

# City of Cleveland



## Personnel Handbook

Mayor Josh Turner

Council Member Nan Bowen, District 1

Council Member Annie Sutton, District 2

Council Member Jeremy McClure, District 3

Council Member CJ McDonald, District 4

Dear Team Member,

Welcome to the City of Cleveland! We are delighted to have you join our dedicated and talented team of employees. Each member of our organization plays an important role in helping us provide exceptional service to our residents and visitors.

The City of Cleveland values the skills, creativity, and commitment of its employees. We strive to maintain an open, supportive, and collaborative work environment where every team member has the opportunity to grow and succeed. Your ideas, energy, and contributions are vital to our continued progress as a community.

This Employee Handbook outlines the City's key policies, procedures, and expectations. It is designed to serve as a helpful resource as you navigate your role within our organization. I encourage you to review it carefully and refer to it often.

Our mission is to deliver outstanding public service and enhance the quality of life for all who call Cleveland home. As you begin your journey with us, I am confident that your work will make a meaningful difference—not only for our City, but for your own professional and personal development as well.

Thank you for choosing to be part of our team. Together, we will continue building a stronger, more vibrant Cleveland.

Sincerely,

A handwritten signature in blue ink that reads "Josh Turner". The signature is written in a cursive, flowing style.

Mayor Josh Turner

## Employee Acknowledgment Form

I acknowledge that I have received a copy of the **Personnel Handbook for City of Cleveland, Georgia**. I understand that it is my responsibility to read, understand, and comply with the policies, procedures, and guidelines contained in the handbook, as well as any future updates or revisions.

I understand that this Personnel Handbook is intended to serve as a general guide to the City's current policies and practices. It does **not** constitute a contract of employment, nor does it guarantee continued employment with the City of Cleveland.

I acknowledge that my employment with the City of Cleveland is at-will, meaning that either I or the City may terminate the employment relationship at any time, with or without cause or notice. No representative of the City, other than the City Manager, has the authority to enter into any employment agreement that alters the at-will relationship, and any such agreement must be in writing and approved by the Mayor and City Council.

I understand that the policies and procedures contained in this handbook may be modified, amended, or revoked at any time at the sole discretion of the City of Cleveland. Any such changes will supersede, modify, or replace existing policies as appropriate.

I further understand that I should contact my Department Head or the City Manager if I have any questions regarding information or policies contained in this handbook.

By signing below, I acknowledge that I have received and reviewed the City of Cleveland Personnel Handbook and understand the information outlined above.

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

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

# THE CITY OF CLEVELAND WIRELESS/ MOBILE DEVICE AGREEMENT

By signing below, I acknowledge that I have received, read, and understand the following terms and conditions regarding the issuance and use of a City-provided wireless/mobile device.

## 1. Conditions of Use

I understand and agree to comply with all City policies and procedures related to the issuance and use of City wireless/mobile devices.

## 2. Safe Operation

I will not use a City wireless/mobile device in an unsafe manner while operating a motor vehicle or any other City equipment. I will also exercise the same safety considerations when operating my personal vehicle.

## 3. Care and Maintenance

I agree to exercise good judgment and proper care in maintaining all tools and equipment assigned to me, including wireless/mobile devices.

*Example: Avoid placing the device in areas where it may be exposed to liquids or damage, such as a vehicle cup holder.*

## 4. Loss or Damage

I understand that if a wireless/mobile device assigned to me is lost or damaged, I may be responsible for replacement costs unless I can provide sufficient evidence that the loss or damage occurred beyond my control. Exceptions may be granted by the Department Director.

## 5. Personal Use

I understand that City-issued wireless/mobile devices are provided for official City business. Occasional, minimal personal use may be permitted in limited or emergency situations.

I acknowledge that all wireless/mobile device billings are subject to City audit and may be reviewed under the Georgia Open Records Act.

## 6. Policy Compliance

I agree to comply with all requirements of the City of Cleveland Utilization of Technologies Policy and any other related policies governing the use of City-issued devices.

## 7. Noncompliance

I understand that failure to adhere to any part of this agreement may result in disciplinary action, including but not limited to the revocation of wireless/mobile device privileges.

Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Agreed to this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

~~Proposed for consideration-December 1, 2025.~~

City of Cleveland

Last approved changes January 6, 2025

Version 251201\kjh

FOR INTERNAL USE:

To Be Completed By The **City Manager's** Designee and Employee

Name of Employee:

\_\_\_\_\_

Department:

\_\_\_\_\_

Wireless/Mobile Device Issued:

Make:

\_\_\_\_\_

Model:

\_\_\_\_\_

ESN/IMEI#:

\_\_\_\_\_

SIM#:

\_\_\_\_\_

Phone Number:

\_\_\_\_\_

Accessories:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date Issued:

\_\_\_\_\_

Issued By:

\_\_\_\_\_

CITY OF CLEVELAND  
PERSONNEL POLICY  
TABLE OF CONTENTS

SECTION 1 - PURPOSE AND SCOPE (PAGE 1)  
SECTION 2 – EMPLOYMENT POLICIES AND PRACTICES (PAGE 8)  
SECTION 3 - SEXUAL HARASSMENT (PAGE 11)  
SECTION 4 - COMPLAINT PROCEDURE AND INVESTIGATION (PAGE 13)  
SECTION 5 - CORRECTIVE ACTION (PAGE 14)  
SECTION 6 - RECRUITMENT (PAGE 16)  
SECTION 7 - ATTENDANCE AND WORK HOURS (PAGE 24)  
SECTION 8 - WAGE AND SALARY ADMINISTRATION (PAGE 34)  
SECTION 9 - TRAINING AND DEVELOPMENT (PAGE 39)  
SECTION 10 - EMPLOYEE BENEFITS (PAGE 43)  
SECTION 11 – TIME OFF (PAGE 49)  
SECTION 12 - EMPLOYEE DISCIPLINE (PAGE 63)  
SECTION 13 – TECHNOLOGY AND SOCIAL MEDIA (PAGE 69)  
SECTION 14 - EMPLOYEE RESPONSIBILITIES AND CONDUCT (PAGE 90)

## SECTION 1 - PURPOSE AND SCOPE

### 1.1 INTRODUCTION

The City of Cleveland, in order to provide an inclusive, equitable, and productive work environment, has established the City's Personnel Policies and Procedures for City of Cleveland employees. These Policies and Procedures have been enabled by an ordinance adopted by the Mayor and Council of the City of Cleveland. The policies and procedures contained herein are enacted in order to further the following goals:

- To provide a uniform system of human resources administration throughout the City government;
- To ensure that recruitment is from a broad, qualified group of candidates and leads to a competent and committed workforce;
- To ensure that selection, placement, promotion, retention, and separation of employees are not only based upon individual employees' qualifications and/or job performance, but are also in compliance with all applicable federal, state, and local laws;
- To assist City management in the development and implementation of sound management practices and procedures and to make effective, consistent use of human resources throughout the City;
- To promote better communication and understanding between City management, department heads, supervisors, and employees; and
- To ensure, protect, and clarify the rights and responsibilities of City employees.

These personnel policies serve as a general guide to the City of Cleveland's current employment practices and procedures. As such, we hope they will help you better understand how the City operates and what is expected of you as an employee. These policies also describe what the City provides in terms of compensation, benefits, and other support.

The City places the highest value on our employees and their wellbeing. We want to see that you are a satisfied worker, with the support necessary to achieve the objectives of your position. Only in this manner can your contribution to the City organization be the most productive.

It is our belief that when consistent personnel policies are known and communicated to all, the choices for greater job satisfaction increase. We encourage you to read these policies. If you

have any questions, contact the City Clerk. As you have ideas or suggestions for improvement, please do the same.

We hope a mutual respect and support will allow you to reach the full potential of your position making productive contributions for the continued growth of the City.

## 1.2 INTENT OF POLICIES

These policies are not intended to be a contract, express or implied, or any type of promise or guarantee of specific treatment upon which you may rely, or a guarantee of employment for any specific duration. Although we hope that your employment relationship with us will be long-term, we recognize that things may not always work out as planned, and either party may decide to terminate the employment relationship.

## 1.3 AUTHORITY

### A. General

Except for matters reserved by state law or by the City charter to the Mayor and City Council, the general and final authority for personnel administration rests with the **City Manager**. This Personnel Handbook provides statements of policy and establishes required procedures relating to personnel administration that are necessary to manage City operations effectively and efficiently. It is issued by the **City Manager** under the authority of the Mayor and City Council.

### B. Scope of Authority

The **City Manager** possesses the authority to administer City operations. The **City Manager's** authority includes, but is not limited to:

- 1) Appoint and supervise all City employees and administrative officers except as otherwise provided by law or by personnel ordinances adopted pursuant to the Charter;
- 2) Discipline, discharge, or release of employees pursuant to the procedures described in this handbook and except as otherwise provided by law or personnel ordinances adopted pursuant to the Charter;
- 3) Shall direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by the Charter or by state law;
- 4) Direct the workforces;

- 5) Hire, assign, or transfer employees;
- 6) Propose the salaries and compensation of all employees of the City, except those excluded by charter and directly reporting to the Mayor and City Council;
- 7) Determine the mission of City departments;
- 8) Determine the methods, means, and allocation and/or assignment of personnel needed to carry out the City's mission;
- 9) Introduce new or improved methods or facilities or change such methods or facilities;
- 10) Determine reasonable work schedules and establish the methods and processes by which such work is performed; and
- 11) Require the performance of duties stated and intended in job descriptions, with the understanding that every duty is not always described.

#### 1.4 ADMINISTRATION OF POLICY

Proper policy administration includes selecting goals and encouraging the performance of duties above the minimum standards. The provisions of this Handbook create high standards of conduct so that training and performance can be aimed at the highest levels and may in appropriate cases, be the basis for internal discipline. This personnel handbook provides general information about City policies, procedures, expectations, and benefits. The information in this handbook, however, cannot anticipate every situation or answer every question regarding your employment. Therefore, the policies set forth in this Handbook may not cover all situations. Department Heads or his or her designee, in collaboration with the Mayor and Council and **City Manager**, are responsible for administering these personnel policies and procedures in their departments. All actions of these Department Heads, in administering these personnel policies and procedures, are subject to review and approval of the Mayor and Council.

The intent of this personnel policy handbook is to comply with all applicable federal and state laws. In the event of a change in law or a conflict in federal or state law with the contents of this handbook, the federal and/or state law shall control the policies contained within this handbook.

#### 1.5 "AT WILL" EMPLOYMENT

- (a) All employment relationships are at the will of the City of Cleveland and the employee. Employees may resign or quit at any time for any or no reason, with or without cause or notice.

Similarly, the City of Cleveland may discharge an employee at any time for any reason, with or without cause or notice.

(b) These Personnel Policies and Procedures have been voluntarily established by the Mayor and Council and are not intended to and do not create an employment contract between the City and its employees. Your employment is for no specified period of time, and this Handbook does not limit your right or the City's right to terminate your employment at any time for any reason or for no reason.

## 1.6 DEPARTMENTAL OPERATING RULES

Departmental operating rules and regulations related to employment matters, not in conflict with this Handbook, may be used and/or established by the Department Head. Department policies and procedures will be in writing and approved the **City Manager** and/or the City Clerk for conformance to the personnel policy.

All such departmental operating rules and regulations and subsequent amendments thereto pursuant to this Section shall be submitted to the City Clerk within ten (10) days of their adoption by the department. To the extent there are any questions as to the controlling rule, the rule requiring the most stringent level of employee performance shall govern.

## 1.7 REVISIONS TO HANDBOOK

This handbook may be amended in whole or in part from time to time at the sole discretion of the City in order to maintain legal compliance, operative effectiveness, and desired workplace conditions. Changes or revisions can be made to Policies and Procedures at any time by an ordinance adopted by the Mayor and Council of the City of Cleveland. Amendments will be made available to all employees upon adoption. Scrivener errors may be corrected by the **City Manager** or his/her designee, but Council members should be informed of these revisions in a timely fashion. Employees must sign an acknowledgment form that policy changes and additions have been received and reviewed.

## 1.8 DEFINITIONS

The following words and phrases shall have the following meanings. All other words not defined herein shall have the common and ordinary dictionary meanings unless a different meaning is required by the context.

(a) Compensation

Standard rates of pay, which have been established for the respective classes of work, as set forth in the pay plan.

(b) Days

Unless otherwise provided, "days" refers to business days, rather than calendar days or shift days.

(c) Demotion

Demotion is defined as the change from an employee's position to one with a lower maximum salary. Demotions may be to one or more levels of pay or responsibility lower than the current employee status.

(d) Department

The recognized departments for the City of Cleveland:

- Administration
- Economic Development and Planning
- Fire
- Police
- Public Works
- Water Resources

(e) Department Director

The highest administrative employee of a department, whether indicated as Director, Chief, or other job title or rank.

(f) Employee

- Regular Full-time Employee: Any employee filling an approved, budgeted position with a regularly scheduled work week of at least thirty (30) hours per week.

- Regular Part-time Employee: Any employee filling an approved, budgeted position with a regularly scheduled work week of less than thirty (30) hours per week.
- Temporary Employee: Any employee filling a position for a specified length of time, for either long- or short-term work assignments.

(g) Exempt Employee

An employee is defined according to the federal Fair Labor Standards Act (FLSA) to be subject to equal pay provisions but exempt from minimum wage and overtime pay provisions. Exempt employee's compensation is based on an annual salary basis and there is no compensation for hours worked more than the defined work week schedule.

(h) Immediate Family Member

For purposes of this handbook, an immediate family member is defined as follows:

- Spouse
- Son
- Daughter
- Father or Father-in-law
- Mother or Mother-in-law
- Sister or Sister-in-law
- Brother or Brother-in-law
- Grandfather
- Grandmother
- Other person(s) who reside(s) in the employee's household and/or who is recognized by law as a dependent of the employee.

(i) Non-Exempt Employee

An employee is defined according to the FLSA to be subject to equal pay, minimum wage, and overtime provisions.

(j) Offensive

Any item, material, action, or verbal/written type of language that is likely to be perceived as insulting by a listener or reader—an affront to that particular individual or to an entire group of like individuals—whether or not an offense was intended. Offensive definitions are behavioral definitions, not legal or criminal definitions, and based on our community's stan.

(k) On-the-Job Injury

An injury arising out of employment or sustained in the course of employment.

(l) Overtime Rate

The overtime rate of pay is one and one-half (1½) times the regular rate of pay for non-exempt employees meeting their perspective overtime rules.

(m) Probationary Period (same as orientation period)

A period of six (6) months provided to allow the Mayor and Council, City Clerk, City Manager and Department Manager an opportunity to evaluate a new employee's performance and to decide whether or not the employee is to be retained.

(n) Promotion

A promotion is defined as the change on an employee's position to one with a higher maximum salary level.

(o) Reassignment

Reassignment is defined as the movement of an employee within the classification plan not otherwise covered by demotion, promotion, or reclassification. The terms reassignment and transfer may be used interchangeably.

(p) Reclassification

A position whose classification is altered due to job duties and responsibilities. Reclassifications can be to a higher, lower, or same pay grade.

(q) Supervisor

The term supervisor shall apply to any employee in an administrative or supervisory position directly responsible for the supervision and direction of an employee. Department Directors and the City Manager should be understood to be supervisors of individuals who report directly to them.

(r) Unauthorized Absence

Failing to report for duty or failure to remain at work as scheduled without proper notification, authorization, or excuse.

## SECTION 2 - EMPLOYMENT POLICIES AND PRACTICES

### 2.1 EQUAL EMPLOYMENT OPPORTUNITY

The City maintains a policy of non-discrimination with employees and applicants for employment. The City will not unlawfully discriminate in any aspect of employment based on race, color, religion, gender, sex, age, marital status, national origin, pregnancy or related medical condition, veteran status, sexual orientation, disability, or any other basis prohibited by federal, state, and local laws. This policy applies to all terms and conditions of employment including, but not limited to hiring, placement, promotion, termination, reduction in force, recall, transfers, leaves of absence, compensation, and training. The City will reasonably accommodate qualified disabled applicants and employees as required by law.

### 2.2 BREASTFEEDING POLICY

In recognition of the well-documented health advantages of breastfeeding for infants and mothers, the City of Cleveland provides a supportive environment to enable breastfeeding employees the opportunity to express their milk during work hours.

The City of Cleveland subscribes to the following worksite support policy. This policy supports Georgia Code- Labor and Industrial Relations- Title 34, Section 34-1-6

As stated in the Georgia Code, an employer (with one or more employees) shall provide reasonable unpaid break time each day to an employee to express breast milk (pump) for her infant child. The City of Cleveland will make reasonable efforts to provide a room or other location, other than a restroom, where the employee can pump in privacy. The break time shall, if possible, run concurrently with any break time already provided to an employee. An employer is not required under state law to provide time under this Code section if doing so would unduly disrupt the operations of the employer.

### 2.3 WORKPLACE DISCRIMINATION AND HARASSMENT POLICY

It is the policy of the City of Cleveland that harassment, bullying, and discrimination of any kind will not be tolerated, and complainants will be protected from reprisal. Employees and non-employees are encouraged to come forward confidentially to discuss any situation that they

deem inappropriate. The City of Cleveland expressly prohibits any form of unlawful employee harassment based on race, color, religion, gender, sex, age, marital status, national origin, pregnancy or related medical condition, veteran status, sexual orientation, disability, or any other basis prohibited by federal, state, and local laws. Improper interference with the ability of City of Cleveland employees to perform their expected job duties will not be tolerated.

## 2.4 DISCRIMINATORY HARASSMENT

The Equal Employment Opportunity Commission (EEOC) defines harassment as verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, gender, national origin, age, sexual preference or disability, or that of his or her relative, friends, or employees, and that;

- (a) has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
- (b) the purpose or effect of unreasonably interfering with an individual's work performance; or
- (c) otherwise adversely affects an individual's employment opportunities.

All employees, supervisors, department heads, and elected officials are expected to avoid any behavior or conduct that could reasonably be interpreted as harassment. Any form of harassment related to an individual's race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or another protected group status, is a violation of this Policy and will be treated as a disciplinary matter. For purposes of this Policy, the term "discriminatory harassment" shall be construed consistent with applicable law and may include, but is not limited to, any of the following:

- (a) Offensive remarks, comments, jokes, or slurs pertaining to an individual's race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or another protected group status;
- (b) Offensive pictures, drawings, posters, photographs, reading materials, computer monitors, or other tangible items, or communications including e-mail, that are reasonably offensive or that reasonably exploit an individual's race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or another protected group status;

(c) Threatening reprisals based on an employee's race, color, national origin, religion, sex, gender, disability, age, veteran status, citizenship, sexual orientation, or another protected group status; or

(d) Conduct that has the purpose or effect of unreasonably interfering with an individual's work performance and/or conduct that creates an intimidating, hostile, or offensive working environment.

## 2.4 GEORGIA OPEN RECORDS ACT

As public servants, employees of the City of Cleveland are subject to the Georgia Open Records Act (**Georgia Open Records Act, § 50-18-70, et seq**). Under this act, **all public records** are available for inspection and copying unless they are specifically exempted from disclosure under the law. This law outlines the process for how members of the public can request and inspect governmental records. According to O.C.G.A. § 50-18-70 (b)(2), the term "public record" includes "all documents, papers, letters, maps, books, tapes, photographs, computer based or generated information, data, data fields, or similar material prepared and maintained or received by an agency or by a private person or entity in the performance of a service or function for or on behalf of an agency or when such documents have been transferred to a private person or entity by an agency for storage or future governmental use."

It is important to remember that any Microsoft documents, emails, phone records, texts, and any items identified in § 50-18-70 are subject to public review and the general public.

## SECTION 3 - SEXUAL HARASSMENT

### 3.1 DEFINITION

The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964, including and not limited to, unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for an employment decision, and
3. Such conduct has the purpose or effect to interfere with an individual's work performance or create a hostile or intimidating environment.

### 3.2 QUID PRO QUO

Quid Pro Quo literally means "this for that" and exists when submission to, or rejection of, such conduct is used as a basis for employment decisions such as raises or promotions or affects public services.

### 3.3 HOSTILE ENVIRONMENT

Hostile Environment includes, but is not limited to, any lewd sexual conduct, pictures, words, or touching that interferes with a person's job performance or creates an intimidating, offensive working, or public service environment even if there are no occurrences of tangible or economic loss.

### 3.4 PROHIBITED BEHAVIOR

Behavior prohibited by this policy can include but is not limited to unwelcome sexual remarks or compliments, sexual jokes, sexual innuendo or propositions, sexually suggestive gestures or facial

expressions, sexual remarks about a person's clothing or body, exhibiting sexually explicit publications or materials, kissing, touching, and sexual contact.

## SECTION 4 - COMPLAINT PROCEDURE AND INVESTIGATION

If an employee feels that this policy has been violated, regardless of whether it is by a fellow worker, a supervisor, or a member of the general public, the employee should ask the offender to immediately stop the behavior. The employee will then report the incident(s) immediately to their department director. If the department director is involved in the behavior, the report should be made to the City Clerk. If the City Clerk is involved in the behavior, then the behavior should be reported to the **City Manager** or his or her designee. If the **City Manager** is involved in the behavior, then the behavior should be reported to the Mayor or his or her designee.

Any supervisor who receives a complaint related to harassing or offensive behavior or who has reason to believe that such behavior is occurring shall report these concerns to the City Clerk or to the **City Manager** or his/her designee. At any point, the employee who feels they have been harassed, may go outside the chain of command of their department and go to the City Clerk or the **City Manager**, or his/her designee.

All reports of harassing or offensive behavior will be investigated promptly, fairly, and discreetly. Investigatory procedures may vary from case to case depending upon the circumstances. The investigation will be conducted as confidentially as possible. All employees have a responsibility both to cooperate fully with the investigation and to keep the matter confidential whether the employee is the accused person, the complainant, or merely a potential witness. Persons who are interviewed are prohibited from discussing the matter outside the course of the investigation with co-workers, friends, or management. The City will keep the information it gathers as confidential as possible, consistent with state and federal laws and the needs of the investigation.

## SECTION 5 - CORRECTIVE ACTION

If management concludes that a complaint of harassment has merit, appropriate action will be taken. Resolutions can include, but not necessarily be limited to, an apology, a transfer, direction to stop the offensive behavior, counseling or training, verbal or written warning, suspension with or without pay, or termination. In the event that harassment or offensive behavior reoccurs, it should immediately be reported to the City Clerk or to the **City Manager** or his/her designee. Any employee found to be acting in a harassing manner will be subject to disciplinary action up to and including termination. Non-employees may be reported to the appropriate law enforcement agency and/or barred from the premises.

### 5.1 SUPERVISOR/MANAGEMENT RESPONSIBILITY

A. Conduct of a harassing nature by a supervisor or Department Head is particularly unacceptable and will not be tolerated. Department Heads are strictly prohibited from making any employment decision, directly or indirectly, based upon submission to, or rejection of, a request for a sexual favor. Department Heads are also strictly prohibited from engaging in any conduct that could reasonably be construed by another employee as threatening, offensive, or intimidating so as to constitute a hostile working environment in violation of this policy. Any supervisor or Department Head who engages in such conduct shall be subject to disciplinary action, up to and including termination.

B. It is the responsibility of each supervisor and Department Head of the City of Cleveland to maintain a workplace free of sexual and other unlawful harassment. This duty includes discussing this policy with all employees and assuring them that they are not to endure insulting, degrading, or exploitative sexual or unlawful harassing treatment in violation of this policy, and to immediately report perceived violations of the policy.

C. Any supervisor, Department Head, or employee who retaliates against an individual or a witness for exercising his or her right to report sexual or other unlawful harassment shall be subject to severe disciplinary action, up to and including termination.

## 5.2 EMPLOYEE RIGHTS AND RESPONSIBILITIES

A. No employee who, in good faith, exercises his/her right to make a complaint of sexual or other unlawful harassment will be subjected to any retaliatory act or incur any penalty or adverse consequence. Unlawful harassment in the workplace will not be tolerated and employees, who believe they have experienced such harassment, or have witnessed the harassment of another, have an obligation to report such unlawful conduct immediately.

B. Any employee who knowingly or recklessly makes a false statement during a sexual or other unlawful harassment investigation will be subject to disciplinary action, up to and including termination.

C. Refusal to cooperate in an investigation of possible sexual or other unlawful harassment shall be considered insubordination.

## SECTION 6 - RECRUITMENT

The recruitment and selection of high-quality employees is critical to the objectives and continued success of the City in providing services to the community. This guidance is provided to assist Department Heads to recruit and select the best candidate in a fair, equitable, and consistent manner and in accordance with all applicable laws.

### 6.1 RECRUITMENT PROCESS

Every reasonable effort will be made to attract qualified applicants for available jobs, to include posting announcements in public places, and publishing them in the local newspaper or other media as needed.

When a position becomes vacant or when a new position is requested, the Department Head shall review the position, its job description, and the need for such a position prior to any posting or advertisement of the vacancy. The Department Head will prepare and submit a written request to fill the position to the City Clerk. In consultation with the **City Manager** and the City Clerk, the City Clerk, as Personnel Officer, advertises all positions for all departments in a public place and/or newspaper serving the City, or other media as needed.

### 6.2 APPLICATION PROCESS

All applications must be fully completed, signed, and dated by the applicant to be considered. Resumes may be submitted in addition to the application but will not replace such. Any applicant supplying false or misleading information is subject to immediate disqualification or termination, if hired.

The City Clerk provides a list of viable applications to the appropriate Department Heads. The Department Head will select a hiring panel consisting of two or more people including the City Clerk. During the interview, the panel will use pre-selected questions. Panelists are free to ask follow-up or probing questions prior to making their final selection. The Mayor and Council interview and select employees for department head positions.

Unsolicited applications will be taken at any time at City Hall and will be considered if positions become available for which the applicants are qualified. They will be held and considered for no longer than three (3) months.

### 6.3 PRE-EMPLOYMENT PROCESS

Applicants for positions for which the applicant is expected to operate a motor vehicle must be at least eighteen years old and will be required to present a valid Georgia State driver's license upon employment with any necessary endorsements. Driving records of applicants may be checked. Applicants with poor driving records, as determined by the City, may be disqualified for employment with the City in positions requiring driving, the operation of vehicles or equipment.

The City may conduct certain background procedures as required by law or City policy. Applicants must undergo a criminal background check and a driver's history record will be obtained. Applicants may be disqualified from employment due to information contained in these reports. The City may administer pre-employment examinations to test the qualifications and ability of applicants, as determined necessary by the City. The City may contract with any competent agency or individual to prepare and/or administer the examination.

After an offer of employment has been made, and prior to commencement of employment, the City will require persons selected for employment to successfully pass a medical drug screening to test for use of drugs. The offer of employment may be rescinded based on the results of the drug-screening.

If the applicant tests positive for prescription drugs, a copy of the prescription written for the applicant prior to the drug screening must be presented prior to the applicant starting work.

### 6.4 TEMPORARY EMPLOYEES

With the approval of the Department Head, temporary employees may be hired to temporarily replace regular employees on approved leave, when the workload exceeds the ability of the normal staff to accomplish the work on a timely and quality basis, or to temporarily fill a vacancy until a regular employee is hired. Temporary employees may be hired without competitive recruitment or examination, although all hiring processes must comply with state and federal laws.

Temporary employees are eligible for overtime pay as required by law. Temporary employees do not receive retirement, paid time off (PTO), health insurance, holidays, or any other benefits not required by law.

An employee promoted or hired to fill a vacancy created by a person on leave generally is appointed to the position subject to the return of the absent employee. A temporary employee is subject to layoff if no other appropriate position is available upon return of the employee whose position was temporarily being filled.

#### 6.4 PART-TIME EMPLOYEES

With the approval of the **City Manager** and through the budget process, part-time positions may be created on an as needed basis. Part-time employees filling an approved, budgeted position with a regularly scheduled work week of less than thirty (30) hours per week. Part-time employees may be classified as temporary employees or regular employees. Part-time employees not classified as temporary employees may be eligible for work

#### 6.5 PROBATIONARY PERIOD

All full-time appointments of staff, including new hires, promotions, transfers, and re-hires, are made on a trial basis of 6 months, which is considered an integral part of the selection and evaluation process. Public safety staff will have a 12-month probationary period. In this handbook, Probationary Period is interchangeable with Orientation Period. The "Probationary Period" provides the employee an opportunity to demonstrate his/her suitability for the position through actual work performance and it provides the City an opportunity to evaluate the employee's ability to meet the demands of the position and become a contributing member of the City. Extensions of the standard 180 days probationary period may be approved by the **City Manager** to properly evaluate the employee's performance. The probationary period will not be less than 180 days for any reason. No probationary period will extend beyond 12 months.

An employee may be dismissed at any time during the probationary period. The employee, if dismissed during the probationary period, shall not be entitled to exercise the right to appeal for their dismissal.

## Evaluation

During the orientation period, the department head may discuss the performance of the employee with the employee monthly. At the conclusion of the orientation period, the department head shall prepare a performance evaluation stating "satisfactory" or "unsatisfactory" and recommend that employment be continued or terminated. The employee will be notified no later than the last day of the orientation period whether his/her employment will be continued or terminated.

The Cleveland Police Department procedure for evaluations, during the orientation period, is referenced in the Cleveland Police Department Standard Operating Procedures.

## Completion

Upon successful completion of the orientation period, the employee will be considered as being capable of performing satisfactorily in that position and will be offered continued employment.

## 6.6 EMPLOYMENT OF IMMEDIATE FAMILY (NEPOTISM)

The immediate family of current City employees and current City Council Members will not be employed by the City where:

1. One of the parties would have authority (or practical power) to supervise, appoint, remove, or discipline the other.
2. One party would handle confidential material that creates improper or inappropriate access to that material by the other.
3. One party would be responsible for auditing the work of the other.
4. More than one family member is employed in the same department.
5. Other circumstances exist that might lead to potential conflict among the parties or conflict between the interest of one or both parties and the best interest of the City.

"Immediate family" is defined in the Personnel Handbook in Section 1.8. This policy applies to promotions, demotions, transfers, reinstatements, and new employees, but shall not affect any employee who may be in violation as of the effective date of these policies.

No employee will be penalized as a result of a departmental reorganization which places him/her in violation of this policy.

## 6.7 EMPLOYEES OF OTHER AGENCIES

Employees of other agencies who may be providing services to the City of Cleveland under inter-local or other agreements shall not be considered employees of the City even if they are supervised or assigned work by City personnel.

## 6.8 EMPLOYMENT OF FORMER EMPLOYEES

When former employees apply to be rehired, they will be evaluated on the same basis as all other applicants. Consideration will be given to past job performance, the circumstances surrounding termination of previous employment and the former employee's ability to meet the job requirements of the position.

Employees rehired within three (3) months after separation may have their service bridged. This means that the employee may retain the original date of hire and may continue to accrue benefits (Paid Time Off (PTO)) at the same rate as before separation. Insurance benefits, previously in effect, may continue also.

Employees rehired after a break of service of more than 90 consecutive days will receive a new date of hire. They will be treated the same as new employees for all benefits.

## 6.9 EMPLOYEE PERSONNEL RECORDS AND PRIVACY

A personnel file is maintained for each employee of the City. The official personnel files for all employees are located at City Hall and under the direct supervision of the City Clerk. Medical/I-9, Workers Compensation Files, Medical records, medical information related to ADA or FMLA documents necessary for the administration of employer benefit programs, and any investigatory information will be kept in a separate confidential file. I-9 forms & Workers Compensation documents are each maintained in separate files.

---

### 6.9.1 HIPPA

The private and confidential use of such information will be the responsibility of all individuals with job duties requiring access to protected health information (PHI) in the course of their jobs.

---

## 6.9.2 ACCESS TO PERSONNEL FILES

An employee has the right to review and request copies of their personnel files. These requests will be facilitated by the City Clerk.

Personnel files are kept confidential to the maximum extent permitted by law. Access to personnel files is conducted in accordance with the Open Records Act of Georgia.

---

## 6.9.3 REFERENCE REQUESTS AND INFORMATION REQUESTS

If employees wish the employer to verify information requested by outside sources for credit or other purposes, an authorization and release form with the employee's signature must be on file prior to release of requested information.

Written Inquiries: If the request for information is in writing, salary information will be verified. This verification will be in writing and a copy retained in the employee's file.

---

## 6.9.4 FILE RETENTION

Originals of all personnel records will be maintained and retained for as defined in the City's records retention schedule.

## 6.10 RECLASSIFICATIONS

Reclassifications include promotions, demotions, and lateral changes within a job classification.

---

### 6.10.1 PROMOTIONS

The City encourages current City employees to apply for vacant City positions for which they are qualified. Promotions and transfers are based on qualifications and documented performance. Receipt of a promotion or transfer does not constitute commitment for continued employment in the new position, nor is there a guarantee that the employee will be able to return to their former position if they are unsuccessful in the new job.

A promotion is the filling of a vacancy by the advancement of a regular employee from a position of a lower class having a salary range lower than the salary ranges of the vacant position to which the employee is being promoted.

No employee shall be promoted until the completion of the orientation period in their current position.

An employee who is promoted shall not be required to serve an orientation period in the higher position.

Promotion will be contingent upon meeting the minimum qualifications of training and experience for the higher position.

Promotions are recommended by the Department Heads and approved by the **City Manager**. Department Heads will be selected by the Mayor and City Council through an application or appointment process.

---

#### 6.10.2 LATERAL RECLASSIFICATION

Lateral reclassifications (change in job title, but no change in job grade) and lateral transfers (change in location, but no change in job title or job grade) will not warrant a pay increase. Any exception will require prior approval of the **City Manager** or his/her designee.

A transfer is the movement of a regular or orientation period employee to another comparable position. The position to which the transfer is made may be within the same class or department or in a different class or department, provided the salary ranges are the same.

Interdepartmental transfers must be recommended by department heads and approved by the **City Manager**.

An employee transferred in accordance with the provisions of these policies shall maintain the same status (regular or orientation period) as held in the previous position.

In the case of a transfer to a position in a different class or department, the employee must meet the minimum qualifications of the new position.

---

### 6.10.3 DEMOTION

A demotion is a reduction of a regular or orientation period employee to a position of a lower class with a lower salary range. A demotion may be made as a disciplinary action or on a voluntary or involuntary basis provided the employee meets the minimum qualifications for the newly assigned position.

An employee serving an initial orientation period may be demoted for any reason or without reason. An employee serving a promotional orientation period may be demoted to his/her previous position for any reason or without reason.

A regular or orientation period employee may request a demotion for personal or other reasons; such will constitute a voluntary demotion.

A Department Head may recommend a demotion; the **City Manager** must approve the action.

In the event of an involuntary demotion or a disciplinary demotion of a regular employee, the employee has the right to appeal such action. The department head shall notify the employee in writing of the right to appeal as provided in Section 9 of these Personnel Policies and Procedures.

---

### 6.10.4 SEPARATIONS

**Resignations:** Resignation of any employee should be made in writing, no less than two (2) weeks prior to effective date, to the City Clerk or another department head, who shall notify the **City Manager** of such resignation. The City Clerk and other department heads should submit their written resignations to the Mayor and Council. The department heads, with approval from the Mayor and Council, have the right to not allow an employee to work a two-week notice.

**Separation during Orientation Period.** At any time during an orientation period, an employee may be separated from his/her position without the right of appeal or hearing, and without notice.

**Dismissals.** The Mayor and Council, upon notice in writing delivered to an employee, may dismiss any regular employee as defined in Section 9.

**Death.** The Department Head shall report to the Mayor and Council the death of an employee as of the date of death.

**Job Abandonment.** An employee who is absent from work for three (3) consecutive days without having received leave approval or voluntarily fails to call to report the absence will be considered as voluntarily abandoning his/her job. The separation will be recorded as "not in good standing" and may affect the receipt of accrued benefits.

**Reduction in Force (Lay-off).** The **City Manager**, upon recommendation of a department head, may lay off an employee for reason of shortage of work or funds; the abolition of a position, department or portion of a department; or other material change in duties or organization.

The order in which employees are to be laid off shall be determined by City needs and priorities, and the department heads shall file a written listing of employees to be laid off with the **City Manager** prior to taking such action. Laid off employees will be given preference in a recall.

**Suspensions** Any regular employee being suspended in accordance with the provisions of these policies shall be provided with a written notice of suspension.

Suspension without Pay. A regular employee may be suspended without pay for a disciplinary reason for a period not to exceed ten (10) days. An orientation period employee may be suspended without pay with or without a reason prior to action.

## SECTION 7 - ATTENDANCE AND WORK HOURS

### 7.1 POLICY STATEMENT

The City's standard workweek for administration is Monday through Friday from 8:00 a.m. to 5:00 p.m. with a one-hour unpaid lunch period. City Hall does not close during the lunch hour unless approved by the **City Manager**. Public works employees generally work from 8:00 a.m. to 4:00 p.m., with a thirty (30)-minute lunch break. Department Heads may vary working hours of any employee to meet the needs of the City. A normal working schedule for regular, full-time employees consists of forty hours each workweek. Different work schedules may be established by the Department Head to meet job assignments and provide necessary City services with approval of the **City Manager**. The Department Head is responsible for advising the employee of his/her specific working hours. Part-time and temporary employees will work hours as specified by their Department Head.

The Cleveland Police Department personnel may work up to 171 hours in a twenty-eight (28) day period.

The Cleveland Fire Department personnel may work up to 212 hours in a twenty-eight (28) day period.

Attendance for non-exempt employees is recorded on timecards. Employees should clock in when reporting to work and clock out when leaving for lunch or other personal business and at the end of the workday. Employees failing to accurately record time worked are subject to discipline.

Maintaining good attendance is a condition of employment and an essential job function of every employee. An employee will refrain from unauthorized absences or tardiness; abusing PTO; absences or tardiness that causes significant disruption of service, and excessive amount of time off the job, regardless of reason. An employee absent from the job without proper authorization for three consecutive workdays is considered to have resigned their position, unless exigent circumstances are demonstrated upon review on a case-by-case basis.

Hourly computations for the purpose of compensation and the use of PTO will be computed in quarter hour increments for non-exempt employees.

An Employee Attendance Record will be kept by the City Clerk and/or department head. This will record the attendance of an employee including un-excused absences and tardiness. The rating system will read as follows:

- Three tardiness in one month equal one absence.
- Leaving before your scheduled shift ends more than twice in a month will be counted as one absence.
- Unsatisfactory attendance/tardiness performance could result in appropriate disciplinary action; including suspension, demotion, and termination.
- Three (3) consecutive days without notice (calling-in) would be considered "Job abandonment" and would result in termination.
- An "unexcused absence" is defined as a non-emergency absence or a personal leave absence that is not prescheduled.

### **Attendance Classification**

#### **During a 6-month period**

#### **Unexcused absence –**

<u>Days</u>	<u>Rating</u>
0	5 – Outstanding performance/Little room for improvement
1	4 – Exceeds acceptable standards
2-3	3 – Meets acceptable standards
4-5	2 – Needs Improvement
6 or more	1 – Unacceptable/At risk

## 7.2 ALTERNATIVE WORK SCHEDULES

### (a) General Provisions

Subject to operational requirements, regular full-time employees may be permitted to work an alternative work schedule that allows the employee to work outside the normal work hours of 8:00 a.m. to 5:00 p.m. Monday through Friday.

(b) Approval Process

Any change in an employee's work schedule must be agreed to in writing by the department director and the employee prior to implementation. In addition, the City Manager must approve any change in an employee's work schedule to ensure there is no conflict with statutory/regulatory requirements or City policy.

(c) Restrictions

- The City may cancel or suspend an employee's alternative work schedule privileges at any time, for any or no reason with the approval of the City Manager.
- Daily and weekly work schedules can be modified at the City's discretion to meet changing operational needs.
- Approval of an alternate work schedule does not restrict employees from working more than their scheduled work hours.
- Employees can be required to depart from their alternate work schedule as necessary, to work additional hours, to attend training, or for other business purposes as determined by the City.
- No alternate schedule will be approved that has the potential to unduly increase the City's overtime pay liability or that results in an inconvenience to, or disruption of, the City's business.

(d) Telecommuting

Telecommuting is defined as working one or more days each workweek from home or an alternate work area instead of commuting to the City worksite where the employee would be required to work if they did not telecommute.

The City recognizes telecommuting as a valuable alternative work arrangement, where appropriate, for eligible employees.

The fundamental assumptions behind utilizing telecommuting are:

- Productivity – it is expected to continue at a satisfactory and acceptable level during telecommuting periods.

- Organizational benefit – telecommuting will be done to benefit the organization and the services provided.
- Management discretion – In consultation with the Department Head, the City Manager will have the final authority in the applicability of telecommuting for each situation and shall have the right to terminate the telecommuting program or a telecommuting agreement at any time.

Telecommuting is a privilege and not a right. Telecommuting will be considered for eligible employees upon the request of an employee, or based on the needs of the City, at the discretion of the City Manager.

Telecommuting is not appropriate for all employees or positions. No employee is entitled to or guaranteed the opportunity to telecommute. Offering the opportunity to work at home is a management option, based on the recommendation of the employee's department head. An employee's participation is strictly voluntary. All telecommuting agreements must meet the criteria in this policy and may be terminated at any time by either the employee or the supervisor. The City Manager, or designee, will be the final approving authority for any telecommuting arrangements made for City employees.

Not all City jobs lend themselves to telecommuting. Employees may be considered on an individual basis for their telecommuting eligibility. A primary consideration for administering telecommuting in the City is that it does not interfere with services provided to the public during business hours. An employee's work must be of a nature that face-to-face interaction with other employees, external customers, or project workgroups is minimal and the employee's tasks can be performed successfully away from the office. Telecommuting agreements are entered into for the good of the City and the services provided.

City employees shall devote full time and attention to City business during telecommuting/business hours. Employees will not engage in outside employment during this time. Telecommuting is not a program designed to assist with dependent care. Primary care for dependents (childcare/elder care) during agreed-upon work hours shall be provided by someone other than the telecommuting employee. All telecommuting employees are required to maintain in-office periods, to attend staff meetings and interact as necessary with other staff, both within and outside of the department. Telecommuting employees shall not hold business meetings with internal or external clients, customers, or colleagues at the employee's residence.

Telecommuters shall be available to be called into the City work location at any time, without prior notice, for any reason, unless a medical condition would prohibit compliance at that time.

The amount of time an employee is expected to work per day or per pay period will not change due to participation in the telecommuting program. Employee salary, benefits, and insurance coverage will not change due to telecommuting participation. If a reduced workweek is agreed upon, this is a separate issue from telecommuting and will be treated just as a reduced workweek arrangement would be at the normal work location.

As with all employees, a telecommuting employee must submit a PTO leave request to cover any hours not worked due to (personal or family) illness, doctor appointments, or funeral attendance during the telecommuting work hours. Supervisory approval for leave and overtime requests shall be required in advance, just as in the normal work environment. Overtime must be pre-approved by the supervisor.

Office supplies will be provided by the City and should be obtained during the telecommuter's in-office work periods. Out-of-pocket expenses for supplies normally available in the office will not be reimbursed. All supplies must be returned to the City as soon as the telecommuting arrangement is no longer valid or if the equipment will no longer be needed by the employee to do their work.

The City will not provide office furniture or reimburse the employee for any costs associated with creating the work space for the employee at their home.

It is important that consistent communications be maintained by telecommuting employees. Telecommuters shall be available at their remote locations by telephone and/or e-mail to management and other City staff during agreed-upon work hours. The City will not provide cell phones to telecommuters unless they are otherwise provided in the normal scope of business. Telecommuters shall notify the office if they leave their telecommuting location, just as they would inform the receptionist or someone else when leaving the traditional office during the workday. Reimbursement for cellular phone calls from the remote work location requires department head approval.

## 7.3 OVERTIME

The City overtime pay policy conforms to overtime provisions of the Fair Labor Standards Act. Exemption from these provisions will be claimed for an employee only when it can clearly be established that the position duties and responsibilities meet the requirements for such exemption. Therefore, all City positions are designated as either "exempt" or "non-exempt" according to the Fair Labor Standards Act (FLSA) regulations.

All employees whose positions are exempt from overtime pay requirements under federal wage and hour laws, shall receive comp time at the rate of one and one-half the normal rate for all hours worked. The City of Cleveland allows accrual of up to 240 comp time hours.

Overtime must be approved by a department head before it is worked. Every effort should be made by department heads to minimize overtime through scheduling.

Overtime must be reported in the pay period that it is worked.

All training must be approved by the **City Manager** before it can be included in worked time for overtime calculation. Only actual hours, worked, are considered in calculating overtime.

---

### 7.3.1 NON-EXEMPT EMPLOYEES

Non-exempt employees are entitled to additional compensation work period. All overtime must be authorized in advance by the employee's Department Head. Overtime pay is calculated at one and one-half times the employee's regular rate of pay for all time worked beyond the established work period.

When computing overtime, holidays, and paid time off (PTO), or any leave of absence, will not be considered as hours worked. Paid Time Off (PTO) hours are not considered hours worked for the purpose of determining eligibility for Family Medical Leave (FML).

For non-public safety employees, non-exempt personnel are eligible for overtime for any hours worked over forty (40) hours per week.

Non-exempt police personnel may work up to 171 hours in a twenty-eight (28) day period at their regular rate of pay; any hours exceeding 171 hours in a 28-day period will be paid at time and a half.

Non-exempt fire personnel may work up to 212 hours in a twenty-eight (28) day period at their regular rate of pay; any hours exceeding 212 hours in a 28-day period will be paid at time and a half.

On City holidays, the employee is paid for 8 hours (whether or not 40 hours have been worked in said week).

If an employee is called back for emergency work, the employee is paid two hours for every hour worked. Any emergency call will automatically result in a minimum of 2 hours for the impacted employee. Emergencies are determined by the respective non-public safety department heads or their designee.

If there are calls-ins, or sanitation routes on a holiday, the employee is paid two hours for every hour worked.

Employees scheduled to work weekends to inspect and maintain water and sewer facilities, valves, pumps, and all related apparatuses will be paid a minimum of 4 hours worked at a rate of one and one-half hours for every hour worked, whether or not the employee has reached 40 hours in that week.

---

### 7.3.2 EXEMPT EMPLOYEES

#### **Compensatory Time for Exempt Employees**

For non-public safety employees, non-exempt personnel are eligible for overtime for any hours worked over forty (40) hours per week.

Under federal wage and hour laws, compensatory time and holiday hours shall be paid at the rate of one and one-half the normal rate for all hours worked over forty (40) hours per week. Police personnel may work up to 171 hours in a twenty-eight (28) day period at their regular rate of pay; any hours exceeding 171 hours in a 28-day period will be paid at time and a half.

Employees whose positions are exempt from overtime pay under federal wage and hour laws (department heads) may take compensatory time off for hours worked over their standard work week. The following procedures apply:

- (a) If time worked exceeds the standard work week hours (40), that time will be credited as "compensatory time" and can be taken later as needed.
- (b) If time worked falls short of the standard work week, that shortage will be shown as worked time and deducted from accumulated compensatory time, or charged to personal leave if no compensatory time is available.
- (c) Employees may accumulate up to three hundred and forty (340) hours of compensatory time.
- (d) Any accrued compensatory time exceeding three hundred and forty (340) hours will be forfeited.
- (e) Compensatory time earned or taken shall be rounded to hours.
- (f) Upon termination or death, exempt employees or their estates will be paid for accumulated compensatory time not to exceed three hundred (340) hours.
- (g) Eligible employees will collect and report compensatory time records provided by the City Clerk on a monthly basis. The HR Liaison shall maintain all cumulative compensatory time, and is the official custodian of any records acknowledged by the City.

#### 7.4 INCLEMENT WEATHER

During times of inclement weather or natural disaster, it is essential that the City continue to provide vital public services. Therefore, it is expected that employees make every reasonable effort to report to work without endangering their personal safety.

If the administrative offices are closed due to inclement weather, employees in affected positions will receive their regular scheduled hours as paid time. An employee who is unable to get to work

or leaves early because of unusual weather conditions may charge the time missed to: PTO, compensatory time (if available), or leave without pay. The employee shall advise the supervisor by phone as in any other case of late arrival or absence.

Employees may make up work time lost due to unusual weather conditions at the discretion of their Department Head. This policy does not apply to positions or departments that are not affected by the closure.

If an employee is unable to report to work or must leave early due to severe weather which does not warrant early release or closure of their department, the time missed may be charged to:

- Paid Time Off (PTO)
- Compensatory time (if available)
- Leave without pay

Employees must notify their supervisor by phone or email in the same manner as reporting any late arrival or absence.

## 7.5 CALL BACK

All employees are subject to call back in emergencies or as needed by the City to provide necessary services to the public. A refusal to respond to a call back is grounds for immediate disciplinary action, up to and including possible termination.

An employee called in for emergency work while off duty will be paid for two (2) hours for each hour worked. Any emergency call will automatically result in a minimum of 2 hours for the impacted employee. Emergencies are determined by the respective non-public safety department heads or their designee.

## 7.6 VISITORS AND GUESTS

All visitors and guests of a full or part-time employee of the City of Cleveland must be accompanied at all times. Visits should be limited to certain designated locations, including lobbies and the fire bay. If at all possible, visits should be planned between the hours of 7 a.m. and 10 p.m. Additional exceptions could be added to allow for emergencies and with written permission from the respective department heads. Each department may create higher or more restrictive guidelines. Visitors or the general public should not use or operate any equipment. Any

visit involving minors, other than a brief, occasional visit by a family member, requires appropriate supervisory or departmental administrative approval. Loitering by employees or guests is strongly discouraged.

## SECTION 8 - WAGE AND SALARY ADMINISTRATION

### 8.1 PAYROLL RECORDS

The official payroll records are kept by the City Clerk. Each Department Head shall turn in on a weekly basis a signed work record for each employee within their department, noting hours worked, leave taken, and overtime worked.

### 8.2 PAY PLAN

The Mayor and Council will consider adopting a pay plan for all positions under the City's personnel system in 2024-2025 fiscal year. The plan would include a schedule of salary ranges for all positions, with the salary consistent with the functions outlined in the pay plan.

In establishing such salary ranges, consideration would include the rates of pay for comparable services in other public and private employment, living costs, other benefits received by employees, the City's financial condition and policies, and other relevant factors.

City employees will be reimbursed for reasonable and customary expenses actually incurred while performing official City business. The City will not reimburse for expenses that have already been paid by another program or organization, or if reimbursement is available through another program or organization.

---

#### 8.2.1 ADOPTION

The Pay Plan shall take effect during the 2024-25 fiscal year following final approval by the Mayor and Council.

---

#### 8.2.2 UPDATING OF PAY PLAN

Upon adoption of a pay plan, the Mayor and Council shall, at least once every 2 years, request that the **City Manager** work with the City Clerk and other department heads to review the pay plan and recommend necessary changes. Consideration shall be given to such factors as rises in costs of living, the competitive wage situation in government and industry, and such other factors as may be considered relevant.

Upon adoption, the pay plan shall constitute the official compensation schedule for positions under the City's personnel system. Salary adjustments shall not be automatic but shall be based

on work performance, availability of funds, current cost of living, length of service, and other appropriate considerations.

---

### 8.2.3 PAY DAY

The City pays for hours worked weekly (every Friday or after 2:00 p.m. every Thursday for police and fire). Overtime pay, excluding police department, is paid weekly. Police department overtime is paid once per month and for time over 171 hours.

---

## 8.3 PAY PLAN

The salary of any employee entering employment shall normally be at the lowest level of the salary range for that position. If it is determined by the department head that appointment at an advanced level is warranted, the input of Mayor and City Council with oversight of that department prior to hiring the employee. Advanced level appointments may, under certain circumstances, be justified when:

1. It is not possible to recruit qualified employees at the entry level;
2. An employee is being considered for employment who possesses qualifications in excess of the minimum required for appointment to the position, and when those advanced qualifications will serve to make him/her a more valuable and productive employee; or
3. Such other circumstances exist that, in the opinion of the Mayor and Council, warrant the payment of a salary in excess of the minimum for the position.

---

### 8.3.1 SALARY ADJUSTMENTS

(a) Adoption of New Salary Scale. When a new or different scale of salaries is made applicable to a class of positions, persons employed in positions of that class at the effective date of the adjustment shall be placed at the salary level of the new scale corresponding to that level which they had reached under the scale formerly applicable to that class of positions.

(b) Reclassification of Employee. Upon reclassification, an employee's salary will be adjusted to the pay grade assigned to the new position.

(c) Demotion. An employee who is demoted shall have his/her salary reduced to the level of the new range which corresponds to the level he had attained in the higher class. Upon written request from a department head, the Mayor and Council may authorize an employee to retain

the same salary after a demotion, provided the amount is not in excess of the maximum salary for positions in the new class.

(d) Transfer. The salary of an employee who is transferred may be placed at any level of the range applicable to the appointed position, provided that it is not a higher level than that at the time of the transfer.

(e) Reappointment. The salary of an employee who is reappointed may be placed at any level of the range applicable to the appointed position without input of the Mayor and City Council with oversight of that department, provided it is not a higher level than that at the time of the previous termination of employment.

(f) Special Circumstances. In special or unusual circumstances, the Mayor and Council, upon the request of a department head, may authorize the adjustment of an employee's salary up to a level higher than the employee could have earned under the provisions of Section 12.300 of these policies and procedures, subject to the availability of funds.

---

### 8.3.2 SALARY INCREASES

(a) Cost of Living Increases. Mayor and Council may approve a percentage cost of living increase for each employee. Such increases would be effective on the first day of the City's fiscal year and contingent on funds available to be budgeted for such increases.

(b) Special Increases. Special increases shall be based upon quality and quantity of work and upon other performance measures. Due consideration will be given to length of service, shall correspond with the salary range, and shall be limited to employees holding regular status in the position in which currently employed.

(c) Following Orientation Period. An employee successfully completing a probationary period may be given a salary increase.

(d) Limit. No employee shall have his/her salary increased to a point above the maximum of the salary range applicable to the class of the position.

---

### 8.3.3 SALARY REDUCTIONS

All salary reductions shall correspond with the levels of the approved salary range, and no employee shall have his/her salary reduced to a point below the minimum of the salary range applicable to the class of his/her position.

## **Bonus Payments**

(a) An "end-of-year" bonus equal to one week's salary for each full-time employee shall be authorized by the Mayor and Council. Prior to the release of funds, the bonus must be approved by the Mayor and Council in a Council meeting, and the bonus is contingent on the availability of funds.

(b) Every employee with the City is eligible to receive the "end of the year" bonus, subject input from the respective Department Heads.

(d) The payment is an "end of the year" bonus, and is contingent upon the employee's employment through the end of the calendar year. Any action that adversely impacts employment status through the remainder of the calendar year can impact any potential bonus payment.

## **8.4 COMPENSATION UPON SEPARATION OF EMPLOYMENT**

Upon separation of employment with the City, the employee will receive the following compensation on the next regularly scheduled payday:

1. Regular wages for all hours worked up to the time of separation, which have not already been paid.
2. A lump sum payment of any accrued but unused PTO up to 340 hours.

## SECTION 9 - TRAINING AND DEVELOPMENT

### 9.1 PERFORMANCE APPRAISALS

To achieve the City's goal to train, promote and retain the best qualified employee for every job, the City provides a formal employee performance appraisal process. Performance reviews are done annually at a minimum. New hires will receive a performance review in their first 90 days as well as an annual review. The appraisal is part of an employee's official personnel file and may be a factor in determining employee development, training needs, validating selection procedures, determining wage increases, promotions, and transfers. The appraisal process may also be used in coordination with planning for layoffs, or termination proceedings. Department Heads are responsible for notifying the **City Manager** or his/her designee of any changes/additions to position descriptions.

### 9.2 STAFF TRAINING

The City recognizes the mutual benefits derived from personal growth and increased work competence and thereby encourages staff to pursue applicable training opportunities.

At the discretion of the Department Head, and/or the **City Manager** or his/her designee, the City may provide partial or full payment for costs associated with the employee's attendance at training workshops and seminars that are directly related to City employment, including the requirement to obtain or maintain specific licenses or certifications and to develop staff resources. All requests are contingent upon availability of funds. Whether training time is paid or unpaid depends on the nature of the training and will be determined in accordance with state law.

### 9.3 REIMBURSEMENT OF EXPENSES

Expenses such as meals, lodging, mileage, and parking, may be reimbursed with proper approval and/or receipts. Employees and elected officials are responsible for the submittal of their own reimbursement requests.

Travel expenses for reimbursement must be reported on approved forms within five (5) days after each trip. If travel involves conferences or a training, an agenda should also be included with the approved forms. If meals are provided as part of the conference or training, employees are not eligible for the per diem for those individual reimbursements.

Receipts for all expenses, except mileage and meals, must be attached to the form. Receipts are not required for meal reimbursement. Reimbursement for alcoholic drinks, traffic & parking tickets are prohibited. Reimbursement of guest(s) is prohibited. Travel expenses reported without a receipt backup will not be reimbursed.

Employees who do not return receipts and/or advanced money not used for authorized expenses may be liable to the City for such funds and subject to direct payment or by payroll deduction. If the employee receives a 1099 form from the City, the undocumented amount may be added to the employee's year end 1099 form, total sum as a payment to that employee.

Requests which are not submitted in a timely manner, may not be approved. Requests for reimbursement are to be submitted on an expense report form signed by the employee and the Department Head, with applicable receipts and/or per diem requests attached.

No out of state travel will be reimbursed without prior authorization by the appropriate supervisor. All out of state travel reimbursements will be in accordance with GSA standard per diem rates ([www.gsa.gov](http://www.gsa.gov)).

Employees on City business who travel more than sixty (60) miles from their residence and primary workstation on a work assignment, AND away for more than twelve (12) hours for travel may be allowed to use the total day's per diem, even when there is no overnight lodging.

All out-of-City travel shall be approved beforehand by the appropriate department head or by the Mayor and City Council, in cases of approving department head travel.

Training or conference starting and ending times are to be considered. Return travel time (early dismissal) is often planned for at conferences to permit easier and safer travel; this may eliminate the need for lodging the evening after business, a conference or training. However, certain work activities ending in the evening may not make return travel prudent on that evening.

Employees should refrain from requesting a travel advance unless absolutely necessary. Need for travel cash advances versus card payment must be supported by explanation on the request.

On a case-by-case basis, cash advancements may be approved. A minimum of one week prior to departure must be provided prior to the authorization of a cash advancement. The Finance Director will have the approval authority for establishing the necessity of a travel cash advance:

- Only employees on the payroll at the time of the advance request may be eligible to receive a travel cash advance
- When possible, exhaust other payment options first (i.e. City credit card or checks)
- In those instances where an advance is necessary and allowable, the travel cash advance will not exceed 100% of the estimated expenses to be paid by the employee. Advance amounts must be rounded to the nearest \$10.

#### 9.4 TRAVEL PROCEDURES

City employees will be reimbursed for travel expenses while on authorized City business. Employees should use a City vehicle for travel, if available. An employee using a private vehicle will be reimbursed at a predetermined rate per mile.

The City of Cleveland has adopted the GSA standard per diem rates and mileage reimbursements as defined by the GSA ([www.gsa.gov](http://www.gsa.gov)).

Employees will be reimbursed for expenses for meals while on City business at the following maximum meal rates established by the GSA standard per diem rates ([www.gsa.gov](http://www.gsa.gov)).

Receipts are welcomed, but not required, for meal reimbursement. Reimbursement for alcoholic drinks, traffic & parking tickets are prohibited. Reimbursement of guests is prohibited.

Adjustments may be made to these amounts for travel to high-cost areas.

For overnight out-of-town trips, meals may be listed in total (maximum \$59 per day at the time of the adoption of the personnel handbook).

Actual reasonable expenses for lodging (no deluxe accommodations) will be reimbursed based on paid receipts. Government rates should be obtained where available.

Reimbursement for fares on common carriers will be based on lowest fares available.

All travel must be approved in advance by the **City Manager**, Department Head, or the Mayor and Council.

### **Travel Advances and Reimbursement**

Employees must request travel advances no less than one (1) week prior to departure. Advances will be limited to maximum authorized amounts times the number of days.

## 9.5 CITY VEHICLES

All City employees are expected to operate City owned equipment in a safe and responsible manner at all times in accordance with City and state automobile regulations. City employees are expected to provide to the public at all times driving courtesies that reflect favorably upon the City of Cleveland. All drivers and passengers in City vehicles are required to wear their seatbelt whether or not it is required by law.

Georgia's distracted driving law makes it unlawful for drivers to "physically hold or support, with any part of his or her body" a "wireless telecommunication" or "stand-alone electronic" device while operating a vehicle. In Georgia, "wireless telecommunication" devices include cell phones, text-messaging devices, personal digital assistants, computers, GPS receivers, and all other substantially similar devices that are used to initiate or receive communication, information, or data. In sum, the law allows only *hands-free* electronic device use while driving. Drivers can generally use a phone if using an earpiece or other voice-operated technology. There are exceptions for first responders (law enforcement, public safety and fire), but this only applies to during the performance of official duties.

## SECTION 10 - EMPLOYEE BENEFITS

### 10.1 GROUP BENEFIT PLAN

---

#### 10.1.1: POLICY STATEMENT

It is the policy of the City of Cleveland to provide its employees with various insurance and retirement benefits. The benefits plan is designed to provide a supplemental package of programs which contribute to the physical and mental health and well-being of the employee and their dependents. The plan is designed to enhance the attractiveness of working for the City and to aid the City's competitiveness in recruitment and retention efforts.

---

#### 10.1.2: GENERAL PROVISIONS

(a) Administration

The primary responsibility for the day-to-day administration of the benefits plan shall rest with the City Clerk within the limits of these policies and procedures, as well as the actual plan documents that govern the particular benefit. Availability of benefit packages, questions on benefits, and employee discussion regarding benefits can be obtained from the City Clerk.

(b) Eligibility

Eligibility for health insurance and retirement benefits include regular full-time, police, and fire shift employees. After thirty (30) days of employment, the City pays the approved premium for employee health and life insurance.

1. Employee contributions deducted via payroll will begin concurrent with employee eligibility. The employee pays the full cost of dependent coverage. The City maintains the right to amend the payment of premium for health and life insurance. The City maintains the right and may require employees to participate in the costs of premiums for health and life insurance.
2. Benefit eligibility will expire at the end of the last day of the month that the employee worked for the City.
3. All employees, elected officials, and police, and fire volunteers shall be covered by worker's compensation.

(c) Benefits Continuation

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City of Cleveland's health plan for a certain period of time provided by law when a qualifying event would normally result in the loss of eligibility.

If employment is terminated for any reason except "gross misconduct", an employee may continue group health insurance benefits for the employee and covered dependents for up to eighteen (18) months. If an employee dies while employed by the City, covered dependents may continue benefits for up to thirty-six (36) months.

If an employee's leave, through FMLA, extends past the allowed twelve (12) weeks, that employee must register for COBRA for continued insurance coverage. During the period of continued coverage, the employee or dependents must pay the total premium for coverage. The employee or dependents must make a decision within sixty (60) days on whether to continue coverage.

Under COBRA, the employee or qualified beneficiary pays the full cost of coverage at the City of Cleveland's group rates, plus an administrative fee established by the City.

Certain deadlines and application requirements will apply. Please consult with the City Clerk if you wish to apply for COBRA benefits.

## 10.2 BENEFITS OFFERED

The City of Cleveland intends to provide a comprehensive benefit package to aid the recruitment and retention of staff. We will annually publish a document that details our benefit plans. The actual plan documents, rather than any summary statements in this Chapter, should be relied upon in determining an employee's rights and obligations.

Additionally, the City maintains liability insurance coverage, which includes Law Enforcement Liability coverage. This liability coverage protects the City and City employees from claims that may arise out of the course of operations for the City.

---

## 10.2.1 WORKER'S COMPENSATION

### Section 1: Policy Statement

It is the intent of the City of Cleveland to comply with the provisions of the Worker's Compensation Laws of the State of Georgia. All City of Cleveland employees and elected officials who are injured on the job are protected by the Georgia Worker's Compensation Act. The provisions of this act are the exclusive remedy for employees injured on the job and provide benefits and procedures for obtaining benefits for occupational injuries and diseases arising out of and in the course of an employee's employment with the City of Cleveland.

---

#### 10.2.1.1 GENERAL PROVISIONS

(a) Definition

"Injury" shall be defined as provided for in O.C.G.A. § 34-9-1.

(b) Responsibility

Worker's compensation can be a very complex environment if proper procedures are not followed. Specific responsibilities lie with the City Clerk, all supervisors, and the employee.

1. City Clerk

The City Clerk is responsible for the management of the City's worker's compensation program in accordance with the provisions of the Georgia Worker's Compensation Act and other Federal, state, or local regulations. The City Clerk is responsible for timely submission of the First Report of Injury form to the State and for all other Worker's Compensation records, files and reports. The City Clerk will, in accordance with the law and applicable City policies and procedures, determine the continuing employment status of employees who are out of work on Worker's Compensation. An employee out of work on Worker's Compensation who does not return to work when released to do so by a qualified physician may be terminated.

2. Supervisors

City of Cleveland supervisors are responsible for assuring their employees report all on-the-job injuries to them immediately or as soon as possible following the occurrence of the injury. Supervisors will ensure that a written report of the injury is completed and turned into the Department Head who will then forward it to the City Clerk within the twenty-four-hour time period.

### 3. Employees

All City of Cleveland employees are required to report all on-the-job injuries to their supervisor immediately, when possible, but in all cases no later than twenty-four (24) hours after the occurrence of the injury. The employee is obligated to cooperate with the worker's compensation program directives and activities and any fraudulent activity will be grounds for termination.

---

#### 10.2.2 PROCEDURES

(a) An employee injured on the job must report the injury to their supervisor immediately, on the forms prepared and provided by the City Clerk.

(b) The employee's supervisor must follow the appropriate procedures prescribed for reporting the injury which includes completion of the First Report of Injury form and the Supervisor and Employee Statement forms.

(c) Treatment of the injury shall be provided at one of the designated medical facilities that are posted at each work site and the employee must select a doctor from the approved panel of physicians provided by the City. In an emergency, the employee may receive medical care from any doctor until the emergency is over, then the employee must obtain treatment from a doctor on the City's approved panel of physicians. The City reserves the right to refuse payment of medical services for any employee examined by a physician not listed on its approved panel of physicians.

(d) An employee injured by an accident arising out of or in the course of employment shall not be charged for any absence from duty due to the injury on the day of the injury.

(e) There is a seven-calendar day waiting period before worker's compensation benefits are due. The seven-day waiting period includes those days the employee would not have worked even if there has been no injury. The City of Cleveland will not compensate employees during this seven-day waiting period. The employee will be allowed to use their accrued personal leave in the event of a worker's compensation injury during those first seven days. The employee is eligible to receive medical benefits during the seven-day waiting period. Beginning with the first day after an on-the-job injury and continuing through the seventh day following the injury, the injured employee may elect to be compensated by using their available sick or vacation balance. However, if the disability lasts for 21 consecutive days, compensation is retro-active for the first seven days. The first seven days of disability are not reimbursable unless the employee is disabled

more than the 21 consecutive days. If the employee is reimbursed from the state for the initial seven day period, the employee will be responsible for returning that money to the City.

(f) Beginning with the fifteenth day following the injury, the employee will be compensated with the statutory worker's compensation rate of  $66 \frac{2}{3}$  of weekly salary up to the maximum prevailing rate required by the Worker's Compensation Law. The employee may continue their available balance of sick or vacation time to supplement the worker's compensation benefit.

(g) During the first six months of a job-related injury, the employee's position will be secure and the affected department may use temporary employment if the budget allows.

(h) If the employee is unable to return to their regular position, the City may require the employee to perform a light duty assignment that is approved by the assigned physician until a time the employee can return to work on an unrestricted basis. The City has no obligation to create a light duty assignment if such work is not available.

(i) Worker's compensation leave must run concurrent with Family Medical Leave.

### 10.3 SOCIAL SECURITY

The City makes contributions on behalf of all eligible employees to the Social Security System in addition to those contributions made by the employee through FICA payroll deductions.

### 10.4 DEFERRED COMPENSATION PLAN

The City of Cleveland offers a Deferred Compensation Plan for eligible employees. The City provides contributions into plan after they have met their probationary period requirement. Employer contributions to plan are considered vested at 100% after the employee has been with the City for 60 months. The City does not and cannot represent or guarantee that any federal or state income, payroll or other tax consequence will occur by reason of an employee's participation in this plan. A participant should consult with their own attorney or other representative regarding all tax or other consequences of participation in this plan.

## 10.5 RETIREMENT

All regular full-time employees may participate in the City's retirement plan. The City of Cleveland enrolls all eligible employees in the Georgia Municipal Employees' Benefit System (GMEBS) retirement plan and contributes 1.75% of each employee's salary to the plan at no cost to the employee. City employees who are participating in the plan have a five-year vesting period.

The plan is designed to pay you a monthly pension for as long as you live after you retire. Normal retirement age for vested employees is 65, but provisions are also made for early retirement beginning at age 55. The amount of your pension depends on a number of variables including: age at retirement, credited service, and your average earnings in the last five consecutive years of employment.

Employees intending to retire should notify their Department Head of their intent to retire at least 30 days prior to the date of retirement.

## 10.6 UNIFORMS AND EQUIPMENT

Uniforms and equipment are provided for employees that are required to wear them based on the needs and duties of the position. The City-issued uniforms and equipment are to be returned upon separation from employment. The employee will be responsible for the cost of any uniforms and/or equipment if the uniforms are not returned by the employee's last day of employment with the City. Cell phones and electronic equipment must be returned with all content and data on the devices.

The cost of the assigned uniforms and/or equipment not returned will be deducted from the employee's last paycheck. Failure to return items after separation may result in actions leading up to, and including, civil claims.

## 10.7 EXIT INTERVIEWS

The City of Cleveland recognizes the need to retain qualified employees in order to provide quality services to its customers. In an effort to assess employee work experiences, feedback from employees who resign from the City should be solicited, evaluated, and used as the basis for workplace improvements through an exit interview.

## SECTION 11 – TIME OFF

### 11.1 PERSONAL LEAVE

The City recognizes the importance of offering time off for rest, relaxation, scheduled doctor appointments for employee and immediate family, and sick time for the employee or to care for an immediate family member. Therefore, personal leave is provided each year for regular full-time employees based on years of service from the last date of hire.

“Personal leave” days, also known as Personal Time Off (PTO), shall be used by an employee for absences due to vacation, personal business, illness, or other personal activities. PTO incorporates vacation time, sick leave and amount of time requested for personal leave into a single allocation of paid leave as opposed to having separate categories for accruing “vacation” or “sick leave”.

Personal leave may not be taken during the six (6) month orientation period, nor will an employee be compensated for personal leave if he/she is not offered regular employment after the orientation period.

### 11.2 ACCRUAL SCHEDULE

We offer "personal time off" (PTO) in lieu of sick leave/ vacation, giving the employee maximum flexibility and management of their time.

Employees shall earn personal leave based on the following occupational types:

<b>Scheduled Work Day/ Occupation Type</b>	<b>Scheduled Annual Hours</b>
7 day/40 hour (Salary or Hourly)	2080
12 Hour (Police)	2184
24 Hour	2808

**Hourly or Salary**

<b>Years of Service (months)</b>	<b>Hours Accrued Annually</b>	<b>Hours Accrued Per Pay Period</b>
Date of Hire to 2 Years (0-24)	104	4
3-4 Years (25-48)	112	4.312
5-6 Years (49-72)	120	4.616
7-8 Years (73-96)	160	6.16
9-10 Years (97-120)	172	6.624
11-12 Years (121-144)	200	7.696
13-19 Years (145-239)	240	9.24
20+ Years (240+)	268	10.3

**Police (12-hour shift)**

<b>Years of Service (months)</b>	<b>Hours Accrued Annually</b>	<b>Hours Accrued Per Pay Period</b>
Date of Hire to 2 Years (0-24)	109.2	4.2
3-4 Years (25-48)	117.7	4.527
5-6 Years (49-72)	126	4.846
7-8 Years (73-96)	168.16	6.468
9-10 Years (97-120)	180.83	6.955
11-12 Years (121-144)	210.1	8.08
13-19 Years (145-239)	252.25	9.702
20+ Years (240+)	281.5	10.827

**Fire (24-hour shift)**

Years of Service (months)	Hours Accrued Annually	Hours Accrued Per Pay Period
Date of Hire to 2 Years (0-24)	140	5.4
3-4 Years (25-48)	151.35	5.812
5-6 Years (49-72)	162.02	6.231
7-8 Years (73-96)	216.21	8.316
9-10 Years (97-120)	232.5	8.942
11-12 Years (121-144)	270.12	10.389
13-19 Years (145-239)	324.32	12.474
20+ Years (240+)	361.95	13.921

Full time employees will accumulate personal leave in accordance their scheduled annual hours (occupation type) and the number of years of employment:

1 to 2 years of employment	.0500 x regularly scheduled hours annually	104
3 to 4 years of employment	.0539 x regularly scheduled hours annually	112
5 to 6 years of employment	.0577 x regularly scheduled hours annually	120
7 to 8 years of employment	.0770 x regularly scheduled hours annually	160
9-10 years of employment	.0828 x regularly scheduled hours annually	172
11 to 12 years of employment	.0962 x regularly scheduled hours annually	200
13 to 19 years of employment	.1155 x regularly scheduled hours annually	240
20 + years of employment	.1289 x regularly scheduled hours annually	268

For example, a new full-time employee starting in City Hall would accumulate:

.0500 (scheduled annual hours) x 2080 = 104 PTO hours (or 13 8 hour work days)

Employees with 20 or more years of service will accrue no more than .1289 x regularly scheduled hours annually.

Part-time employees earn personal leave on a pro-rated basis. Part-Time Employees accrue 0.04615 hours per every hour worked.

For all employees - Personal leave will accrue for civil leave, funeral leave, paid temporary disability leave and holidays. Personal leave will not accrue for unpaid temporary disability, injury leave, and for family medical leave (FMLA). Personal leave will begin accruing once the employee has returned to work.

- a) Accrual of personal leave is an earned right granted under these policies. However, taking personal leave is a privilege that must be approved by the department head or immediate supervisor before the leave is taken when possible.
- b) Employees shall accrue personal leave from the original date of employment. However, personal leave may not be taken during the six (6) month orientation period without approval by the Department Head in consultation with the immediate supervisor. In cases of termination or resignation, personal leave will not be paid for those employed less than six months.
- c) If an employee has resigned or is terminated and rehired, the new hire date of employment is used to compute personal leave.
- d) In the computation of personal leave accrued and personal leave taken, a "day" will be considered scheduled working hours.
- e) No more than thirty (30) days (240 hours) of personal leave may be carried over from one calendar year to the next.

Part-time employees earn personal leave on a pro-rated basis. Part-Time Employees accrue 0.04615 hours per every hour worked.

For all employees - Personal leave will accrue for civil leave, funeral leave, paid temporary disability leave and holidays. Personal leave will not accrue for unpaid temporary disability, injury leave, and for family medical leave (FMLA). Personal leave will begin accruing once the employee has returned to work.

- f) Accrual of personal leave is an earned right granted under these policies. However, taking personal leave is a privilege that must be approved by the department head or immediate supervisor before the leave is taken when possible.
- g) Employees shall accrue personal leave from the original date of employment. However, personal leave may not be taken during the six (6) month orientation period without approval by the Department Head in consultation with the immediate supervisor. In cases of termination or resignation, personal leave will not be paid for those employed less than six months.

- h) If an employee has resigned or is terminated and rehired, the new hire date of employment is used to compute personal leave.
- i) In the computation of personal leave accrued and personal leave taken, a "day" will be considered scheduled working hours.
- j) No more than thirty (30) days (240 hours) of personal leave may be carried over from one calendar year to the next.

---

### 11.2.1 SCHEDULING OF PTO TIME

Eligible employees (except for probationary employees in their "original probation period") can take leave immediately once hours have been accrued and approved by the Department Head or immediate supervisor; probationary employees in their "original probation period" may take accrued annual leave after they have completed six months of employment (generally following the probationary period);

- (a) In approving vacations taken as personal leave, the department head shall consider seniority, service needs, and adequate coverage for necessary services. Requests for personal leave for vacations should be submitted no less than seven (7) days in advance when possible.
- (b) Employees, on personal leave, are subject to recall to duty in cases of emergency.
- (c) During unpaid leave, employees will be responsible and required to pay the City benefit premiums, health insurance premiums, retirement, and payroll deducted premiums.
- (d) Personal leave may be taken for periods of not less than one (1) hour and not more than two (2) weeks without special approval of a department head.
- (e) Employees may not receive pay in lieu of taking personal leave during the calendar year. Payment of accrued personal leave is only considered if an employee falls within the guidelines of Section 11.2.2.

---

### 11.2.2 ANNUAL PTO CASH – OUT

In January of each year, the total number of accumulated hours for each full-time employee with accrued leave will be reviewed for all full-time employees. Based on the scheduled work days on an annual basis, any employee in excess of the maximum hour of PTO hours on December 31 of the previous year will be paid such excess at his/her current pay rate, thereby reducing such accrual to the maximum rate in the respective occupation type.

<b>Scheduled Work Day/ Occupation Type</b>	<b>Scheduled Annual Hours</b>	<b>Annual Leave Maximum</b>
7 day/40 hour (Salary or Hourly)	2080	240
12 Hour (Police)	2184	252
24 Hour (Fire)	2808	324

Employees may not receive pay in lieu of taking personal leave at any other time during the calendar year.

---

### 11.2.3 PERSONNEL TIME OFF (ADDITIONAL CASH-OUT OPTION)

Employees who have accumulated more than 200 hours of Paid Time Off (PTO) by May 31 of each year are eligible to cash out up to one week's salary, provided that at least 200 hours of PTO remain after the cash-out. Employees must notify the Finance Director in writing of their intent to cash out by June 20 of each fiscal year. The cash-out payment will be processed on or before the first full pay date of the new fiscal year.

---

### 11.2.4 PTO PAY-OFF UPON SEPARATION OF EMPLOYMENT

An employee will receive a lump sum payment of accrued PTO leave up to a maximum of 240 hours upon separation of employment.

In cases of termination or resignation, personal leave will not be paid for those employed less than six months.

Upon termination or death, employees or their estates will be paid for accumulated personal leave up to a maximum of 240 hours.

---

### 11.2.5 LEAVE DONATIONS/LEAVE SHARING

Eligible City of Cleveland full-time employees (recipients) may under certain circumstances receive Personal Time Off (PTO) or time converted from Compensatory Time (Comp Time) leave donations from other City of Cleveland employees (donors).

Recipients with at least one (1) year of employment with the City may be eligible to request donated leave after exhausting accrued and forfeited leave, all compensatory time (if exempt employee), and after being on authorized leave without pay for at least five (5) consecutive workdays following a qualifying “medical emergency” of their own or of an immediate family member. “Medical emergency” means a medical condition of the employee or an immediate family member of the employee that will require the prolonged absence of the employee from duty and will result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available apart from the leave-sharing plan. Immediate family is defined in 1.8 (h) of the Personnel Handbook.

To initiate the process, the recipient (or their designee or a representative acting on their behalf) will request a “Personal Time Off/Leave Sharing Form” from the HR Liaison for review and return the completed form for approval. With that form, the recipient (or their designee) may approve a solicitation notice that can be sent to City staff requesting PTO time from full-time City staff. The HR Liaison will work with the appropriate Department Head and notify the approval or denial in writing. In the solicitation or any future communications, the City will not disclose to any donating employee information regarding the nature of the medical emergency without the recipient employee's express, written authorization and otherwise will maintain the confidentiality of the medical emergency to the extent required by applicable law. The identity of donors will be confidential and will not be provided by individuals administering the donation process to the recipient or to any other individual unless required by law. Additional request(s) may be requested via email for additional solicitations in coordination with the HR Liaison.

Employees who receive donated Personal Time Off may receive no more than 480 hours (12 weeks) within a rolling 12-month period. All donations received must be in the form of whole hours. If approved, the employee will be eligible to receive leave paid at his/her normal compensation rate. Donated time may be used only for time off related to the reason specified in the approved request form. The recipient employee may not receive a cash payout in lieu of paid time off. This program is strictly voluntary for the donor and recipient. A recipient is not eligible to receive or use leave donations for an absence due to a job-related or illness for which Worker's Compensation benefits may be received or a disability incurred while committing a felony or assault. Leave donations are strictly voluntary.

Prohibited actions include, but are not limited to;

- No employee may threaten, coerce, or attempt to threaten or coerce another person for the purpose of interfering with rights involving donation, receipt, or use of leave.
- No employee may threaten, coerce, or attempt to threaten or coerce another person for the purpose of interfering with rights involving donation, receipt, or use of leave.
- Promising to confer or conferring a benefit such as appointment, promotion or salary increase; or
- Making a threat to engage in, or engaging in, an act of retaliation against an employee because of participation in a leave donation program.
- Donors are prohibited from accepting compensations or gifts from recipients in exchange for leave donations.
- Any employee violating this rule may be subject to disciplinary action, up to and including termination of employment.

---

#### 11.2.6 PERSONAL TIME OFF DONATIONS/LEAVE SHARING

Employees wishing to donate PTO must complete the "Leave Sharing Form" as a Donor. Donated leave will be credited to the recipients' PTO balances each pay period until donated leave is fully applied or until the recipient returns to work. Donors may give PTO in any amount in excess of 8 or more hours per donation, so long as the donor maintains at least 60 PTO hours in their own PTO account following the donation. The leave that is donated will not be considered income to the donating employee for tax purposes.

All forms must be returned to the Human Resources Liaison. Requests to both donate and receive Personal Time Off under this Policy are subject to approval by, and are within the sole discretion of, the Human Resources Liaison and/or City Manager. Please contact your supervisor or the HR liaison or refer to the Personnel Handbook for additional information and restrictions.

---

#### 11.2.6 COMPENSATORY TIME DONATIONS/LEAVE SHARING

Exempt Employees eligible to accumulate compensatory time (comp time) wishing to donate must complete the "Leave Sharing Form" as a Donor. Donated leave will be credited to the

recipients' leave balances each pay period until donated leave is fully applied or until the recipient returns to work. Donors may convert comp time to donated leave in any amount in excess of 8 or more hours per donation, up to a full week's salary for the person receiving the leave. The comp time donor must maintain at least 60 PTO hours in their own PTO account following the donation, and the donor can only elect to donate comp time up to one time per calendar year. The leave that is donated will not be considered income to the donating employee for tax purposes.

### 11.3 HOLIDAYS

The annual holiday schedule will be set by the Mayor and Council in a regularly scheduled December meeting.

Employer-paid holidays which fall on a Saturday will be observed on the preceding Friday; paid holidays falling on a Sunday will be observed on the following Monday.

---

#### 11.3.1 WORK ON HOLIDAYS

With an exception for public safety employees, no work will normally be required of an employee on a holiday. In the event that a regular, full-time non-exempt employee is required to work a holiday, he/she will receive eight (8) hours holiday pay as well as regular pay for hours actually worked. Such time must be pre-authorized by the Department Head.

Part-time firefighters who work on a designated holiday will be paid **1.5 times their base hourly rate** for all hours worked on holidays designated by the City.

### 11.4 RELIGIOUS HOLIDAYS

If an employee's religious beliefs require observance of a holiday not included in the basic holiday schedule, the employee may, with his/her Department Head's approval, take the day off using PTO leave.

## 11.5 BEREAVEMENT LEAVE

Regular full-time employees receive up to three days of bereavement leave for a death in the immediate family (see definition in Section 1.8 (h)). Longer periods, charged against the employee's PTO, may be approved by the **City Manager** or his/her designee.

## 11.6 JURY AND WITNESS LEAVE

An employee shall be given time off when performing jury duty, when subpoenaed to appear before the court, public body or commission in the scope and performance of their job as a City employee. Employees are to be paid their salary or other compensation for a total of eighteen (18) days of any period of jury duty or performing emergency civilian duty in connection with national defense. The eighteen (18) days' pay is limited to each single continuous period of absence and eighteen (18) days in one calendar year.

### **Payment**

When an employee is compensated for such service, he/she is entitled to retain the payment to offset any related expenses. The City will pay regular hour pay for those services performed in the line of duty.

### **Personal Involvement**

Leave for court attendance when the employee, as a private individual, is the defendant, engaged in personal litigation, or involved in a matter unrelated to his/her work with the City of Cleveland shall be charged to personal leave or leave of absence without pay.

### **Regular Days Off**

The provisions of the section on Civil Leave are not applicable on an employee's regular days off.

The employee must provide his/her supervisor with a copy of the jury duty or court summons as soon as possible after receiving it.

## 11.7 MILITARY LEAVE

The City provides all employees leave while performing military service in accordance with federal and state law. Regular full-time and part-time employees receive paid military leave of up to 18 working days per year for military service. In general, if military service extends beyond 18 working

days, the additional leave will be unpaid. Exempt salaried employees who serve longer than two weeks should contact the **City Manager** or his/her designee to discuss whether further paid leave will be provided. All employees who are not eligible for paid military leave are provided unpaid leave for a period of their military service. Military service includes active military duty and Reserve or National Guard training. An employee is required to provide their supervisor with copies of their military orders as soon as possible after they are received. Reinstatement upon return from military service will be determined in accordance with applicable federal and state law.

## 11.8 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 such employee is qualified and registered to vote on the day on which such primary or election is held. The time taken off to vote must not exceed two hours is permitted only if your supervisor is informed at least one (1) working day in advance that an individual plans to take time off to vote. The City may specify the hours during which the employee may be absent from work to vote.

## 11.9 WORKERS COMPENSATION

All City employees are covered under Georgia's Workers Compensation Act. If an employee suffers a job-related injury, that injury must be reported to his Supervisor and the City Clerk immediately. If available, employees may use PTO during the first seven days following the report. On the eighth day, the employee shall be eligible for workers compensation benefits as stipulated under Georgia's Workers Compensation law and will be placed on injury leave and will be allowed to supplement the Workers Compensation check by using sick or annual leave. The Workers Compensation check is 2/3 of employee's regular salary. If available, PTO leave may be used beginning on the eighth day to make up the difference between the workers compensation check and the employee's regular salary. Leave will not accrue during this time.

After all PTO leave has been exhausted, the employee will only receive the Workers Compensation check while out on injury leave.

During the first six months of a job-related injury, the employee's position will be secure, and the affected department may use temporary employment if the budget allows.

If the employee is unable to return to their regular position, the City may require the employee to perform a light duty assignment that is approved by the assigned physician until a time the employee can return to work on an unrestricted basis. The City has no obligation to create a light duty assignment if work is not available.

Worker's compensation leave must run concurrent with Family Medical Leave. The employee will be responsible for payment of their health, dental, life, long term disability, and any supplemental policies they have.

## 11.10 FAMILY MEDICAL LEAVE

Pursuant to the federal Family and Medical Leave Act, ("FMLA"), 29 U.S.C. §2601, et seq., employees may be eligible for a family and/or medical leave of absence for up to twelve (12) weeks of paid or unpaid leave in any twelve-month period for one or more of the following:

- the birth, adoption, or placement of a child;
- the serious medical condition of a parent, spouse, or child; or
- the employee's own serious medical condition that prevents him/her from performing the functions of his/her job.

For purposes of this Section, a "12-month period" means a rolling twelve (12) months measured backward from the date the employee uses any FMLA leave. If the provisions in this Handbook conflict or come into conflict with the FMLA as it presently exists or is amended from time to time, the provisions contained in the FMLA shall control.

City employees are eligible to take FMLA leave consecutively or intermittently during the twelve (12) month rolling period.

The City may ask for documentation before approving FMLA leave.

---

### 11.10.1 ELIGIBILITY

To be eligible for leave, an employee must have been working for the City of Cleveland for at least twelve months and must have worked at least 1,250 hours during the twelve-month period prior to the request for leave. Eligible employees under FMLA shall be entitled to leave upon the conditions and limitations of FMLA.

### **Certification of Serious Health Conditions**

An eligible employee, who requests leave for a serious health condition of the employee or a qualifying family member, shall submit certification from an appropriate health care provider to the **City Manager** when requesting leave.

Certification shall be sufficient if it states:

- a. the date on which the serious health condition commenced;
- b. the probable duration of the treatment or condition;
- c. the appropriate medical facts within the health care provider's knowledge; and
- d. the estimated amount of time the employee needs to care for the qualifying family member or a statement of the extent to which the employee is unable to perform the essential functions of the employee's position.

---

#### 11.10.2 LEAVE DUE TO ILLNESS

If the leave without pay is due to an illness, the City may require a doctor's certificate stating that the employee can return to work and perform the work, duties and responsibilities of the employee's position, with or without reasonable accommodation.

---

#### 11.10.3 MATERNITY LEAVE

Leave without pay may be taken for disability related to pregnancy, childbirth, or related medical condition, where accrued PTO does not cover the entire time needed in accordance with FMLA. Such leave shall be for the actual period of disability as certified by a doctor, even if it exceeds three months. Employees taking leave without pay for childbirth-related disability are guaranteed a return to their job or a similar job with at least the same pay.

**Parental Leave:** In appropriate circumstances either parent may take leave without pay for parental leave related to birth or adoption of a child. Parental leave must be taken within one year from the time of childbirth or adoption.

### 11.11 LEAVE WITHOUT PAY

The **City Manager** or his/her designee may grant leave without pay for absence from work not covered by any other type of leave or if other leave balances are exhausted. Examples of

situations for which leave without pay may be granted include time off work for personal reasons, such as prolonged illness, parenting, caring for an immediate family member, or pursuing an education. Only regular full-time employees who have satisfactorily completed their probationary period are eligible for leave without pay.

---

#### 11.11.1 ACCRUED TIME

Accrued compensatory time, if any, and PTO leave must be exhausted prior to taking any leave without pay. Time spent utilizing accrued paid leave or / time is included in the three-month maximum leave.

---

#### 11.11.2 BENEFITS DURING LEAVE

An employee's benefits are suspended during the period of leave without pay until the employee returns to work. PTO and/or any other benefits do not accrue while an employee is on leave without pay. Employees on leave are allowed to pay for the benefits through local deductions during this period to ensure there is not a lapse in any coverage or benefits through the extension period.

An employee who fails to report promptly at the end of the leave without pay is presumed to have voluntarily resigned. An employee returning from leave without pay may, at the City's option, return to the same position or similar position at a comparable rate of pay.

### 11.12 ADMINISTRATIVE LEAVE

On a case-by-case basis, the City may place an employee on administrative leave with or without pay for an indefinite period, as determined by the **City Manager** or his/her designee to be used in the best interests of the City pending an investigation or other administrative proceedings.

## SECTION 12 - EMPLOYEE DISCIPLINE

### 12.1 DISCIPLINE

#### 12.1.1 TYPES OF DISCIPLINARY ACTION

The following provisions shall govern disciplinary actions affecting employees in the classified service of the City of Cleveland. Generally speaking, the more severe disciplinary action will not be taken until one or more of the less severe alternatives have been used. The **City Manager**, subject to the approval of the Mayor and City Council and the appeal rights of the employee, shall have the following alternatives for disciplinary action.

---

##### REPRIMAND:

When an oral warning has not resulted in the expected improvement, or when more severe initial action is warranted, the Department Head shall submit a written reprimand to the employee. Copies shall be forwarded to the City Clerk and filed in the employee's personnel file.

---

##### SUSPENSION:

The Department Head may, for cause, suspend without pay a full-time employee in his department for up to ten (10) days. A written statement specifically setting forth reasons for suspension shall be furnished to the employee. Copies shall be forwarded to the City Clerk and filed in the employee's personnel file. With the prior approval of the City Council, the length of the suspension may be extended. Suspended employees are allowed to pay for the benefits through local deductions during this period to ensure there is not a lapse in any coverage or benefits through the extension period.

---

##### DEMOTION OR REDUCTION IN SALARY:

With the prior approval of the City Council, the **City Manager** may, for cause, reduce the salary of an employee within the range provided in the pay plan or demote the employee to a lower class. A written statement of the reasons for such action shall be furnished to the employee. Copies shall be forwarded to the City Clerk and filed in the employee's personnel file.

---

## DISMISSAL:

An employee may be terminated for cause and with prior approval of the **City Manager**. Full-time employees shall be dismissed only after a thorough investigation of the facts. The employee shall be presented with a written notice, which shall include the effective date of discharge, reasons for such action, and appeal rights available to the employee. Copies shall be forwarded to the City Clerk and filed in the employee's personnel file.

---

### 12.1.2 CODE OF CONDUCT

- A. All employees of the City of Cleveland are members of a team, working together for the main objective of serving the community. Any employee who fails to follow the necessary rules and regulations governing his conduct is not only penalizing himself but is doing a disservice to all of the other employees. In this light, the City has developed the Code of Conduct Rules. The Code of Conduct Rules are not intended to restrict or impose upon the privileges of anyone but are designed to ensure the rights and safety of all City employees and to provide working guidelines to assure equitable and business-like department to efficiently serve our community.
  
- B. Any penalty imposed as a result of infractions of the Code of Conduct Rules may be modified when extenuating circumstances are found. The City retains the right to treat each occurrence on an individual basis and without creating a precedent for other cases, which may arise in the future. Examples given in any rule do not limit the generality of the rule. The rules and regulations are not to be construed as a limitation upon the retained rights of the City, but merely a guide.

---

### 12.1.3 INFRACTIONS AND CORRECTIVE ACTIONS

The rules and regulations for the Code of Conduct are divided into three (3) groups to reflect the severity of the offenses. In each group, consideration will be given to the severity of the offense, the cost involved, the time interval between violations, the length and quality of service records, and the ability of the employee concerned. In each case where the penalty is modified from the recommended penalties, the reasons for such modifications will be noted.

---

## GROUP I OFFENSES - PARTIAL LIST - NOT ALL INCLUSIVE

FIRST OFFENSE - Verbal reprimand and written instructions

SECOND OFFENSE – Written reprimand & one day suspension

THIRD OFFENSE – Written reprimand & three to five-days suspension

FOURTH OFFENSE – Suspension pending discharge investigation

1. Failing to work assigned hours, including overtime;
2. Quitting work, wasting time, loitering, or leaving assigned work area during work hours without permission;
3. Being absent without permission or leave (AWOL);
4. Taking more than specified time for meals or rest periods;
5. Failing to meet required standards of productivity of workmanship to include inefficiency or incompetence in the performance of duties. This may be evidenced by an employee not responding favorably to progressive disciplinary action;
6. Disregarding job duties by loafing or neglecting work during working hours;
7. Chronic Tardiness or absenteeism;
8. Leaving your post at the end of the scheduled shift without being relieved by the Supervisor or the incoming employee;
9. Violating a safety rule or safety practice;
10. Failing to report a vehicle or equipment accident in which the employee was involved in while on the job to supervisor.
11. Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the attention of others, catcalls, demonstrations on the job, or similar types of disorderly conduct;
12. Creating or contributing to unsafe and unsanitary conditions or poor housekeeping;
13. Use or possession of another employee's tools or equipment without their consent;
14. Failure to follow any internal policies & procedures; or
15. Failing to maintain a level of professionalism and courtesy towards citizens.

\*NOTE: All offenses may include (if necessary) not cooperating with a police investigation (if required)

---

## GROUP II OFFENSES - PARTIAL LIST - NOT ALL INCLUSIVE

FIRST OFFENSE – Written reprimand and two (2) day suspension

SECOND OFFENSE - Suspension pending discharge investigation

1. Threatening, intimidating, coercing, or interfering with fellow employees or supervisors at any time;
2. Sleeping during working hours;
3. Gambling, lottery, or engaging in any other game of chance at City workstations at any time;
4. Making or publishing false, vicious, or malicious statements concerning any employee, supervisor, or the City;
5. Careless mistakes that affect or could affect the safety of City Personnel or bystanders or damage City property;
6. Distributing or posting unauthorized printed material on City premises;
7. Vending, soliciting, or collecting contributions for any purpose whatsoever at any time on City premises unless properly authorized by **City Manager**;
8. Receiving from any person any fee, gift or other valuable in the course of work, when such fee, gift or other valuable thing is given in the hope or expectation of receiving a favor or better treatment than that afforded other persons; or
9. Loss of certification required to perform job duties.

\*NOTE: All offenses may include (if necessary) not cooperating with a police investigation (if required)

---

## GROUP III OFFENSES – PARTIAL LIST – NOT ALL INCLUSIVE

FIRST OFFENSES – Suspended pending discharge investigation.

1. Provoking or instigating a fight, or fighting at any time on City property;
2. Wanton and willful neglect in the performance of assigned duties;
3. Deliberate misuse, destruction, theft, or damage of City or employee property;
4. Falsification of personal or City records, including employment applications, accident reports, work records, purchase orders, time sheets, or any other report, record, or application;

5. Making false claims or misrepresentations in an attempt to obtain sickness, accident benefits, or Workers' Compensation benefits;
6. Refusal to perform work assigned or to comply with written or verbal instructions of the supervisory force;
7. Unauthorized use or display of firearms, explosives, or weapons on City property;
8. Proven incompetence or inefficiency in the performance of assigned duties;
9. Arrest for a crime while either on or off the job;
10. Concerted interference or restriction of production in or about the City's work stations, including, but not limited to, instigating, leading, or participating in any walkout, strike, sit down, slowdown, or refusal to return to work;
11. Use or sale of illegal drugs or narcotics;
12. Reporting to work or working under the influence of alcohol; and/or violation of the City of Cleveland Alcohol and Drug Policy; or
13. Theft or unauthorized removal of City property from City locations or from a fellow employee.

\*NOTE: All offenses may include (if necessary) not cooperating with a police investigation (if required)

### **Suspension before discharge**

Employees accused of committing a discharge offense are to be suspended without pay, until the charge is investigated, and the administrative due process requirements are satisfied. No suspension will last beyond five (5) working days and if a discharge is necessary, the employee will be terminated effective the last day worked.

### **Records of Disciplinary Action**

In all cases of disciplinary action, the appropriate Department Head shall forward to the **City Manager**, and the City Clerk, who will furnish the City Council pertinent data concerning the recommended disciplinary action such as: name of employee involved, offense committed, date offense committed, and type of disciplinary action received. This information shall be included in the employee's personnel folder, and the employee shall receive written notification of the disciplinary action.

## **Disciplinary Action Concerning Department Heads**

With consultation of the Mayor and the City Council and in adherence to the City Charter, the **City Manager** has the authority to administer disciplinary action to City Department Heads in accordance with the provisions of this subsection.

## **Appeal Rights**

Any employee who has received disciplinary action and who has completed his or her probationary period shall have the right to appeal disciplinary action in accordance with this policy.

Should an employee feel he has been disciplined unjustly, he or she may register a complaint and seek relief under the City's grievance procedure.

## SECTION 13 – TECHNOLOGY AND SOCIAL MEDIA

### 13.1 CELL PHONES

#### General Use of Cell Phones or Similar Devices:

CELL PHONE includes a cellular telephone, push to talk, blackberry, laptop, netbook or similar device.

CELL PHONE USE includes receiving or placing calls, text messaging, surfing the internet, receiving or responding to e-mail, checking for phone messages, or any other purposes.

Excessive personal calls on any phone interfere with your job and are distracting to others. Employees shall exercise the same discretion in using personal cell phones as they use with City phones. Employees shall restrict personal calls and use personal cell phones only during scheduled breaks or lunch periods in non-working areas. Personal calls must be made during non-work time whenever possible, and employees must instruct their friends and family of this policy.

The City of Cleveland is not liable for the loss of personal cell phones brought into the workplace. The City of Cleveland prohibits the use of cell phones or similar devices while at any work site at which the operation of such device could be a distraction or create an unsafe work environment.

#### Use of Cell Phones While Driving:

Cell phone use while driving can be as dangerous as driving while drunk. You are required to stop your vehicles in a safe location so that you can safely use your cell phone. The shoulder of the road is generally not a safe place.

---

#### 13.1.1 THE FOLLOWING ARE PROHIBITED:

1. Using any cell phone while driving a City Vehicle.

You may not use any cell phone or similar device, whether or not it is a City owned cell phone or your own private phone, while driving a City Vehicle, even if you are not on City business.

2. Using a City owned cell phone while driving any vehicle.

You may not use any City owned cell phone while driving at any time, even your private vehicle while on private business.

Employees who violate this policy will be subject to disciplinary actions, up to and including employment termination.

Exceptions. In bona-fide emergency situations, use of cell phones shall be permitted. Police, fire and other emergency personnel may be subject to special use restrictions or exceptions and will be informed so by their supervisor. Use of cell phone applications for directional purposes (i.e. Waze) is permitted.

## 13.2 UTILIZATION OF TECHNOLOGIES POLICY

### 13.2.1 PURPOSE AND INTENT

The purpose of this policy is to ensure an information technology infrastructure that promotes the basic missions of the City. In particular, this policy aims to promote the following goals:

- To ensure the integrity, reliability, availability, and performance of IT systems;
- To ensure that the use of IT systems is consistent with the principles and values that govern the use of City assets;
- To ensure that IT systems are used for their intended purposes; and
- To establish processes for addressing policy violations and sanctions for violations.

This policy document has been created to assist users in understanding the usage of The City of Cleveland Information Technology (IT) systems and assets. Examples of IT assets include (but are not limited to) computers, servers, network switches/routers, WiFi routers/access points, fax machines, projectors, copiers, scanners, cameras, desk telephones, mobile phones and communication devices, voice mail systems, televisions, software or other applications, any data stored on City computers including laptops, file servers, memory sticks, storage media or desktop computers.

### 13.2.2 IT ASSET USAGE-CODE OF CONDUCT

City IT systems, including access to the public network, are provided to support business objectives and are intended solely for business use.

Limited personal use is acceptable provided:

- this activity is undertaken during employee's personal time;
- it is minimal and occasional;
- incurs no or de minimus network or system costs to the City; and

The City of Cleveland has the right to audit and monitor usage of all technology assets without seeking prior approval or informing users. This monitoring includes but is not limited to Internet usage; email usage; mobile phones and communication devices; system access and data files. **Users should have no expectation of privacy for any City issued/owned technologies.** All information stored in electronic format, including that which may be personal in nature, is subject to access and disclosure by the City.

The City reserves the right to access City computers, E-mail and other information storage to ensure compliance with the provisions of this policy.

Users are responsible for maintaining the security of their own IT system's accounts and passwords. Accounts and passwords are assigned to single Users and are **not to be shared** with any other person without authorization from the user's department director.

*NOTE: Users are entirely responsible for any activity carried out under their IT systems accounts.*

---

### 13.2.3 EFFICIENT USE OF TECHNOLOGIES

All City employees are expected to conduct themselves in a professional manner, and work as efficiently as possible during their time on the job. Use of City provided or personal devices (computers, laptops, tablets, smartphones, televisions etc....) that is not business related and/or that cause an employee to be unproductive, or utilize their work time in an inefficient manner is strictly prohibited.

#### I. IT ASSET USAGE – GUIDELINES

The City of Cleveland recognizes the growing importance of technology as a means to support its mission and therefore provides staff with access to technology, which includes a high-speed local area network, access to shared network software and storage space, computing equipment, support services, and access to the Internet. In return, users of the City's technology must be committed to complying with the City's policies and applicable law on appropriate use of these systems. All users of the City's technology are expected to observe the highest standards of responsibility and ethics. In general, this means that an individual's use of technology should not infringe on the rights of other users, utilize an unfair share of system resources, or interfere with the normal operation of the computer system.

#### PROMOTE A SAFE AND SUPPORTIVE WORKING ENVIRONMENT

- Users must not access, download, store or transmit any material or content that a reasonable person would consider inappropriate in a business/government environment, or that could be considered offensive or disrespectful to others. This includes, but is not

limited to: threatening, abusive, libelous, defamatory, pornographic, racist, sexist or otherwise objectionable materials and language.

#### LEGISLATIVE COMPLIANCE

- Users must respect and adhere to applicable local, state, and federal laws which govern the use of computing and communication facilities.
- Users must not knowingly download, upload, post, transmit or otherwise distribute or reproduce any information, software or other material protected by copyright, or other intellectual property right, without the express written permission of the copyright owner or right holder.

#### PROHIBITED USE OF IT ASSETS

The following activities are prohibited uses of IT assets:

- Interference with the operation of any City computer system or network;
- Interference with the security of any City computer system or network;
- Unauthorized use of another user's account;
- Unauthorized attempts to alter data, files or systems;
- Making unauthorized changes to the configuration or working of equipment;
- Intentionally damaging software or hardware;
- Intentionally disrupting the City's network, website, or e-mail systems;
- Disguised use of City technology;
- Distributing computer viruses;
- Assisting in a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition;
- Performing unauthorized mass email distributions;
- Utilizing email for non-business purposes
- Removing software or hardware from the City's computer systems without authorization; and
- Harassing or threatening use.

## II. SOFTWARE LICENSING AND INSTALLATION

All users of the City's technology must cooperate with in ensuring that the City obtains all software licenses utilized on City systems. Users should refer to City policies and guidelines associated with acquiring Information Technology software. Obtaining copies of software without appropriate licenses or using software in a manner beyond the rights granted in any license are violations of this policy.

Only software or programs purchased, developed or authorized by the City may be installed and used on City equipment. All installations must be done by technical support staff, unless otherwise approved by the **City Manager** or their designee.

City computers are scanned regularly for unauthorized and/or malicious installed software. Unauthorized and/or malicious software will be removed from the computers and the abuse of this policy will be reported to management. Any unauthorized software currently in use and

required for City business should be reported to the **City Manager** or their designee so that its use may be approved, or an acceptable replacement selected.

### III. PROTECTION AGAINST UNAUTHORIZED ACCESS

Each individual requiring access to the City's computer system must comply with the procedures administered by the **City Manager** or their designee for obtaining a password and system access. Each individual is responsible for choosing and protecting an appropriate password for access to the computer systems.

All City computers are protected by an enterprise version of anti-virus software. Users must not attempt to disable this software, or it could create the potential for system compromise. Users must not attach any unapproved devices (such as an external disk, personal laptop, network switch or hub, printer, or video system) to City IT equipment or systems without the approval of the **City Manager** or their designee.

### IV. SEPARATION OF DUTIES

To the extent possible, activities will be executed by multiple individuals so that no single person has total control of a process. System Administrators should design processes and oversee security and user access to promote the separation of duties wherever and whenever possible.

### V. PORTABLE STORAGE DEVICES

Portable storage devices such as USB Flash Drives have gained popularity due to their data storage capacity, simplicity of use and portability. The problem with these devices, however, is their proneness to theft and thereby vulnerability to data breaches.

No portable storage device should store any sensitive information without suitable physical and technical protective measures in place. Access control mechanisms should provide appropriate safeguards to preserve the confidentiality, integrity, and availability of the information asset.

There is a risk of disclosure of sensitive information through careless disposal or reuse of equipment. Formal processes should be established to minimize this risk. The contents of removable media should be permanently destroyed or rendered unrecoverable in accordance with record retention requirements when no longer required. Storage devices containing sensitive information should be physically destroyed or securely overwritten to prevent the unauthorized disclosure of sensitive information.

### VI. DATA ENCRYPTION

Users are encouraged to encrypt files, documents, and messages for protection against inadvertent or unauthorized disclosure while in storage or in transit over data networks.

## VII. INTERNET BROWSING

Employees may be granted Internet browsing capabilities at the request and approval of an employee's department director. The browsing function of the Internet should be used only for necessary job functions (i.e. research). Personal use, defined as any use not directly related to the performance of job duties, of Internet browsing functions is permitted on an infrequent or incidental basis only. Each department director shall be responsible for developing procedures to monitor and enforce this provision of the policy within his/her department. At no time is an employee allowed to browse sites containing any material prohibited by this policy.

All employees are subject to monitoring of their browsing activities. The City owns the computers, network and any other equipment used by employees to gain access to the Internet. Users should be aware that any electronic records transmitted via and/or maintained on or created by any of these systems are not private records. The City reserves the right to monitor all electronic records at any time and without prior notice to users to assure compliance with state and federal law and this policy.

Improper use of Internet browsing shall result in loss of Internet privileges, departmental reprimand, and/or such other disciplinary actions as may be deemed necessary, up to and including termination of employment. Improper use is defined as browsing of information or material that promotes or transacts any of the following:

- Non-businesslike material;
- Discrimination on the basis of race, national origin, color, sex, religion, disability, age, or political affiliation;
- Unlawful harassment in violation of City policy;
- Copyright infringement;
- Excessive personal use (not related to job duties) as defined by employee's department director;
- Personal, political, or religious business or beliefs; and
- Any unlawful activity.

Each user/employee shall maintain the confidentiality and security of his/her system password and shall not permit access to any network, computer, or electronic mail account by any person via his/her (employee) password unless such access has been approved in advance by employee's department director. If a user's password is disclosed to any other person, for whatever reason, or if the security of an employee's account access is otherwise breached, the employee shall immediately notify his/her department director, and immediately change their password. Each employee shall be held responsible for any activity occurring under his/her password or user identification code unless his/her department director has been given prior written notification of a security breach.

## VIII. INTERNET BROWSING EXCEPTIONS

Occasionally it may be necessary for certain job classifications (namely certain employees of the Courts and/or Police Department) to utilize the Internet in a manner that is otherwise prohibited by this Policy. In that event, the employee seeking to access material prohibited by this Policy as a direct performance of job duties must have a legitimate research need, and such access must be approved by his/her department director prior to such access. The employee's department director will maintain a log of all access exception approvals.

Any questions regarding this policy or Internet/Intranet activities should be directed to the **City Manager** or their designee.

## IX. SOCIAL NETWORK SITE ACCESS/USAGE

Employees are strictly prohibited from using any City owned networks, equipment, or hardware to access social networking sites (e.g. Facebook, YouTube, Twitter, TikTok, etc.) at any time. In the event a particular job classification or specific employee needs to access any of these sites for a qualified City purpose, such access must be approved by his/her department director prior to such access being granted. The employee's department director will maintain a log of all access exception approvals.

All City employees are expected to conduct themselves in a professional manner, and work as efficiently as possible during their work hours. Use of the employee's personal devices (computers, laptops, tablets, smartphones, etc....) during approved breaks is permitted if such usage is not disruptive to the workplace, does not lead to inefficiency or wasted time and does not violate any other City policy, rule or regulation. Employees who violate this policy are subject to losing all access to social networking sites during the workday on a temporary or permanent basis and are subject to disciplinary action up to and including termination.

## X. EMAIL USE GUIDELINES

Email provides essential communication regarding City operations. All employees and staff are required to use the official City email account that has been provided for City related correspondence.

Improper use of electronic mail may result in loss of mail privileges, departmental reprimand, and/or such other remedies as may be deemed necessary, up to and including termination of employment. Improper use is defined as transmission, receipt, or review of information or material that promotes or transacts any of the following:

- Soliciting or proselytizing for commercial ventures, job searches, chain letters, religious or personal causes or outside organizations or other similar, non-job-related solicitations;
- Discrimination on the basis of race, national origin, color, sex, religion, disability, age, or political affiliation;
- Unlawful harassment in violation of City policy;
- Copyright infringement;
- Expression of ill will or bias against individuals or groups;
- Offensive material such as sexually explicit material, obscenity, vulgarity, profanity, jokes, sarcasm, or other non-businesslike material;
- Excessive personal use (not related to job duties) as defined by employee's department director;
- Creating inefficient use of employees work time; and
- Any unlawful activity.

All employees are subject to monitoring of their electronic mail activities. The City owns the computers, network, and any other equipment used by employees to gain access to the Internet. Users should be aware that any electronic mail transmitted via and/or maintained on or created by any of these systems are not private records, and employees should have absolutely no expectation of privacy in any electronic record, file or activity. The City reserves the right to monitor all electronic mail at any time and without prior notice to users to assure compliance with state and federal law and this policy.

All employees, except for those in specific positions with approved exemptions, will have a footnote added to the end of each email advising recipients that emails sent to/from the City's email system are public information. The following verbiage will be added to each email "NOTE: Email is provided to employees for the administrative needs of the City. Email correspondence

to/from a City email account is considered public information and subject to release under Georgia laws or pursuant to subpoena."

As with the browsing function, each employee shall be held responsible for any electronic mail activity occurring under his/her password or user identification code unless his/her department director has been given prior notification of a security breach.

If a user's password is disclosed to any other person for whatever reason, or if the security of an employee's account access is otherwise breached, the employee shall immediately notify his/her department director and immediately change their password.

#### XI. USE OF INTRANET/INTERNET/EMAIL ON NON-CITY DEVICES

All City employees are expected to conduct themselves in a professional manner, and work as efficiently as possible during their time on the job. Use of personal devices (computers, laptops, tablets, smartphones, etc....) to access the intranet/internet/email that is not business related and/or that cause an employee to be unproductive, or utilize their work time in an inefficient manner is strictly prohibited.

#### XII. ELECTRONIC MAIL RETENTION

Electronic mail is subject, under the Open Records Act, to the same requirements as hard-copy correspondence. Therefore, electronic mail sent from and received by any City equipment is subject to production and may be scrutinized by the public as detailed in the Open Records Act. Furthermore, departmental records retention standards apply fully to electronic mail as they apply to hard-copy records. Electronic mail correspondence and records must be maintained in either electronic or hard-copy format for the duration of the records retention period required.

Each employee is responsible for ensuring proper retention of E-mail messages in accordance with the Open Records Act. The IT Department does not retain a central repository of these messages.

Although backup of E-Mail by the IT Department may be done for disaster recovery/continuity of operations reasons, this backup is not designed to comply with the Open Records Act. Employees must set up their own retention procedures to ensure compliance with the open records act. While methods for reviewing, storing, or deleting E-Mail vary, employees may comply with retention requirements of the public records law by doing one of the following:

- Print the E-Mail and store the hard copy in the relevant subject matter file as you would any other hard-copy community. Printing the E-Mail permits you to keep the information on a particular subject matter in one central location, enhancing its historical and archival value. The employee must also determine if the incoming E-Mail must be printed before being deleted from his/her system;
- Electronically store public recorded E-Mail on your computer system and retain it electronically pursuant to retention schedules. Any questions regarding retention can be directed to the City Clerk.

#### XIII. USE OF THE CITY OF CLEVELAND WIRELESS NETWORKS

The City of Cleveland offers wireless access to the Internet and internal networks at a number of facilities for use in conducting City business. Access to the City's wireless networks is limited and will be authorized as the need is identified. Department Heads should request employee access credentials from the **City Manager** or their designee.

#### XIV. USE OF WIRELESS/MOBILE DEVICES – GUIDELINES

The use of wireless and mobile technology by government employees has increased over the years as the technology has matured and proved itself as an effective communication tool. Its use has changed how we do business. Appropriate use of this technology allows employees to be more responsive to the citizens they serve. The following guidelines must be adhered to:

- Wireless/mobile devices issued by the City are intended for City business purposes only. Personal calls to or from a City mobile device is prohibited. Such calls constitute illegal avoidance of State and Federal taxes. Occasional, de minimus personal calls may be necessary if extenuating circumstances dictate. Personal use is prohibited and subject to disciplinary action up to and including termination of employment in accordance with the employment policies of The City of Cleveland.
  - A copy of wireless/mobile device charges will be available to each Department Director for their review in identifying abuse. The Accounting Department may conduct audits every year through the IRS approved statistical sampling method to ensure compliance with City policies as well as IRS and other governing mandates.
- Wireless/mobile devices may be provided to a City employee to improve customer service, enhance business efficiency, and provide safety and/or security while on required business travel. Cellular phones, cellular radios, and other types of wireless/mobile devices such as the Blackberry and other smartphones are not a personal benefit and shall not be a primary mode of communication unless they are the most reasonable and/or cost-effective means to conduct City business.
- The most appropriate wireless/mobile device and the most economical usage plan that meets the employee's business needs will be provided.
- City provided wireless/mobile devices may not be used to initiate charge based directory assistance such as 411 and (area code)-555-1212.
- City provided wireless/mobile devices may not be used to call fee based phone services, such as 1-"900" and "976" calls.
- City provided wireless/mobile devices should not be used when fixed services devices are readily available.
  - Example: using wireless/mobile phones at an office when a desktop phone is readily available.

#### XV. CRITERIA FOR DETERMINING NEED FOR WIRELESS/MOBILE DEVICES

As an overview, a department is authorized to provide wireless/mobile devices to its employees in accordance with the provisions of this policy. In the remainder of this section, proposed criteria for determining the need for such device(s) and guidelines for acquiring such device(s) are presented. If it is determined that a wireless or mobile device is a necessary component of a job function, then consideration should be given to such device(s) being maintained in a pool for shared use among employees unless this is not practical.

Departments must establish and adopt written criteria to determine which job functions have a legitimate business need for wireless or mobile devices. Departments shall utilize their criteria prior to assigning any such devices. Where communications needs cannot be met with fixed telephone or desktop computer equipment, a department must use their criteria for issuing these devices. Criteria under which these devices could be issued might include the following:

- Device is required to directly enhance an employee's job responsibility of protecting the physical safety of the general public;
- Device is required for an employee to better respond to environmental emergencies;
- Device is required for additional protection for the employee in potentially hazardous working conditions;
- An employee cannot adequately meet communications needs with fixed telecommunications equipment;
- Frequent travel (e.g.>25% of time) and required to stay in contact with the office or clients. (If travel duties rotate, departments should use minimum number of devices to accommodate the maximum number simultaneously on the road.);
- Job requirements are to remain mobile within multiple building/sites where 2-way communications is required (e.g. transporters, delivery personnel, desktop support technicians, IT support staff);
- Public Safety/Homeland Security;
- On-call personnel who are on-call more than two weekends a month (Departments should explore possibility of shared phones if on call duties are shared);
- Critical staff doing business and expected to do business while commuting and moving from appointment to appointment;
- Regular requirement for two-way real-time communication where stationary phones cannot be made available (e.g. new construction area, campus-type environment, highway, etc.);
- Personnel who are required to be accessible at least 80% of the time and away from their office on a frequent basis (e.g.>25% of the time); and
- Positions meeting these criteria for wireless/mobile devices should be required to use a City provided device and service and not use a personal phone for reimbursement.

#### XVI. PROCEDURE FOR ACQUIRING WIRELESS/MOBILE DEVICES AND SERVICES

The **City Manager** or their designee will establish a contract for mobile services for the City and its employees.

- **City Manager** or their designee will serve as the central location for the issuance and management of wireless/mobile equipment. **City Manager** or their designee will be responsible for activation of all newly-requested service; any changes in existing equipment, accessories, and/or rate plans; coordinating all repair problems with the service provider; maintaining a complete inventory of wireless/mobile equipment by department; and coordinating the acquisition or renewal of annual wireless/mobile equipment with the Finance Department.
- All requests for cellular and other telecommunications devices/services must be approved by the user's department director or their designated representative. Such requests must be submitted to the **City Manager** or their designee via established methods. A justification of need, approved by the appropriate party must be included in the request.

- The justification must indicate how the equipment will support the City's business, improve the employee's ability to do his/her job, and/or provide efficiency that does not currently exist. The service request must also include the appropriate financial accounting information for processing payment.
- Employees eligible for a City phone have the option to receive a monthly stipend in lieu of receiving a City phone. By choosing this option, employees acknowledge that a) their personal phone may be open to public record requests and b) Ring Central will need to be downloaded on their personal phone to ensure business needs are met. The Ring Central application will need to be used for all City business.
- Once a request is received, the device/services will be processed through the current provider(s) of wireless/mobile device/services. The employee will receive a "City of Cleveland Wireless/Mobile Device Agreement" and will sign said agreement indicating acceptance of the terms of the issuance of a City wireless/mobile device. Upon completion of the Agreement, the employee will be issued the wireless/mobile device by the IT Department.
- Each department shall be responsible for funding their wireless/mobile expenses. The **City Manager** or their designee will be the central administrator for processing payments of wireless/mobile monthly bills. Monthly charges will be entered into the financial system for each department according to supplied accounting information.
- The **City Manager** or their designee shall manage and monitor the use of communications equipment and services for the purpose of minimizing costs. The costs/benefits of assigning communications devices in lieu of paying salaries and overtime to employees who are frequently required to be on standby status should be considered.
- Each quarter, the Finance Director will forward copies of wireless/mobile charges to the respective departments for review. Any noted discrepancies in billing should be returned to the Finance Director within fifteen (15) working days of receipt. Expenses for devices and services will be charged to each department's telephone service account.
- If there is a charge to the City for non-business calls, the charges must be reimbursed by the employee within ten (10) working days of his/her receipt of the copy of the invoice. Reimbursement will be made payable to "City of Cleveland" and forwarded to the IT Department along with a copy of the invoice being paid. Employees should be reminded that City cellular phone records are *not* exempt from the Open Records Act. (Dortch v. Atlanta Journal & the Atlanta Constitution, 261 Ga. 350, 405 S.E.2d 43 (1991).
- Each Department Head should review their bills for accuracy of accounting information and to monitor employee usage.
- The user's department is responsible for notifying the **City Manager** or their designee to terminate the wireless/mobile plan when the user is no longer employed by the City and when there are other changes in assignment of wireless/mobile devices.

- Department Heads must approve and submit requests to the **City Manager** or their Designee for any changes to an employee's issued equipment or rate plan.
- Employees responsible for wireless/mobile devices shall not lend their equipment to others except in the case of a public safety emergency.
- The employee must report the loss or theft of wireless/mobile devices by the next business day to the **City Manager** or their designee during business and non-business hours. If a device is lost, stolen or damaged, the employee may be held responsible for replacement, and may be subject to disciplinary action as outlines in the employment policies of the City of Cleveland as determined on a case-by-case basis.

#### XVII. COMMUNICATIONS MONITORING

City departments shall expressly reserve the right to monitor and review all communications or other transmissions made to or from a City provided device without further notice to employees to the maximum extent permissible by law.

#### XVIII. GUIDELINES FOR USE OF PERSONAL WIRELESS/MOBILE DEVICES

City employees may carry personal cellular phones or other types of wireless/mobile devices with them while on City time, but excessive use of personal cellular phones and other types of wireless/mobile devices for personal business during working hours is not allowed.

When authorized in writing by an employee's department director or designee, the cost of using wireless/mobile devices for official business may be a reimbursable expense to the employee. Any reimbursement will be for reasonable cost in excess of the base plan plus any additional fees such as roaming fees or other fees and taxes incurred as a direct result of the business use. In no instance will an employee be reimbursed more than the monthly cost to the employee.

All City employees are expected to conduct themselves in a professional manner, and work as efficiently as possible during their time on the job. Use of personal devices (computers, laptops, tablets, smartphones, etc....) that is not business related and/or that cause an employee to be unproductive or utilize their work time in an inefficient manner is strictly prohibited.

#### XIX. SAFE USE OF WIRELESS/MOBILE DEVICES

City of Cleveland mandates the safe use of wireless/mobile devices when operating any vehicle or piece of machinery. Drivers shall exercise due care in operating a motor vehicle and shall not engage in any activities which shall distract the driver from the safe operation of their vehicle. As a general rule, employees who are operating a motor vehicle should make every effort to move to a safe place off of the road before using a wireless/mobile device. Under no circumstance should an employee text message, surf the Internet, receive or respond to email, or check devices for messages while they are driving.

This policy applies to employees who are driving a City-owned vehicle; are using a City-issued mobile phone/device; and/or are talking on a personal mobile phone/mobile device while conducting official City business.

#### XX. QUESTIONS

Users of the City's technology resources are encouraged to ask questions and seek information on the topics covered in this policy. In order to better be able to comply with this policy, questions about the appropriate use of computer and technology resources should be directed to the **City Manager** or their designee.

Questions regarding disciplinary actions and procedures should be directed to the appropriate office, or the Human Resources department.

## XXI. DEFINITIONS

Browsing - Using a web browsing application to "move" among the Web servers within the Internet, selecting information, viewing images or moving pictures and downloading applications.

Confidentiality – A security principle that works to ensure that information is not disclosed to unauthorized parties.

Copyrighted – The legal right granted to an author, composer, developer, playwright, publisher, or distributor to exclusive publication, production, sale, or distribution of a literary, musical, dramatic, or artistic work.

Confidentiality – A security principle that works to ensure that information is not disclosed to unauthorized parties.

De minimus - Something that is so little, small, minuscule, or tiny that the law does not refer to it and will not consider it.

HR – the Human Resources liaison (aka the City Clerk)

Information – Any knowledge that can be communicated or documented material, regardless of its physical form or characteristic.

Integrity – A security principle that makes sure that information and systems are not modified maliciously or accidentally.

Portable Storage Device – Any device used to store data/information that can be carried from one place to another with relative ease.

Proselytizing - The act of attempting to convert people to another opinion and, particularly, another religion.

Remuneration – The total of the financial and nonfinancial benefits to the employee of all the elements in an employment package.

Sensitive Information – Any information, the loss, misuse, or unauthorized access to or modification of which would adversely affect the interest or the conduct of programs, or the privacy to which individuals are entitled.

Sensitivity – A measure of the importance assigned to information by its owner, for the purpose of denoting its need for protection.

Social Networking - A community where an individual connects and communicates with others on the Internet.

User – A “user” is any person, whether authorized or not, who makes use of any IT system from any location.

Wi-Fi - Any of several standards for short-range wireless data transmission.

#### XXII. COMPLIANCE

Any employee violating any provision of this policy may be subject to possible disciplinary action up to and including termination.

Each department may, based upon its individual business needs or legal requirements, exceed the requirements put forth in this policy but must, at a minimum, achieve the objectives defined in this document.

#### XXIII. INTERPRETATION

The **City Manager** shall have final authority to interpret and apply this policy.

### 13.3 SOCIAL MEDIA

---

#### 13.3.1 PURPOSE AND INTENT

The purpose and intent of this policy is to establish guidelines for employees who engage in social media activity as defined herein. This policy is not intended to prohibit any employee's personal expression in general or through social media activity in particular; however, because such activity can adversely affect the efficiency and effectiveness of City of Cleveland's interest in preventing unnecessary disruption to or interference with its operations and relationship to the public it serves.

---

#### 13.3.2 DEFINITIONS

1. For purposes of this policy, the term “social media” is defined as the online technologies through which employees and other individuals engage in “social media activity” as defined below. In most cases, the term refers to internet-based platforms including: Facebook, Twitter, LinkedIn, and SnapChat. Online social media and applications and technologies covered by this policy also include, but are not limited to, blogs, vlogs, message boards, and podcasts.
2. For purposes of this policy, the term, “social media activity” is defined as the act of sharing information or otherwise communicating through social media, including, but not limited to, the posting, uploading, reviewing, downloading and/or forwarding of text, audio recordings, video recordings, photographs/images, symbols, or hyperlinks

---

### 13.3.3 SCOPE OF POLICY

This policy applies to all employees of the City of Cleveland without regard to whether their social media activity is conducted in or outside the workplace, while on or off duty or anonymously or using pseudonyms.

This policy applies to all employees of the City of Cleveland without regard to job title, position or rank; however, with the approval of City Council, the Police Department and any other department or affiliated agency of the City of Cleveland having special or unique concerns pertaining to its employees' social media activity may adopt and implement more restrictive SOP's or other internal rules narrowly designed to address such concerns.

---

### 13.3.4 PROHIBITIONS ON SOCIAL MEDIA ACTIVITY

All employees of the City of Cleveland should remain mindful that as public servants, they are generally held to higher standards than the general public with regard to their on-duty and off-duty conduct, professionalism, and ethics. As a result, certain social media activity that may be tolerated or even acceptable in the private sector may nevertheless constitute a violation of this policy.

Each employee of the City of Cleveland who engages in social media activity must take personal responsibility for ensuring that such activity is consistent with all policies of the City of Cleveland, including, but not limited to, those pertaining to making false or misleading statements, promoting or endorsing violence or illegal activity, promoting or endorsing the abuse of alcohol or drugs, disparaging individuals or groups based on race, ethnicity, national origin, gender, sexual orientation, religion, disability, or other characteristics protected by law, or otherwise engaging in conduct unbecoming an employee of the City of Cleveland, bringing discredit to the City of Cleveland, or interfering with or detrimental to the mission or function of the City of Cleveland.

Employees must refrain from engaging in any social media activity which disqualifies them from performing or in any way reasonably calls into question their ability to objectively perform, any essential function of their jobs. Examples of such functions include, but are not limited to, testifying, making hiring or promotion decisions or recommendations, conducting performance evaluations, and determining eligibility for City of Cleveland programs.

While any employee, at his/her discretion, may engage in social media activity with any other (s) consistent with the prohibitions, limitations and restrictions, and guidelines of this policy, no employee may be required or otherwise compelled to engage in such activity with another employee.

No employee, whether for purposes of engaging in social media activity or otherwise, may disclose or otherwise reveal any privileged or confidential information of the City of Cleveland, any other current or former employee of the City of Cleveland, or any applicant for employment with the City of Cleveland.

Do not download any social media applications on cell phones provided by the City without written permission of the Department Head or **City Manager**.

TikTok should not be installed on any City phones for any reason.

---

### 13.3.5 LIMITATION AND RESTRICTIONS ON SOCIAL MEDIA ACTIVITY

1. Employees are strongly discouraged from disclosing or otherwise revealing their status as employees of the City of Cleveland through social media and, except as otherwise authorized in advance by City Council, are strictly prohibited from directly or indirectly representing themselves to be speaking on behalf of the City of Cleveland. Similarly, in the absence of prior approval, employees' social media activity should not reveal or depict the City of Cleveland's adopted logos, seals, symbols, uniforms, patches, badges, or similar items identified with the City of Cleveland.
2. Except as otherwise authorized in advance by City Council, if an employee's status as an employee of the City of Cleveland is disclosed, revealed, or otherwise made apparent in connection with his/ her social media activity, his/her social media activity must include a prominently displayed disclaimer to the effect that the activity reflects only the employee's personal views or opinions and not those of the City of Cleveland; provided, however, that no disclaimer will shield an employee from the imposition of appropriate corrective and/or disciplinary action for social media activity which otherwise violates this policy. Employees should recognize that social media activity is generally more likely to violate this policy and other policies of the City of Cleveland if their status as City of Cleveland employees is disclosed or revealed in connection therewith.

3. Except as otherwise authorized in advance by City Council, no employee may utilize City of Cleveland, computers or equipment for purposes of engaging in social media activity.
4. Except as otherwise authorized in advance by City Council, no employee, whether for purposes of engaging in social media activity or otherwise, may post or upload any information, audio recordings, video recordings, photographs/images, etc. from City of Cleveland computers or equipment.
5. To preserve the continuity of the City of Cleveland's message, ensure accuracy and avoid unnecessary confusion in the community, except as otherwise authorized in advance by City Council, employees should refrain from engaging in any social media activity that purports or serves to announce or explain the details of City of Cleveland programs, projects, activities, initiatives, or events.
6. Exceptions to the above-stated limitations and restrictions may be authorized by the City Council provided, however, that any request for such an exception represents a promise by the employee that, if approved, the disclosure of information, photographs, audio, video, etc. via social media activity will be fully consistent with the letter and spirit of this and all other policies of the City, and internal SOP's or rules adopted by his/her department head, as well as any laws pertaining to copyrights, trademarks, trade secrets, patents, and privacy and reputational rights.
7. The City of Cleveland reserves the right to require any employee to remove immediately any posted or uploaded text, audio recordings, video recordings, photographs/images, etc. (even if previously approved) if such posted material constitutes a violation of this policy or other City of Cleveland policies.
8. Per 13.5.4, TikTok should not be installed on any City phones for any reason.

---

### 13.3.6 APPLICATION TO OTHER POLICIES

All personnel policies of the City of Cleveland relating to employee conduct apply equally to conduct that occurs through social media. This includes, but is not limited to, policies relating to

discrimination, harassment, retaliation, workplace violence, conflicts of interest, and political activity. Any conflicts or inconsistencies between this policy and any one or more other policies shall be resolved by the City Council.

### **Duty to Report**

All employees have an ongoing duty to report any violations of this policy by another employee. The City of Cleveland considers this duty to report a critical responsibility of employee to preserve its reputation and goodwill in the community and avoid or minimize unnecessary disruptions to or interference with its operations and service to the public.

---

#### 13.3.7 NO EXPECTATION OF PRIVACY IN SOCIAL MEDIA ACTIVITY

1. City of Cleveland employees should be aware that social media activity is not secure or private, even if active steps are taken to restrict access. Once information has been posted or exchanged via social media, it is generally trackable, traceable, and accessible indefinitely. For this reason, and consistent with the City of Cleveland's current Personnel Rules & Regulations, employees should have no expectation of privacy in any social media activity conducted in the workplace and/or on-duty or in any social media activity which otherwise directly or indirectly relates to or affects the City of Cleveland, any of its departments, or its employees.
2. The City of Cleveland reserves the right to inspect or monitor any social media activity engaged in by its employees using City of Cleveland-owned computers or other electronic equipment or devices. In addition, employees may be required to provide access to any social media websites or other applications in which they participate upon a determination by the City that there is reasonable suspicion to believe that such access will reveal evidence of a violation of this policy or any other City of Cleveland policy.

---

#### 13.3.8 WORKPLACE AND/OR ON-DUTY USAGE

Because it recognizes that social media is an emerging form of communication, the City of Cleveland permits employees to engage in limited social media activity in the workplace and/ or

while on duty, similar to receiving a personal text message or a telephone call of limited duration. Employees choosing to do so, however, are expected and required to use proper judgment and discretion, recognizing that even very brief periods of social media activity can collectively amount to significant periods of time. Supervisors are authorized to restrict or prohibit workplace/on-duty social media activity, as appropriate.

**Corrective and/or Disciplinary Action: Other Potential Consequences.**

Employees engaging in social media activity in violation of this policy will be held accountable, and corrective and/ or disciplinary action, up to and including termination of employment, may be taken in accordance with the City of Cleveland's disciplinary policies and procedures.

If an employee is sued in part due to his/her social media activity under circumstances where the City of Cleveland would ordinarily provide a defense and/or indemnify the employee, the City of Cleveland reserves the right to withhold or withdraw such defense or indemnification in the event any such activity is found to violate this policy or any other policy for the City of Cleveland.

**Interpretation and Application**

Nothing in this policy is intended to or will be applied in a manner that violates any employee's constitutional rights, including rights to freedom of speech, expression, and association, or federal or state rights to engage in any statutorily protected activity. Any employee unsure about the application of this policy to any particular social media activity should seek guidance from their supervisor before engaging in such activity.

This policy is intended for internal use of the City of Cleveland only and should not be construed as establishing a higher duty or standard of care for purposes of any third-party Civil claims against the City of Cleveland and/or its employees.

**13.4 INTERNET USE**

City of Cleveland's Internet capabilities are City property and may be used for City business purposes only. Use of the Internet is intended to facilitate the timely and efficient conduct of City business. City employees must comply with this policy and all applicable Federal, State and local laws when they use the Internet, whether via the cooperative local area network, as a representative or agent of the City of Cleveland, or through any use of City Internet capabilities.

---

#### 13.4.1 INTERNET USE LIMITED TO CITY BUSINESS

The City's Internet capabilities may be used for City business purposes only. The term "internet" means the electronic information system of that name which interconnects smaller groups of linked computer networks. The term "City's Internet capabilities" means any and all access to the Internet obtained through City sponsorship, ownership, or financial contribution, or by any employee or officer as a representative or agent of the City of Cleveland, and/or during work hours. The term "City business purposes" means the official work of City government undertaken for the public benefit, as opposed to activities undertaken for personal, non-City or private purposes. Unacceptable sites or uses include, but are not limited to, the following:

- Pornographic sites and access to pornographic materials
- Use of the City Internet to harass employees, vendors, customers and others
- Sports, sports betting or entertainment sites
- Online gaming, Coin Operated Amusement Machines (COAMs) or recreational games
- Use of the City Internet for partisan political purposes
- Unauthorized transfer of copyrighted materials utilizing City Internet capabilities
- Any site that charges a fee (unless there has been prior written approval of justified City expense item by supervisor)
- Vendor sites to purchase personal items
- Marketing of personal or private business.

---

#### 13.4.2 AUTHORIZED USERS

No City employee or officer shall be authorized to use the City's Internet capabilities until he or she has signed a document indicating that the employee or officer has read and agrees to be bound by the terms of this policy.

---

#### 13.4.3 NO PRIVACY RIGHTS

Electronic communications are not private or confidential. All Internet communications utilizing the City's Internet capabilities are the property of the City of Cleveland. There are no rights to individual privacy in any communications or information obtained through the City's Internet capabilities.

---

#### 13.4.4 PROFESSIONAL AND COURTEOUS COMMUNICATIONS

The standards of conduct for City of Cleveland employees apply to use of the City's Internet capabilities. All communications across the Internet shall be professional and courteous.

---

#### 13.4.5 SUPERVISION

It is the responsibility of the department head to enforce these policies, and to monitor and audit use of the City's Internet capabilities within each agency or department.

## SECTION 14 - EMPLOYEE RESPONSIBILITIES AND CONDUCT

### 14.1 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST

No employee may engage in any paid employment in addition to his employment with the City of Cleveland unless it is recommended by the Department Head and approved by the City Manager. 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 and whether it will cause interference with the efficient performance of an employee's duties with the City.

(a) Outside employment (including volunteer work) shall not present a conflict of interest when:

1. There is no direct conflict in working hours.
2. The employee's efficiency and productivity are not reduced in his/her primary job.
3. There is no conflict of interest that could compromise the integrity of the City, cause embarrassment to the City, or reasonably be expected to undermine customer confidence.
4. Any employee accepting outside employment under the terms of these rules shall make arrangements with the outside employer to be relieved from his or her outside duties if and when called for emergency service by the City.
5. Employment with firms, offices, businesses, agencies and including self-employment, that clearly presents a conflict of interest with an employee's public service position will be grounds for disciplinary action including dismissal.

(b) A Request for Outside Employment Form shall be maintained with the City Clerk. An employee of the City desiring to perform outside employment shall first file a request in writing with his or her Department Head for permission to engage in outside employment. The request shall then be filed with the City Clerk. Employees who fail to properly notify immediate supervisors of outside employment shall be subject to disciplinary action, up to and including dismissal.

(c) A separate policy has been established for police personnel.

- (d) **Conflicts of Interest in General:** Activities which may create the perception of impropriety or conflict of interest should be avoided. Volunteer work which may come into conflict with primary employment should also be avoided. Such activities should be discussed with the employee's supervisor and department head who will then make a decision about the propriety of the activity. The **City Manager** will give final approval in any questionable situations.
- (e) Employees wearing City uniforms or branding should remember they are representatives of our City, whether on official duty or not.

**14.2 POLITICAL ACTIVITIES**

No employee of the City shall seek or hold a compensated elective office in the City. No employee should seek a full-time elective office in White County. An employee shall not solicit any contributions or services, publicly endorse or actively support and campaign for any campaign for any City office. Employees may not campaign on City time, in a City uniform or vehicle, or while representing the City in any way. Employees may not allow others to use City facilities or funds for political activities.

Any City employee who meets with or may be observed by the public or otherwise represents the City to the public, while performing his/her regular duties, may not wear or display any button, badge, sticker or apparel relevant to any candidate, political cause or ballot issue during working hours. Employees shall not solicit, on City time or property, for a contribution for a partisan political cause. Employees are also prohibited from soliciting or receiving assistance relative for personal gain or conditions of employment from elected office holders or other political officials.

Except as noted in this policy, City employees are otherwise free to fully exercise their Constitutional First Amendment rights. City employees may participate in political or partisan activities of their choosing provided that City resources and property are not utilized, and the activity does not adversely affect the responsibilities of the employees in their positions.

**14.3 TOBACCO POLICY**

The City of Cleveland complies with the "Georgia Smokefree Air Act of 2005". This law prohibits smoking inside most public areas and outlines specific guidelines for allowing smoking in and

around establishments that serve the public. Smoking is prohibited in all enclosed facilities, including buildings owned, leased or operated by the state or local governing authorities.

## 14.4 TRAVEL PROCEDURES

### 14.4.1 AMOUNTS

City employees will be reimbursed for travel expenses while on authorized City business.

Employees should use a City vehicle for travel, if available. An employee using a private vehicle will be reimbursed according to the current rates established by the U.S. General Services Administration;

<https://www.gsa.gov/travel/plan-book/transportation-airfare-pov-etc/privately-owned-vehicle-pov-mileage-reimbursement-rates>

Employees will be reimbursed for expenses for meals while on City business at the following maximum meal rates:

Reimbursement for alcoholic drinks is prohibited. Reimbursement of guests is prohibited.

Adjustments may be made to these amounts for travel to high-cost areas.

#### **High-Cost Areas:**

Employees are considered traveling in high-cost areas of Georgia when their official responsibilities must be performed at a location designated as a high-cost area or lodging is obtained in a location designated as a high-cost area. For additional information, please visit [www.doas.ga.gov](http://www.doas.ga.gov).

For overnight out-of-town trips, meals may be listed in total.

Actual reasonable expenses for lodging (no deluxe accommodations) will be reimbursed based on paid receipts. Government rates should be obtained where available.

Reimbursement for fares on common carriers will be based on lowest fares available.

---

#### 14.4.2 APPROVAL

All travel must be approved in advance by a department head, Mayor, and Council Members advising the employee's department or reimbursement will not be made. Workshop/Class request forms are available in the City Clerk's office.

---

#### 14.4.3 TRAVEL ADVANCES AND REIMBURSEMENT

Employees must request travel advances no less than one (1) week prior to departure. Advances reimbursed must be reported on approved forms within five (5) days after each trip. Receipts for all expenses, except mileage, must be attached to the form.

Travel expenses reported without a receipt backup will not be reimbursed. Employees who do not return receipts and/or advanced money not used for authorized expenses may be liable to the City for such funds and subject to direct payment or by payroll deduction. If the employee receives a 1099 form from the City, the undocumented amount may be added to the employee's year end 1099 form, total sum as a payment to that employee.

---

#### 14.4.4 EMPLOYEE USE OF CITY CREDIT CARDS

Employee use of City credit cards will be with Department Head authorization. Bank and/or fuel credit cards may be assigned to employees for specific use. For financial control purposes, all credit cards are to be signed out from the City Clerk- Department when needed and returned after each use. The loss or misuse of a City credit card is to be immediately reported to the City Clerk.

### 14.5 APPEARANCE

Employees are expected to maintain the highest standards of personal cleanliness and present a neat, professional appearance at all times. Our professional image is an important aspect of our organization. Whether or not your job responsibilities place you in direct contact with City officials or the public, you represent the City with your appearance as well as your actions. The properly attired man or woman helps to create a favorable image for the City. Situations in which inappropriate attire is worn and/or any exceptions to the dress code will be addressed by the

employee's Department Head. Employees who are improperly attired may be required to leave work to change their attire. Employees will not be compensated for the time they are away from work to change improper attire.

Uniforms or clothing with City branding will be provided to staff in certain departments and positions. Regardless of position, employees should dress in an appropriate manner to represent the City. The following clothing is not appropriate attire: halters, tank tops, jeans with holes, low neckline front or back, flip flops, skinny jeans, leggings or tights not under an appropriate length dress, shorts, and bedroom slippers or clothing that has words, pictures, scenes, etc., that would be disruptive to the work environment.

#### 14.6 CONTACTS WITH NEWS MEDIA

In accordance with the City Charter, the Mayor shall be responsible for all official contacts with the news media, including answering of questions from the media. The Mayor may designate specific employees to give out procedural, factual or historical information on particular subjects.

#### 14.7 SOLICITATIONS

Most forms of selling and solicitations are inappropriate in the workplace. They can be an intrusion on employees and citizens and may present a hazard to employee safety or to the security of City or employee property. The following limitations apply:

1. Persons not employed by the City may not solicit, survey, petition, or distribute literature on City premises at any time. This includes persons soliciting for charities, salespersons, questionnaire surveyors, labor union organizers, or any other solicitor or distributor.
2. Employees may not solicit for any purpose during work time. Reasonable forms of solicitation are permitted during non-work time, such as before or after work or during meal or break periods. Soliciting employees who are on non-work time may not solicit other employees who are on work time. Employees may not distribute literature for any purpose during work time or in work areas. The employee lunchroom is considered a non-work area under this policy.

## 14.8 SAFETY & ACCIDENT REPORTING

---

### 14.8.1 POLICY STATEMENT

The City of Cleveland is committed to providing a safe workplace. In accordance with this, employees are expected to take an active role in promoting workplace safety by reporting unsafe working conditions and by noting where fire extinguishers, first-aid kits, and emergency exits are located. Additionally, employees are required to participate in identifying and correcting where possible, the underlying causes of accidents and unsafe conditions.

### 14.8.2 GENERAL PROVISIONS

#### (a) Employee Responsibility

Employees are responsible for exercising care and good judgment in preventing accidents and for observing safety rules and procedures when performing their duties. Employees are required to:

1. Report all accidents to their supervisor immediately;
2. Report any unsafe work conditions, equipment, or practices to their supervisor as soon as possible;
3. Attend scheduled safety meetings and activities; and
4. In the event of an injury resulting in lost work time, continued contact with the supervisor is required for the purpose of keeping records on the expected return to work status.

#### (b) Equipment Repair

Employees have a responsibility to report the need for repairs of any City owned or leased property issued to the employee. No employee shall alter, repair, or in any way change, add to, or remove any parts or accessories of any City-owned or leased Property without the permission of the Department Director.

### 14.8.3 PERSONAL PROTECTIVE EQUIPMENT

---

The City will provide directly, or through an allowance approved in the annual budget each year, items of personal protection. Supervisors will direct use of personal protective items when warranted and employees are expected to comply with such direction.

#### 14.9 USE OF CITY VEHICLES AND EQUIPMENT

Employees shall not use City of Cleveland property, equipment, vehicles, supplies, or City paid manpower except in the performance of an approved official duty, nor shall they permit its use by an unauthorized person, either on or off duty, unless approved by the **City Manager**.

Use of City phones for local personal phone calls should be kept to a minimum; long distance personal use is prohibited. Other City equipment, including vehicles, should be used by employees for City business only. An employee's misuse of City services, telephones, vehicles, equipment or supplies can result in disciplinary action including termination.

The use of a City vehicle is a revocable privilege. To remain eligible to use a City vehicle, employees must meet the following requirements:

1. Per Georgia law anyone operating or riding in a motorized vehicle must wear a seat belt at all times.
2. You must have your valid, current Georgia driver's license with you any time you drive a City vehicle.
3. You may not loan out a City vehicle to others inside or outside of the organization without permission.
4. You must drive in a safe and legal manner, including complying with Georgia laws.
5. You must not operate a City vehicle under the influence of drugs, alcohol or any drug.
6. You must notify your Department Head of any citations for moving violations while operating City vehicles.

Violation of any of these rules, or having an unsatisfactory driving record, may cause the City to revoke your driving privileges, and subject you to other disciplinary action.

---

#### 14.9.1 DRIVER'S LICENSE REQUIREMENTS

As part of the requirements for certain specific City positions, an employee may be required to hold a valid Georgia State Driver's license with required endorsements. If an employee's license is revoked, suspended or lost, or is in any other way not current, valid, and in the employee's possession, the employee shall promptly notify his/her Department Head, in writing, and may be immediately suspended from driving duties. The employee may not resume driving until proof of a valid, current license is provided to his/her Department Head. Depending on the duration of license suspension, revocation or other inability to drive, an employee may be subject to disciplinary action, up to and including termination for those positions that require driving.

### 14.10 OPERATION OF VEHICLES

---

#### 14.10.1 VEHICLE OPERATOR QUALIFICATIONS

To operate a City-owned vehicle in the course of business, an employee must:

1. Be at least 18 years of age;
2. Have a valid Georgia Driver's License for the class of vehicle to be driven or a valid Driver's License from the state in which the employee resides which allows employee to legally operate a City vehicle on Georgia roads; Have a record of no more than two moving citations or one moving citation and one chargeable accident within a twenty four (24) month period;
  - (a) The Department Director or their designee will make the sole determination of whether the accident was chargeable in nature.
  - (b) Employees whose primary duty is to drive a City vehicle that do not have an acceptable driving history must be relieved of such duties and

assigned to non-driving positions or non-driving duties until their 24-month record reflects and acceptable driving history. If a non-driving position is not available, the employee may be terminated.

2. Be otherwise qualified under federal and state regulations to drive the vehicle in question; and
3. Be trained and authorized to operate the vehicle.

---

#### 14.10.2 ANNUAL LICENSE REVIEW

**Current:**

To ensure the maintenance and validity of driver's licenses, driving records of employees who operate City vehicles will be examined on an annual basis or as needed, as determined by the Department Director. The City will check motor vehicle records (MVR) of all applicants prior to making offers of employment. As part of the hiring process, applicants will be required to sign a written consent form allowing the City to check motor vehicle records at any time prior to or during their employment. The Department Director will be responsible for collection of license copies each year and for the submittal of licenses to the City Clerk who will conduct the motor vehicle report check.

**Proposed:**

To maintain valid driver's licenses and ensure safe operation of City vehicles, the City of Cleveland will review the driving records of employees who operate City vehicles **annually** or as needed, at the discretion of the Department Director.

As part of the hiring process, the City will check the motor vehicle records (MVR) of all applicants **before extending an offer of employment**. Applicants will be required to sign a written consent form allowing the City to review their driving records at any time, both before and during employment.

The Department Director is responsible for collecting copies of employees' driver's licenses each year and submitting them to the City Clerk. The City Clerk will then conduct the motor vehicle record checks to ensure ongoing compliance.

---

### 14.10.3 NOTIFICATION PROCEDURES

Employees who operate vehicles in the course and scope of their employment must notify their supervisor:

1. When their driver's license becomes invalid or suspended for any reason. Such employees will immediately be prohibited from operating vehicles on City business.
2. Immediately during work hours or by the next working day if after hours, upon the receipt of any ticket or citation for any violation of state law or a local ordinance relating to motor vehicle traffic operation, except this shall not apply to parking violations received in a personal vehicle. In addition, employees must notify their supervisor when at fault in a motor vehicle crash, whether cited by the police or not, and whether on duty or off.
3. An employee who receives a citation for any violation while operating a City vehicle will be responsible for paying any fine or penalty incurred and will be subject to disciplinary action, up to and including termination.
4. Failure to report a citation received, whether off or on duty, may be grounds for disciplinary action, up to and including termination.

---

### 14.10.4 OPERATION OF VEHICLES

Employees shall operate any vehicle used for City business in a careful and prudent manner and shall obey the laws, policies, regulations, and procedures of the City and state pertaining to such operation. Tobacco use in City-owned or leased vehicles is prohibited.

---

### 14.10.5 DUTY RESTRICTIONS

A physical, mental, or driving skill impairment that cannot be reasonably accommodated that affects an employee's ability to safely operate a motor vehicle, or failure to comply with the driver qualifications outlined in this Chapter, precludes that employee from operating any City-owned or leased vehicle for City business. If the operation of a vehicle is an essential job duty, an attempt will be made to place the employee in a non-driving position. If such a position is not available, the employee will be immediately relieved of duty. If the vehicle prohibition is due to suspected physical or mental impairment, the employee will be subject to a health fitness evaluation as outlined in this handbook.

---

#### 14.10.6 PASSENGER RESTRAINT SYSTEMS

All drivers and passengers in City vehicles are required to wear their seatbelt whether or not it is required by law. The only exception will be for detainees being transported in the rear of the police vehicle if the detainee presents a risk to the officer in fastening the seat belt. The driver of the vehicle is responsible for compliance.

### 14.11 ACCIDENT INVOLVEMENT

---

#### 14.11.1 REPORT REQUIRED

All the following, collectively referred to throughout this Section as an "Accident," shall be reported to the immediate supervisor by the employee involved in the event and any City employees who witness the event:

1. All injuries to an employee or other person occurring during the course of business;
2. All accidents involving City-owned or issued vehicles or equipment, whether or not occurring during the course of business;
3. All accidents involving personal vehicles or equipment used during the course of business;
4. All property damage occurring during the course of business.

---

#### 14.11.2 EMPLOYEE RESPONSIBILITIES

Unless transported from the accident scene for medical treatment, the employee involved in a job-related accident involving a vehicle or equipment will:

1. Render aid to other parties if possible and necessary;
2. Report the Accident and any injuries immediately to local law enforcement in the event of a vehicular accident;

3. Immediately notify their supervisor or designee, as soon as possible if the supervisor is not available;
4. Record the name, address, and phone number of any witnesses, and note the specifics of the Accident circumstances, if possible;
5. Be courteous, but not make or sign any statement for anyone other than the police officer responding to the scene;
6. Remain at the scene until excused by law enforcement personnel;
7. Not discuss or reveal information or provide statements to non-City personnel subsequent to the Accident. This does not prohibit cooperation with law enforcement investigations outside the City's jurisdiction; and
9. Submit to all requested post-Accident testing as directed by the supervisor or other City Management representative.

---

#### 14.11.3 ADMINISTRATIVE ACCIDENT INVESTIGATION

The supervisor or other designated employees will conduct an administrative investigation into the circumstances of the Accident and prepare a written report that includes a statement of the facts and analysis as to cause. The report will also include recommendations of any corrective action necessary to prevent recurrence of such Accidents. The City Attorney will facilitate claim/litigation management with the City's insurance carrier.

---

#### 14.11.4 EXAMINATIONS AND/OR TESTS

An employee who is involved in a reportable Accident may be required to undergo examinations and/or tests as specified in the Performance of Duty Standards and Substance Abuse Testing chapters of this handbook.

## 14.12 WORKPLACE VIOLENCE POLICY

### (a) Statement of Policy

The City is concerned about the well-being and personal safety of its employees and anyone doing business with the City. The City consequently strictly prohibits workplace violence. Acts of violence and/or threats of violence, whether expressed or implied toward individuals in the City workplace, are prohibited and will not be tolerated. All reports of incidents will be taken seriously and will be addressed appropriately. This policy defines prohibited conduct, as well as general procedures and potential responsive steps in the unfortunate event that workplace violence occurs despite these preventive measures. In addition, unauthorized, non-City issued firearms, weapons, ammunition, or explosives on City property is strictly prohibited.

---

#### 14.12.1 SCOPE

This prohibition against threats and acts of violence (including domestic violence) applies to all persons involved in the operation of the City, including but not limited to, the City personnel, contract and temporary workers, and anyone else on City property.

---

#### 14.12.2 DEFINITION OF WORKPLACE VIOLENCE

Workplace violence is any conduct that is severe, offensive, or intimidating enough to make an individual reasonably fear for his/her personal safety or the safety of family, friends or property. Examples of workplace violence include, but are not limited to, threats or acts of violence or behavior that causes a reasonable fear or intimidation response that occurs on City premises, no matter what the relationship is between the City and the perpetrator or victim of the behavior or off City premises, where the perpetrator is someone who is acting as an employee or representative of the City at the time, where the victim is an employee who is exposed to the conduct because of work for the City, or where there is a reasonable basis for believing that violence may occur against the targeted employee or others in the workplace.

Examples of conduct that may be considered threats or acts of violence under this policy include, but are not limited to the following:

- a. Threatening physical or aggressive contact directed toward another individual or engaging in behavior that causes a reasonable fear of such contact.
- b. Threatening an individual or his/her family, friends, associates or property with physical harm or behavior that causes a reasonable fear of such harm.
- c. Intentional destruction or threat of destruction of the City's or another's property.
- d. Harassing or threatening physical, verbal, written or electronic communications, including verbal statements, phone calls, emails, letter, faxes, website materials, diagrams or drawings, gestures and any other form of communication that causes a reasonable fear or intimidation response in others.
- e. Stalking. Stalking is defined as a pattern of conduct over a period of time, however short, which evidences a continuity of purpose and includes physical presence, telephone calls, emails and any other type of correspondence sent by any means.
- f. Veiled threats of physical harm or like intimidation or statements, in any form, that lead to a reasonable fear of harm or an intimidation response.
- g. Communicating an endorsement of the inappropriate use of firearms or weapons of any kind.
- h. Unauthorized possession of weapons of any type which is not in full compliance with existing local, state and federal laws as well as posted signage on City properties. The only exception is for post-certified law enforcement officers.

To further ensure a safe working environment, weapons of any type, including, but not limited to, knives with a 3-inch blade or longer, fighting weapons *i.e.* nunchuks, daggers, etc., brass knuckles and stun guns are strictly prohibited inside a City building or leased office space, on City property, inside a City-owned vehicle, or while conducting official business, on or offsite, is strictly prohibited and is considered an intolerable offense, subject to discipline, up to and including termination.

Domestic violence is defined as a pattern of coercive tactics carried out by an abuser against an intimate partner (the victim) with the goal of establishing and maintaining power and control over the victim. Where the abuser's tactics include any of the above-described conduct on City premises, this policy applies. Where such tactics include any of the above-described behaviors off City premises, this policy applies where the abuser is someone who is acting as an employee or representative of the City at the time, where the victim is an employee who is exposed to the conduct because of work for the City, or where there is a reasonable basis for believing that violence may occur against the victim or others in the workplace. The term "intimate partner" includes people who are legally married to each other, people who were once married to each other, people who have had a child together, people who live together or who have lived together, and people who have or have had a dating or sexual relationship, including same sex couples.

---

#### 14.12.3 REPORTING COMPLAINTS

If you observe the possession of unauthorized non-City issued weapons on City premises, or if you are subjected to or threatened with firearms by a co-worker or member of the public, or if you become aware of another individual who has been subjected to or threatened with violence, you must report this information to your supervisor or the City Clerk immediately. Supervisors must report all potential violations so the Human Resources Department can handle them appropriately. Do not assume that any violation or threat is not serious. All complaints will be thoroughly investigated, and all complaints that are reported to management will be treated with as much confidentiality as possible. Employees who become angry, upset, or concerned with the actions of a co-worker, supervisor, member of the public or the City in general, are encouraged to seek assistance from the City Clerk.

A 9-1-1 call may be appropriate first, in the good judgment of the employees or Administrators involved. Under this policy, decisions may have to be made quickly to prevent a threat from being carried out, a violent act from occurring, or a life-threatening situation from developing. Nothing in this policy is intended to prevent quick action to stop or reduce the risk of harm to anyone, including requesting immediate assistance from law enforcement or emergency response resources.

Failure to report any threats or acts of violence in violation of this policy appropriately is itself a violation of this policy and may subject any employees involved to discipline up to and including termination.

Retaliation against anyone for reporting an actual or suspected violation of this policy in good faith will not be tolerated and will subject the individual engaging in the retaliation to discipline up to and including termination. Any complaints about retaliation should be reported in the same manner as violations of this policy are to be reported.

---

#### 14.12.4 WHAT TO EXPECT FROM THE CITY

All incidents of violence and threats of violence that are reported will be taken seriously and investigated.

---

#### 14.12.5 CITY EXPECTATIONS OF TARGETED EMPLOYEES

Stay Away Orders: The City reserves the right to seek orders of protection (also known as restraining orders or stay away orders) against any person who violates the Workplace Violence Policy. Additionally, employees themselves may seek and obtain orders of protection against individuals outside of the workplace. Employees so protected are obligated to immediately notify the City Clerk and their supervisor if (a) an order of protection extends to the workplace; or (b) they reasonably believe that their safety (or the safety of others) in the workplace is affected by the order of protection. Employees should provide written notification of:

1. the existence of any such order and provide a copy of the order;
2. any violations or attempted violations of the order;
3. any changes to the order that affect the workplace; and
4. the order being lifted.

Employees who are subject to orders of protection requiring them to stay away from or refrain from contacting other individuals who are or may be in the workplace (including employees, customers, vendors, and others) must immediately notify the City Clerk and provide a copy of the order.

Upon being notified of an order of protection, Human Resources will contact the reporting party to gather information about the individual and assess the situation. The City will make every effort to maintain confidentiality of such orders with the understanding that it will use the information as necessary to maintain safety in the workplace.

---

#### 14.12.6 SEARCH POLICY

If the City reasonably suspects that an employee either has or may have violated this policy, or that the employee possesses evidence that others pose a threat of workplace violence as defined by this policy, the City may request the individual to submit to a search of his or her person, personal effects, vehicles, and locker. In addition, the City may conduct searches of any City property including for instance workstations and areas, including desks, locker, credenzas, file cabinets, computers and computer-stored information, voicemail, email, business records, City vehicles and any other property or equipment owned by the City, at any time, without notice to or permission from affected employees, for purposes of enforcing the no violence policy. If an individual is asked to submit to a search, and refuses, that individual will be considered insubordinate and will be subject to discipline up to and including termination.

Searches will be conducted by a supervisor with a second witness and may or may not be conducted in the presence of the person whose property is searched. Any weapons or evidence of violations of this policy will be confiscated, and may be turned over to law enforcement, as appropriate. Any illegal activity discovered during an inspection is subject to referral to the appropriate law enforcement authorities.

---

#### 14.12.7 ASSISTANCE PROGRAMS/SERVICES

The City provides all employees and family members with a no cost Employee Assistance Program (EAP) that has professionals trained to handle domestic violence cases. These professionals provide counseling, support, and referrals. In addition, EAP is a resource for employees who want to learn more about domestic violence or find out how to help a friend, family, or coworker. Many community agencies provide free services for safety planning, counseling, support groups, shelter, and legal assistance. Please contact the Human Resource Department if you need additional information.

### 14.13 GEORGIA WHISTLEBLOWER PROTECTION

The City of Cleveland supports the Georgia Whistleblower Protection Act. Public employers are not allowed to retaliate against whistleblowers in Georgia. Georgia law protects your right to disclose legal violations by governmental officials within your department. Under the Georgia Whistleblower Protection Act (O.C.G.A. section 45-1-4(d)), a public employer cannot enforce, adopt, or make a policy or practice stopping a public employee from revealing a violation of or noncompliance with a regulation, rule, or law to a governmental agency or supervisor. Public employers are not allowed to retaliate against public employees for revealing a violation of or noncompliance with a regulation, rule, or law to a supervisor or governmental agency, unless this disclosure was made while knowing that it was false or with a reckless lack of concern for whether it was false or true.

### 14.14 ALCOHOL AND SUBSTANCE ABUSE POLICY

No employee of this City may illegally engage in the manufacture, distribution, dispensation, possession, or use of alcohol or a drug at any time or place, including while at his workplace. Such unlawful activity shall be considered a sufficient ground for serious adverse personnel action, including dismissal from employment.

If an employee is arrested for or convicted (including a plea of no contest) of violating any criminal drug statute of any jurisdiction, regardless of whether the alleged violation occurred at the workplace or elsewhere, the employee must notify the **City Manager** of this City in writing of each arrest or conviction as soon as possible, but in no event more than (5) five calendar days after the arrest or conviction.

Failure to comply with any part of this policy will result in serious adverse personnel action, including possible dismissal from employment. Any questions concerning this policy shall be directed to the **City Manager** of this City.

---

#### 14.14.1 DEFINITIONS

Within this Substance Abuse Policy, and on any accompanying forms, the following terms shall have the meanings associated therewith:

- A) Drug shall have the meaning and include substances defined as “controlled substances” in the Georgia Controlled Substances Act, O.C.G.A. 16-13-20 and 16-12-21 (4) as said Act shall appear from time to time.
- B) Safety Sensitive Position shall be those positions where inattention to duty or errors in judgement by the employee or applicant while on duty will have the potential for significant risk of physical harm to the employee, other employees or the general public by virtue of performing their duties and/or using the equipment provided. This includes firefighters, law enforcement employees who use force, carry weapons, make arrests and supervise prisoners, employees who are provided employer-owned vehicles to drive during the course of their employment or by virtue of the operation of other equipment during the workday.
- C) Confirmed Positive Result. Whenever an initial test for drugs and/or alcohol is found to be positive, the laboratory will carry out additional tests pursuant to laboratory testing guidelines to confirm that the initial positive indication was correct. If the second procedure also indicates the presence of drugs and/or alcohol, the test result will be considered a confirmed positive result.
- D) Certified Medical Review Officer shall mean a properly licensed physician who reviews and interprets the results of drug tests and evaluates those results together with medical history and any other relevant biomedical information to confirm positive results.
- E) Certified Professional Collector holds certification required by Georgia Department of Transportation to serve as collection agent and is proficient in CFR Part 40 Procedures for specimen collections.

---

#### 14.14.2 DRUG AND ALCOHOL USE PROHIBITED

Alcohol and drug use by employees during assigned working hours, in or on the City of Cleveland property, or otherwise on official business shall be prohibited. This shall include the use or possession of drugs, the abuse of prescription medications, the possession of prescriptions medications by anyone other than the person for whom the medication was prescribed (except as required by

official duty), and the use or abuse of alcohol. This prohibition (and the procedures set forth below) is in addition to any other drug and alcohol policy, including any policies or programs required by federal or state law.

These general fitness for duty procedures are designed to apply even in situations in which no reasonable cause drug or alcohol test can be administered under this policy.

An employee either reporting to work visibly impaired or observed to be visibly impaired while on duty will be deemed unable to perform required duties and will not be allowed to work. The employee's supervisor will seek the Department Head's or City Council's opinion to confirm the employee's impaired status. If, in the opinion of the employee's Department Head or supervisor, the employee is impaired, the employee may be sent home or to a medical facility by a safe means of transportation (after any reasonable cause drug or alcohol testing required by other parts of this policy). Under no circumstances will an apparently impaired employee be allowed to drive a vehicle either the City's or his/her own. If a drug or alcohol test cannot be administered under this policy, the apparently impaired driver shall nonetheless remain ineligible to perform any driving duties for at least 24 hours.

It is the responsibility of each Department Head to enforce this policy and ensure that all employees and new hires are made aware of this policy. Supervisors are responsible for adhering to and communicating this policy during the employment process, new hire orientations, department meetings, etc.

Generally employees are not subject to alcohol or drug testing except in conjunction with certain on-duty functions, i.e. just before or just after, or during the performance of "safety Sensitive" job-duties as defined in 49 C.F.R. 395.2 such duties include, but are not limited to: (1) time spent at the driving controls of a covered vehicle or other equipment, (2) on-duty time waiting to be dispatched, (3) time spent inspecting, servicing, repairing, or conditioning a covered vehicle or other equipment, (4) non-driving time spent on or attending a covered vehicle or other equipment or (5) time spent loading or unloading (or supervising or assisting the loading or unloading) a covered vehicle or other equipment. Such "safety-sensitive" duties are hereinafter referred to in this policy as providing a safe environment for citizens.

---

#### 14.14.3 TYPES OF TESTING TO BE IMPLEMENTED

A. Pre-Employment Testing: Because substance abuse is not easily detectable in an applicant without the provision of a drug and alcohol screening, and because the safety and health of

employees and the health and safety of citizens depend upon a workforce free from drug and alcohol abuse, all job applicants being considered for employment in positions for which pre-employment drug and/or alcohol screening is allowed by law, shall be required to pass a drug test prior to being hired. All job applicants shall be informed in advance that such testing shall be required, and postings for all jobs shall include a notice of this testing requirement. Pre-employment testing shall take place only after an offer of employment has been made but before employment commences. In no case will an employee be allowed to assume first-time driving duties before the employee is tested for drugs.

B. Random and periodic drug testing: Employees in all positions designated as safety sensitive or involved in drug interdiction or having unsupervised access to prisoners and contraband shall be required to submit to a drug and/or alcohol screening test at random and on a periodic basis from time to time as determined by the Mayor.

C. Drug and/or alcohol screening test based on reasonable suspicion: Any employee shall be required to submit to drug and/or alcohol testing when there is reasonable suspicion to believe that such employee is under the influence or effects of drugs and/or alcohol immediately before, during or immediately after assigned working hours or while otherwise on duty or in control of governmental property.

Reasonable suspicion means a reasonable belief based on specific objective and particular facts and reasonable inferences drawn from those facts in light of experience. Situations give rise to a conclusion that an employee is under the influence of drugs and/or alcohol include, but are not limited to, the following:

1. An employee is involved in a physical or verbal altercation on the job.
2. An employee has an excessive number of incidents or accidents on the job.
3. An employee exhibits unusual behavior such as slurred speech or unsteady walking or movement on the job.
4. An employee has an odor of alcohol or marijuana on his/her person on the job.
5. An employee is in possession of alcohol, drugs, or drug paraphernalia on the job.

6. An employee is observed using illegal drugs or alcohol or has exhibited the symptoms and manifestations of being impaired due to alcohol or drug use.
7. An employee is involved in an accident while on the job.

In the event a supervisor determines that reasonable suspicion exists that an employee is under the influence of drugs and/or alcohol, the supervisor shall immediately report the incident to the Department Head and shall complete the form entitled Observation Checklist. In the absence of the Department Head, it should be reported to (1) Mayor/Council (2) City Clerk.

The determination of whether reasonable suspicion exists shall be made by the Department Head or, in his/her absence City Council.

Following the determination that reasonable suspicion exists, the facts underlying the determination of reasonable suspicion shall be disclosed to the employee at the time the demand to submit to testing is made. The employee shall be transported to and from the testing site by the employee's Department Head or supervisor. Following the testing procedure, the person transporting the employee shall make appropriate arrangements to transport the employee home.

Department Heads/Supervisors shall be required to document in writing, by the next working day, the specific facts, symptoms or observations that formed the basis for their determination that reasonable suspicion existed to warrant the testing of an employee. All documents created in connection with the determination of reasonable suspicion shall be forwarded to the City Council.

D. Testing After accidents or injury: An employee in a safety sensitive position, an employee involved in the interdiction of illegal drugs, or an employee who, in his/her job duties, is given unsupervised custody of prisoners or contraband shall be subject to a drug and alcohol test conducted when, while on duty or just prior to going on duty:

- (a) The employee is involved in an accident while operating City machinery, equipment or vehicle; or
- (b) The employee is involved in a fatality; or
- (c) The employee is cited with a traffic violation; or
- (d) The employee sustains a work-related injury requiring medical treatment beyond first aid.

E. Return to Duty and Follow Up Testing: An employee who is not discharged or permanently relieved of duties following a violation of this policy as it concerns alcohol may not resume duties without first passing a drug and alcohol test. An employee who is not discharged or permanently relieved of duties following a violation of this policy as it concerns drugs may not resume duties without first passing a drug and alcohol test.

An employee who has completed drug rehabilitation or a recommended course of treatment for alcohol abuse under this policy shall, on resumption of duties, be subject to unannounced testing. Such testing shall be conducted over a period of 12 to 60 months and shall include at least 6 unannounced tests during the first 12 months of his/her return to duty. The type, frequency, and timing of such testing shall be at the direction of the City Clerk. Employees shall proceed immediately to testing site. An employee who is unable to submit to testing at the time of the accident because of serious injury received in the accident shall provide to the City the necessary authorization for obtaining hospital reports or other documents that would indicate the presence of any drugs or alcohol in the driver's system. Refusal to provide such authorization may be treated by the City as refusal to submit to testing under this policy.

---

#### 14.14.4 PRESCRIPTION DRUG USE

Any employee using prescription medication while on the job shall do so in strict accordance with medical directions. It is the employee's responsibility to notify the prescribing physician of the duties required by the employee's position and to ensure the physician approves the use of the prescription medication while the employee is performing his/her duties.

The abuse and/or inappropriate use of legally prescribed drugs, including the performance of duties when the employee knows or should know that he or she is potentially impaired due to prescription drug use, shall be prohibited and shall be deemed a violation of this policy. Job performance or attendance deficiencies resulting from use shall be cause for disciplinary action up to and including termination. If any employee's behavior or job performance gives rise to a reasonable suspicion that the employee is abusing or inappropriately using prescription medication, the employee may be required to submit to drug testing and to take leave until such time as the employee is cleared by the employee's physician and the Mayor.

---

#### 14.14.5 CONSENT

Before a drug and alcohol test is administered, employees and job applicants will be asked to sign a Consent Form authorizing the test and permitting release of test results to the Medical Review Officer and employer. The consent form shall provide a space for an employee or job applicants to acknowledge that they have been notified of the requirements of this policy.

---

#### 14.14.6 REFUSAL TO CONSENT

Prospective Employees: Any applicant for a position for which pre-employment drug and/or alcohol screening is permitted by law who refuses to consent to a drug and/or alcohol test shall be denied employment, and any conditional offer of employment shall immediately be rescinded.

Employees: Any employee who refuses to sign the required consent form to submit to a required drug and/or alcohol test as required shall be deemed to have violated this policy.

No show: Employees who fail to appear at the designated collection site to submit to a required drug and/or alcohol test when so directed shall be deemed to have refused to submit to the test shall be deemed to have violated this policy. A "no show" shall include any attempt to adulterate a test sample or otherwise frustrate, impair, or otherwise impede the testing process.

---

#### 14.14.7 CONFIDENTIALITY OF TEST RESULTS

To the extent allowed by law, all information from an employee's or job applicant's drug and alcohol screening shall be confidential and only available to the Medical Review Officer, Certified Professional Collector, Clerk, Department Head and those with a need to know at the discretion of the Council. Disclosure of test results to any other person, agency, organization shall be prohibited unless written authorization is obtained from the employee or job applicant. In any case, the results of an initial positive drug or alcohol test shall not be released until the results are confirmed.

---

#### 14.14.8 VIOLATION OF THIS POLICY

Any violation of this policy shall be handled in a manner consistent with disciplinary procedures.

---

#### EMPLOYEE ASSISTANCE PROGRAM

Referrals to an employee assistance program or rehabilitation program shall be made in accordance with established employee assistance policies, if any. No aspect of this policy shall require the City to provide an employee assistance program (EAP) for employees subject to substance abuse and alcohol testing pursuant to this policy and for supervisory personnel.

---

## DRUG AND ALCOHOL CONVICTIONS

Consistent with the Federal Drug-Free Workplace Act of 1988, employees shall report to his or her Department Head within five (5) working days any arrest or conviction made under a criminal drug or alcohol law and any charge made under a drug or alcohol law for which conviction could cause the loss of driving privileges. The Mayor and Department Head shall then investigate and take appropriate action according to the policies and procedures of The City of Cleveland and according to federal and state law.

---

## DRIVERS SUBJECT TO DEPT. OF TRANSPORTATION REGULATIONS

In addition to the general requirements, the following regulations are intended to provide a drug and alcohol abuse policy that will assist in creating a safe driving environment and meet the requirements of the guidelines established by the U.S. Department of Transportation. This policy is intended to meet all regulatory requirements and, and to the extent that any part of this policy is in conflict with the regulations found at C.F.R. Part 40 or Part 382, the terms of those regulations control.

---

### 14.14.9 EMPLOYEES AND APPLICANTS COVERED BY THIS POLICY.

(1). In order to be covered by this policy, an employee must operate a commercial motor meeting certain weight or cargo standards. As to weight, a covered vehicle is: (a) a tractor trailer or similar vehicle with a gross combination weight of 26,001 pounds or more (inclusive of a towed unit with a gross vehicle weight rating of at least 10,000 pounds) or (b) a single vehicle with a gross vehicle rating of 26,001 pounds or more. As to cargo, a covered vehicle is one of any weight which (a) is designed to transport 16 or more persons, including the driver, or (b) transports hazardous materials (as defined I 49C.F.R. Part 172, subpart F).

(2). Employees holding a commercial's driver's license and employed in a position whose duties include operating any or the vehicles described above, or applicants for such positions, are

covered by this policy. Covered employees and applicants (hereinafter referred to as “drivers”) are subject to alcohol and drug testing as described below.

---

## DRUG TESTING PROCEDURE

The Agent performing drug testing for the City under the terms of this policy shall be certified by the Department of Health and Human Services under the procedures prescribed by the Department of Transportation in 49 C.F.R. Part 40. The designated laboratory for performing drug tests pursuant to this policy shall be NIDA certified.

Drug testing of covered employees shall conform to the following procedures:

- (1) Drug tests shall be performed on urine specimens collected in accordance with procedures and standards prescribed by the Department of Transportation in 49 C.F.R. 40.23 and 40.25.
- (2) All analysis of drug tests performed pursuant to this policy shall meet the standards prescribed by the Department of Transportation in 49 C.F.R. 40.29. Urine specimens shall be tested only for evidence of use of the following prohibited drugs: marijuana metabolites/THC, cocaine metabolites, opiates (including codeine, heroine, morphine), amphetamines (including methamphetamine), and phencyclidine (PCP).
- (3) The refusal of an applicant or employee to submit to a drug test or the failure to pass a drug test required by this policy shall be cause for the refusal to hire an applicant into a position and shall be cause for disqualification from all duties, as well as cause for disciplinary action up to and including discharge.

### 14.15 POLICY REVIEW

The **City Manager** is responsible for coordinating periodic reviews of the policy, including an initial assessment of any new policy or major policy revision one year after its effective date, and thereafter once every three years. Updates between review periods may also be necessary to respond to changes in applicable law or business practice. Any changes will be in accordance with the most recent City Charter.

The **City Manager** is hereby authorized to correct scrivener's errors adopted in this Personnel

Handbook by the Council without the need for approval or re-adoption by the City Council.

For purposes of this section, a scrivener's error includes one or more of the following:

1. Misspelling;
2. Grammatical error;
3. Numbering error;
4. Cross-referencing error;
5. Language not impacting the intent of the policy itself; or
6. Inconsistency with the rules of style or content previously adopted by the Council in a regular or special meeting.