demotion-** A change of employment to a position in a class which has a lower maximum salary limit than the class from which the assignment was made. A reduction in pay shall not be deemed a demotion for cause if such reduction results from a demotion during a probationary period ***such that the employee is returned to his or her former position,*** or to a position with comparable salary, a layoff due to insufficient funds, decrease in funds, departmental reorganization, or a change of appointment made in the discretion of the appointing authority as provided by this Code and shall not be appealable under this article.

h. **Disciplinary action-** An action taken for cause by the city manager or a department head which results in an oral warning, a written reprimand, demotion, suspension without pay or dismissal of a regular, permanent non-probationary employee in the classified service of the city.

Disciplinary actions include all adverse actions. Only those disciplinary actions which are adverse actions: suspension without pay, demotions or dismissals, by definition of this article, are appealable to the civil service board of appeals.

i. **Dismissal-** The discharge, termination or removal of an employee from employment with the city. For employees in the classified service, the employee shall be furnished notice of the dismissal for cause in writing, stating the reasons and the employee's right to answer the charge, and the employee's right to appeal.

j. **Grievance-** A written request by an employee for review of an allegation which describes a work-related event or a condition of employment which the employee reasonably believes is unfair in light of the rules, regulations and standards which govern the employment relationship with the city. Grievances are not adverse actions within the meaning of this chapter and are not appealable to the civil service board of appeals.

k. **Hearing officer-** A member of the civil service board of appeals appointed in accordance with Charter Section 4-106 and who is designated in routine rotating sequence to hear appeals filed with the board.

l. **Hearing panel-** Three members of the civil service board of appeals who are designated in routine rotating sequence to hear appeals of dismissals filed with the civil service board.

m. **Oral warning -** A verbal discussion by a department head or supervisor with an employee calling attention to the employee's substandard work performance or inappropriate conduct and requiring correction of the substandard work performance or inappropriate conduct within a specified timeframe. An oral warning shall not constitute an adverse action within the meaning of this chapter.

n. **Performance evaluation-** A periodic written report approved by the appointing authority or designee relative to the work-related conduct and performance of the employee and which is issued in accordance with this chapter. A negative performance evaluation shall not constitute an adverse action within the meaning of this chapter.

o. **Probationary employee -** Any employee appointed to a permanent position who has not completed the required probationary period in a given class.

p. **Reprimand -** A written report to an employee by a department head or supervisor calling attention to the employee's substandard work performance or inappropriate conduct and requiring correction of the

substandard work performance or inappropriate conduct within a specified timeframe. A written reprimand shall not constitute an adverse action within the meaning of this chapter.

q. **Separation-** Termination of the employment relationship as described in Code Section 4-1055.

r. **Suspension -** The temporary removal of an employee from a position of employment with the city with or without pay.

4. Notice of Appeal

a. **Time for filing appeal -** All employee appeals of adverse actions to the civil service board shall be initiated by filing a written notice of appeal with the city manager or postmarked within five (5) business days after the later of:

1. The date when the employee receives final written notice of the action or decision from the city manager or the date final notice from the city manager is delivered by certified mail to the employee's last-known address.

2. The effective date of the action or decision of the city manager.

b. The notice of appeal shall be considered timely if postmarked within the time allowed for an appeal but shall not be considered filed until actually received by the city manager. Untimely appeals shall be summarily dismissed by the Board.

c. **Transmittal of copies of notice within city and assignment to hearing officer/panel -** Upon receipt of the notice, the **city manager** shall immediately transmit a true copy of the notice to the employee's department head. The **city manager** shall assign the appeal for hearing by a hearing officer of the civil service board in the normal rotation of hearing officer assignments as provided in this policy.

5. Civil Service Board Members Serving as Hearing Officers

a. **Hearing Officers-** Individual members of the civil service board of appeals shall serve as individual hearing officers. In a dismissal, the hearing will be convened with a panel of three board members. As an individual hearing officer, each officer is authorized to receive and compile evidence, prepare findings of fact, render written decisions, certify records and make investigations.

b. **Assignment of hearing officers to appeals -** Once appointed to the civil service board, the appointee's name shall be placed in the alphabetical listing of civil service board members in order to be assigned appeals as scheduled by the **city manager**. Appeals will be assigned to hearing officers in an alphabetical rotation of names.

6. Authority and Duties of Hearing Officers/Panels

Any duly appointing hearing officer/panel shall have the authority to do the following in connection with any hearing under this article:

1. Administer oaths and affirmations to witnesses appearing before the board.
2. Regulate the course of the hearing.
3. Set the time and place for continued hearings and pre-hearing conferences, which shall be in a location owned or operated by the city.
4. Fix the time for filing written arguments as deemed appropriate.
5. Dispose of motions to dismiss for lack of the board's jurisdiction over the subject matter or parties or for any other grounds.
6. Dispose of motions to amend or to intervene.
7. Provide for the taking of testimony by deposition or interrogatory.
8. Reprimand or exclude from the hearing any person for any indecorous or improper conduct committed in the presence of the hearing officer.
9. Make an informal disposition of any case by stipulation, agreed settlement, or consent order or default, unless such disposition is precluded by law.
10. Render a final decision in writing based upon the witnesses and evidence introduced at the hearing.

7. Hearing Procedures

Under this article, the following are established to provide uniform procedures for the conduct of hearings by the board or hearing officer appointed by the board:

a. **Notice of hearing -** The hearing shall be held within 30 days after receipt of the notice of appeal by the **city manager**. Within ten days prior to the date for which the hearing is set, the **city manager** shall designate, from

an alphabetical rotation system, a hearing officer/panel of the civil service board and an appropriate time and place to conduct the hearing and shall so notify all parties in writing. Such notification shall be mailed or served at least ten days prior to the date for which the hearing is set. Any hearing officer/panel shall have the authority to postpone or to continue a hearing upon its own motion or upon the motion of either party.

b. **Representation -** Opportunity shall be afforded both parties to obtain legal representation. All arrangements for providing legal counsel shall be the responsibility of the party desiring such representation. Only representatives of employee organizations recognized by the city may provide non-lawyer representation to an employee. The City Attorney may represent the appointing authority.

c. **Pre-hearing conference -** The hearing officer/panel may arrange a pre-hearing conference for the purpose of reviewing the matter being appealed and establishing stipulations to expedite the hearing.

d. **Witnesses -** The employee or the department may request the attendance of employees or other persons as witnesses when their testimony will aid in establishing the facts in the case. Employees appearing as witnesses shall be released from duty without the loss of pay or time and without effect on their service rating. No person shall directly or indirectly use or threaten to use any official authority or other influence which would tend to discourage any other person from testifying.

e. **Subpoenas:**

1. **Request for subpoena** - The employee, the city manager, the employee's department head, or the hearing officer/panel may request the city clerk to issue subpoenas for witnesses for hearings. The cost for securing the attendance of witnesses who are non-city employees, including fees or mileage, shall be computed and assessed in the same manner as prescribed by law for civil cases in the superior court.

2. **Issuance of subpoenas -** Subpoenas shall be issued without discrimination between public and private parties. When a subpoena is disobeyed, any party in the matter may apply to the superior court of the county in which the hearing is being held for an order requiring obedience. Failure to comply with such order shall be cause for punishment as for contempt of court.

3. **Quashing or limiting subpoenas -** Once issued, a subpoena may be quashed or limited by the hearing officer/panel upon the motion of the hearing officer/panel or any party or at the request of the

witness, if it appears that the subpoena was used primarily as a means of harassment, that the testimony or documents sought are cumulative, that the testimony or documents sought are not relevant or material, that to respond to the subpoena would be unduly burdensome or that for other good reasons basic fairness dictates that the subpoena should not be enforced.

f. **Record of hearing** - A certified court reported shall be engaged by the city to provide a take-down of all hearings; however, the recording of a hearing shall not be transcribed unless approved by the city manager. If the transcription is requested by either party in the hearing, the cost thereof shall be borne by the party making the request. In addition to the recording of the hearing of the transcription, all documents entered into the record during the hearing shall be made part of the official record of the hearing.

g. **Appointing authority's opportunity to be heard -** At the request of the appointing authority or at the invitation of the hearing officer/panel or the board, the appointing authority or that official's designee shall be entitled to be heard and to submit evidence in any appeal in which the interpretation of a civil service rule, regulation, policy or practice is at issue.

h. The chief of police shall, upon request by the city manager, assign a police officer to attend a civil service board hearing. The police officer in attendance at the hearing shall enforce and carry out all lawful orders of the city manager or the hearing officer/panel, and anyone violating such orders shall, upon conviction thereof in the City of East Point Court, be punished as provided for in section 1-1006 of the City Code.

8. Conduct of the Hearing

In the hearing of an appeal under this article, the proceeding shall be informal but orderly. The following procedure shall prevail:

a. The hearing officer/panel shall open the hearing by explaining the procedure to be followed in the hearing. At the discretion of the hearing officer/panel, any or all witnesses may be sequestered.

b. The hearing officer/panel shall read or cause to be read the charges and specifications as contained in the notice of appeal, as filed with the city manager. Any written response to the notice of appeal as filed with the city manager shall then be read. By agreement, these documents may be inserted in the record without reading.

c. The facts not in dispute shall be stipulated.

d. Each party shall be given the opportunity to make a brief opening statement identifying the issues and stating what is to be proven.

e. All witnesses shall testify under oath or affirmation.

f. Each party may conduct such examination of the witnesses as shall be required for a full and true disclosure of the facts. In addition, the hearing officer may examine the witnesses.

g. Official notice may be taken of facts generally recognized by the public. In addition, official notice may be taken of technical facts within the specialized knowledge of the hearing officer. Parties shall be notified either before or during the hearing, by reference in preliminary reports or otherwise, of the material officially noted, including any staff memoranda or data, and they shall be afforded an opportunity to contest the materials so noticed.

h. The hearing officer's/panel's experience, technical competence, and specialized knowledge may be utilized in the evaluation of evidence.

i. Before closing the hearing, the hearing officer/panel shall allow both parties the opportunity to make brief oral or written closing statements.

j. The hearing officer/panel who presided shall, within 15 days from the close of the evidence, issue a decision. However, for good cause the time may be extended for rendering a decision but in no case shall exceed an additional 15 days. The decision shall be to the city manager, the affected department head and the appealing employee, or their representatives. The hearing officer's/panel's decision shall become final, and there shall be no right to any additional administrative appeals.

9. **Evidence and Attendance at the Hearing**

a. **Evidence** - With respect to all hearings before the board or the hearing officer/panel under this division, the following rules regarding the evidence shall govern:

1. Formal, legal rules of evidence shall not be strictly applied. Evidence may be admitted if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. The hearing officer/panel shall follow the state rules of evidence regarding privileges, recognized by the law of the state.

2. Irrelevant, immaterial or unduly repetitious evidence may be excluded.

3. Objections to evidentiary offers may be made and shall be noted in the record.

4. When a hearing will be expedited and the interest of the parties will not be prejudiced substantially, any part of the evidence may be received in written form, including but not limited to the use of depositions or interrogatories.

5. Documentary evidence may be received in the form of copies if the original is not readily available. Upon request and at the discretion of the hearing officer/panel, parties shall be given the opportunity to compare the copy with the original document.

b. **Attendance at Hearing** - Upon the motion of either party, the hearing officer/panel may close the hearing of any appeal under this article, as provided by O.C.G.A. §50-14-3 (6), or by any federal privacy statute. An appeal file containing evidence received in a closed hearing shall not be included in a public record.

10. Decision of Hearing Officer/Panel

a. **Requirements of Decision** - As part of the final decision, the hearing officer/panel shall include findings of fact and any law on which the decision is based, separately stated, and the effective date of the decision or order. Findings of fact shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. Copies of the decision or order shall be mailed to all parties of record by the city manager.

b. **Finality of Decision** - The decision of the hearing officer/panel shall be binding on both parties. The hearing officer/panel may modify the adverse action of the appointing authority but may not increase the severity of such action on the employee. The appointing authority shall promptly comply with the final decision as may be issued as a result of the appeal.

c. **Relief of Employee**

1. If the decision of the hearing officer/panel is in favor of the employee on appeals of dismissal, suspension or demotion, the employee shall be reinstated in accordance with the decision to the classification from which the employee was removed.

2. The effective date of the reinstatement shall be the date immediately following the effective date of the appealed action as

if there had been no break in service, unless otherwise specified in the order.

3. The employee shall be entitled to the same salary, with any increments in the position or salary which would have automatically inured to the employee if the employee had remained in actual service.

4. The employee shall receive payment as if there had been no break in service, minus any amount earned by or paid to the employee from other employment and wage substitutions, including but not limited to unemployment compensation, during the period off the job and minus any amount paid the employee for annual leave.

5. Sick and annual leave shall be restored to the employee in the same amount that existed at the time of the appealed action, plus sick and annual leave that would have been earned for the period if the employee had actually been in service.

6. However, any period of postponement or continuance of the hearing for the convenience of the employee shall be excluded from any payment of benefits due, and this period of time shall be considered as if the employee had been on leave without pay.

7. Prior to any payment to the employee, the employee shall certify under oath the amount of any income received from other employment and any wage substitutes received during the period off the job, which shall be deducted from the back pay owed by the city.

d. The decision of the hearing officer/panel under this division shall not limit the right of either party to judicial review, and such decision shall be stayed by the filing of a petition for review. Any party, including the city or any city department, who has exhausted all administrative remedies available before the board and who is aggrieved by a final decision or order of the board on any hearing may seek judicial review of the final decision or order of the board in the superior court of Fulton County by writ of certiorari.

11. <u>Dismissal of Appeal</u>

Upon the motion of either party or upon its own motion, the hearing officer or panel may dismiss any appeal under this division prior to holding a full hearing of the appeal upon the following conditions:

a. The employee failed to exhaust administrative remedies by first appealing to the city manager as provided by section 4-1012(c);

b. The appeal is clearly moot;
c. The appeal is without merit;
d. The appeal is untimely;
e. The appeal was not properly filed with the city manager; or
f. The appeal is not within the scope of the hearing officer's/panel's authority.

City of East Point **PERSONNEL MANUAL**	**Policy: 70-4**
Subject: Personnel Rules and Regulations: Grievance Policy	**Effective:** Revised 03/01/2015
Policy Administrator: Director of Human Resources	**Replaces:** 20-8 revised 10/30/02

1. **Purpose**: Establish the City's policy relating to grievances

2. **Policy of Grievance and Appeals**

The most effective accomplishment of the work of the City requires prompt consideration and equitable adjustment of employee grievances. It is the desire if the city to address grievances informally. Both supervisors and other employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there may be grievances that will only be resolved after a formal appeal and review. No employee shall be disciplined, discriminated against nor retaliated against in any way because of the use of the grievance procedure.

3. **Definitions**

a. A grievance is a complaint made by an employee concerning the interpretation of the City's rules and regulations or departmental work rule or conditions.
b. A frivolous grievance is a grievance that is determined to be not worthy of consideration if the investigative finding is that the employee was not harmed nor affected, based upon current City policy, or based upon City or departmental procedures.

4. **Filing of a Grievance**:

a. Any full-time classified or unclassified employee of the City may file a grievance for any of the following matters:
    - Working conditions
    - Classification and pay issues
    - Departmental policy and procedure
    - City policy and procedures
    - Other employment-related issues
    - Disciplinary actions other than those specifically set forth in Section 20-7, Disciplinary Action
    - Harassment
    - Performance Evaluation, when given an overall "unsatisfactory" rating, if considered capricious or discriminatory

b. A grievance cannot be filed for disciplinary actions or dissatisfaction with the resulting decision of an appeal of a disciplinary action.

c. A grievance must be filed within twenty (20) business days of the infraction. Failure to timely file a grievance will be grounds to dismiss the grievance.

5. **Grievance Procedure**

All classified and unclassified employees, except Department Heads, shall have the right to file a grievance using the Grievance Procedure below:

Step 1: The employee submits the grievance to the Human Resources Department on the Employee Grievance Form. It the employee's responsibility to submit a properly completed grievance, including any supporting documentation, to the Human Resources Department. The Human Resources Department will perform the following:

a. Log the date and time of the receipt of the grievance;
b. Assign the grievance a case number;
c. Prepare a case file folder;
d. And attach a tracking form to the folder.

All grievances shall be tracked by the Human Resources department for timely and adequate responses.

Step 2: The Human Resources Department will forward the Employee Grievance form, with the Tracking Form, to the employee's immediate supervisor. The immediate supervisor will attempt to resolve the complaint promptly and fairly. The immediate supervisor is responsible for:

a. Completing the supervisor's section of the Tracking Form;
b. Informing the employee of their decision; and
c. Ensuring the Employee Grievance Form and Tracking Sheet is returned to the Human Resources Department within **five (5) business days.**

If the grievance alleges actions of the immediate supervisor, the grievant may bypass step 2 and proceed to step 3 of the grievance procedure.

The Human Resources Department will review the returned grievance to determine if the grievance was resolved at the immediate supervisor level.

Step 3: If the grievance was not resolved, the employee may request the grievance be submitted to the next level, presumably the Department

Head. The Department Head shall make a separate investigation into the grievance. The Department Head is responsible for:

a. Completing the Department Head's section of the Tracking Form;
b. Informing the employee of their decision; and
c. Ensuring the Employee Grievance Form and Tracking Sheet is returned to the Human Resources Department within **five (5) business days.**

If the grievance alleges actions of the Department Head, the grievant may bypass step 2 and step 3 of the grievance procedure and submit the grievance directly to the Human Resources Department.

The Human Resources Department will review the returned grievance to determine if the grievance was resolved at the department level.

It will be the responsibility of the City Manager, in conjunction with the Director of Human Resources, to enforce the timely managing of the grievance process by the Department's supervisory staff. Failure of a supervisor or the Department Head to timely address any grievance or failure to respond in a timely manner shall lead to disciplinary action in accordance with Section 20-7, Category B, subsection 2 of the City Personnel Manual, "Negligence in the performance of job duties and responsibilities".

Step 4: If the grievance was not resolved at the Department level, the grievance will be reviewed by the Director of Human Resources or their designee. Both the employee and the Department Head shall submit all reports of investigations, findings, witness lists and conclusions to the Human Resources Department within **ten (10) business days after the Department returns the unresolved grievance to the Human Resources Department.**

Step 5: The Director of Human Resources or their designee will review all evidence submitted and render a written decision to the grievant and the Department Head.

Step 6: Either party has the right to appeal the Director of Human Resource's decision to the City Manager within **five (5) business days after receipt of the written decision rendered by the Director of Human Resources.**

Step 7: The City Manager may render a decision based on the evidence and investigative findings submitted or may conduct a hearing. The City Manager will render the final decision as to the resolution of the grievance and notifies the employee and the Department Head within

ten (10) business days after receiving the appeal. The decision of the City Manager shall be final. There shall be no further appeal of a grievance following the City Manager's action.

6. Maintenance of Grievance Files

The Director of Human Resources shall maintain the grievance along with all supporting documentation in a specified grievance file, which will include the Employee Grievance Form, the Director of Human Resource's decision, and the final written determination, if any, of the City Manager. This file will be subject to the Georgia Open Records Act.

All documentation of the grievance, notes, and audiotapes, if any, shall be maintained by Human Resources in a confidential Grievance file separate from the employee's personnel file. Any information or decisions regarding the grievance shall not be made part of the employee's Personnel file.

This Grievance Procedure is subject to change and any revisions will be made part of the City Personnel Manual and distributed to all City employees after approval by the City Manager with notification to City Council.

City of East Point **PERSONNEL MANUAL**	**Policy: 80-1**
Subject: Personnel Rules and Regulations: Ethics Policy	**Effective:** 03/01/2015
Policy Administrator: Director of Human Resources	**Replaces:** N/A

1. Declaration of Intent

a. Our government is a representative democracy. Those who are elected, appointed, hired, volunteer or campaign to serve the public as representatives accept a public trust, which they share with those whom they elect, appoint, hire or otherwise enlist to help them serve the public. The public entrusts its power and resources to its servants to use only in the public interest. Public trust requires public servants to fulfill their public duties faithfully and honestly, and to subordinate any personal interest which conflicts with the public interest. Public trust also requires that government be conducted in an open manner, when appropriate, so that the official actions of public servants may be subject to public scrutiny and so that members of the public have access to information upon which decisions and policies affecting them are made; but public trust also requires that government be conducted in a manner which respects the rights of its constituents to privacy and confidentiality. Public trust also requires that acts which are contrary to the public interest be defined and prohibited; that there be an orderly procedure for raising and addressing ethical questions; that ethical behavior be encouraged and suitably rewarded; and that unethical behavior be discouraged and suitably disciplined through a process which is fundamentally fair.

b. It is the responsibility of each public servant to act in a manner which contributes to cultivating public trust in the integrity of government. Public trust in the integrity of government is cultivated when individual public servants act with integrity and when the public is aware that its servants act with integrity. Therefore, dedicated public servants not only act with integrity, but also choose to avoid even lawful activity when the appearance of impropriety would lessen the public's confidence in the integrity of its servants and its system. As a result, sometimes public servants sacrifice opportunities which would be open to them if they were not public servants.

c. Most public servants strive to live by these standards most of the time, but because sometimes some do not, some formal policies are necessary. In adopting these formal policies, this community recognizes that:
   1. Public servants are also members of society and, therefore, share the same general personal and economic interests in the decisions and policies of government as all members of the community do; and

2. Public servants retain their rights to publicly express their views on matters of general public interest, and to express their opinions on the effect of public actions on their personal or economic interests or rights; and
3. It is sound public policy for standards of ethical conduct for public servants to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society, and those conflicts which are personal, material and avoidable; and
4. Public servants are entitled to engage in employment, professional or business activities, other than official duties, in order to support themselves and their families and to maintain a continuity of professional or business activity, and are entitled to maintain investments; and
5. In this community it is possible and reasonable to require public servants to engage in employment, professional or business activities and to maintain investments which do not impede or undermine the integrity of their service to the community.

d. Although this chapter is necessary to identify minimum standards below which a public servant's conduct cannot fall without the risk of penalty, it is understood that a healthy ethical environment for the provision of public service cannot be achieved or maintained by mere adherence to minimum standards. Therefore, this Ordinance also requires that the community provide additional, positive means of encouraging ethical behavior among its public servants. It is also understood that no external activity can replace the internal commitment which motivates those who act ethically. The principal policy which forms the foundation of this Ordinance is to encourage internal commitment by establishing and maintaining a work environment which supports integrity with pride and enthusiasm.

e. A work environment which supports integrity includes public servants who:
   1. Recognize with gratitude that the primary reason they hold a public position is to serve the public; and
   2. Recognize with pride that they hold their public position because the public trusts them; and
   3. Recognize with sadness that the public's trust in government and in them is diminished when any public servant acts unethically; and
   4. Recognize with hope that their public service is an opportunity to help restore public trust in their government; and
   5. Are fair and impartial, but also courteous and enthusiastic in serving the public and each other in the performance of their duties; and
   6. Are adequately educated in the principles of ethics; and
   7. Are motivated to pursue ethical ideals which always exceed minimum standards and often achieve the highest standards; and
   8. Exemplify ethical conduct; and
   9. Encourage ethical practices which protect, advance and promote the public interest; and

10. In speaking about the conduct of those in public service, or in responding to others who speak about it, express approval of positive ethical principles and behavior, and refrain from unjustly disparaging or demeaning those who advocate ethical principles or practice ethical behavior; and
11. Recognize that the most effective way to eradicate unethical practices is to consistently act ethically themselves, and to consistently react appropriately with respect to the ethical decisions of those with whom they work; and
12. Exercise sound and independent judgment to act ethically in situations where others around them may be inclined to act unethically; and
13. When they observe serious unethical practices, promptly disclose them to appropriate authorities, and encourage others to do the same; and
14. Make and implement decisions and policies through proper channels of the governmental organization; and
15. Insure that those for whose performance they are responsible are aware of minimum standards of ethics below which their conduct cannot fall without the risk of disciplinary consequences; and
16. When unethical behavior has been determined by the board, they will make the appropriate recommendation to the appropriate legal authority and the mayor and council.

(Ord. No. 001-05, § 1, 1-18-05)

2. **Purposes**

a. To state principles of ethics which are to be applied in public service; and
b. To identify minimum standards of ethical conduct for public servants; and
c. To require that public servants engage in ethical practices which always meet minimum standards; and
d. To encourage public servants to pursue the highest ethical ideals which they can achieve; and
e. To provide a process by which public servants may identify and resolve ethical issues; and
f. To inform public servants and the public of the minimum standards to which public servants must adhere; and
g. To promote public confidence in the integrity of public servants; and
h. To encourage members of the public to seek public office or employment, to serve on public boards, to assist public servants as volunteers, and to take pride in participating in the governmental process; and
i. To establish penalties, as appropriate, for public servants who violate the public trust; and
j. To provide for a just and reasonable balance among the rights of all individuals who are directly affected by the operation of this chapter.

(Ord. No. 001-05, § 1, 1-18-05)

3. Definitions

For purposes of this chapter, the following terms, phrases, words and their derivatives shall have the meanings given herein. Words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. All capitalized terms used in the definition of any other term shall have their meaning as otherwise defined in this section. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meanings unless the context suggests otherwise. When a right or duty pertains to the holder of a specific position, such as the mayor, city manager or city clerk, the same right or duty pertains to any designee to whom the holder of the position may lawfully delegate the right or duty.

a. *Appointing authority*: The city manager, mayor, governing body, or any other person who appoints a person to a public position.
b. *Associated*: When used with reference to a business or an organization, includes any business or organization in which a public servant, a public servants domestic partner, spouse, family member or a public servant's partner in interest is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least five (5) percent of the outstanding equity, or any business or organization in which a public servant or a partner in interest has a personal interest.
c. *Benefit*:
    1. Anything, regardless of its monetary value, perceived or intended by either the one who offers it or the one to whom it is offered to be sufficient in value to influence a public servant in the performance or non-performance of an official action; or
    2. Anything, regardless of its monetary value, which, under the circumstances, a reasonably prudent person in the position of the public servant to whom the thing is or may be offered, would recognize as being likely to be intended to influence the public servant in the performance or non-performance of an official action; and
    3. The term "benefit" includes, but is not limited to, a valuable act, advance, award, contract, compensation, contribution, deposit, emolument, employment, favor, fee, forbearance, fringe benefit, gift, gratuity, honorarium, loan, offer, payment, perquisite, privilege, promise, reward, remuneration, service, subscription, or the promise that any of these things will be conferred in the future.
d. *Board*: When used with the article "the," as in any reference to "the board," the board of ethics established by the governing body of the city to

operate under the provisions of this chapter, unless the context clearly indicates otherwise; used generically, "board" may mean any voting body:

1. Which is established to participate as a body in some manner in the conduct of the city government, including participation which is merely advisory, whether established by state law, city charter, ordinance, contract, executive action or any other lawful means; and
2. Any part of whose membership is appointed by the mayor or governing body acting on behalf of the city; but the term "board" does not include a board, commission or committee which is the governing body of a separate political subdivision of the state, or whose membership, after appointment, is not subject to any regulation by the governing body; nor does it include any city administrative agency, bureau, department, division or office which is administered by individuals rather than by a body.

e. *Business*: An activity, association, commercial entity, corporation, enterprise, firm, franchise, holding company, joint stock company, organization, partnership, receivership, self-employed individual, sole proprietorship, trust or other legal entity established to earn or otherwise obtain money, whether for profit or non-profit, excluding a municipal corporation or governmental entity.

f. *Business day*: Monday through Friday from 8:00 am to 5:00 pm.

g. *Business with which a public servant is associated*: A business in which any of the following applies:

1. The public servant is an owner, partner, director, officer, employee or independent contractor in relation to the business; or
2. A public servant's partner in interest, spouse, family member or domestic partner is an owner, partner, director or officer; or
3. The public servant or a partner in interest is a stockholder of close corporation stock which is worth at least one thousand dollar ($1,000.00) dollars at fair market value or which represents more than five (5) percent equity interest; or
4. Any business, regardless of ownership or value, by whom or for whose benefit a decision maker is influenced to act in the hope or expectation of obtaining a personal benefit for the public servant or for a partner in interest of the public servant.

h. *Candidate*: An individual who is a candidate for an elective city office, as defined in federal and or state statutes, city charter or ordinance provision, or an applicant for city employment or for an appointive city position.

i. *Child*: A son or daughter, whether or not the son or daughter is the biological offspring of the legal parent or parents and whether or not the son or daughter is financially dependent on the parent or parents.

j. *Confidential information*: Information which has been obtained in the course of holding public office, employment, an independent contract or otherwise acting as a public servant, and which information is not available to members of the public under the State of Georgia Open

Records Act or other law or regulation and which the public servant is not authorized to disclose, including:

1. Any written information that could lawfully be excepted from disclosure pursuant to state law, unless the public servant disclosing it is authorized to do so by state law, or pursuant to some other pertinent law, policy or procedure; and
2. Any non-written information which, if it were written, could be excepted from disclosure under state law, unless the public servant disclosing it is authorized to do so by the state law, or pursuant to some other pertinent law, policy or procedure; and
3. Information which was obtained in the course of or by means of a record or oral report of a lawful executive or closed session, whether or not the disclosure of the information would violate state law, unless the public servant disclosing it is authorized by state law to do so, or unless the public servant disclosing it has been properly authorized to disclose it pursuant to an applicable law, policy or procedure; however, when such information is also available through channels which are open to the public, this provision does not prohibit public servants from disclosing the availability of those channels.

k. *Compensation*: Any benefit conferred upon or received by any person in return for services rendered or to be rendered.

l. *Conflict of interest*: Not only a personal interest, as defined in this chapter, but also a professional or non-pecuniary interest, such as arises when the city attorney is precluded from representing one public servant because of the city attorney's preexisting attorney-client relationship with another public servant.

m. *Controlled or illegal substance*: Any drug or other substance, the use of which is regulated by federal or state law, except that within the meaning of this chapter the term does not include any drug or substance which has been lawfully prescribed by an authorized person for the use of a public servant, and which is used by the public servant in accordance with the prescription.

n. *Decision maker*: Any public servant or group of public servants empowered to act in a discretionary manner on behalf of the city in any capacity whatsoever, including the making of recommendations. Decision maker includes, but is not limited to, any city agency, bureau, department, division, office, administrator or person who is charged with implementing and administering particular legislation or executive or administrative decisions, and, to the extent this chapter is applicable to them, any volunteer or independent contractor who is empowered to exercise any discretionary power which could influence a public servant in the performance or nonperformance of an official action. In this ordinance, the term "decision maker" is used to represent any and every public servant who could take any discretionary action regarding a matter in which a public servant or a partner in interest has or may have a conflict of

interest, or as a result of which a public servant might receive a personal benefit.

o. *Decision making*: The exercise of any discretionary public power in any capacity whatsoever, including the making of recommendations, by any public servant whose action pertains to a matter in which a public servant or a public servant's partner in interest has or may have a conflict of interest, or as a result of which a public servant might receive a personal benefit.

p. *Disclose*: Unless the context of this chapter indicates otherwise, to file, with the board, a document, in a form required or authorized under this chapter, signed and sworn to by the public servant who is required to file the document, which informs the public in accordance with the requirements of this chapter of a conflict of interest or a potential conflict of interest, and any other information pertinent to the purpose of filing the document, including the name and address of any person alleged to have a conflict of interest or a potential conflict of interest; or, when this chapter permits, the filing of an accurate copy of the official minutes of a governing body or board which informs the public of the required information. Unless this chapter or a law which supersedes it requires or permits another procedure, information shall be deemed disclosed if any public servant within a reasonable time before any official action is to be taken by the decision maker, files an affidavit with the board disclosing the nature and extent of the public servant's conflict of interest, and identifying the decision maker(s) who may act on the matter. For purposes of this provision, "within a reasonable time" means within adequate time to allow the board, within adequate time to allow the decision maker(s) to review the disclosure before taking any official action.

q. *Domestic partner*: Any two (2) people who meet the following criteria:
    1. Responsible for each other's welfare;
    2. Neither person in a marriage "expressly recognized" by a legal definition;
    3. Neither person is registered in a union or domestic partnership with another party;
    4. Not related as defined by state law;
    5. Share a primary residence; and
    6. Have declared their intent for a permanent partnership.

r. *Employee*: A person, other than an elected public officer, employed and paid a salary to work for the city, whether under civil service or not, whether full-time, part-time, or on a contract basis, and including those officially selected but not yet serving; including independent contractors, subcontractors and consultants and, for purposes of establishing ethical obligations under this chapter and for no other purpose, the term "employee" includes, notwithstanding the fact that they are unpaid.

s. *Gift*: Any benefit or thing or act of value which is conveyed to or performed for the benefit of a public servant or a partner in interest, including any advance, award, contract, contribution, deposit,

employment, favor, forbearance, gift, gratuity, honorarium, loan, payment, service, subscription, or the promise that any of these things or acts of value will be conferred in the future, if such thing or act of value is conferred or performed without the lawful exchange of consideration which is at least equal in value to the thing or act conferred or performed.

t. *Governing body*: The elected officials who comprise the legislative body of the city.

u. *Immediate family*:
    1. A public servant's spouse and or domestic partner; and
    2. A public servant's relative by marriage, lineal descent or adoption; and
    3. A public servant's parents, parents-in-law, sisters, sisters-in-law, brothers, brothers-in-law, stepparents, stepbrothers or stepsisters; and
    4. An individual claimed by the public servant or the public servant's spouse as a dependent under the United States Internal Revenue Code.

v. *Interest*: Any personal benefit accruing to a public servant or the public servant's partner in interest, whether in the public servant's own name or the name of any person or business from which the public servant is entitled to receive any personal benefit, as a result of a matter which is or which is expected to become the subject of an official action by or with the city.

w. *Loan*: A transfer of money, property or anything else of ascertainable monetary value in exchange for an obligation, conditional or not, to repay in whole or in part.

x. *Matter*: Unless the context of this chapter indicates otherwise, any act, action, agenda item, allegation, application, amendment, auction, bill, business, case, charge, claim, consideration, contract, controversy, decree, deed, deliberation, discussion, hearing, issue, lease, license, measure, offer, order, ordinance, permit, personnel action, petition, policy, presentation, procedure, privilege, proceeding, project, proposal, proposition, purchase, recommendation, regulation, rental, request, resolution, sale, subject, transaction, use, variance or other discretionary choice pending before a city decision maker when a public servant or a partner in interest has a personal interest in the outcome of the decision, or the decision may result in a personal benefit to a public servant, family member, domestic partner or a partner in interest.

y. *Ministerial action*: An action that a public servant performs in a given set of circumstances in a prescribed manner in obedience to the mandate of legal authority, without regard to the exercise of the public servant's own judgment as to the propriety of the action being taken.

z. *Negotiating concerning prospective employment*: One or more discussions between a public servant and a potential employer other than the city concerning the possibility of the public servant or a partner in interest

considering or accepting employment with the employer, in which discussion(s) the public servant responds in a positive way.

aa. *Office*: Any of the following:
   1. An elective position within the government of the city; or
   2. A city attorney; or
   3. An appointive city position in which a public servant serves for a specified term, except a position limited to the exercise of ministerial functions or a position filled by an independent contractor; or
   4. An appointive city position which is filled by the governing body or the executive or administrative head of the city, and in which the incumbent serves at the pleasure of the appointing authority, except a clerical position, a position limited to the exercise of ministerial functions or a position filled by an independent contractor.

bb. *Officer*: Any person elected or appointed to hold an office.

cc. *Official action*: Any act, action, approval, decision, denial, directive, disapproval, inaction, order, performance, nonperformance, recommendation, vote, or other direct result of a public servant's exercise of discretionary authority in connection with the public servant's public position.

dd. *Official duty*: Any official action or ministerial action which a public servant is obligated or authorized to perform by virtue of being a public servant.

ee. *Official records*: Any minutes, papers, documents, completed forms, or other records maintained by a public agent for the purpose of fulfilling the disclosure requirements of this chapter.

ff. *Organization*: Unless the context indicates otherwise, any non-profit business other than an individual or governmental agency.

gg. *Partner in interest*: When used in this chapter in connection with a public servant, as in the phrase "a public servant or a partner in interest" *any and all* of the following:
   1. A member of the public servant's immediate family; or
   2. A business with which the public servant or a member of the public servant's immediate family is associated; or
   3. Any other person with whom the public servant or a member of his immediate family is in business, or is negotiating or has an agreement concerning future employment or the future conferring of any personal benefit, whether in the public servant's own name or the name of any business or person from whom the public servant is entitled, or expects to become entitled, to receive any personal benefit, as a result of a contract or trans-action which is, or which is expected to become, the subject of an official action by or with the city. The term partner in interest does not imply or require any form of legal partnership or formal agreement.

4. When used in the phrase "a public servant *or a partner in interest,"* the term "partner in interest" refers only to a partner in interest of the public servant to whom reference is being made, and not to any other person's partner in interest.

hh. *Personal benefit*: Any benefit which is offered or received, or perceived to be offered or received, primarily for the purpose of influencing the manner in which a public servant performs or refrains from performing an official action, so that an attempt is made to induce the public servant, or the public servant is induced, to act in favor of some interest other than the public interest on the basis of an expectation or hope that the public servant or a partner in interest of the public servant will obtain some private gain by acting against the public interest; provided, however, that the term "personal benefit" within the meaning of this chapter does not include any of the following, which, although they may benefit individual public servants, are deemed to be primarily public benefits rather than personal benefits:

1. Payment by the city of salaries, compensation or employee benefits; or payment by an employer or business other than the city of salaries, compensation, employee benefits or pursuant to a contract, when the payment is unrelated to a public servant's status as a public servant and is not made for the purpose of influencing, directly or indirectly, the vote, official action or decision of a public servant; or
2. Fees, expenses, or income, including those resulting from outside employment, which are permitted and reported in accordance with the policies of the city; or
3. Authorized reimbursement of actual and necessary expenses; or
4. Admission, regardless of value, to events to which public servants are invited in their official, representative capacity as public servants; or
5. Campaign or political contributions which are made and reported in accordance with state law; or
6. Reasonable hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with public events, appearances or ceremonies related to official city business, if furnished by the sponsor of such public event; or in connection with speaking engagements, teaching or rendering other public assistance to an organization or another governmental entity; this provision applies only if the city does not also pay the person for the same activity; or
7. Reasonable gratuities given by a group in appreciation for a public servant speaking or making any presentation before that group, provided that the value of any such gratuity shall not exceed fifty dollars ($50.00); or
8. Awards publicly presented in recognition of public service, acts of heroism or for solving crimes; or

9. Gifts or other tokens of recognition presented by representatives of governmental bodies or political subdivisions who are acting in their official capacities; or
10. Anything of value, regardless of the value, when the thing of value is offered to the city, is accepted on behalf of the city, and is to remain the property of the city; or
11. Commercially reasonable loans made in the ordinary course of the lender's business in accordance with prevailing rates and terms, and which do not discriminate against or in favor of an individual who is a public servant because of such individual's status as a public servant; or
12. Complimentary copies of trade publications; or
13. Any unsolicited benefit conferred by any one person or business if the economic value totals less than three hundred dollars ($300.00) per calendar year, and if there is no express or implied understanding or agreement that a vote, official action or decision of a public servant will be influenced; or
14. Reasonable compensation for a published work which did not involve the use of the city's time, equipment, facilities, supplies, staff or other resources, if the payment is arranged or paid by the publisher of the work; or
15. Reasonable compensation for a published work which *did* involve the use of the city's time, equipment, facilities, supplies, staff or other resources, if the payment of the compensation to the public servant is lawfully authorized by a representative of the city who is empowered to authorize such compensation; or
16. Anything of value, if the payment, gift, or other transfer of value is unrelated to and does not arise from the recipient's holding or having held a public position, and if the activity or occasion for which it is given does not involve the use of the city's time, equipment, facilities, supplies, staff or other resources in any manner or degree which is not available to the general public; or
17. Anything of value received as a devise, bequest or inheritance; or
18. A gift received from a relative within the third degree of consanguinity, under the civil law computation method, to the public servant, or the spouse of such a relative; or
19. A gift received from a spouse of a public servant, or a spouse's relative within the third degree of consanguinity to the spouse, under the civil law computation method.

ii. *Personal interest*: A direct or indirect interest having value peculiar to a particular individual or group, whether the value is pecuniary or non-pecuniary, which value may accrue to such individual or group or result in such individual or group deriving or potentially deriving a personal benefit as a result of the approval or denial of any ordinance, resolution, order or other official action, or the performance or nonperformance thereof, by a public servant, and which interest is not shared by the general public; it is

to be stressed that the phrase "personal interest of a public servant" includes not only the personal interest of the individual public servant, but also the interest of any partner in interest.

jj. *Public servant*: Any member of the governing body or of any city agency, board, commission, committee, or other voting body, and any agent, department head, employee, official, supervisor, volunteer appointment, city manager or other person, whether elected or appointed, or legally authorized by contract or in any other manner to act in any capacity under the authority of the city.

kk. *Relative*: A person who is related to an official or employee as spouse or domestic partner or as any of the following, whether by marriage, blood or adoption: parent, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, brother-in-law or sister-in-law.

ll. *Statement*: Used in reference to the financial disclosure requirements established by this chapter, means the prescribed form(s) for fulfilling the financial disclosure requirements.

mm. *Volunteer*: An individual who is permitted by the city, or by a person authorized to act on behalf of the city, to assist public servants in performing any kind of official duty or action, including actions which are clerical, menial or merely advisory, without any expectation of receiving compensation.

nn. *Voting body*: The governing body and any other city authority, board, commission, committee, council or group, regardless of whether its function is legislative, administrative, quasi-administrative or quasi-judicial or any combination thereof, which, in order to take any official action, even if the action is merely advisory, must act as a body on the basis of a vote of some or all of its members.

(Ord. No. 001-05, § 1, 1-18-05)

4. <u>Exemptions</u>

a. This chapter does not prevent any public servant from accepting other employment or following any pursuit which in no way interferes with the full and faithful discharge of his or her public duties, provided that the public servant complies with all applicable city requirements, including any requirements imposed by this chapter.

b. No public servant shall be deemed to have a conflict of interest by virtue of carrying out any contract pursuant to which the public servant directly or indirectly received income or benefits in the form of compensation for the performance of official duties.

c. A former elected official and/or public employee is prohibited from entering into a contract and/or accepting an appointment to any board,

commission or authority or to represent the city in any matter for a period of one (1) year from the last date of public service to the city.

d. No public servant shall be deemed to have a conflict of interest by virtue of sharing, directly or indirectly, in the benefit of a lawful city action when the benefit to the public servant is substantially the same as the benefit to the public at large or to a segment of the public to whom the benefit is provided in a nondiscriminatory manner.
e. This chapter does not prohibit any public servant from taking any action to approve the lawful payment of salaries, employee benefits, reimbursements of actual and necessary expenses, or other lawful payments which are authorized in accordance with city policies.
f. This chapter does not prohibit public servants from taking any official action properly within the scope of their duties with respect to any proposal to enact or modify law or public policy.
g. This chapter does not prohibit an elected official from raising campaign contributions in any manner which is otherwise permitted by law.
h. This chapter does not prohibit communication between an individual or organization and a candidate regarding the candidate's views, record or plans for future action regarding an issue or measure in an attempt to determine a candidate's viewpoints or how the candidate plans to act in the future, if such communication results in an endorsement of the candidate, a decision not to endorse the candidate, or a contribution or expenditure required to be recorded or reported under a state statute.
i. Actions which might otherwise be alleged to constitute a conflict of interest shall not constitute a violation of this chapter if:
    1. Before acting, the public servant requested and received a written opinion from the city attorney or a formal ethics opinion or a confidential advisory opinion from the board in accordance with the procedures established in this chapter; and
    2. The material facts, as stated in the request for an opinion, are true and complete; and
    3. The actions taken were consistent with the opinion.

(Ord. No. 001-05, § 1, 1-18-05)

5. Applicability

This chapter applies to all public servants, as the term is defined in this chapter, except that it shall not apply to a municipal judge when the judge is acting in a judicial capacity.

(Ord. No. 001-05, § 1, 1-18-05)

6. **Duties**

a. No public servant or former public servant shall divulge to any unauthorized person confidential information acquired in the course of holding his or her position in advance of the time prescribed by the governing body, administrators, or other applicable law for its release to the public.

b. All public servants shall respond fully and truthfully to any inquiries by the board in connection with the investigation of an alleged or potential violation of this chapter. All public servants shall cooperate fully in any investigation by the board, and shall locate, compile and produce for them such information as they may request, unless the information requested is exempt from disclosure under other applicable law.

c. All public servants have a general duty to report any ethical violations of this chapter of which they have knowledge. Any person may report a violation of this chapter to any city officer or employee, who shall forward the report to a public servant whose specific official duties include the receipt and further processing of such reports.

d. Duty to comply with other laws. In addition to being a violation of other laws, it is also a violation of this chapter for any public servant to:

    1. Be convicted of any felony or misdemeanor involving moral turpitude, as that term may be defined by the Office of the Attorney General of Georgia from time to time, whether or not the crime relates directly to the duties of the public servant's position in public service; or
    2. Be found guilty of or liable for violating any federal, state or city law prohibiting discrimination against any protected class; or
    3. Be found guilty of or liable for violating any federal, state or city laws prohibiting sexual harassment; or
    4. Be found guilty of violating any federal, state or city laws prohibiting retaliation against public servants who assert a lawful claim of any nature or otherwise engage in lawfully protected activity; or
    5. Be found guilty of violating any state laws governing lobbying activities conducted by the public servant; or
    6. Be found guilty of violating the city's policy prohibiting the possession or consumption by employees of alcohol or any controlled or illegal substance in any city facility, vehicle, or work site, including lunch periods and rest breaks; prohibiting public servants from driving or reporting to work, performing work, or visiting a work site while under the influence of alcohol or any controlled or illegal substance, prohibiting public servants from engaging in the consumption, possession, sale, purchase or transfer of controlled substances; and imposing a duty to provide proof of lawful prescription; to advise a supervisor if the use of prescription

drugs may affect a public servant's ability to perform public duties safely and efficiently; or

7. Be found guilty of violating any federal, state or city laws or policies regulating political activity; or
8. Be convicted of habitual violations of other general federal, state and local laws. Public servants have an ethical duty to abide by the general laws of the state and city, such as the laws governing drunken driving, speeding and so forth. Habitual violations of state and city laws may indicate disrespect for the law and may contribute to the erosion of public trust.

e. If any person believes that a public servant has been convicted of habitual violations of public laws, and that those convictions contribute to the erosion of public trust, that person may file a written complaint with the board, setting forth the facts upon which the complaint is based. The board shall forward a copy of the complaint to the alleged offender and if the board, in its discretion, decides to hear the complaint, it shall give the person notice and an opportunity to be heard. In the event the board finds that the alleged offender is guilty of habitual violations of law and that the violations contribute to the erosion of public trust, the board shall have no power other than to inform the offender of the board's findings, and to order the offender to cease violating the laws for a specified period of time, explaining the circumstances under which any further violations will be deemed to constitute a violation of this chapter. Having received such notice, the offender shall violate this chapter if the offender violates the order of the board.

f. In addition, the governing body, or city administrators acting with the authorization of the governing body, may adopt a policy more precisely describing this general duty of all public servants to comply with specified laws in order to help gain and retain respect for city government. The policy must inform public servants of the circumstances under which, and the procedures by means of which, violations of state and city laws will be deemed violations of the policy. The procedures adopted in connection with the policy must safeguard the Constitutional rights of the public servants who are subject to the policy, including the rights of notice and a hearing. If the city adopts a general policy, public servants have a duty to adhere to that policy. If they fail to do so, and thereafter, in accordance with the procedures established by the policy, are determined to have violated the policy, the violation of the policy by the public servants shall also constitute a violation of this provision of this chapter.

g. (1) No member of the mayor and council shall use his or her position in any way to coerce, or give the appearance of coercing, another person to provide any benefits to him or her or to his or her immediate family, or for those with whom the member has business or financial ties.

(2) No member of the mayor and council shall use his or her position in any way to coerce, or give the appearance of coercing, a city employee, an

appointed official of the city or a contract employee to provide any benefit to him or her or to persons in his or her immediate family.
(3) No member of the mayor and council shall use his or her position in any way to coerce, or give the appearance of coercing, a municipal court judge in the outcome of matters before the municipal court.

(Ord. No. 001-05, § 1, 1-18-05)

7. **Conflict of interests and personal benefits prohibited.**

a. Except as otherwise permitted under applicable federal, state and city laws and policies, including the city's procurement policies, no public servant shall have a personal interest in any official action. If a law or policy permits a public servant to have such an interest, in seeking the opportunity to further that interest, or in furthering the interest if the opportunity is obtained, the public servant who has the interest shall comply fully with all procedures required under the applicable laws or policies, and shall not, under any circumstances, gain or attempt to gain any advantage by virtue of being in a public position.
b. No public servant shall accept or receive, directly or indirectly, from any person, including one whose identity is unknown to the public servant, any personal benefit under circumstances in which it can reasonably be inferred that the benefit is intended to influence the public servant in the performance or nonperformance of any official duty or as a reward for any official action of the public servant.
c. No person, including any vendor, contractor, business, or board of the city, shall offer or give any personal benefit to any public servant or any partner-in-interest of the public servant.
d. No public servant nor partner in interest of that public servant shall solicit from any person, directly or indirectly, any personal benefit, regardless of value, or the promise of receiving a personal benefit in the future, for the public servant.
e. No training and travel expenses from public funds shall be allowed to be spent by a public servant that cannot be directly related to their position in the city.
f. No public servant shall be allowed to expend public funds outside of the budgeted amount for travel, training or personal development without the approval of the majority of the governing authority, and it shall be unlawful for any public servant to fail to actually attend any seminar, convention, conference or similar meeting for which they accept funds.
g. No current or former public servant shall intentionally use or disclose information gained in the course of, or by reason of, his or her official position or activities in any way that could result in the receipt of any personal benefit for the public servant, for a partner in interest of that public servant, or for any other person, if the information is not public

information or if the public servant has not been authorized to communicate it to the public. This provision shall not:

1. Prohibit the disclosure of any such information to incumbent public servants to whose duties the information may be pertinent; or
2. Prevent any public servant from reporting violations of this chapter or other illegal acts to the proper authorities; or
3. Prohibit the disclosure of any such information the disclosure of which is required by law.

(Ord. No. 001-05, § 1, 1-18-05)

8. Complicity

No person shall, directly or indirectly, aid, abet, agree with, assist, encourage or solicit any public servant or a public servant's partner in interest to violate this chapter or to participate in any way in a violation of this chapter with or by another person.

(Ord. No. 001-05, § 1, 1-18-05)

9. Deliberation and Vote Prohibited

Except as otherwise provided by law, no public servant shall, in such capacity, participate in the discussion, debate, deliberation or vote, or otherwise take part in the decision-making process on any agenda item before the governing body in which the public servant or a partner in interest has a conflict of interest.

(Ord. No. 001-05, § 1, 1-18-05)

10. Duty to Leave Meeting

To avoid the appearance of impropriety, after any public servant or a partner in interest is determined to have a conflict of interest or a potential conflict of interest in any matter, and once all questions relating to the conflict of interest have been answered to the satisfaction of the decision maker, the public servant shall immediately leave the meeting room, except that if the matter is being considered at a public meeting, the public servant may remain in the area of the room occupied by the general public. If a public servant who has a conflict of interest in a matter is present as a member of a body which is to consider the matter, the public servant shall leave his or her regular seat as a member of the body, and not return to it until deliberation and action on the matter is completed.

Nothing herein shall require members of voting bodies to leave their seats while action is taken regarding any item contained on a "consent agenda" on which

there is no deliberation, the public servant's conflict has been disclosed, and the public servant abstains from voting on the item.

(Ord. No. 001-05, § 1, 1-18-05)

11. Public Contracts

a. The city is prohibited from entering into any contract with a business in which a public servant or a public servant's partner in interest has a controlling interest without full disclosure.
b. Any public servant who has or may have a personal interest in any contract shall disclose such interest prior to the first of any of the events set forth in 1, 2, 4, and 4 below:
    1. The solicitation of a contract; or
    2. The bidding of a contract; or
    3. The negotiation of a contract; or
    4. The approval by the governing body of a contract.
c. Any contract entered into in violation of this section may be voided by the city in an action which the board, or the department or officer acting for the city in regard to the allocation of funds from which such payment is derived, knew or should have known that a violation of this section occurred. This section does not affect the application of any state statute.
d. Mandatory provision in independent contracts. When the city contracts with any person to act on behalf of the city as an independent contractor, the contract shall include a provision which binds the independent contractor, as a condition of accepting the contract, to comply with the applicable provisions of this chapter. Any question about whether provisions are applicable, including the financial disclosure provisions, may be resolved by a written opinion of the city attorney or by a decision of the board. The governing body, if it deems it necessary or appropriate to do so, may adopt policies or guidelines to further define the circumstances under which certain provision will or will not apply to independent contractors.

(Ord. No. 001-05, § 1, 1-18-05)

12. Disclosure of Conflict of Interest or Potential Conflict of Interest

a. A governing body member who has or may have, a conflict of interest in a matter which requires an official action by any decision maker, shall, before the matter is decided, disclose the conflict of interest or the potential or alleged conflict of interest; if the member of the governing body believes that no conflict of interest exists, or that despite any alleged or potential special interest, such governing body member is nevertheless able to vote and otherwise participate fairly, objectively and in a manner consistent with the public interest, then the member shall so state in the

written disclosure. All questions relating to a special interest shall be resolved before the matter is decided, and if the matter comes before the governing body, before the governing body engages in any consideration of the merits of the matter.

b. If any member of the board has or may have a conflict of interest in any matter before the board, such member shall not appear before the board, discuss, debate, deliberate about, act upon, vote upon or otherwise participate in or influence the decision-making process pertaining to the matter in which the member has a conflict of interest. All questions relating to a conflict of interest of any board member shall be resolved before the board engages in any consideration of the merits of any matter in which a special interest is involved.

c. If the city attorney or any assistant city attorney has or may have a conflict of interest in any matter before the board, or if any attorney who is responsible for performing any functions on behalf of the board is precluded from doing so because of a legal conflict of interest (such as that arising from the representation of a party whose legal position is averse to that of the board) which cannot be resolved by the city attorney's office internally by screening or some other method, the attorney shall disclose the personal interest, or the nature of the conflict, to the board. If the board determines that the attorney has a personal interest in the matter, or if the city attorney determines that the city attorney's office cannot resolve the conflict in a manner which will allow the city attorney's office to perform its duties properly in the matter, then the board may engage the services of outside counsel upon terms and conditions approved by the governing body.

d. Any public servant who has or may have a conflict of interest shall disclose it. After receiving a disclosure, the city clerk shall:
    1. Maintain a record of such disclosure which shall be open to the public; and
    2. Promptly forward a copy of the disclosure to the decision maker which may act on the matter; and
    3. Promptly forward a copy of the disclosure to any person who is named in the disclosure as having or potentially having a conflict of interest; and
    4. Promptly forward a copy of the disclosure to the board and to the city attorney.

e. Any public servant who believes that any other public servant has a conflict of interest in any agenda item before a governmental body shall disclose such interest to the city clerk, and the city clerk shall forward copies of such disclosure to the person who is alleged to have a conflict of interest to the city attorney.

f. A public servant, in addition to disqualifying himself or herself from participation in any decision regarding the pecuniary or employment interest of a partner in interest, shall make known the existence of the relationship and the interest by filing, in writing, with the city clerk an

affidavit disclosing the relationship and the nature and extent of the conflict of interest involved.

g. A public servant shall not participate in any public discussions, executive session discussions or voting where the public servant, public servants family member or partner in interest may gain from any decision ultimately made, including legal issues and employment issues.

(Ord. No. 001-05, § 1, 1-18-05)

13. Unauthorized Outside Employment

a. The purposes of the policies governing unauthorized outside employment are:
   1. To prevent conflicts of interest; and
   2. To prevent conflicts of loyalty; and
   3. To prevent abuses regarding dual compensation, payment for work not done, or unlawful gifts of public funds; and
   4. To prevent excessive loss of efficiency in the performance of public service.

b. **Public servants in general** - A public servant shall not accept any employment, nor enter into any contract, nor perform any service for compensation that results in a financial conflict of interest or a conflict of loyalties, which would affect the performance of the public servant's official duties.

c. **Employees:**
   1. An employee of the city may be self employed or may take occasional or part-time jobs if, in the opinion of his or her department head, there is no conflict with working hours, the employee's efficiency in his or her city work, or other interests of the city.
   2. Before engaging in outside employment, employees shall have the written approval of their department heads.
   3. Public servants who hold management level positions shall notify the city manager prior to creating, contracting with, or being employed by any business other than the city. The city manager shall provide written approval or disapproval of the notification within five (5) business days. Any request by the city manager shall receive prior approval by the mayor and city council.
   4. All requests for approval of outside employment shall state the type and place of employment, the hours of work and the employer's name and address.
   5. City employment shall remain the employee's first priority and if at any time the outside employment interferes with an employee's job requirements or performance for the city, the employee shall be required to modify the conditions of the outside employment or terminate either the outside employment or the city employment.

d. **City-employed attorneys and assistants** - No city attorney or assistant city attorney serving as an employee of the city shall engage in any unauthorized private practice of law for compensation during the period in which they hold office. To the extent they may be authorized to engage in the private practice of law, they shall comply with the state laws governing the professional conduct of lawyers, and any violation of those laws while they are acting as attorneys for the city shall also be deemed to be a violation of this chapter. After the date of the adoption of this chapter, the city shall impose adherence to this chapter, and specifically to this provision, as a condition of employment of any city attorney or assistant city attorney who is hired thereafter. This paragraph shall not be applicable to private attorneys appointed by the city to serve as city general or special outside counsel, but shall instead only be applicable to attorneys employed by the city as internal city staff.

(Ord. No. 001-05, § 1, 1-18-05)

14. Other Abuses or Misuses of Position

a. No public servant shall hold any other office, elected or appointed, in any other governmental entity, when the duties of such office are incompatible with the proper discharge of the public servant's duties with the city. For purposes of this chapter, the holding of any office, elective or appointive, with any other governmental entity by any member of the governing body or of a board is hereby prohibited in any one of the following circumstances:
    1. Where one office is subordinate to the other; or
    2. Where one office carries the power of removal of the other; or
    3. Where the occupancy of both offices is prohibited by the City Charter or by other provisions of law.

b. No public servant shall act, or create the appearance of acting, on behalf of the city by making any policy statement, or by promising to authorize or to prevent any future official action of any nature, when such public servant is not authorized to make such a statement.

c. No public servant shall falsely represent his or her personal opinion to be the official position of the city, and no public servant shall falsely represent his or her personal opinion to be the official position of any board city administrators. This subsection shall not apply to statements of elected officials made in the course of fulfilling the responsibilities of their offices or in running for election to office, nor shall it apply to the professional opinions of city officers or employees rendered in the course of performing their duties, provided that such opinions are clearly identified as professional opinions.

d. No public servants shall use or attempt to use their official positions improperly to unreasonably request, grant, or obtain in any manner any unlawful or unwarranted privileges, advantages, benefits or exemptions

for themselves, or others, and no public servants shall use, or attempt to use, their positions to avoid the consequences of illegal acts for any person; nothing in this provision shall be construed to prohibit or discourage any public servant from performing any official duty or action zealously and enthusiastically.

e. All public servants have a fiduciary duty to use city fiscal and human resources in a manner which advances the public interest, and to refrain from using city resources for their personal benefit; therefore, public servants are prohibited from using city resources in any manner which violates any applicable law or policy, and are expressly prohibited from using any city resource to obtain any personal benefit; accordingly, public servants shall act responsibly in the care and use of city resources, and shall not negligently or intentionally abuse, damage, lose, misappropriate, misplace, misuse, steal or waste any city resources, including, but not limited to: business cards, books, computers, copy machines, electricity, equipment, facilities, fax lines, Internet, inventory, money, official stationery, office space, personnel, postage, records, supplies, telephones, time, tools, typewriters, uniforms, vehicles.
f. Public servants shall comply with any applicable city policies governing frequent flyer miles or other awards, premiums, prizes or gifts which come into their possession in the course of performing their duties.
g. Except as otherwise provided by law, no public servant who is a member of a voting body which is empowered to vote on a matter in which the public servant or a public servant's partner in interest has an interest shall discuss, debate, deliberate, participate in, vote upon or act otherwise act upon, a matter relating to any business in which the public servant or a partner in interest has a conflict of interest.
h. No elected official shall use his or her official authority or position to solicit contributions from a city employee in connection with any city election.
i. No public servant shall suppress any public document, record, report or any other public information available to the general public because it might tend to unfavorably affect their private financial, personal, or political interest.
j. No public servant shall participate by means of approval, deliberation, disapproval, recommendation or other means of exerting the public servant's influence in an official action to hire, promote, discipline, lay off or take any other personnel action regarding any employee or prospective employee who is a partner-in-interest of the public servant.
k. Except as otherwise provided by law, no public servant who is a member of a board which is empowered to vote on the matter shall discuss, debate, publicly deliberate about, participate in, vote or otherwise act upon, any contract, the making of loans or grants of public funds, the granting of subsidies, fixing of rates, issuance of permits or certificates, or other regulation, supervision or profit-making activity relating to any business with which the public servant is associated, or any business with which any partner-in-interest of the public servant is associated.

l. When a public servant, in the course of carrying out his or her duties, has been offered or is discussing future employment with a business that is presently dealing with the city concerning matters within the public servant's current official duties, that person should disclose such possible future employment to the city manager.

m. No member of the governing body having a personal interest in a matter shall represent himself or herself or any other person before the governing body in connection with that matter, nor in connection with any matter in which a partner in interest has a personal interest, except in cases where a legal right to self-representation exists by virtue of a law other than this chapter.

n. No member of a board having a conflict of interest shall represent himself or herself or any other person before that board in connection with that matter, nor in connection with any matter in which a member of his or her immediate family or a business with which he or she, or a member of his or her immediate family, is associated has a prohibited interest, except in cases where a legal right to self-representation exists by virtue of a law other than this chapter.

o. No member of a board who is prohibited by this provision from representing himself or herself before that board shall represent himself or herself in the appeal of any decision of that board to any decision maker.

p. The hiring and or promotion of family members or partner in interest of public servants is prohibited without full review of mayor and council and with the availability of full public disclosure of all information regarding any decision to hire and or promote.

q. No public servant shall represent a person for compensation, beyond the salary and other compensation or reimbursement to which the public servant is entitled for the performance of his or her official duties, before the governing body, a city board, department or employee, except:

    1. In a contested case which involves a party other than the city, and the interests represented by the public servant are the city's interests, are essentially the same as the city's interests, or are not averse to the city's interests; or
    2. In a matter that involves only ministerial action by a city department; or
    3. When the representation is by a public servant acting within the scope of his or her official duties; or
    4. When the representation is merely for the purpose of obtaining information on behalf of a person or business and the public servant receives no compensation for the representation beyond the salary and other compensation or reimbursement to which the public servant is entitled for the performance of his or her official duties.

(Ord. No. 001-05, § 1, 1-18-05)

15. Candidates: Honesty in Applications for Positions

No person seeking to become a public official, employee, contractor, volunteer or appointee to any public position shall make any false or materially misleading statement, certificate, mark, rating or report in regard to any test, certification, appointment or investigation, or in any manner commit any fraud, conceal any wrongdoing or knowingly withhold information about wrongdoing in connection with employment or service with the city or in connection with a work-related contract or service of any city public servant.

(Ord. No. 001-05, § 1, 1-18-05)

16. Financial Disclosure Statement: Filing

Financial disclosures statements shall be filed as required by state law. Copies of any statements filed shall be provided to the board.

(Ord. No. 001-05, § 1, 1-18-05)

17. Post Employment Activities

No former public servant:

1. During the twelve (12) months following the date on which he or she ceases to be a public servant, may, for compensation, on behalf of any person other than a governmental entity, make any formal or informal appearance before, or negotiate with, any decision maker in connection with any matter which might give rise to a judicial or quasi-judicial proceeding and which was under the public servant's responsibility as a public servant within twelve (12) months prior to the date on which he or she ceased to be a public servant;
2. May, for compensation, act on behalf of any party other than the city in connection with any matter in which the former public servant participated personally and substantially as a public servant and which might give rise to a judicial or quasi-judicial proceeding involving the city;
3. Shall use or continue to use any former official city title, including use on business cards or stationary, following termination of employment with the city, except that such use is not prohibited if the public servant indicates that the employment with the city was prior to current employment.

(Ord. No. 001-05, § 1, 1-18-05)

18. Board of Ethics

a. There is created a board of ethics consisting of nine (9) members who are residents of the city and shall serve without compensation unless the mayor and council provides otherwise. Members of the board of ethics shall not be elected officials, persons appointed to elective office, full-time appointed officials whether exempt or nonexempt, or city employees, nor shall they be currently serving on any other city board or commission.
b. Members of the board shall be residents of the city and shall hold no elected public office nor any other city office or employment. No former mayor nor former councilmember may be eligible for appointment as a member of the board of ethics until one year after the expiration of the term for which such official was elected.
c. No person shall serve as a member of the Board of Ethics if the person has, or has had within the preceding one year period, any interest in any contract, transaction, or official action of the city.
d. The mayor and each councilmember shall each designate one (1) member to the board of ethics. Each member of the board of ethics shall have been a resident of the city for at least one (1) year immediately preceding the date of taking office and shall remain a resident of the city while serving as a member of the board of ethics.
e. Members of the board of ethics shall be appointed for a term to run concurrently with the appointing official; however a member shall hold office until that member's successor is appointed. All appointments to fill a vacancy shall be made in the same manner as the original appointment.
f. The board shall select its own presiding officer from among its members.
g. No appointee may serve more than two (2) consecutive terms as a member of the board. However, persons serving as members of the board on the effective date of this ordinance shall be eligible for reappointment at the discretion of the appointing official.
h. The board's deliberations and actions upon requests shall be held in accordance with the Open Meetings Act, O.C.G.A. § 50-14-1, as it shall be amended from time to time.
i. The governing body shall provide such staff support for the board as the governing body determines to be necessary for the board to fulfill its duties. The city clerk shall serve as recording secretary to the board and shall provide such administrative services to the board as may be necessary. Neither the city attorney nor the city clerk shall be eligible for appointment as board members.

(Ord. No. 001-05, § 1, 1-18-05; Ord. No. 017-07, § 1, 6-18-07)

19. Duties and Powers of the Board

a. The board shall, in addition to its other duties:

1. Adopt written rules governing its procedures and providing for the holding of regular and special meetings, which rules shall be subject to the approval of the governing body; a copy of the rules shall be filed with the city clerk; and
2. Administer oaths;
3. Conduct hearings as needed to hear and decide specific cases in which a violation of this chapter is alleged, whether such cases arise from a complaint or are brought on the board's own motion; and
4. No later than January 31st of each year, submit an annual report to the governing body concerning its action in the preceding year. The report shall contain:
    - A summary of its decisions and opinions; the board shall make any alterations in the summaries necessary to prevent disclosure of any information in violation of the Open Records Act; and
    - Recommend any legislative or administrative actions regarding the city's policies and practices which the board believes would or could enhance the ethical environment in which public servants work; and
5. Establish a process for systematically and regularly evaluating all significant e administration and implementation of this chapter, which shall include an annual review of the full scope of operations of the board and its procedures, and which shall insure that the both the public and all public servants are provided a reasonable opportunity, and are encouraged, to participate in the process; and
6. Prescribe and make available forms for use under this chapter; and
7. When it deems it appropriate, request the city attorney for assistance in compelling the production of documents and witnesses to assist the board in the conduct of any investigation.
8. When circumstances make it necessary to do so, retain outside legal counsel and other experts as needed after solicitation of recommendations from the city attorney (unless the need to retain outside counsel is caused by a conflict involving the city attorney's office), and upon approval by the mayor and council of a contract for services approved as to form by the city attorney; and
9. Serve as legal custodian of the board's records, and accept, file, maintain and administer, in accordance with all applicable laws, any information related to the purposes of this chapter; and
10. Make financial disclosure statements available for public inspection and copying facilities available at a charge which is the minimum amount permitted under applicable law. All opinions of the board shall be filed with the city clerk and are open to public inspection. To the extent permitted by law, confidential opinions and any records obtained or filed in connection with requests for

confidential opinions, whether the records are written, tape recorded, videotaped, or otherwise recorded shall be kept confidential.

11. Compile and maintain an index to all financial disclosure statements currently on file with the board to facilitate public access to such statements; and
12. Develop a plan for implementation of a program to educate public servants who are subject to this chapter and the public about their rights, duties and responsibilities hereunder; and
13. Within one (1) year from the effective date of this chapter, submit to the governing body for its approval and promulgation, an ethics handbook for the use of all public servants and the public; the human resources department shall document that each city officer and employee receives a copy of the handbook and acknowledges receipt of the handbook in writing; and
14. In coordination with the city attorney and other appropriate city personnel, arrange for the conduct of an annual workshop, which shall serve as an orientation for new board members and an opportunity for experienced members to explore specific issues in depth; attendance at this workshop shall be made a condition of service as a member of the board, and, before taking office, board members shall commit themselves to attend it; and

b. The board may:
    1. Conduct hearings as it determines necessary or appropriate:
        - To ascertain public opinions and to gather information from the general public, employees, or others regarding any aspect of the city's ethics policies or practices; and
        - For any other purpose for which the board is authorized to conduct hearings; and
    2. Respond, as it deems appropriate, to requests for advisory opinions; the board may decline to render an opinion in response to any request for an advisory opinion;
    3. Render and publish formal opinions on any matter within the scope of the board's authority which it may deem appropriate; the board may initiate opinions on its own motion or upon request; any formal opinion shall be in writing; and
    4. At the request of a person, the city attorney may render an informal opinion with respect to the prospective conduct of such person. An informal opinion need not be written, and may be provided directly to the requestor of such opinion. Nothing in this chapter shall be construed to prohibit a request for an informal opinion by any public servant from the city attorney regarding a potential conflict of interest. Neither a request for an informal opinion, nor the making of a statement concerning a potential conflict of interest made by a member of the governing body in the course of abstaining from voting or making a motion of self-recusal, shall

create a presumption or inference that a public servant actually has a personal interest in the matter about which the opinion was requested; if the city attorney elects to render an informal opinion, the city attorney shall, within a reasonable time, submit a written summary of the opinion to the board for the board's information; if the city attorney declines to render an informal opinion, nothing shall preclude the person requesting the opinion from requesting the board for an opinion; and

5. Prepare and publish special reports, technical studies, and recommendations to further the purposes of this chapter.

(Ord. No. 001-05, § 1, 1-18-05)

20. Who May Request Board Action?

a. Any person may file a complaint with the board, and any public servant, prospective public servant or former public servant, either personally or on behalf of an organization or governmental body, may request of the board an ethics opinion, whether a formal opinion or a advisory opinion, regarding the propriety of any matter or matters to which the person is or may become a party; and any decision maker, with the consent of a prospective appointee, may request of the board an ethics opinion regarding the propriety of any matter to which the public servant, prospective public servant or former public servant is or may become a party.

b. Any request for board action shall be in writing, and notarized. The request may only be submitted on a form authorized by the board.

(Ord. No. 001-05, § 1, 1-18-05)

21. Limitations on Board's Power

The board does not have the authority to reverse or otherwise modify a prior action of the mayor, governing body, or an officer or employee of the city. If the board finds a prior action of the mayor, the governing body, officer or employee to have been ethically improper, the board may advise the appropriate party or parties that the action should be reconsidered. Upon such advice by the board, the action shall be reconsidered by the appropriate person or public body. If the board determines an existing city contract to be ethically improper, after such determination and advice from the board, the city may void or seek termination of the contract if legally permissible. The board may refer a matter to the city attorney for review and consideration for appropriate action. Upon completion of review and consideration, the city attorney's office shall report its findings to the board.

(Ord. No. 001-05, § 1, 1-18-05)

22. Procedures for Hearing Complaints

a. Any person may file a written notarized complaint, with the board alleging a violation of this chapter.
b. A complaint shall specify the provisions of this chapter alleged to have been violated and facts alleged to constitute the violation.
c. Upon receipt of such a complaint, but in any event not later than seven (7) working days after receipt, the board shall acknowledge receipt to the complainant(s), and forward the complaint simultaneously to the board and the person who is complained against.
d. The board shall submit to mayor and council a preliminary written analysis of the complaint no later than thirty (30) days from the date the complaint is filed with the board.
e. During any investigation and during any hearing which is conducted to determine whether a violation of this chapter has occurred:
    1. The person under investigation or the accused may be represented by counsel of his or her own choosing; and
    2. The accused or his or her representative, if any, shall have an opportunity to:
        - Challenge the sufficiency of any complaint which has been filed against him or her; and
        - Examine all documents and records obtained or prepared by the board in connection with the matter heard; and
        - Bring witnesses; and
        - Establish all pertinent facts and circumstances; and
        - Question or refute testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses; and
        - Exercise, to the extent the board, in its discretion, determines to be just and reasonable, investigative measures.
f. The following principles shall apply to evidence in connection with hearings conducted by the board:
    1. The board shall not be bound to adhere to statutory rules of evidence, but shall be fundamentally fair in its administration of evidence; and
    2. During any hearing conducted by the board to determine whether a violation of this chapter has occurred, all evidence including certified copies of records which the board considers shall be fully offered and made a part of the record in the proceedings; and
    3. The accused or any other person under investigation shall be afforded adequate opportunity to rebut or offer countervailing evidence; and
    4. The board shall inform the accused or his or her counsel of exculpatory evidence in its possession; and

5. The standard of evidence in hearings conducted under this chapter shall be a preponderance of the evidence admitted at the hearing.

g. The board, in addition to its other duties and powers, may:
   1. Appoint a hearing officer to conduct hearings under this chapter; and
   2. With the approval of the governing body, retain outside legal counsel and other experts as needed with respect to hearings in accordance with its policies. The selection of a hearing officer and outside counsel and other experts and any contract for such persons shall be made approval by mayor and council of a contract for services approved as to form by the city attorney; and
   3. Order testimony to be taken by deposition before any individual who is designated by the board and, in such instances, to compel testimony and the production of evidence to the extent it is otherwise lawfully authorized to do so; and
   4. Require any person to submit in writing such reports and answers to questions relevant to the proceedings conducted under this chapter as the board may prescribe, such submission to be made within such period and under oath or otherwise as the board may determine; and
   5. Request and obtain from the Department of Revenue copies of state income tax returns and access to other appropriate information as permitted under state law regarding all persons who are the subject of such investigation.

h. The person complained against shall have ten (10) business days from the day after the board received the complaint to submit a written response to the complaint prior to the board deciding whether to hold a hearing.

i. If the complaint is dismissed, the complainant(s) shall have one opportunity within fifteen (15) days of the dismissal to amend the complaint and to refile it with the board.

j. Any person whose name is mentioned or who is otherwise identified during a hearing being conducted by the board and who, in the opinion of the board, may be adversely affected thereby, may, upon request of the person or a representative of the person, or upon the request of any member of the board, appear at the hearing to testify on his or her own behalf or have a representative appear to so testify, and the board may permit any other person to appear and to testify at a hearing.

k. Upon request of the accused, on its own motion, the board shall issue subpoenas to compel the attendance of necessary witnesses and production of documents. At the next regular meeting, or within thirty (30) days, whichever is sooner, following the submittal of an initial analysis to mayor and council, the board shall review and consider the complaint and, if a hearing is to be held, shall set a date certain for the hearing to take place within thirty (30) days, unless the accused petitions for and the board consents to a later date.

l. As soon as practicable within thirty (30) days after giving due consideration to a complaint, or, if a hearing was held, after the hearing, the board shall take any action or combination of actions which it deems appropriate and which it is lawfully empowered to take, including, but not limited to the following:
    1. Dismiss the complaint based on any of the following grounds:
        - The complaint does not allege facts sufficient to constitute a violation of this chapter; or
        - The board has no jurisdiction over the matter; or
        - Failure of the complainant to cooperate in the board's review and consideration of the complaint; or
        - The complaint is defective in a manner which results in the board being unable to make any sound determination; and

m. Determine that no violation of this chapter has occurred; or

n. Determine that the complaint alleges facts sufficient to constitute a violation of this chapter and that the board will conduct a hearing, in which case the board shall promptly send written notice of such determination to the accused and to the party who made the complaint; or

o. Determine that further information must be obtained in order for the board to determine whether the complaint alleges facts sufficient to constitute a violation of the chapter; and
    1. Conduct its own investigation with respect to any alleged violation; or
    2. Request the board's legal advisor to investigate the complaint and report all findings back to the board; or
    3. Schedule the complaint for further review and consideration at a future time certain, in which case the board shall promptly send written notice of such determination to the accused and to the party who made the complaint; or
    4. Refer the complaint to any appropriate authorities for criminal investigation or prosecution; or
    5. Refer the complaint, along with the board's findings and conclusions, to any appropriate administrative authority for disciplinary action or other suitable remedial action; the board, although it has no independent administrative authority, may make any recommendation to any city administrator at any level of supervision, if the board finds that the recommendation will advance the objectives of this chapter; whether to implement the recommendation may be decided by whatever decision maker is authorized under the circumstances; if it is determined that misconduct or malfeasance has occurred, the board shall refer the matter to the city attorney or to the governing body, as circumstances warrant.

p. After it has made its final determination, the board shall issue its written findings of fact and conclusions, and may issue any additional reports, opinions and recommendations, as it deems advisable under the

circumstances. All such reports shall be in compliance with all state and city laws governing confidentiality, open government, and torts. All such reports shall be reviewed by the city attorney prior to their issuance.

(Ord. No. 001-05, § 1, 1-18-05)

23. Those Subject to Removal Only by the Governing Body

a. If findings relative to an elected or appointed official are filed by the board with the governing body, the matter shall be referred to the appropriate standing committee of the governing body for a report, or the governing body may appoint a special committee and proceed in accordance with any other applicable state or local laws.
b. The committee, in reporting the matter to the governing body, may recommend a dismissal of the charges, a reprimand, or a hearing before the governing body to determine whether removal from office is warranted under the applicable provisions of the state and local laws. Failure of an official to file any required financial disclosure statement or provide a copy to the board may constitute grounds for removal from office.
c. Any hearing by the governing body or by a special or standing committee as designated by the governing body, shall be conducted in accordance with the following provisions:
    1. The official must be given at least twenty (20) days notice of the hearing date.
    2. The rules of evidence shall apply to the hearing. All evidence, including certified copies of records and documents which the governing body considers shall be fully offered and made part of the record in the case.
    3. Each party shall be afforded adequate opportunity to rebut or offer countervailing evidence, and to cross-examine witnesses.
    4. During the entire hearing conducted under the provisions of this chapter, the official or any person whose activities are under investigation shall be entitled to be represented by counsel of his or her choosing. The governing body shall immediately disclose and forward to the official or his or her counsel any evidence which it possesses that may tend to clear the official.
    5. The official or his or her representative shall have an adequate opportunity to examine all documents and records to be used at the hearing at a reasonable time before the date of the hearing as well as during the hearing, to bring witnesses to establish all pertinent facts and circumstances, and to question or refute any testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses. Upon the request of the officer involved, the governing body shall subpoena named individuals to appear as witnesses at the hearing, if such action is necessary to compel their attendance.

6. The governing body shall have the power to compel the attendance of witnesses and to issue subpoenas for books, records, documents or papers therein to be designated under the authority granted to it by state law.

d. The governing body shall make a determination in regard to the recommendation of the committee. Dismissal of the findings of the board as referred to the governing body, or reprimand by the governing body shall be by a majority vote. Removal from office shall be in accordance with all applicable state and local laws.

(Ord. No. 001-05, § 1, 1-18-05)

24. Ex parte Communications

a. After a complaint has been filed and during the pendency of a complaint before the board, no member of the board may communicate directly or indirectly with any party or other person about any issue of fact or law regarding the complaint, except that:
   1. The members of the board may obtain legal advice from the city attorney and may discuss the complaint with their staff; and
   2. The members of the board may discuss the complaint at a lawfully conducted meeting.

b. If any person attempts to communicate with a board member regarding the pending complaint, the board member shall report the substance of the communication to the board on the public record at the next regular meeting of the board.

(Ord. No. 001-05, § 1, 1-18-05)

25. Confidentiality of Board Information

No member of the board nor any public servant who has access to any confidential information related to the functions or activities of the board shall divulge that information to any person who is not authorized to have it.

(Ord. No. 001-05, § 1, 1-18-05)

26. Statute of Limitations

No action may be taken on any complaint which is filed later than twelve (12) months after a violation of this chapter is alleged to have occurred, and a complaint alleging a violation must be filed within six (6) months from the date the complainant(s) knew or should have known of the action alleged to be a violation.

(Ord. No. 001-05, § 1, 1-18-05)

27. Penalties

Any violations of this chapter shall be punishable under section 1-1006 of the City Code to the maximum extent permitted by law. Any disciplinary action shall be carried out in accordance with the provisions of this chapter, as well as any other laws, policies and procedures applicable to the position of the offender and the gravity of the offense. The board is permitted to take any action which it is otherwise lawfully permitted to take.

(Ord. No. 001-05, § 1, 1-18-05)

28. Penalties Cumulative

The penalties prescribed in this chapter shall be cumulative and not exclusive of each other or of any other penalties which may be imposed pursuant to any other laws or policies.

(Ord. No. 001-05, § 1, 1-18-05)

29. Liberal Construction of Chapter

The provisions of this chapter are to be construed liberally, to the end that the public interest be fully protected, and shall be construed in a manner consistent with all applicable federal and state laws and applicable provisions of the City Charter. In the event of a conflict between any provision of this chapter and any applicable federal, state or City Charter provision which does not expressly provide otherwise, the federal, state or City Charter provision shall control. To the extent permitted by law, all ordinances, resolutions or rules, and parts of ordinances, resolutions or rules inconsistent with this chapter are hereby repealed.

(Ord. No. 001-05, § 1, 1-18-05)

30. Severability

If any provision of this chapter is held by any court or by any federal or state agency of competent jurisdiction to be invalid as conflicting with any federal,

state or city charter provision now or hereafter in effect, or is held by such court or agency to be modified in any way in order to conform to the requirements of any such provision, the conflicting provision of this chapter shall be considered a separate, distinct and independent part of this chapter, and such holding shall not affect the validity and enforceability of this chapter as a whole, or any part other than the part declared to be invalid.

(Ord. No. 001-05, § 1, 1-18-05)

City of East Point **PERSONNEL MANUAL**	**Policy: 90-1**
Subject: Personnel Rules and Regulations: Worker's Compensation Policy	**Effective:** 03/01/2015
Policy Administrator: Director of Human Resources	**Replaces:** N/A

1. Purpose:

The City of East Point is committed to providing safe working conditions, tools, equipment and work methods for all employees. Timely reporting of any accident is mandatory. Employees are covered under the provisions of the Worker's Compensation Act. If an employee is injured while on the job, such an injury must be reported to their supervisor immediately. They shall receive full compensation for the first thirty (30) calendar days for which they are unable to work. After this period, worker's compensation shall be paid (where applicable). Leave claimed under Worker's Compensation will only be authorized after medical documentation by a physician on the City's established "panel of physicians."

Proper reporting will ensure full employee benefits and reasonable liability adjustments at the lowest cost to the City.

2. Reporting an On-The-Job Injury

a. An employee injured on-the-job must report the injury immediately to their supervisor, even if medical treatment is not necessary.

b. Report to the Human Resources Department for authorization form for appropriate medical treatment (if necessary) and ensure that all follow-up medical treatments are kept.

c. Complete "Claimant's Statement" on the accident report and sign. If there are witnesses, each witness must fill out "Witness Statement" and sign.

d. The Supervisor will:

1. Seek medical attention, if needed, for the employee.

2. Complete "Supervisor's Accident Report" and bring to the Human Resources Department when picking up authorization form for treatment (except in emergency situations).

3. Complete the Supervisor's section, the Accident Investigation section, and the Foreman's Statement section of the Accident Report.

4. Investigate the circumstances that caused the accident and recommend the appropriate corrective measures to eliminate the hazard and prevent future occurrences. Implement corrective measures when appropriate and when directed.

e. The Department Head will:

1. Review all accident reports for accuracy, completion, and adequacy of proposed or completed corrective actions.

2. Indicate whether the occurrence was avoidable or unavoidable:

- If the accident is "Avoidable" due to violation of prescribed safety rules and regulations, the Safety Committee will review the accident, and the proper disciplinary action will be taken.

- If the accident is "Avoidable" due to an unsafe condition (not necessarily created or allowed to exist by the involved individual or department) the appropriate Department Head will be advised of the corrective action that should be taken through the Safety Committee.

f. The Safety Committee will:

1. Receive from the Safety Coordinator all accident reports slated for review at the monthly meetings.

2. Determine whether the accident is "Avoidable" or "Unavoidable" and refer the avoidable accidents to the Department Head.

3. The Safety Committee may deem it necessary to change the severity limitations on those occurrences requiring Safety Committee review based on frequency, trends and other concerns.

3. Reporting Vehicle Accidents

a. The operator of any City vehicle involved in an accident or discovering damage to same, regardless of who is at fault or how trivial the damage might appear, must:
   1. Call the police immediately and request an investigation. If the accident occurs out of the City limits, the nearest law enforcement agency should be called for an investigation.

2. Contact the immediate supervisor after the accident has been investigated by the proper authorities and give them all information necessary for completing the "Supervisor's Accident Report".

b. The Supervisor will:

1. Bring the employee to the Human Resources Department for an authorization form to be drug tested and/or treated for any injuries.

2. It is mandatory that all employees involved in a vehicle accident (no matter how minor) are drug tested immediately following the police report. If it is alleged by another party that a City owned vehicle caused damage to their vehicle, the operator of the City vehicle must follow through with the procedures outlined above regardless of whether or not any damage was caused. Damage caused by flying or falling debris such as rocks, asphalt, limbs, etc., regardless of how minor the damage might be, must be reported as outlined above. In case of an accident between two or more City owned vehicles, both operators must complete and submit an accident report as outlined above.

c. The Department Head will:

1. Review the accident with the employee to determine the cause.

2. Deliver the accident report to the Human Resource Department's Safety Coordinator as soon as possible after the investigation. Accident reports resulting from accidents which occur on weekends or holidays should be delivered to the Safety Coordinator at the beginning of the next work day.

d. The Safety Committee will:

Receive from the Safety Coordinator all avoidable accident reports for review at the monthly meetings. Determine whether the accident is "Avoidable" or "Unavoidable" and refer all avoidable accidents to the department head.

4. Disciplinary System

In order to establish and maintain an essential respect for safety, it may become necessary to institute disciplinary measures ranging from written warnings to dismissals. Each safety rule shall be strictly enforced and ignorance thereof will not be accepted as an excuse for neglect or omission of duty. Department Heads, with the assistance of supervisors and safety committees, are responsible for

ensuring that safety rules and regulations are enforced and for assisting in the determination and ruling of personal injury violations as "Avoidable" and "Unavoidable" based on facts outlined in accident reports or other data pertaining to the accident or its cause.

5. **Light Duty**

a. In the event that an employee of the City of East Point is injured on-the-job, (verified by incident report and clinic examination), that employee will be placed in a light duty position provided the employee has not been released to return to full duty by their authorized treating physician. The placement of light duty must be provided to the Safety Coordinator with a fitness-for-duty medical certification completed by the employee's authorized treating physician.

b. Upon receipt of a certification of light duty status from treating physician, the employee's Department Head (or other appropriate department representative) shall consider the nature of the restrictions/limitations and attempt to place the employee in a light duty position. Factors such as medical considerations, long term disability claims, physical restrictions, work availability and demands, flexibility in scheduling and other business interests of the City will be considered when determining the availability of light duty placement. Light duty may include limiting or altering duties in the employee's existing position, but will be determined by the restrictions/limitations set forth in the certification.

c. Upon the receipt of a release to return to regular duty from the authorized treating physician, the light duty assignment will end and the employee shall return to regular duty on the date set forth in the release.

d. The City of East Point does not afford light duty to its employees who are injured outside the scope of their employment.

6. **Supervisor/Employee Responsibilities**

a. Any on the job accident or injury shall be reported immediately to the supervisor. It is the responsibility of the supervisor to arrange for prompt medical attention if such is necessary, and to complete and submit a written report of the accident to his Department Head and the Safety Coordinator.

b. All accident reports must be signed by the Supervisor.

c. Employees shall always use the safety equipment provided, and shall follow all safety rules and safe working methods.

d. Violation of safety rules shall be considered the same as violation of any departmental rule. An employee in violation of the safety rules will be subject to disciplinary action.

7. General Safety Rules

The City makes every reasonable effort to provide and maintain safe working conditions. Employees are expected to cooperate by working in a safe manner and encouraging others to work in a safe manner to prevent accidents. Employees have a special obligation to report immediately any unsafe condition that might result in an accident to yourself, your co-workers, or the public.

Security of City premises is a responsibility shared by all employees. City property and personal property should be safeguarded by the exercise of prudence and caution at all times. When leaving work, the employee should check the general work area to make sure that City and personal property are appropriately secured.

a. General Safe Practices:

1. Smoke only in designated areas and nowhere else.
2. Avoid all horseplay
3. Practice good housekeeping. Each person is responsible for good housekeeping in their area.
4. Use, adjust and repair equipment only when authorized by the supervisor. Treat all electrical wires as live until proven otherwise.
5. Bend knees when lifting and get help for heavy loads.
6. Don't guess – when in doubt ask.
7. Never handle any chemical unless trained to do so.
8. Ensure that all containers of hazardous chemicals are properly labeled.
9. Know where Material Safety Data Sheets are maintained and review them periodically. Report all accidents, injuries or unsafe conditions immediately.

City of East Point **PERSONNEL MANUAL**	**Policy: 100-1**
Subject: Personnel Rules and Regulations: Separation and Re-Employment	**Effective:** 03/01/2015
Policy Administrator: Director of Human Resources	**Replaces:** 20-6 Effective 1-1-2000

1. Types of Separation

Separations of employees from positions in the classified service shall be designated as one of the following and shall be accomplished in the manner indicated: Resignation, compulsory resignation, layoff or reduction in force, disability, death, termination and retirement.

2. Rights of Employees

Full time, non-probationary employees who separate from the City shall receive payment for all earned salary, annual leave and certified compensatory time, if applicable, subject to the deductions outlined by this policy.

3. City Equipment

The City has ownership rights to any files developed by employees on the job, including electronic files as outlined in the technology policy. An employee who leaves City employment for any reason is responsible for returning all City property. All records, files, work papers, computer system files, assets, uniforms, keys, ID badges and any other items of City property in the employee's custody or control should be transferred to the department head at the time of separation and prior to the City's issuance of the final payment. The Department head and the employee shall sign a certified statement verifying the transfer and receipt of all city issued property.

Supervisors will contact the City of East Point Police Department if there are problems with a separating employee not returning City property as directed. Any shortage or loss shall be withheld from the employee's final compensation.

4. Resignation

To resign in good standing, an employee shall give notice, in writing, to his department head at least **ten (10) working days** prior to the effective date of his resignation. Failure to comply with this rule shall be entered on the service record of the employee, and may result in a deduction from accrued annual leave pay.

5. **Compulsory Resignation (Job Abandonment)**

Any employee who without valid reason fails to report to work for **three (3) consecutive work days** without authorized leave shall be separated from the payroll and reported as a compulsory resignation.

6. **Layoff or Reduction in Force (RIF)**

The City Manager may identify quantities of positions, by job title that are necessary to eliminate because of shortage of funds or work, other material changes in the duties or organization, or for related reasons which do not reflect discredit upon the service of the employee. When any positions so vacated are refilled within a period of **two (2) years** following a layoff, the persons removed there from, if available and able to efficiently perform the duties of such positions shall be first entitled to be restored to the position. The layoff of employees shall be made in inverse order, on the basis of length of service in the job title.

7. **Disability**

The department head, with the concurrence of the Director of Human Resources, shall have the right to direct any employee to be examined by a physician, psychologist, or any appropriate medical care provider designated by the City at the city's expense, to aid in determining fitness for duty and/or the ability to perform the essential functions of the position with or without a reasonable accommodation and/or whether the employee poses a direct threat to the health or safety of himself or others.

Upon the discovery of a disability of any kind which, without a reasonable accommodation, precludes the employee's ability to perform the essential functions of the position or results in the employee becoming a direct threat to the health and/or safety of himself or others, the employee will be allowed leave until able to perform the duties of his position. If the employee exhausts their leave, the employee may apply for a leave of absence without pay. If the City concludes that the employee is not disabled, but cannot meet or satisfy the minimum fitness for duty requirements, it may take any appropriate action up to and including termination.

8. **Death**

When a full-time employee dies while in the service of the City, all compensation due shall be paid to the legal representative of the employee's estate or any other properly designated individual.

9. **Release during Probation**

An employee who is not performing their job responsibilities may be released with or without cause by the department head at any time during their

probationary period. The Department head will immediately report the removal to the employee and to the Human Resources Director. Employees dismissed during the probationary period do not have appeal rights unless the employee alleges the termination is for a discriminatory reason because of the employee's age, race, color, creed, gender, religion, national origin or disability.

10. Termination

The City Manager may dismiss a full time non-probationary employee for cause as outlined in this policy. Termination is necessary when:

1. Progressive discipline steps fail to bring about improvement in employee performance; or

2. The employee has committed a category D offense, violating departmental or City policy, which warrants immediate termination.

Under certain circumstances, an investigation may be necessary and will be conducted at the direction and approval of the department head. The non-probationary full time employee will be suspended with pay during the investigation.

If the investigation results in a recommendation to terminate the employee, the department head will send the employee a notice of proposed disciplinary action and the employee's rights to appeal as outlined in the Disciplinary Policy.

11. Re-employment

Former employees with a satisfactory employment record may be considered for reemployment. An application for employment must be completed if six (6) months or more have elapsed since employment with the City.

Former employees marked "no" for rehire will not be considered for reemployment with the city.