

**ORDINANCE NO. 01-25**

**AN ORDINANCE ENACTING PERSONNEL POLICIES OF  
THE CITY OF SOMERSET.**

**BE IT ORDAINED BY THE COMMON COUNCIL OF THE  
CITY OF SOMERSET, KENTUCKY, AS FOLLOWS:**

1. The Personnel Policies attached hereto and referred to herein shall be adopted as the governing policies for the City of Somerset, Kentucky.
2. Any Ordinance in conflict with this Ordinance or any policies in conflict with the ones enacted hereby are hereby repealed in so far as same are in conflict herewith.

FIRST READING: September 10, 2001  
SECOND READING: September 24, 2001

APPROVED:

J. Wiles  
MAYOR

ATTEST:

Diana Hedberg  
CITY CLERK

**CITY OF SOMERSET**  
**PERSONNEL ORDINANCE**  
**CLASSIFICATION AND COMPENSATION PLANS**  
**POLICIES AND PROCEDURES**

**Department of Local Government**  
**Frankfort, Kentucky 40601**

**September 24, 2001**

# WELCOME

Welcome to the City of Somerset. You have been chosen to work with us, because your background indicates that you have the qualifications that characterize successful City employees. First-rate employees are our most valuable resources. The City recognizes the commitment required of our employees.

These policies have been developed to provide you with information concerning the philosophies of our City in personnel matters. These policies will be effective as of September 24, 2001. There will be no retroactive clauses on any of these policies and it is expected that all employees will be affected equally in relation to their purpose and implementation. Please read the Personnel Policies, and discuss any questions you may have with your supervisor.

The efforts of our past and present employees have made our city's record one of pride and accomplishment. We are happy to have you on our staff and look forward to your contributions to our City.

J P Wiles

Mayor

September 24, 2001

Date

**ORDINANCE NO. 93-11**

**ORDINANCE FOR IMPLEMENTING CLASSIFICATION PLANS,  
COMPENSATION PLAN, AND POLICIES AND PROCEDURES**

**WHEREAS**, the City of Somerset recognizes that a personnel system which recruits and retains a qualified, motivated work force is indispensable to effective and efficient City government; and

**WHEREAS**, it is essential to have a classification plan, compensation plan, and policies and procedures in writing delineating all aspects of employment affected by said classification plan, compensation plan, and policies and procedures;

**NOW THEREFORE BE IT ORDAINED** by the City of Somerset:

1. That the classification plan, compensation plan, and policies and procedures attached hereto shall be the system of personnel administration for the City; and
2. That the classification plan, compensation plan, and policies and procedures may be waived, altered or suspended only by a change of ordinance.
3. That all plans, policies and procedures in conflict with said plans, policies and procedures be repealed and revoked.

**FIRST READING September 13, 1993**

**SECOND READING September 27, 1993**

**APPROVED SMITH VANHOOK  
Mayor**

**ATTEST: DAVID GODSEY  
CITY CLERK**

## **STATEMENT OF PURPOSE**

The Mayor and Council of the City of Somerset, Kentucky recognize that a personnel system that recruits and retains competent, dependable employees is indispensable to effective and efficient city government. These policies and procedures, classifications, pay plans and job descriptions have been developed in order to achieve optimum efficiency, economy and equity in the pursuit of the City's goals and the utilization of its human resources.

The policies and procedures set forth hereinafter are intended to implement the personnel ordinance by providing procedures for:

- A. Classifying positions in the City Service,
- B. Recruiting persons for that service,
- C. Compensating employees equitably for their service to the City and,
- D. Providing for their welfare.

## **EQUAL EMPLOYMENT OPPORTUNITY**

The City of Somerset seeks to provide equal employment opportunity to all Employees and applicants and to prohibit discrimination based on race, creed, color, religion, sex, national origin, political affiliation, disability, age or marital status. The City promotes equal employment opportunity in matters of hiring, promotion, transfer, compensation, benefits and all other terms, privileges and conditions of employment.

## **EXEMPTIONS**

The following employees of the City of Somerset are exempt from coverage:

1. All elected officials;
2. All members of boards and commissions;
3. City attorney;
4. Consultants, advisors, and counsel rendering temporary professional services;
5. Independent contractors;
6. Employees occupying nonpermanent positions such as part-time, temporary or seasonal employees; and,
7. Members of volunteer organizations.

These policies and procedures apply to all city employees, except in instances when approved departmental regulations of the Kentucky Revised Statutes supersede.

## **ADMINISTRATION OF THE PLAN**

In Mayor/Council government all executive and administrative power is vested in the Mayor, unless a statute specifies otherwise (KRS 83A.180(3)). Under this legislation, the Mayor appoints all city employees, including police officers. The Mayor appoints all non-elected City officers, subject to Council approval.

Legislative power in Mayor/Council government is vested in the Council (KRS 83A.130 (11)). Under this statute, the Council establishes all appointive offices and the duties and responsibilities of these offices; they may not appoint persons to elected offices. Council establishes the compensation of all elected officers and appointed employees of the City by ordinance (KRS 83A.070).

Although Council establishes the classification and compensation plans by ordinance, the Mayor has sole authority to promote employees and grant raises within the limits established by the plan (OAG-82-385).

Council may not exercise any executive power or perform any executive or administrative functions unless specifically authorized by statute.

The appointing authority noted in these policies is the Mayor. The Human Resource Officer serves as Personnel Officer for the City as designated by the Mayor and Council.

## **RESIDENCY REQUIREMENTS**

All full-time employees of the City of Somerset hired after July 1, 1988 shall establish full-time residency within limits of Pulaski County within a six (6) month period after being hired, with the exceptions as listed in Ordinance No. 99-09.

## **ORIENTATION OF NEWLY EMPLOYED PERSONNEL**

- I. An orientation shall be made available to all new employees by the Department Supervisor on their first day of employment.
- II. The orientation shall consist of the following elements:
  - A. Explanation of the purpose and goals of the City;
  - B. Overview of management policies, procedures and operations;
  - C. Other elements deemed appropriate by the City.

## **PERSONNEL RECORDS**

A personnel file shall be maintained for each city employee by the Human Resource Officer or person supervised by the Human Resource Officer.

- I. The file shall show:
  - A. Original application;
  - B. The employee's name, address and phone number or phone where the employee may be reached;
  - C. Position title;
  - D. Salary;
  - E. Past changes in employment with the City;
  - F. Compliance with EEO-4 requirements;
  - G. Federal/state labor law requirements;
  - H. Departmental assignments;
  - I. Completed I-9 Form (immigration information);
  - J. Commendations/reprimands;
  - K. Drug free statement;
  - L. A copy of the employees High School Diploma or GED
  - M. Whatever additional information this ordinance or the City Council requires.
- II. Every change in the status of the employee shall be recorded in his/her personnel file.
- III. The personnel file shall be retained by the City in accordance with the state records retention schedule.



## **CLASSIFICATION OF EMPLOYEES**

- I. All positions of the City of Somerset shall be classified as full-time, part-time, temporary, or seasonal.
  - A. **Full Time Positions:** A position which requires the labor of an employee for at least 37.5 hours per week on a regularly scheduled basis.
  - B. **Part-time Positions:** A position which requires the labor of an employee for less than 37.5 hours per week, but on a regularly scheduled basis.
  - C. **Temporary or Seasonal Positions:** A position which requires the labor of an employee for a temporary period of time, either full-time or part-time. Temporary positions shall not exceed (11) eleven months. Seasonal positions shall not exceed (6) six months
- II. Employees occupying regular, full-time positions shall be entitled to all benefits as provided. Employees occupying part-time, temporary or seasonal positions shall not be entitled to any benefits.

## **EMPLOYMENT OF RELATIVES**

No relative may work in the same department or transfer to the department where a relative currently works. The Mayor or Council will not ask for a relative to be hired. Nor shall the Council person serve on a committee of the department where the relative is working. Relatives may be defined as husband, wife, father, mother, son, daughter, brother, sister, mother-in-law, father-in-law, nieces, nephews, son-in-law, daughter-in-law, aunts, uncles, grandson, granddaughter, granddaughter-in-law, grandson-in-law, etc.

## **VISITORS AT WORK**

Visitors in the workplace shall be kept to a minimum and only when absolutely necessary for very brief periods of time.

## **EMPLOYMENT PROCESS**

The procedure for filling vacancies in regular positions or additional newly established regular positions shall be as follows:

- I. Appointment to a regular position with the City shall be made only after the Department Manager has determined that the person considered meets all qualifications prescribed in the position for the class in which the appointment will be made.
- II. This policy shall apply to current employees who request a transfer or promotion to a vacant position as well as applicants for employment or reemployment.

## **ANNOUNCEMENT AND ADVERTISING**

- I. When a vacancy occurs within the organization, current employees may be notified of the vacancy by placing written notice(s) on departmental bulletin boards throughout the City. Notices will be posted internally for one week (7 days). Notices posted shall include position title, grade, summary of duties, position, qualifications, and the time limit for applying. Employees who wish to apply for the position must present a completed employment application form supplied by the City to the Human Resource Office, thus indicating his/her interest in the vacant position.
- II. When announcements of vacant position(s) are made outside the organization, any of the following procedures may apply:
  - A. If the City elects to advertise the vacant position(s), all announcements shall be made in a newspaper of general circulation in the City. All announcements shall include such information as where to apply, deadlines for application, and position qualifications. All written announcements of vacant position(s) shall contain the following statement: "An equal opportunity employer"
  - B. The City may list vacant position(s) with the local office of the Kentucky Department of Employment Services.
  - C. The Human Resource Officer shall forward the employment application forms for all applicants (including current employees) for the position(s) to the Department Manager and the appointing authority for appointment decision(s). Some federal and state grants require advertising in filling vacant positions. The Human Resource Officer will administer these in accordance with grant requirements.

## **APPLICATIONS**

- I. All applications for employment are to be made at the perspective departmental office.
- II. Employment application forms supplied by the City and completed by applicants shall include information about the applicant's training and experience and such additional information as required by the position.
- III. When an applicant is offered employment, he/she shall be required to pass a physical examination, including a pre-employment drug screen. These examinations shall be paid for by the City. All employees working part-time will have a pre-employment physical at the discretion of the Department Manager or Mayor.
- IV. No person may be appointed to a position unless verified information on an official employment form indicates that he/she meets the qualifications for the position description and that he/she has completed all pre-employment procedures.
- V. All employment application forms must be supplied by the City and signed and dated by the applicant.
- VI. All employment applicants will be subject to employment investigations into their work background and personal references. The department head is responsible for doing these investigations. Only qualified applicants will be considered for employment.
- VII. Applicants will be thoroughly screened, including a reference check, after they are interviewed by the department head. Recommendations for their employment will be made, by the department head, to the Mayor. The Mayor must give final approval for hiring an employee.
- VIII. All information submitted by the applicant pertaining to his/her employment must be factual. Applicants who are found to have falsified information by misrepresentation or omission of essential facts on their application, or whose references are not satisfactory will not be considered for employment, or if employed, will be immediately separated from city employment.

## CONDITIONS OF EMPLOYMENT

### INTRODUCTORY PERIOD

Introductory periods may be initial or promotional. That is, ***initial*** when an employee is first appointed to the City service; and ***promotional*** as a result of appointment to a higher grade and classification once an employee has already served an initial introductory period.

- I. A person appointed to a regular position shall be on an ***initial introductory period*** status for six (6) months except for sworn Police Officers or Recruits, Fire Fighters, Paramedics and EMT's who are on ***introductory*** status for one [1] year.
- II. An employee who has served an initial introductory period and is promoted from within the City service to a new position shall be on a ***promotional introductory period*** of six (6) months in the new position.
- III. An employee on an initial introductory period may be dismissed at any time without right of appeal. An employee serving a promotional introductory period may be reinstated without right of appeal to a position comparable to the one from which he/she was promoted if the position is still available, unless otherwise specified in Kentucky Revised Statutes.
- IV. Based upon job performance or the lack thereof and with mutual agreement between the department supervisor and appointing authority, the introductory period may be extended for up to an additional six (6) months.

## **TRANSFER**

An employee occupying a regular position may request a transfer from one position to a comparable position by making a request in writing to the Mayor, their current Department Manager, and the Department Manager who has the vacancy, provided the position to which the employee wishes to transfer to is one for which he/she possesses the appropriate qualifications and provided that the position applied for is vacant. Promotions from within the department shall be given prior to posting positions for transfers.

An employee may be allowed to transfer to other departments or classifications provided a vacant position exists for which the employee is qualified, and the employee is not serving an initial probation period, or a promotional probation period. All job vacancies will be posted on bulletin boards in each department for a period of seven (7) days to allow employees the opportunity to consider the vacant position. The Department Manager of the department where the vacancy exists will receive a copy of the transfer request. By agreement of the two department heads involved, along with the consent of the Mayor, the successful applicant will transfer subject to the following conditions:

- I. The successful applicant for transfer will be on an introductory period of ninety (90) days. If after the ninety (90) days the employee is able to perform elements of the job as required, the employee will be considered as being transferred.
- II. If unable to perform the work required, the employee may be returned to his/her former job, if the job has not been filled, without loss of accrued benefits except that the employee's position seniority status within the department may be changed.
- III. Should the employee's former job be filled and there is no other job opening for which the employee is qualified, he/she is terminated without prejudice. An application may be completed and will be considered when a future vacancy occurs.
- IV. Should the former employee be re-employed at a later date, when a vacancy does exist, the employee will be considered as a "new employee" with employee benefits accruing from this most recent re-employment date.

## **PROMOTION**

- I. An employee occupying a regular position may apply for promotion to a higher position by making the request to the Department Manager and the Mayor. The employee must possess the qualifications for the position and must not be serving an initial introductory period. In addition, the position must be vacant.
- II. When a vacancy occurs in a position above the entrance level, every attempt will be made to promote employees currently employed by the City of Somerset. If, however, the appointing authority deems that the best interests lie outside the city service, the position may be filled by appointment of a person from outside the government.
- III. Procedures for internal applications for positions shall be the same as outlined in the "announcements" provision on page seven (7).
- IV. When a vacancy occurs, the names of all persons who qualify for promotion to the vacant position shall be transmitted to the Mayor by the Department Manager for consideration in filling the vacancy by promotion.
- V. The promoted employee will be on promotional introductory period for ninety (90) days.
- VI. Ordinance 88-11 governs requirements for police officer promotions.

## **PROGRESSIVE DISCIPLINE**

The policy of the City of Somerset is to be patient, fair, and consistent in the administration of the organization and its employees. When problems arise, emphasis is on improvement and/or correction rather than punishment. However, willful, continued or inexcusable infractions of City employment rules must be dealt with firmly under a uniform policy which applies to all employees.

When an employee fails to follow any rule, regulation, operating procedure or job requirement, one of the following measures shall apply, depending upon the circumstances involved and the severity of the offense.

## **TARDINESS AND EMPLOYEE TIME CARDS**

Ordinance 01-01 outlines in full the rules, regulations, and the discipline process governing employee time cards and tardiness.

## **SERIOUS INFRACTIONS**

The following is a list of serious infractions. This list does not include all actions that call for disciplinary action; however, it is intended as a guide to assist in avoiding activities that are in conflict with the principles and goals of an efficient City work force.

- A. Excessive absenteeism, lateness, extended meal times;
- B. Gambling while on duty;
- C. Abuse of sick leave;
- D. Insubordination;
- E. Proven theft of City property;
- F. Leaving work without authorization;
- G. Intoxication or using intoxicants while on duty;
- H. Reporting to work under the influence of drugs, alcohol, when on the job;
- I. Unauthorized use of City vehicles & equipment (see vehicle policy)
- J. Provoking or inciting a fight or fighting during work hours;
- K. Mistreatment (physical or verbal) of citizens;
- L. Willful neglect or abuse of City property; or
- M. Deliberate falsification of time records.

When an employee fails to perform his/her job satisfactory, to follow any rule/s, regulation/s, operating procedure/s or job requirement/s, or when an employee performs actions which reflect discredit upon the organization, one of the following measures shall apply, depending upon the circumstances involved and the severity of the infraction:

## **VERBAL WARNING (REPRIMAND)**

- I. In the case of a minor infraction, the supervisor shall administer the reprimand without rancor as soon as possible after the infraction.
- II. The date of the reprimand, along with a description of the occurrence which promoted the reprimand and any comments the employee may have made, shall be noted and placed in the Department Head's file to be forwarded to the Human Resource Office at such a time (if any) that a written warning is necessary.

## **WRITTEN WARNING**

- I. In case of either a second minor infraction or a more serious first Infraction, the Department Head shall give the employee a written warning specifying the reason(s) for such warning and noting any previous verbal and/or written warnings.
- II. Written warnings shall state that the employee's performance will now be reviewed on a daily basis for improvement and explain the consequences of continued infractions.
- III. The employee shall sign the written warning or the warning shall be signed by a witness; the original copy of the written warning shall be forwarded to the Human Resource office to be placed in the employee's central personnel file.

## **SUSPENSION**

- I. After either a serious infraction or repeated minor infractions, the Department Head shall request in writing that the Mayor suspend the employee with or without pay. The request shall include the reason(s) for the suspension, along with details of previous disciplinary action(s) taken against the employee.
- II. The Mayor may suspend an employee with or without pay for any period up to and including thirty (30) work days, depending upon the severity of the infraction, unless excepted by Kentucky Revised Statutes.
- III. If an employee is suspended with pay due to an investigation of an alleged infraction, a maximum time limit shall not apply.
- IV. The suspended employee shall be notified of the suspension in writing. The notice shall include the length of the suspension.



## **DISMISSAL**

Where an infraction is continually repeated, or misconduct is serious enough for discharge on the first infraction, the Department Head may recommend dismissal of an employee in writing to the Mayor. The recommended dismissal shall include:

- A. The reason(s) for the dismissal
- B. Details of previous disciplinary action(s) taken against the employee;
- C. The recommended effective date and time of dismissal.

Upon review of the Department Head's recommendation to dismiss, the Mayor may provide the employee with a letter of termination as per statute.

## **RESIGNATIONS**

- I. An employee wishing to resign should, in order to resign in good standing, give the Mayor written notice of resignation at least two (2) weeks before the effective date. However, in the event of extenuating circumstances the Mayor may agree to a shorter notice.
- II. An employee may be regarded as having automatically resigned his/her position if found able to notify his/her supervisor of the reason for absence, but fails to do so for three (3) consecutive working days.
- III. An employee's resignation and its attending reason(s), if noted, shall be recorded in the employee's central personnel file.

## **LAYOFFS**

- I. The Mayor may layoff an employee or employees after due consideration because of lack of work or funds.
- II. The order of layoffs shall be determined on the basis of the City's needs.
- III. Consideration shall be given to both the seniority and merit of persons being considered for layoff.
- IV. Temporary, seasonal and employees on initial introductory periods shall be laid off before employees occupying regular full time positions.
- V. Two (2) weeks before the effective date of the layoff of an employee occupying a regular position the Mayor shall in writing:
  - A. Notify the employee of the layoff, in writing;
  - B. Explain to the employee the reasons for the layoff; and
  - C. Certify whether the employee's service has been satisfactory
  - D. A copy of the notice shall be retained in the employee's central personnel file.
- VI. An employee who has given satisfactory service and is laid off may be eligible for re-employment and may be given preference in other positions which require basically the same qualifications and involve basically the same duties and responsibilities as the position from which the employee has been laid off.
- VII. All benefits will cease during layoff. Cobra will be offered according to the governing laws.
- VIII. Accrued vacation time may be paid up to the time of layoff.
- IX. Accrued sick leave time will not be paid. Upon layoff accrued sick leave will credited to the employee and reinstated if and when the employee returns to full time work.

## **REINSTATEMENT**

Reinstatement contains the element of involuntary action on the part of the employee.

### **REINSTATEMENT OCCURS WHEN**

- I. An employee who has been dismissed for a reason or reasons prohibited by local, state or federal laws, is restored to his/her former position by court order.
- II. An employee has been laid off, through no fault of his/her own, for lack of work funds.
- III. In cases of reinstatement, an employee is credited with benefit levels previously earned, depending on the years of service rendered.

## **RE-EMPLOYMENT**

Re-employment contains the element of voluntary action on the part of the employee.

### **RE-EMPLOYMENT OCCURS WHEN**

- I. An employee has resigned in good standing, on a voluntary basis, then returns to City employment after a break in service.
- II. In cases of re-employment, an employee is treated as a newly hired employee, which means that he/she must re-earn the benefit levels provided by the City.

## **CLASSIFICATION PLAN**

### **ALLOCATIONS**

In the classification plan authorized by the Mayor:

- I. Each position shall, on the basis of the duties and responsibilities of the position, be allocated to an appropriate class.
- II. A class may include either a single position or two or more positions.

### **WRITTEN POSITION DESCRIPTIONS**

- I. Each class shall have a written position description that includes:
  - A. A concise, descriptive title;
  - B. A description of the duties and responsibilities of the class; and
  - C. A statement of the minimum qualifications for each position.
- II. All positions in a single class shall be sufficiently alike to permit:
  - A. The use of a single descriptive title for each class;
  - B. A concise, general description of each position in the class;
  - C. Description of the qualifications for each position;
  - D. The use of the same tests of competence for each such position; and
  - E. Application of the same pay range to each such position.

## **COMPENSATION PLAN**

- I. A pay plan prepared shall prescribe for each class a minimum and maximum rate of pay.
- II. Upon the adoption of a pay plan, the Mayor shall assign each class to one of the pay grades the plan provides.
- III. Employees may be given consideration for pay increases pending satisfactory service and availability of City funds.
- IV. An appointee to a new position shall receive the minimum salary for the class to which the position is allocated, except that the Mayor may cause the appointment to be made at a salary above the minimum not to exceed the midpoint of the range
  - A. In cases of unusual difficulty in filling the position, or
  - B. In hiring exceptionally qualified personnel.
- V. In cases where appointments have been made above the minimum, justification for these appointments shall be made in writing by the Mayor.
- VI. When an employee is granted leave from his position with the City of Somerset, such as unpaid leave, sick leave, or leave of absence, he/she may not work for any other employer during the time he is on said leave.
- VII. Accrued leave, that fits the situation, must be used before an employee may go on unpaid leave.
- VIII. No employee shall be on unpaid leave unless approved by the Mayor.

## **HOURS OF WORK**

- I. Full time non-management employees shall work forty (40) hours per week except for full-time employees in the clerical and administrative positions who work thirty-seven and one-half (37.5) hours per week.
- II. An employee whose duties require a flex work schedule shall work according to a schedule recommended by his/her supervisor.

## **TIME SHEETS/PAYROLL PROCEDURES**

- I. Time sheets must be signed and delivered to the Human Resource Office by 8:30 A.M. on Friday or the appointed day.
- II. If changes need to be made to time sheets *before* they are submitted to the payroll office, employees and supervisors must initial and date these changes.
- III. If changes need to be made to time sheets *after* they are submitted to the payroll office, supervisors/managers need to initial and date these changes.
- IV. Employees will be paid by Direct Deposit on the appointed day.

## **COMPENSATION REVIEW**

- I. Every fiscal year the Human Resource Office shall:
  - A. Compare the salary rates, the compensation policies and the personnel developments of the City with those of other comparable systems, both public and private.
  - B. Analyze fluctuations in the cost of living.
  - C. Examine the salary range for each class of positions to ascertain whether minimum and maximum salaries should be raised or lowered for a particular position or class during the succeeding twelve (12) months.
  - D. The comparison analysis and examination will be submitted to the Mayor and Finance Committee for their use in formulating amendments to the pay plan.

## **OVERTIME**

- I. In order to determine whether an employee will receive overtime pay or compensatory (comp) time off for hours worked in excess of forty (40) hours per week, each position shall be declared "exempt" or "non-exempt" in accordance with provisions of existing labor laws. "Exempt" employees shall not receive overtime pay but shall receive time off at a rate of one (1) hour for each hour of overtime worked. "Non-exempt" employees shall receive overtime pay at the rate of 1.5 times the hourly wages for actual hours worked in excess of forty (40) hours in any work week. "Exempt" employees shall report overtime worked to the Mayor's office where a record will be kept of comp time earned and used.
- II. Vacation Time, Holidays, Sick Leave, Bereavement, Personal Days, or any time away from the job, shall not be used to compute overtime.
- III. Accumulated sick leave used during the work week shall not be considered as hours worked for overtime pay purposes.
- IV. Advance work scheduling shall be performed by supervisors with the goal of keeping overtime work and pay at a minimum consistent with the maintenance of essential services and the City's financial resources.
- V. Overtime work, when absolutely needed, shall be approved in advance by the employee's immediate supervisor unless there are extenuating circumstances to the contrary.

## **BENEFITS**

Employee benefits constitute a basic ingredient in personnel administration. They have been termed the "Hidden Pay Check" because they constitute an ever increasing portion of an employee's pay and the City's contribution to the employee's well-being. Benefits provided by the City of Somerset to all full-time employees occupying regular positions include the following:

### **I. HOLIDAYS**

- A. If holidays are worked, employees will be paid an extra day's wages or can take another day off within thirty (30) days before or after the holiday is observed by the City. If not taken in this time period the holiday is lost. The fire department will be paid for 16 hours as previously approved by the Council, with the exception of partial day holidays. The Ambulance department ALS crews will be allowed 16 hours for holidays, with the exception of partial day holidays. The Police Department will be allowed their regular shift hours, with the exception of partial day holidays .
- B. On partial day holidays, such as Good Friday, all departments including the Fire, Police, and Ambulance Departments will receive the same number of hours off.
- C. The City reserves the right to require an employee to work on a holiday if, in its judgement, this will be necessary to meet scheduling requirements and assure efficient and uninterrupted service. Each employee must work the scheduled day before and after the holiday in order to receive pay for the holiday unless the employee has scheduled with his/her department head in advance of the holiday, vacation or sick leave (for a doctor's appointment, surgery, medical test) shall be the exception.
- D. If an employee who has been scheduled to work on a holiday fails to report for work, such an employee will not be paid for the holiday.
- E. In the event an employee's day off falls on a holiday, the employee will be given a substitute day within thirty (30) days before or after the holiday.
- F. When a holiday falls during the employee's vacation, one day may be added to the employee's vacation period or a substitute day will be given within thirty (30) days before and after the holiday.



G. The following days are declared paid holidays at the regular straight-time rate of pay:

1. The first day of January (New Year's Day)
2. The third Monday in January (Martin Luther King Jr. birthday)
3. The last Monday in May (Memorial Day)
4. The fourth day of July (Independence Day)
5. The first Monday in September (Labor Day)
6. The fourth Thursday and Friday in November (Thanksgiving day and the day after)
7. The twenty-fifth day of December (Christmas Day)

II. When any holiday listed above falls on Saturday, the preceding business day shall be considered the holiday. When any holiday listed above falls on Sunday, the following business day shall be considered the holiday.

## **PERSONAL DAYS**

All full-time employees occupying established regular positions will be given one (1) Personal Day off per fiscal year. The Personal Day shall be earned one (1) day after the employee has been employed by the City of Somerset twelve (12) continuous months. The Personal Day must be taken as a whole and can not be broken down into any increments of time. The Personal Day cannot be carried over into the next fiscal year.

## **ANNUAL VACATION LEAVE**

- I. All full-time employees occupying established regular positions shall be granted annual leave on their anniversary date at full pay at the current salary rate. The anniversary date is the date of employment.
- II. Employees occupying established regular positions shall accrue vacation

leave as follows:

- A. After First Year - Five (5) work days or forty (40) work hours.
- B. Second & Through Tenth Year - Ten (10) working days or eighty (80) work hours.
- C. Eleventh & Through Fifteenth Year - Fifteen (15) working days or one hundred twenty (120) work hours.
- D. Sixteenth Year and Thereafter - Twenty (20) working days or one hundred sixty (160) work hours.

**III. Vacation must be taken within twelve (12) months of the date earned. No vacations will be carried over into the next year.**

**IV. Vacation time is chargeable in half hours or more only.**

**V. VACATION TIME WILL NOT BE ADVANCED.**

VI. Employees in a promotional introductory period may take accrued vacation leave. The promotional introductory period will be extended by the amount of accrued vacation time taken.

VII. Vacation leave shall be requested in advance. Vacation leave may be disapproved if the City requires the employee's services at the requested time.

VIII. Earned vacation days not taken for the current year will be paid to an employee upon his/her leaving the City service.

IX. When a former employee is re-employed, the latest date of employment shall be considered the official date of employment for vacation leave purposes.

X. Employees absent because of sickness or off-duty injury or disability may use accrued vacation leave during the time off only after accrued sick leave has been exhausted.

XI. The Human Resource Office shall insure that records are kept for vacation leave, vacation leave taken and current accrued leave for each employee. **This shall be limited to the current amount accrued.**

XII. All members of the police department shall receive vacation leave of fifteen (15) days with pay per year. After their sixteenth year, police officers and employees will earn twenty (20) working days or one hundred sixty (160) work hours.

## **SICK LEAVE**

- I. All full time employees occupying regular positions shall accumulate sick leave with pay at the rate of eight (8) hours for each month of service. An employee will be eligible to earn sick leave the first month of employment if employment started on or before the 15th of the month.
  
- II. Sick leave may be utilized by employees when they are unable to perform their duties because of:
  - A. Sickness or injury;
  - B. Medical/Dental/Optical examination and/or treatment;
  - C. Required care of a sick or injured member of his/her immediate family which includes brother, sister, mother, father, children, spouse and step-children.
  
- III. All foreseeable use of sick leave shall require specific prior written approval of the Department Manager. In the event of three (3) consecutive days of sick leave for any purpose, the supervisor shall require a certificate from a medical doctor giving information as to the circumstances involved.
  
- IV. If an employee is suspected of abusing sick leave the Department Manager shall require a doctor's statement.
  
- V. An employee on sick leave shall inform his/her supervisor of the fact and reason prior to the beginning of the work shift. Failure to do so by the beginning of the work shift of the first day of illness may be cause for denial of sick leave with pay for the period of absence. If the position is one which requires someone to fill the vacancy, the employee **must** notify his/her designated supervisor one and one-half (1 1/2) hours prior to the shift starting.
  
- VI. Sick leave shall be **chargeable in hours. No fraction of hours.**
  
- VII. Each supervisor shall keep records of sick leave taken and insure that it is reported on the employee's time sheet each week. An employee fraudulently obtaining sick leave, or a supervisor falsely certifying sick leave allowance for absence from work will be suspended or dismissed.

- VIII. The Department Head shall check by phone and/or a visit to the employees home when the employee calls in sick. If the Department Head finds the employee has falsely reported in sick the following shall apply:
- A. 1<sup>st</sup> offence - 24 hrs suspension without pay
  - B. 2<sup>nd</sup> offence - termination
- IX. Sick days are not computed for overtime purposes. They are paid in terms of straight pay.
- X. Effective August 26, 1991, unused sick leave may be accumulated to a maximum of nine hundred sixty (960) hours for retirement purposes. **A maximum of nine hundred sixty (960) hours may be rolled over to retirement** with the City paying the cost involved as stated in the standard sick leave policy: or the employee may take **one-half of the sick leave** (a maximum of 480 hours) **in a lump sum** payable at regular rate of pay **at the time of retirement** and **roll the other half over to retirement**. If the employee chooses to take pay for one-half of the sick it will be in a lump sum only, not in weekly increments.
- XI. No portion of accrued sick leave benefits are payable upon termination except for retirement.

## **SPECIFIC EMPLOYEE EXTENDED DISABILITY (EED) PROGRAM BENEFITS**

- I. Two basic benefits are available to City of Somerset employees under the Employee Extended Disability (EED) Program. These include:
  - A. A basic monthly income subsidy computed on the basis of the claimant's salary and the level of public assistance subsidies, if any, available to the claimant. This subsidy is not to exceed the employee salary.
  - B. A continuation of the claimant's health insurance with the current provider at the level of coverage typically and regularly provided employees of the City of Somerset. Provided the current carrier agrees to continue carrying the employee on the health insurance, if not the employee will be offered Cobra with the City paying the same amount of the premium they pay for current employees for a duration of six (6) months only.
- II. In order to receive EED benefits, a claimant must meet the basic requirements of the program as defined in succeeding portions of this policy statement. In addition, the claimant must submit certain affidavits, statements, and other documents pertaining to his/her health and income as required by the City of Somerset in order to properly review his/her claim; and must agree to submit these affidavits, statements and other documents at sixty (60) day intervals to the designated claims officer for periodic review, as so requested by the Claims Officer.
- III. All employees receiving EED program benefits shall be required to seek disability and public assistance subsidies. If and when these subsidies are received, he/she will be required to report back to the designated Claims Officer the level of income subsidies obtained. Each claimant shall be thoroughly counseled at the time of application for EED Program benefits, and shall be apprised of his/her probable benefits under the program as well as the documentation which must be submitted to obtain approval of his/her claim.
- IV. No employee of the City of Somerset shall be denied benefits under this program for reason of race, color, creed, sex or national origin; and no consideration of same shall be made in awarding claims.

## **ELIGIBILITY**

- I. Any municipal employee who has served in full-time employment for the City of Somerset for a period of at least one (1) year, shall be eligible for interim benefits under this program provided, however, that the employee must have/or be:
  - A. Certified by a reputable, licensed medical doctor as having a very serious personal illness or injury that will preclude the performance of any employment for a significant period of time. Such certification shall be in the form of a letter from the physician to the Mayor with copies to the employee. The classification shall describe the nature and gravity of the illness or injury, and the probable duration of absence from work.
  - B. An employee in good standing with the City of Somerset, not subject to criminal or disciplinary proceedings or pending dismissal, that has exhausted his/her accrued vacation and sick leave.
  - C. Proof that application has been made with the Kentucky Department for Human Resources, Commonwealth of Kentucky, and/or U.S. Social Security Administration or private insurance program or any or all of the above.
  - D. Made application to the City of Somerset for employee extended disability (EED) benefits, providing proof of all retirement, disability, compensation, social insurance and all other income sources presently available to the employee.
  - E. Provided all other pertinent information applicable to the case as requested by appropriate city officials.
  - F. All benefits shall have a duration of six (6) months or the shorter of one of the following:
    1. The date the employee's disability benefits begins, or;
    2. The date the employee's retirement or disability retirement begins, or;
    3. The date the employee begins compensation from any private insurance program, or state, local, or federal assistance program, or;
    4. The date the employee resumes employment with the City of Somerset.
  - G. Benefits shall be counted from the date of application, and shall be retroactive to the date of application. Each case shall be subject to review once every sixty (60) days during the period in which EED

benefits are being received.

- H. The case shall be dispensed in accordance with the eligibility criteria set forth in this policy statement.

### **DISPENSATION OF CLAIM AND LEVEL OF BENEFITS**

After satisfactory proof of eligibility, the Mayor, or other city official designated to serve as Claims Officer shall file a recommendation to the City Council concerning the level (monetary value per week or month) of extended disability benefits which, in the opinion of the Claims Officer, should be afforded the employee. The recommendation for level of benefits shall be made according to the following guidelines:

- I. The City official processing the employee claim shall determine all income levels and sources presently available as a result of the claimant's injury or illness, such as, social insurance, disability, subsidies. For example, he/she shall subtract such income totals, if any, from the average monthly wage regularly paid the employee during his/her last year of employment with the City of Somerset This is the maximum potential monthly benefit available.
- II. The maximum potential monthly income subsidy benefits shall then be adjusted as follows:
  - A. If the claimant is a regular full time employee of the City of Somerset for less than six (6) years, the employee shall receive one half (1/2) of the maximum potential monthly benefit or three hundred dollars (\$ 300.00) per month, whichever is greater.
  - B. If the claimant has been employed by the City of Somerset for a total of at least six (6) years, the employee shall receive one half (1/2) of the maximum potential monthly benefit, plus ten (10) percent of each additional year's employment, of the claimant's base salary at the time of illness or injury. The ten (10) percent increase shall be figured on the base salary as established at the time of claimant's request. Not to exceed the regular weekly wage of the employee at the time of illness or injury.
- III. Medical insurance benefits typically provided employees of the City of Somerset may be continued for a maximum of six (6) months provided the current carrier of the Health Insurance agrees to continue to carry the employee on the health insurance, if not, they will be offered COBRA.
- IV. The final decision concerning claims made under the Employee Extended Disability Program shall be made by the City Council. Claims shall be awarded solely in accordance with these guidelines. Each claimant shall be

notified in writing of the Councils' decision within fourteen (14) days of the date of the decision.

- V. The benefits under this plan shall not extend beyond six (6) months from the time of its granting.

**PERSONNEL REQUIREMENTS FOR EED**

- A. **Returning to Full Time Duty** - Persons returning to full-time city employment after having participated in the EED program shall not receive additional time-in-grade for the period of time in which the benefits were received. However, such persons shall be returned to their last grade and position prior to the effective date of EED benefits.
- B. **Implementation of EED** - The Mayor of the City of Somerset, Kentucky or his designated officer shall be empowered to authorize implementation of the EED Program in emergency situations that warrant such action.



## **FAMILY AND MEDICAL LEAVE**

### **Employee Eligibility**

To be eligible for Family and Medical Leave benefits, an employee *must*:

- A. Have worked for the City of Somerset for at least a total of 12 months; and,
- B. Have worked at least 1,250 hours over the prior 12 months.

### **Leave Entitlement**

The City of Somerset will grant an eligible employee up to a total of 12 work-weeks of **unpaid** leave during any 12-month period for one or more of the following reasons:

- A. For the birth or placement of a child for adoption or foster care;
- B. To care for an immediate family member (spouse, child, or parent) with a serious health condition; or,
- C. To take medical leave when the employee is unable to work because of a serious health condition.

Spouses employed by the City of Somerset are jointly entitled to a **combined** total of 12 work-weeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent (but not a parent "in-law") who has a serious health condition.

Immediate family member is defined as "An employee's spouse, son or daughter, and parents. The term parent does not include a parent "in-law".

Leave for birth or adoption (including foster care placement) must conclude within 12 months of the birth or placement.

### **Intermittent Leave**

Leave necessitated by a serious health condition or for care of a seriously ill parent of the employee, child, or spouse, may be taken intermittently or on a reduced work schedule when medically necessary. If the need for intermittent leave is foreseeable based on planned medical treatment, the employee is responsible for scheduling the treatment in a manner that does not unduly disrupt the City's operations, subject to the approval of the health care provider. In such cases, the employer may also transfer the employee temporarily to an alternative job with equivalent pay and benefits that better accommodates recurring periods of leave than the employee's regular job.

### **Substitution of Paid Leave**

The City of Somerset will require that employees use any available accrued paid leave such as, personal days, vacation, and sick leave before taking unpaid leave under the Family and Medical Leave.

## **Serious Health Condition**

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

- A. any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;
- B. any period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under some supervision of) a health care provider; or
- C. continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days.

## **Benefits During Leave**

The City of Somerset will continue to provide health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken, and on the same terms as if the employee had continued to work.

Arrangements will need to be made for the employees taking unpaid leave to pay their share of health insurance premiums while on leave.

Seniority and other benefits will continue to accrue during periods leave.

## **Job Restoration**

Upon return from an authorized FMLA leave, an employee will be restored to his or her original job, or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions of employment.

Under certain circumstances where restoration to employment will cause substantial and grievous economic injury to its operations, the City may refuse to reinstate certain highly paid "key" employees after using FMLA leave. A "key" employee is a salaried "eligible" employee who is among the highest paid 10% of employees.

## **Notice and Certification**

Employees seeking to use **FMLA** leave will be required to provide:

- A. 30-day advance notice of the need to take FMLA leave when the need is foreseeable;
- B. Medical certification from a health care provider supporting the need for leave due to a serious health condition affecting the employee or an immediate family member;

- C. Periodic reports during FMLA leave on the employee's status and intent to return to work; and,
- D. A "fitness-for-duty" certification to return to work.

When such an advance notice is not possible or the need for the leave cannot be foreseen, the employee must give the City notice as soon as "practicable". When leave is needed to care for an immediate family member or the employee's own illness **and** is for planned medical treatment, the employee must attempt to schedule treatment so that it will not unduly disrupt the employer's operation.

The City may deny continuation of FMLA leave due to a serious health condition if the employee fails to fulfill obligations to provide supporting medical certification as required by law.

### **FUNERAL LEAVE**

Leave for a death in the employee's immediate family is limited to three (3) scheduled work days within 4 days of the death with exceptions being approved in writing by the Mayor.

Immediate family shall be defined as the employee's: parents, grandparents, children, brothers, sisters, step-children, grandchildren, and immediate in-laws. Immediate in-laws shall be defined as: mother-in-law and father-in-law only.

In the event of the death of an employee or an employee's spouse, the department the employee works in will pay \$50.00 for flowers. Anything else spent will be taken up within the department the employee works in, if the employees of that department should desire to do so.

### **SPECIAL LEAVE**

In addition to authorized leaves, the Mayor may authorize an employee to be absent without pay for personal reasons for a period or periods not to exceed ten (10) working days in any calendar year. The Mayor may authorize special leaves of absence without pay for full-time employees for any period or periods for any purpose or purposes that are deemed to be beneficial to the city. All employee benefits remain in effect during the period of absence.

### **MILITARY LEAVE (KRS 61)**

I. All employees of the City who are members of the National Guard or any Reserve Component of the Armed Forces of the United States, or of the Reserve Corps of the United States Public Health Service, shall be entitled to a leave of absence with full pay for a period not exceeding fifteen (15) calendar days in any one calendar year for the purpose of attending annual mandatory training (KRS 61.392, 61.396).

II. If an employee who is a member of the National Guard or any Reserve Component of the United States, or of the Reserve Corps of the United States Public Health Service is called to active duty, he/she must be granted a leave of absence without pay for the period of that duty up to six (6) years (KRS. 38.238).

III. The employee is requested to give reasonable amount of time for active military leave in writing to his/her supervisor.

IV. Upon returning from active duty, the employee must be reinstated in the position he/she held prior to being called up or to a position of like seniority and pay.

### **RETIREMENT/COUNTY EMPLOYEES RETIREMENT SYSTEM (CERS)**

The City does not have a mandatory retirement age. It does provide for an employee's retirement through the County Employees Retirement System (CERS).

### **PARTIES**

#### **RETIREMENT:**

When an employee retires from employment with the City of Somerset, the department the employee worked in may spend \$100.00 toward a retirement gift. There is a limit of \$10.00, per employee of the respective department, for meals. The spouse of the retiring employee may be invited. If the department where the retiring employee works chooses to have a potluck dinner for the retirement meal, the department may spend up to \$10.00 per employee of the respective department toward the meats for the meal, with the employees of that department bringing the other dishes. Employees of the department where the retiring employee works may, if they so desire, take up among themselves for anything over and above the allotted amount.

#### **CHRISTMAS DINNERS, SECRETARY'S DAY LUNCH, ETC.:**

There is a limit of \$15.00 per employee for a meal at a restaurant or food catered in for each event.

### **DISABILITY LEAVE**

Disability leave is provided for employees who suffer job-related illness or injuries, with specific limitations.

- I. In the case of Worker's Compensation claims, the following shall apply
  - A. Any job-related injury or illness must be reported immediately to the Supervisor and within 24 hours to the Human Resource Office.
  - B. If the injury or illness justifies the payment of Workers' Compensation as determined by the insurance carrier, the employee shall retain the

entire Workers' Compensation check(s) received. The employee will receive his/her normal pay for the interim between the date of injury or first day the employee is unable to work and the first day Workers' Compensation starts to pay, provided the employee has accumulated sick leave or vacation leave to use for this purpose.

- C. The employee would continue to accumulate vacation and sick leave credit during the period of the authorized disability leave, only while drawing from the City and not the disability plans.
  
- II. In exceptional cases where the illness or injury has been accompanied by personal heroism or unusual service in the protection and saving of life and property, the Mayor may authorize disability leave at full or half pay in excess of the limitations prescribed herein, but not to exceed regular salary.
- III. The Mayor shall have the right at any time, and for cause deemed sufficient, by the majority vote of the members of the City Council to terminate the extended disability leave status of any employee placed upon such status.

## **COURT LEAVE/JURY DUTY**

In the event an employee is requested to serve on a jury, he/she shall be compensated at the regular rate of pay while serving on jury duty. In order to receive the regular rate of pay, documentation of jury service must be submitted to the Human Resource Office along with the check the employee received for jury duty. Employees serving on jury duty shall be absent from work only during the times required by the courts.

- I. When a police officer receives pay for appearance or other expense from a court outside Pulaski County he/she shall turn in such pay to the City Clerk to be credited to the police budget; or he/she will have the option of keeping such funds and receiving no court pay from the City. Under no circumstances will he/she be allowed to receive pay from both from the Court and the City of Somerset.
- II. All police officers required to be in court must show a copy of their subpoenas or written approval from the Chief of Police in order to receive court leave and court leave pay.
- III. In the case of police officers who must testify or appear in court while on duty, they will receive no pay other than their regular salary for this time in court.
- IV. If an off-duty police officer must testify or appear in court, he/she will receive pay for court leave for the time worked; i.e., he/she will receive overtime for any court time worked which places his/her hours in excess of forty (40) hours.

## **EDUCATION ASSISTANCE (Career Development)**

Educational assistance shall apply only to employee's who are training to update certifications of their current positions. Recommendations for approval of this training is made by the Department Manager.

- I. The City of Somerset may pay for training and development classes for its employees in an effort to enhance their professional and personal growth and to improve the efficiency and effectiveness of the City's programs and operations.
- II. The City's ability to provide for this training will depend upon the availability of funds. Educational assistance will be determined annually on an individual basis and in a consistent and fair manner.
- III. Employees will be granted time while on duty to attend authorized and approved education and training, courses, meetings and the like related to their jobs. When programs exist outside the City and employees are sent at the request of the City, the cost of the programs may be paid for by the City as funded by the budget ordinance. Recommendation for approval of this training is made by the department head.
- IV. In order to qualify an employee must:
  - A. Occupy a regular full-time position;
  - B. Continue to be employed by the City of Somerset, on a full-time basis for a period of at least one (1) year after completion of the authorized and approved program.
  - C. If an employee leaves employment with the City of Somerset - voluntarily or involuntarily - before the year has lapsed after completion of the authorized and approved program, the employee will owe and must repay the City of Somerset the cost of the program as funded by the City.
  - D. The Mayor and the department head are responsible for the implementation and administration of the educational assistance program including the disbursement of funds for travel, lodging, meetings, education, training, food and materials as outlined in ordinance 98-33.
  - E. For policies establishing travel expenses, and reimbursement, see ordinance 98-33.
  - F. Meeting expense and registration fees are to be confirmed by submitting written statements covering same.
  - G. Education expenses confirmed by a statement from the department head, stating the training, time spend, purposes and costs.
  - H. Training expenses confirmed by a statement from the department head, stating the training, time spend, purposes, materials and costs.

- V. Statements for all expenses involved must be turned in to the department supervisor.

## **INCLEMENT WEATHER**

In the event weather conditions occur in which travel to and from work may jeopardize the safety of employees, city offices may be closed at the direction of the Mayor or his/her designee. Employees will be notified appropriately of this action. Where individual circumstances exist, such as longer than average distance of travel to and from the work place, the employee must notify his/her supervisor, and may exercise his/her own judgement in not reporting for work. If city offices are not subsequently closed, this time off will be charged against vacation leave or personal day.

## **POLITICAL ACTIVITY**

City employees are encouraged to support the government in our federal system in an appropriate fashion and in accordance with the constitution, laws, ordinances, and court decisions of our nation and state.

- I. No employee; as a condition of employment or continued employment, shall be required to contribute to or campaign for any candidate for political office.
- II. No employee of the City shall engage in political activity during his/her assigned duty hours or while in uniform.
- III. Any questions relating to contemplated political activity should be directed to the Department Manager in advance of the activity contemplated.

## **OUTSIDE EMPLOYMENT/SECOND JOBS**

The City of Somerset has no objection to employees having a second job as long as the employee meets the performance standards of his/her city job.

## **GRIEVANCE PROCEDURE**

A grievance is an employee's expressed dissatisfaction with something related to his/her job. Employees and supervisors shall work together to resolve any grievances or disputes which may arise. Every attempt shall be made to resolve the grievance informally.

Failing informal resolution, any grievance or dispute which may arise from employment with the City shall proceed in the following manner:

**Step One:**

- I. The employee shall present the grievance in writing to his/her supervisor within five (5) working days of its occurrence. The supervisor shall then attempt to adjust the matter and shall respond to the employee in writing within five (5) working days.
- II. In the event the grievance is the supervisor, the employee shall begin the grievance procedure with the Department Manager.

**Step Two:**

- I. If the grievance remains unadjusted, it may then be presented in writing by the employee to the Mayor within five (5) working days after the response of the supervisor or department head is due. The Mayor shall hear the grievance and respond in writing to the party presenting the grievance within five (5) working days. The decision of the Mayor is final.

**EMPLOYEE TRAVEL EXPENSES AND REIMBURSEMENT**

Any employee of the City of Somerset incurring expense for prior approved city-connected business or travel outside the City shall be reimbursed as outlined in Ordinance No. 98-33.

**SUGGESTION SYSTEM**

City employees are encouraged to submit suggestions that could allow the government to operate more efficiently and effectively. Suggestions should be submitted to the Human Resource Office. The Human Resource Office shall forward them to the Mayor who shall make the recommendation/s to the City Council for approval or disapproval. Employees who submit suggestions that are implemented will receive recognition at the time the suggestion is implemented.



# **DRUG-FREE WORK PLACE POLICY**

## **POLICY STATEMENT**

The City of Somerset, Kentucky approved a policy to maintain a drug-free work place in compliance with the Drug-Free Work Place Act of 1988 (PF 100-690, Title V, Subtitle D). The purpose of this statement is to outline prohibited, on-the-job employee conduct, to make employees aware of the dangers of on-the-job use of drugs and to advise employees of available sources of drug counseling, rehabilitation and employee assistance programs.

Terms used throughout shall be defined as follows:

**"Controlled Substances"** = an illegal drug or controlled substance as defined in attached scheduled 1-V in Section 812 of Title 21 and as supplemented from time-to-time.

**"Conviction"** = a finding of guilt (including a plea of *nolo contendere*) or imposition of service, or both, by any judicial body charged with the responsibility to determine violations of the federal and state criminal drug statutes;

**"Criminal Drug Statute"** = a criminal statute involving manufactured, distribution, dispensation, use of possession of any controlled substance;

**"Employee"** = any individual on the payroll of the City of Somerset, Kentucky working on a full or part-time basis.

## **PROHIBITED EMPLOYEES CONDUCT AND PENALTIES**

The policy states that employees shall not engage in the unlawful manufacture, distribution, dispensation, possession, or use of controlled substance or alcohol on the job, or report to work under the influence of alcohol or controlled substances.

Each employee shall notify his/her supervisor via "confidential" correspondence of any conviction under a criminal drug statute for a drug related violation no later than five (5) days after such conviction. Within thirty (30) days after receipt of such notice of conviction or upon determination in accordance with personnel policies and procedures of on-the-job use of alcohol or controlled substances, the executive authority of the City of Somerset shall:

- I. Take appropriate action against such employee, up to and including, termination from employment; or
- II. Require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency at the expense of the employee.

**Failure of any employee to report such convictions shall be cause for immediate dismissal from employment.**

Employees reporting to work on medication prescribed by their personal physician, which impairs their job performance, are to immediately notify their supervisor of such. They should indicate, via a doctor's note, how the medication would affect the performance of their duty and/or the health and safety of others. Appropriate steps should be taken by supervisors to alleviate any hazards. .

### **DRUG-FREE AWARENESS PROGRAM**

The City of Somerset hereby establishes a Drug-Free Awareness Program to inform employees about:

- I. The dangers of drug abuse in the work place; and
- II. Available drug counseling, rehabilitation, and employee assistance programs.

### **DRUG TESTING**

The City of Somerset has implemented a drug and alcohol substance abuse program. The policy is outlined in detail in Ordinance No. 98-07.

## **GRIEVANCE PROCEDURE FOR COMPLAINTS RELATING TO SUSPECTED OR ALLEGED DISCRIMINATION ON BASIS OF HANDICAPPED STATUS IN THE CITY OF SOMERSET, KENTUCKY**

Any person (employee or citizen) who believes that he or she has been subjected to discrimination may personally or by a representative, file a complaint with the office of the Mayor, Somerset, Kentucky. A person who has not personally been subjected to discrimination may also file a complaint.

When a person (citizens, applicant, or employee) who believes he or she has been adversely affected by an act or decision by the City of Somerset, Kentucky, and that such act or decision was based on handicapped status shall have the right to process a complaint or grievance in accordance with the following procedure:

### **STEP ONE**

An aggrieved person must submit a written statement to the Mayor of Somerset setting forth the nature of the discrimination alleged and facts upon which the allegation is based.

### **STEP TWO**

The Mayor shall contact the complainant no later than fifteen (15) days after receiving the written statement to establish an informal meeting with the objective of resolving the matter informally. However, in no case shall the informal meeting be conducted sooner than five (5) days nor more than forty-five (45) days after receiving the written statement.

There shall be prepared a written documentary of the discussions at the informal meeting, which shall be preserved in the records of the City of Somerset.

### **STEP THREE**

Within fifteen (15) days of the informal meeting, if no decision has been made by the Mayor or the decision of the Mayor does not satisfy the complainant, he or she may request a hearing with the Human Rights Commission by submitting a written request to the Mayor.

### **STEP FOUR**

In thus discussing the grievance, the complainant may designate any person of his/her choice to appear with him or her and participate in the discussion of the grievance, when it is brought before the Human Rights Commission. The Human Rights Commission shall issue a written decision on the matter within fifteen (15) days, and the decision shall be the final procedure for the complainant at the local level.

There shall be prepared a written documentary of the discussion at the hearing, which shall be preserved in the records of the City of Somerset, Kentucky.

## **SEXUAL HARASSMENT POLICY**

The City of Somerset is aware of all the federal and state equal opportunity laws which make it illegal for sexual harassment to occur within the work place. EEOC defines sexual-harassment as "unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature" which constitute unlawful sex discrimination when

- I. Submission to such conduct is either explicit or implicitly a term or condition of an individual's employment;
- II. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; and/or
- III. 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.

If you feel you have been sexually harassed by anyone within City government, please report the situation to your department head immediately. If the person harassing you is your department head, report the situation to the Human Resource Office. Corrective actions will then be taken.

## **SEVERABILITY**

If any provision of these policies and procedures or any provisions of their subsequent application is held invalid, such invalidation does not affect the remainder of this ordinance of its application.

## **DISCLAIMER**

1. Information included in these personnel policies and procedures, classification and compensation plans is not intended to represent a contract, and may be changed by the Council without notice.
- II. The term "Regular Full Time Position" indicates the position(s) in each class created by ordinance. The class(es) and/or number of positions in each may be changed by the Council without notice, and employee(s) occupying the position(s) may be affected by such changes.

## **REPEALER**

Any previous ordinances that apply to personnel shall be explicitly repealed.

**CERTIFICATE OF RECEIPT**

During your first 120 days here, you will be an introductory employee. This is expected to be a period of adjustment and learning. This period should also be considered an employment test. You are not guaranteed employment during the introductory period nor are you guaranteed employment upon the completion of your introductory period.

These Personnel Policies are not a contract of employment. Any individual may voluntarily leave employment and may be terminated by the employer at any time and for any reason. Any oral or written statements or promises to the contrary are hereby expressly disavowed and should not be relied upon by any prospective or existing employee. The contents of these policies are subject to change at any time at the discretion of the employer.

It is your responsibility to be familiar with the contents of these policies and procedures. Its contents will help guide you toward job behavior which reflects credit upon you and the City of Somerset.

I certify that I have received and read a copy of the Personnel Policies and Procedures of the City of Somerset.

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SIGNATURE

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DATE

