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Personnel Policies Manual

Adopted by Resolution of Mayor and Council – April 28, 2025

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Effective ~~January 2022~~ June 1, 2024 May 1, 2025

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Office of the City Manager

Welcome to the City of Stonecrest!

We are excited to have you as part of our diverse team. You were hired because we believe you can contribute to the achievement of our goals and the success of our City.

The Human Resources Policies and Procedures Manual contains key policies, benefits, and expectations of the City of Stonecrest and other information you need as part of our team. This information is both necessary and informative. You are encouraged to use this manual as the essential resource it is intended to be.

As a member of the team, your contributions will be key to the City's ability to provide world class community services. Should you have any questions about this manual, please contact the Human Resources Department or your direct supervisor.

I wish you the greatest success and again, welcome to the team!

Sincerely,

Gia Scruggs
City Manager

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DISCLAIMER – IMPORTANT NOTICE

This Human Resources Policies and Procedures Manual (“Policy Manual”) contains various policies and procedures relating to employment with the City of Stonecrest (the “City”). Many of the provisions relate in various ways to federal, state, and local laws. Such laws are subject to change from time to time and, in accordance with such changes, the City may find it necessary or advisable to alter its policies and procedures and the other provisions of this Employee Handbook at any time. Further, certain job positions may have additional requirements which apply to those specific job duties. Each employee shall be subject to all requirements which have been established regarding his/her position with the City. In the event of a conflict in any such requirements and any provisions set forth in this Policy Manual, the latter shall be deemed the controlling provision.

Nothing in this Manual or in any of the City’s personnel policies shall be deemed to constitute a contract of employment and all employees of the City are employees-at-will who may quit at any time for any reason and who may be terminated at any time for any or no reason. No one other than the City Manager may make any promises or assurances or enter into any contract, whether oral or written, that in any way is contrary to or inconsistent with an at-will employment relationship, and any such promises, assurances, or purported contracts shall be invalid and not binding on the City unless adopted, endorsed, and agreed to in writing by the City Manager.

This Policy and Procedure Manual has been adopted for administrative purposes only and is not intended and shall not be interpreted or applied (a) as creating any contractual right, any constitutionally-protected property or liberty interest, any expectation of privacy, or any other legally enforceable right, entitlement, or interest; (b) as imposing a heightened standard or duty of care on the City or any City official, officer, director, manager, supervisor, or employee; (c) as constituting a law, rule, or regulation within the meaning of Title 45, Chapter 1 of the Georgia Code; or (d) as materially altering any aspect of the legal relationship between the City and its employees except as otherwise explicitly provided herein.

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SECTION 1: GENERAL PERSONNEL POLICIES

1.0 PURPOSE

The general purpose of the Human Resources (HR) Policies and Procedures Manual is to set forth the policies applicable to City employees. These HR policies are effective upon approval by the Mayor and Council. It is the overall policy of the City to comply with all applicable Federal, State, and local laws.

I. EXCLUSIVITY

These HR policies shall be the sole and exclusive policies governing personnel administration and personnel transactions with respect to employment within the City, unless otherwise mandated by law. Departmental standard operating procedures in conflict with these HR Policies are not allowed. To the extent such a conflict exists, these policies and the procedures interpreting the same shall apply.

II. AMENDMENTS

Future additions, rescissions and amendments to these HR Policies shall be effective only upon approval by the Mayor and Council.

III. ADMINISTRATION

The Human Resources Director, the City Manager, and all Department Heads are charged with the faithful and impartial administration and execution of these HR policies and all future changes thereto which may be approved.

IV. AUTHORITY

a. General

Except for matters reserved by State law or the City Charter to the City Council, the general and final authority for personnel administration rests with the City Manager. This HR Policies and Procedures Manual provides statements of policy and establishes 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 City Council.

b. Scope of Authority

The City Manager possesses the authority, subject to the City Charter and City Code, to administer City operations. The City Manager's authority includes, but is not limited to:

1. Hire, assign, transfer, discipline, discharge, or release of employees pursuant to the City Charter, City Code and procedures described in this Manual;
2. Direct the work forces;
3. Determine the methods, means, and allocation/assignment of personnel needed to carry out the City's mission;
4. Introduce new or improved methods or facilities or change such methods or facilities;
5. Determine reasonable work schedules and establish the methods and processes by which such work is

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performed;
6. Require the performance of duties stated and intended in job descriptions, with the understanding that every duty is not always described;
7. Determine position availability by:
▪ Authorizing lateral assignments;
▪ Freezing, hiring, and promoting;
▪ Authorizing delay in position uses due to budget, facilities, or other business necessity; or
▪ Authorizing temporary assignments to fill a vacancy.
▪ Recommend to City Council the addition/deletion of positions, reclassification of positions, and/or reassignment of employees to different positions with different classifications and pay as required by business necessity.

c. Administration of Policy

Proper policy administration includes setting goals and encouraging the discharge of duties above the minimum standards. The provisions of this manual 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 manual provides general information about City policies, procedures, expectations, and benefits. The information in this manual, however, cannot anticipate every situation or answer every question regarding your employment. Therefore, the policies set forth in this manual may not cover all situations.

The City Manager, in consultation with the Human Resources Director and other key stakeholders as applicable, shall make interpretive decisions for those situations that are not specifically covered by this manual and may, in the best interest of City operations, override any provision in this manual

d. Establishment and Implementation of Procedure

The City Manager, in consultation with the Human Resources Director, is authorized to establish and modify, as needed, a procedure for implementing all policies herein. The intent of this HR Policies and Procedures Manual is to ensure compliance with all applicable City, State and Federal laws. In the event of a change in law or a conflict in Federal or State law with the contents of this manual, the Federal and/or State law shall supersede.

1.1 These policies, in conjunction with administrative policies and procedures authorized by the , shall serve as the primary source of information related to personnel policies and procedures for administrative operations under the direction of the City of Stonecrest. These policies are enacted by the City of Stonecrest Mayor and City Council in order to further the following goals:

- To provide a uniform system of personnel administration throughout the City.
- To ensure that recruitment, selection, placement, promotion, retention, and separation of City employees are in compliance with Federal and State laws.
- To assist managers in the development of sound management practices and procedures, and to make effective and consistent use of human resources throughout the City.
- To promote communication between Department Directors, supervisors, and employees.
- To ensure, protect, and clarify the rights and responsibilities of employees.

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~~This Personnel Policy Manual provides general information about City of Stonecrest policies, procedures, expectations, and benefits. The information in this Policy Manual, however, cannot anticipate every situation or answer every question regarding your employment. Therefore, the policies set forth in this Policy Manual will not apply in every situation. The City Manager shall make interpretive decisions for those situations that are not specifically covered by the provisions of this Policy Manual.~~

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~~Further, in the event of conflict between these policies and a State or Federal law, the terms and conditions of that law shall prevail. In all other cases, these policies shall apply.~~

~~In the event of the amendment of any ordinance, rule or law incorporated in this document or upon which these provisions rely, these rules shall be deemed amended in conformance with those changes.~~

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~~The City specifically reserves the right to repeal, modify or amend these policies at any time, with or without notice. None of these provisions shall be deemed to create a vested contractual right in any employee to employment or to limit the power of the City Manager or Mayor and City Council of City of Stonecrest to repeal or modify these rules. The policies are not to be interpreted as promises of specific treatment. All employees are employees at will and may be terminated without cause.~~

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~~This Personnel Policy Manual is intended to apply to all City of Stonecrest employees. The broad application of this Policy Manual is intended to ensure that all employees are treated equally.~~

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1.1 EQUAL EMPLOYMENT OPPORTUNITY

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City of Stonecrest is an equal opportunity employer. City of Stonecrest will provide equal employment opportunity to all qualified persons without regard to race, color, creed, religion, sex, national origin, age, disability, genetic information, uniformed service status, pregnancy, childbirth, or other legally protected category or classification. This policy applies to all phases of employment, including, and not limited to, recruitment, hiring, placement, training, promotion, demotion, transfer, reduction in force, separation, compensation, and benefits.

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City of Stonecrest is committed to complying fully with the Americans with Disabilities Act (ADA) and its amendments. Consistent with this policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability, perceived disability, or handicap, the City will provide reasonable accommodations to a qualified individual to allow them to perform their job, provided that the reasonable accommodations would not impose an undue hardship on City of Stonecrest or the operation of the City's business. An employee must notify the Department Director, or the employee's immediate supervisor that ~~he or she~~she needs ~~an accommodation~~accommodation because of a disability or condition. Upon receipt of an accommodation request, the Director, or his or her designee, will consult with the HR Director, and meet with the employee to discuss and identify the precise limitation(s) resulting from the disability or condition, and the potential accommodation(s) that City of Stonecrest might make to help overcome such limitation(s).

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Recruitment and selection processes will grant equal opportunity for employment to qualified applicants and will not discriminate ~~on the basis of~~based on race, color, creed, religion, sex, national origin, age, disability, genetic

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information, uniformed service status, pregnancy, childbirth, or other legally protected category or classification. Reasonable accommodation for applicants with disabilities may be provided upon request during an application/interview process.

1.2 AMERICANS WITH DISABILITIES ACT – REASONABLE ACCOMODATIONS

The Americans with Disabilities Act (ADA) prohibits, under certain circumstances, discrimination based on disability in the areas of employment, public services, and public accommodations. ADA requires employers to reasonably accommodate qualified individuals with disabilities. It is the City of Stonecrest’s policy not to discriminate against qualified individuals with disabilities regarding application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment. The City of Stonecrest will provide reasonable accommodation for both employees and members of the public, if so requested.

Background and Applicability

The Americans with Disabilities Act (ADA), as amended, is a federal mandate requiring all public and private sector entities to provide equal access to employment opportunities, facilities, buildings, programs, goods, services, and activities for individuals who have mental or physical disabilities. Signed into law in 1990, this federal mandate extends anti-discrimination and civil rights protections to persons with disabilities as defined by the Act.

This policy is designed to assist all City employees with ADA compliance; to provide full and equal access to employment and promotional opportunities; to assist qualified employees with disabilities whose job performance may be impacted by their disability; and to provide reasonable accommodation(s) which may enable qualified employees to perform the essential functions of their positions unless the accommodation would result in undue hardship to City.

In establishing procedures, the City intends to fully comply with all requirements of the Americans with Disabilities Act, as amended (“ADA”), implementing regulations, and all other applicable laws (“applicable law”). To the extent any part of the procedure conflicts with applicable law, the requirements of applicable law will control.

1.3 DIVERSITY AND INCLUSION

The City respects, values and celebrates the unique attributes, characteristics and perspectives that make each person who they are. We believe that our strength lies in the diversity among the broad range of people and communities we represent. We consider diversity and inclusion to be a motivator of excellence and seek out diversity of participation, thought and action.

The City’s approach to an equal employment opportunity workplace is based on three key principles: equality, diversity, and inclusion. The City promotes equality by removing barriers, eliminating discrimination, and ensuring equal opportunity and access for all groups of people. The City accepts and respects each person as an individual. Success and competitiveness are built on our ability to embrace diversity, and we believe that everyone should feel valued for their contributions.

The City desires to create a working culture where differences are not merely accepted but valued; where everyone has the opportunity to develop in a way that is consistent with our vision and values. The City is committed to being a model employer, business partner and responsive service provider that is well prepared to meet the needs of the City’s diverse

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constituency. In the pursuit of organizational excellence, equal opportunity, and equal access, the City of Stonecrest will recruit, hire, and promote a diverse workforce and contractors that delivers inclusive local government services. This policy affirms the City's commitment to create a culture of inclusion that encourages collaboration, innovation, flexibility, cultural competence, and civility. In addition to fostering integrated and inclusive service principals, this policy articulates the City's commitment to incorporate diversity and inclusion considerations in business administration, policy planning, resources allocation, service programming, and human resources management.

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1.4 RELIGIOUS ACCOMMODATIONS

The City prohibits unlawful discrimination based on an employee's religious beliefs and will provide reasonable accommodation for employees' religious beliefs, observances, and practices in accordance with applicable law when a need for such accommodation is identified and reasonable accommodation is possible. A reasonable accommodation is one that eliminates the conflict between an employee's religious beliefs, observances, or practices and the employee's job requirements, without causing undue hardship to the City.

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This policy and procedure shall apply to all City employees, including employees occupying temporary, seasonal and part-time positions. This policy and procedure in no way gives any employee a property interest in employment with the City.

Any employee who perceives a conflict between his or her job requirements and a religious belief, observance, or practice should bring the conflict and his or her request for accommodation to the attention of their supervisor and HR to initiate the accommodation process. Requests for a reasonable accommodation should be made in writing and, in the case of requested schedule adjustments, as far in advance as possible.

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I. Procedure

An employee may request a religious accommodation by:

1. A written request to the Department Head and HR;
2. Submitting the request for an accommodation to his/her supervisor or Department Head; and
3. If requested, provide documentation to support the request. Whenever possible, requests for accommodation should be made at least 30 days in advance of the desired accommodation. The City is not required to provide an accommodation if it is not aware of the employee's need and desire for accommodation.

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Reasonable accommodations are determined, identified, and implemented using a collaborative process. HR and the employee's supervisor will engage in an interactive process with any employee seeking a religious accommodation to discuss conflicts between religion and work and to act to provide a reasonable accommodation for the employee's needs.

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Following receipt of the request for accommodation, the supervisor or Department Head will:

1. Discuss the request with the employee; and
2. Where it would assist accommodating the request, discuss the basis of the employee's request with others.

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II. Documentation

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In addition to submitting the written request, it is the responsibility of the employee to provide requested documentation to support the request. The supporting documentation requested may vary depending on the nature and extent of the accommodation requested.

III. Analysis of Job/Position or Performance of Job Responsibilities

Departments will attempt to accommodate requests for accommodation, balancing the request to accommodate the employee's religious practices with the needs of the department and work unit. In determining whether to approve the request for accommodation, the employee's supervisor, or Department Head, in consultation with the Human Resources Department, will:

1. Identify the essential functions or primary work-related duties of the individual's position;
2. Assess the impact of the requested accommodation on the performance of the essential functions of the individual's position and the operation of the department or unit; and
3. Assess the potential issues posed by the request, such as the impact on other employees.

IV. Analysis of the Request for Accommodation

Reasonable accommodations are determined on an individual basis, and may include, but are not limited to, providing an employee leave for religious observances, providing a time and/or place to pray, and/or providing the flexibility to wear religious attire. Other examples of accommodating an employee's religious beliefs include scheduling changes, voluntary substitutions of shifts or hours with a supervisor's or Department Head's approval, job reassignments, and lateral transfers.

The following factors are among those to be included in the individualized assessment of a request for religious accommodation:

1. Nature of the accommodation requested
2. Duration of the request
3. Alternative accommodations
4. Financial impact
5. Impact on the operation of the department, division or unit
6. Ability of the individual to perform essential functions of the position, if the accommodation is granted

V. Notification and Implementation of an Accommodation

The employee making the request for an accommodation will be notified by his/her supervisor or Department Head of the determination and, if granted, of the type of accommodation. The Department Head and/or supervisor will help make an agreed-upon workplace accommodation effective. Before any request for accommodation is denied, the supervisor or Department Head shall consult with HR.

VI. Resolving Disagreements

In the event an employee's request for religious accommodation is denied or the employee disagrees with the supervisor's/Department Head's proposed accommodation, he or she/she may contact HR for assistance.

VII. Recordkeeping

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Documentation related to an employee's religious accommodations request, including the request for accommodation and any other information, will be shared only for authorized department(s) and will be maintained in the employee's personnel file.

1.5 NO SOLICITATION

This policy is intended to ensure that only official City business is transacted in the City's work areas during employee work hours. In accordance with applicable law and except where prohibited by applicable law, the City has established rules applicable to all employees and non-employees that govern solicitation, distribution of written solicitation material and access to City property.

I. No Abrogation or Abridgement or Rights

Nothing in this policy abrogates or abridges the right of any employee to express his or her political opinions, vote, seek elected office, hold elected office or otherwise participate in politics outside of working time. However, the City has a compelling interest in protecting its integrity, protecting its employees from political interference, preserving public confidence in government, and maintaining the efficiency of its employees. Therefore, the City reserves the right to meet with any employee seeking or holding elected office so that the parties can mutually assess and address any potential or actual conflicts of interest.

II. Definitions

As used in this policy and accompanying procedure, "solicitation" shall include any undertaking by an individual, group or organization to promote the sale or use of a particular product or service, or a request for a contribution to or support for an individual or organization.

As used in this policy and accompanying procedure, "working time" includes all time for which an employee is paid and/or is scheduled to be performing services for the City; it does not include break periods, meal periods, or periods in which an employee is not performing and is not scheduled to be performing services or work for the City.

III. Guidelines

In accordance with applicable law and except where prohibited by law, the City has established the following rules applicable to all employees and non-employees that govern solicitation, distribution of written solicitation material and access to City property:

- Employees may engage in solicitation activities, including political activities, only during non-working times. No employee may engage in solicitation during his or her working time or during the working time of the employee or the employees at whom such activity is directed;
- Employees may distribute or circulate any written or printed solicitation material, including political literature, only in non-work areas, including the employee break room and parking lot, during non-working times. No employee may distribute or circulate any written or printed solicitation material in work areas at any time, or during his or her working time or during the working time of the employee or employees at whom such activity is directed;
- Employees may not use or attempt to use their authority or influence to (i) interfere with or affect the result of a political election, nomination, or referendum, or

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(ii) coerce, induce, or encourage, as a condition of employment, the making of a contribution, donation or loan to any political campaign, candidate or organization;

- Employees and non-employees are prohibited from utilizing City property, supplies, or equipment for the production of solicitation materials;
- Non-employees are not permitted to solicit or to distribute written solicitation material for any unauthorized purpose on City property.

1.6 SOCIAL MEDIA

In general, the City views social networking websites, e.g., Facebook and Twitter, personal websites, and blogs positively and respects the right of employees to use them as a medium of self-expression. However, the use of these types of websites can impact both the City and employees alike. Therefore, the City has created this policy to establish its expectations for employee use of these types of websites.

This policy is meant to apply to social networking sites; personal websites; blogs; photo, video, and file sharing sites; podcasts; as well as bulletin boards and comments posted on other websites. For ease of reference, this policy refers to all types of websites generically as "social media websites". The absence of an explicit reference to a specific website is not meant to limit the application of this policy. Where no policy or guideline exists, employees should use their responsible judgment and take the most prudent action possible. You should consult with your supervisor if you are uncertain about any of your activities on a social media website.

I. No Interference with Job Duties

The City's internet and computer resources are provided to employees to allow them to complete their job duties and should be used for business purposes only. As such, the City does not allow personal use of social media websites using City computers, equipment, or networks or at all during an employee's work time.

II. Use Outside of Work

Employees may use social media websites during their personal time outside of work and without the use of City computers, equipment, or networks. Employees must be aware, however, that information they display on the internet reflects not only on them but could be associated with the City as well. Therefore, employees are expected to follow these guidelines when using any social media website:

A. Employees should use their best judgment and discretion when posting material and information online.

B. Confidential and proprietary information of the City is not to be discussed or referred to by employees on any social media website, even in private messages between site members who have authorized access to the information.

C. Employees are responsible for reading, knowing, and complying with the Terms of Service of the social media websites they use.

D. Employees are expected to always comply with the laws regarding copyright, trademark, and plagiarism. Posting of someone else's work without permission is not allowed.

1.321.7 ADMINISTRATION OF RECORDS

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The Director of Human Resources, or his/her designee, is responsible for establishing and maintaining an official personnel file for each employee of the City.

This policy regulates the access to and confidentiality of City employees' personnel records and record management, retention, and storage of personnel records.

I. Access

Access to personnel records should be restricted to those whose job duties necessitate access and to those with designated authority to review the records, such as a supervisor, department head, or HR representative.

Unless necessitated by an employee's job duties, any request to review human resources records, including personnel records, disciplinary records, benefit program records, and medical records, should be submitted as an Open Records Act Request and treated as any other Open Records Act Request.

If an employee wishes to grant a designated representative access to the employee's human resources records, including personnel records, disciplinary records, benefit program records, and medical records, the designated representative must present a written authorization signed by the employee that clearly and specifically describes the records the representative may inspect or copy.

An employee or designated representative may inspect his/her own personnel records in the Human Resources Department or elect to obtain a copy of such personnel records. Charges for compiling and copying personnel records may be assessed in accordance with the Open Records Act.

II. Confidentiality

Employees whose jobs provide access to personnel records shall follow the policies and procedures specific to their position for confidential information found in the personnel records and not release it to any person who does not have authorization to receive it. Employees shall not use confidential information of other employees for personal reasons.

III. Categories of Personnel Records

The Human Resources Director and Department Head shall be responsible for the preparation, maintenance, security, and disposition of all types of records and documents relating to personnel activities and functions regarding individual employees including, but not limited to, the following categories:

1. Personnel folders for each employee (i.e., records related to personally-identifiable information, such as name, date of birth, home address, emergency contact, social security number, records covering employment, position classification, wage or salary, employee relations, performance management, training, organizational development, and attendance, etc.)
2. Copies of payrolls and related correspondence
3. Classification and compensation
4. Salary rates and classes
5. Personnel transactions
6. Attendance and leave

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7. Recruitment, examination, and certification
8. Appeals/ Hearing minutes
9. Medical records' file (medical certifications, physician statements, and related information that describe the health and medical history or condition of an employee or an employee's family members)
10. Disciplinary records (e.g., written warnings, reprimands, notices of suspension, etc.)
11. Performance Improvement Plans
12. Other (e.g., performance evaluations, etc.)

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— Department Directors are responsible for forwarding documents for inclusion in the personnel files of those employees assigned to their department.

— Information should be retained in the personnel file throughout the association of an employee with the City, including, but not limited to the following:

- a. Employee application
- b. Job description
- c. Job performance information
- d. Education/training information
- e. Personnel action forms
- f. Letters of appreciation, commendation, or discipline; and
- g. Other appropriate information, documentation, and records for personnel administration purposes.

Access to Personnel Records—All information in an employee's personnel records shall be considered confidential, except as provided by law. Employee records may be reviewed by an employee's superiors for purposes of performance evaluation, disciplinary review, and other business purposes. In addition, employee records may be reviewed by others provided that the employee provides written authorization for same to the Director of Human Resources, or to his or her designee.

Record of Review—The Director of Human Resources shall maintain a record of each individual who reviews an employee's personnel file.

— **Records of Former Employees**—Regulations for personnel records and access to the records shall apply to former employees as they apply to present employees.

— **Objections to Contents**—An employee who objects to material in his personnel file may place in his file a brief statement about that which he considers to be inaccurate.

— **Penalty for Unauthorized Access**—Any employee who willfully allows unauthorized access to personnel records shall be subject to disciplinary action. Any employee who examines a

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~~personnel record without proper authorization shall be subject to disciplinary action.~~

1.8 POLITICAL ACTIVITIES

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City of Stonecrest employees are encouraged to exercise their right to vote. If they so desire to take part in political activities on the local, State and Federal levels as long as such activities do not interfere with the performance of their job. However, no City employee may engage in political activities at the workplace or during working time. Further, no City employee may make use of City time, equipment, or other resources to aid a political candidate, political party, or political cause; nor may any employee use his or her position or official authority or influence to persuade, coerce, influence, or intimidate any person in the interest of a political candidate, party or cause, or for the purpose of interfering with or affecting the result of an election for Mayor, or a position on the City of Stonecrest City Council, or any elected office in City of Stonecrest. All City employees should be free of any and all political persuasion or coercion in relationship to their employment, and/or from their supervisors and co-workers, and should report any such activity to their supervisor, the Director of Human Resources, or City Manager if the same should occur.

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No employee shall use or authorize the use of the facilities or resources of the City for the purpose of assisting a campaign for the election of any person to any office, or for the promotion or opposition to any ballot proposition.

Nothing in this section shall prevent an employee from fully exercising those rights to participate in political activities granted by the laws of the State of Georgia or the laws of the United States of America.

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SECTION 2: DEFINITIONS

The following words and phrases as used in these policies, unless a different meaning is required by the context, shall have the following meanings:

Absenteeism: ~~is~~ defined as a failure to appear at work on a scheduled workday or shift exclusive of an approved leave.

Accrual: Process of earning a benefit such as vacation or sick leave.

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Adverse Action: An action taken by the City Manager ~~or Department~~ or Department Director that results in a suspension without pay, salary reduction, demotion, or dismissal.

City: For purposes of this manual means City of Stonecrest, Georgia.

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City Department: An organization in City government that is responsible for the oversight and administration of specific work functions or ~~units at~~ units at the direction of the City Manager.

City Policy: A policy adopted by the Mayor and City Council, or an administrative policy approved by the City Manager.

Date of hire: The effective date of the individual's employment with the City.

Department Director/Head: Includes heads of departments. The Department Director reports to the City Manager, or designee as specified in the job description.

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Discharge: Termination of an employee by the City. Discharge may be used interchangeably with Dismissal.

Doctor: ~~Any physician who holds an active license to practice medicine by law; a qualified practitioner of medicine. Doctor of Medicine, Osteopathy, dentist, or dental surgeon currently holding an active state license.~~

Employee: For purposes of this manual is defined as any individual who holds a budgeted position with the City of Stonecrest.

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Employee-Initiated Resignation: Voluntary separation for any reason other than formal retirement.

Exempt: For purposes of this manual is defined as an employee who is specifically exempt from the overtime compensation provisions of the Fair Labor Standards Act (29 U.S.C. §§ 201 et seq.).

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Grievance: An actual or supposed circumstance regarded as just cause for complaint, such as unsafe or unhealthy working conditions; erroneous or capricious application of City policies; or unlawful discrimination.

He/His: Use of this pronoun in this document shall apply equally to both males and females.

Immediate Family: Includes spouse, child, parent, brother, sister, grandparents, parent-in-law, daughter-in-law, son-in-law, or grandchildren. The definition also includes any other person living in the employee's household who is recognized by state law as

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the employee's dependent, and any individual who stands in loco parentis to an employee ~~_when the employee was a child.~~

In-Law: A relative by marriage such as mother-in-law, father-in-law, daughter-in-law, and son-in-law.

Layoff: Separation of an employee by the City for lack of work, lack of funds, reorganization, or other changes that have taken place.

Manager: A Manager is the person responsible for planning and directing the work of a group of individuals.

May: The word may be conditional and implies there is discretion concerning whether a condition ~~exists~~exists, or an action will take place.

▲ **Non-Exempt:** for purposes of this manual is defined as an employee who is entitled to minimum wage and overtime compensation (or compensatory time in lieu thereof) pursuant to the provisions of the Fair Labor Standards Act (29 U.S.C. §§ 201 et seq.).

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▲ **Outside Employment:** Employment outside of the duties as a City employee. This shall include self-employment and other business activity, as well as working for a second employer.

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Overtime: All work performed in excess of the hours permitted under the FLSA work period.

Personnel Records: Includes digital and paper personnel and medical files. An ~~employee~~employee's medical file shall be kept separate from his personnel file.

Probation: A period during which a new employee or an employee who has been transferred, promoted, or demoted is being ~~tested~~evaluated on job capability and performance. Additionally, ~~a period of time~~a period allotted to an existing employee to correct identified performance deficiencies.

Probationary Employee: An employee on a trial status of probation during a period of employment. Probationary periods may be extended under special circumstances.

Regular Employee: An ~~employee, who~~employee who has successfully completed the probationary period, and is assigned to a position which is regular full-time or regular part-time.

Full-Time Employee: An employee who has successfully completed the probationary period, is assigned to a position which is expected to continue for an indefinite duration

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and works a shift schedule which will total no less than 2080 hours per year (40 hours per week).

Part-Time Employee: An employee who has successfully completed the probationary period, is assigned to a position which is expected to continue for an indefinite duration and works a shift schedule of ~~less than 40~~up to 29 hours per week.

Retirement: Voluntary separation after having satisfied the age and length of employment requirements, according to the City's applicable retirement plans.

Shall/Will: These terms are unconditional and imply that a condition exists, or an action will take place.

Supervisor: ~~An individual immediately in line after management who is responsible for monitoring and regulating staff in their performance of delegated duties. Particularly, they oversee the daily performance of a team or department. A supervisor has the authority to recommend or exercise discipline, promotion, and hiring. A supervisor is usually the lowest, or most junior, management position. It is usually a step above lead~~the lead, but below Manager.

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Supervisor-Initiated Resignation: Termination requested by the supervisor, which permits the employee to resign in lieu of being dismissed.

Tardiness: is defined as the failure to report to work at the time scheduled.

Temporary Full-Time Employee: An employee who is assigned to a position that is not expected to continue for an indefinite duration and works a shift schedule that totals no less than 40 hours per week.

Temporary Part-Time Employee: An employee who is assigned to a position that is not expected to continue for an indefinite duration and works a shift schedule of ~~less than 40~~up to 29 hours per week.

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SECTION 3: CONDITIONS OF EMPLOYMENT

3.0 WORKPLACE ENVIRONMENT

City of Stonecrest is committed to ensuring that all employees enjoy a work environment free from intimidation, discrimination, harassment, and violence. These issues are discussed in more detail within this Policy Manual. If you have any concerns regarding your workplace environment, report those concerns to the City Manager, the Director of Human Resources, and/or to ~~your Department~~your Department Director.

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3.1 HOURS OF WORK

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3. The normal working hours for City administrative offices shall consist of a continuous eight (8) hour period, excluding a one (1) hour unpaid lunch, scheduled between the hours of 7:00-am and 6:00-pm, with such schedule to be established so that the needs of the department to deliver services to the citizens are met. In most cases, employees are expected to perform work during the core hours of ~~9:30~~am to ~~5:00~~pm.

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Employees are expected to be at their work location and ready to begin work at the beginning of their work schedule. The meal periods should be scheduled to allow for optimal staffing of offices at the discretion of the supervisor.

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~~The standardization of working hours is necessary to provide:~~

- ~~a. Continuity in access by and service to the citizenry.~~
- ~~b. Facilitation of teamwork.~~
- ~~c. Facilitation of supervisory assistance.~~
- ~~d. Reasonable assurance of compliance with the Fair Labor Standards Act.~~

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Occasions may arise when City services may be improved through the adjustment of an employee's work hours. Therefore, the City permits Department Directors the option of approving varying work hours or schedules within their respective departments consistent with this policy. Prior to implementing any varied work schedule, the Department Director must establish administrative standards and procedures to ensure no disruption in services provided by that department, either to the public or other employees.

The recognized varying work schedules are limited to:

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1. **Flextime** - Employees are given a choice in their report to work time and their end of work time. Flextime schedules are approved in advance and shall not be used to correct tardiness or other attendance problems. Employees have the option to report to work between 7:00am – 9:00am, with the approval of their supervisor. Meal periods must be a minimum of half hour.
2. **Compressed Work Week** - Employees are assigned varying hours of work during the payroll period. The typical compressed workweek consists of four days working 10 hours each day per week, or a 9/80 work schedule which consists of a total of eight 9-hour days, one 8 hour day, and one day off over a two-week pay period. ▸
3. ~~**Split Shift** – A combination of two continuous work periods, separated by a period of two or more hours, including lunch, when no work is performed.~~
4. ~~**Telework** – Employees are allowed to work remotely (at the discretion of the supervisor and City Manager) for the same number of hours as they would work, if~~

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physically present in their assigned workspace. Telework is a privilege, not a right of the employee. Further, a telework arrangement may be revoked if it is determined that the work suffers from such an arrangement by the Department Supervisor and/or the City Manager.

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When the workload and schedule permit, two 15-minute paid work breaks daily may be permitted, subject to approval by the employee's supervisor/manager. Any rest breaks of short duration (lasting less than 20 minutes) will be counted as "hours worked" and paid accordingly. Meal breaks lasting 20 minutes or more are not considered "hours worked" for purposes of Federal law and will not be paid for non-exempt employees. Employees must be completely relieved from work duties during any unpaid meal break. If an employee is not completely relieved of all duties and/or is asked to return to work during an unpaid meal break, the employee must report the interrupted meal break to the employee's supervisor immediately. Individual requests for adjustment of working hours for personal reasons must be evaluated in light of the employee's past work performance and effect on the criteria enumerated in 3.1.2 above.

~~Individual requests for adjustment of working hours for personal reasons must be evaluated in light of the employee's past work performance and effect on the criteria enumerated in 3.1.2 above.~~

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Employees must provide their supervisors advance notice of anticipated tardiness or notice of unavoidable tardiness within one hour of their scheduled start time. Failure to do so will be construed as an unexcused absence, and the day or time missed will not be paid for non-exempt employees. Exempt employees will have unexcused time charged to either their vacation or sick leave accumulation if vacation is not available.

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Notification by another employee, friend, or relative is not considered proper, except in an emergency where the employee is physically unable to make provide the notification. Likewise, notices to employees other than the immediate supervisor, or above is not considered proper.

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~~Daily attendance records will be maintained by each department, including the date and time of each absence and the reason for each absence.~~ Attendance shall be a consideration in determining promotions, transfers, satisfactory completion of probationary periods, and continued employment with the City. Frequent tardiness or other attendance irregularities shall be cause for disciplinary action.

Hours for part-time and certain other employees may vary from the normal office hours noted above due to the nature of their duties and will be determined by the appropriate Department Director.

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~~The City may provide compensatory time off in lieu of cash overtime compensation for non-exempt in accordance with the FLSA.~~

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3.2 WORK PERIODS

This section shall not apply to executive, professional, administrative, and all other employees who are exempt from the FLSA. The referenced work periods may be changed to accommodate special work schedules, such as summer ~~maintenance~~ schedules.

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The work period for all City employees shall be a seven (7) day period beginning on Sunday at 12:01 a.m. and continuing to Saturday at 12:00 midnight.

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The minimum work week for full time employees shall be ~~fortyfourty~~ (40) hours. The minimum work week to be eligible for health benefits shall be thirty (30) hours with an expectancy of working 48 weeks or more.

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~~The minimum work week to be eligible for health benefits shall be thirty (30) hours with an expectancy of working 48 weeks or more.~~

3.3 NEPOTISM

The City of Stonecrest seeks to avoid any suggestions of favoritism, discrimination, or conflict of interest in making decisions to hire, promote, and transfer staff. The City discourages nepotism but does not prohibit the hiring of qualified applicants who are relatives of current employees. The City also encourages collegial relationships but discourages relationships that could disrupt the work environment or lead to an actual or perceived conflict of interest. ~~Because~~ ~~Due to~~ ~~of~~ the actual or perceived problems inherent in employing individuals with close family or other relationships, it is the City's policy that Immediate Family will not be employed in full-time or part-time positions where:

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- a. One relative would have the authority to supervise, appoint, remove, discipline, or evaluate the performance of the other.
- b. One relative would be responsible for auditing the work of the other.
- c. Other circumstances exist which would place the relatives in a situation of actual or reasonably foreseeable conflict between the City's interest and their own.

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Where business necessity requires the limitation of employment opportunity for Immediate Family members, the means chosen to meet the business necessity shall be those which have the least adverse impact on the employees, which may include re-assignment to another department or separation of employment for one of the affected employees.

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All applicants for employment with the City are required to disclose the names of any relatives or personal relationships currently employed by the City on the application for

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employment. Should a Department Head extend an offer of employment to a relative of a current employee, it is the responsibility of the applicant to fully disclose the relationship to the Department Head before the offer of employment is accepted. The intentional failure to disclose a relative relationship constitutes a violation of this policy and may be grounds for rescission of the offer of employment, non-selection and/or discipline, up to and including termination.

It is the responsibility of every employee to keep his or her Department Head informed of any changes relevant to the employment of relatives and this procedure. Failure to timely report such changes may result in disciplinary action up to and including termination. Employees within the same department who become related through marriage shall notify their Department Head, in writing, within five (5) business days.

The Department Head, in consultation with the Human Resources Department, shall determine whether a supervisory relationship exists between the employees and, if appropriate, make such changes as are necessary to prevent and/or remedy any violations of this policy. Both employees will be permitted to retain their positions within the department provided that one is not under the direct or indirect supervision of the other. If one employee is under direct or indirect supervision of the other, the Department Head shall consult with the Human Resources Department to identify alternative arrangements for reporting, evaluation, assessment, and supervision.

The City Manager may authorize an exception to this policy if the position requires specialized training or experience not generally available, there is a vital need to fill the position, substantial efforts have been made to recruit a person who is not an Immediate Family member, and the relationship is unlikely to materially affect their employment.

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For purposes of this HR policy, "relative" is defined as an individual's father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, common-law spouse, domestic partner, grandchild, grandparent, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, foster parent, foster brother, foster sister, fiancé, fiancée or legal guardian. The term "relative," as used in this policy, also includes relationships between individuals who are in a consensual romantic or sexual relationship, regardless of whether they are cohabitating.

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3.4 PROBATION PERIOD

All employees placed in new full-time and part-time positions must serve at least a six-month period of probation. This applies to new hires, promotions, demotions, and transfers. Probation periods may also be utilized as a disciplinary measure in an attempt to improve deficient performance. This introduction period is intended, primarily, to allow the City and employee to determine whether the employee can adequately perform

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~~in the assigned job position and whether the position is a good fit for the employee. The probation period is designed to give the employee time to learn the position and to give the supervisor time to evaluate the employee's potential and performance.~~

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~~The probation period is designed to give the employee time to learn the position and to give the supervisor time to evaluate the employee's potential and performance.~~

Nothing in this section, including an employee being placed in a probationary status, shall limit, alter, modify, or nullify the City's -employment at-will status, which includes the right to terminate employment without cause or notice.

If a new employee is unable to perform the work, the person may be transferred to a vacant position for which he is more ~~qualified~~ ~~suitable~~. If the department elects not to exercise this option, then the person should be terminated as early as possible. Prior to termination, the Department Director should review the case with the Director of Human Resources for consistency in the application of policy. Early termination saves the City both ~~time~~ ~~and~~ ~~monetary~~ ~~and~~ ~~monetary~~ investment, and saves the employee possible embarrassment and frustration.

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If, during the probation period, an employee promoted into a new position is unable to perform the work at the expected level, such employee shall be returned to his previous position, or to a comparable position, if available.

Rejected probationers shall be notified of such action in writing by the Department Director and a copy of said notification shall be retained in the employee's personnel file.

It is expected that ~~informal~~ evaluations will be conducted ~~during the course of~~ ~~during~~ the probation period ~~(45 day - 90 day - 180 day)~~ to assess performance and to advise employees of expectations regarding performance. ~~Any~~ ~~s~~Significant job deficiency ~~(ies)~~ shall be documented in the employee's personnel file. These evaluations provide the necessary justification for retention of the person as a regular employee.

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Under unusual circumstances, the probationary period may be extended. This is only after an evaluation of the situation, the employee's abilities, and demonstrated potential. Probation extension is done only upon recommendation of the ~~-Department Director,~~ ~~and~~ ~~Director~~ ~~and~~ approved by the City Manager. Employees whose probationary periods are being extended must be notified by the supervisor prior to the conclusion of the original period.

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If the employee successfully completes the probation period, he shall automatically become a regular employee.

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~~When an employee first becomes a regular full-time employee, he becomes eligible for~~

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~~vacation and other appropriate leaves retroactive to the person's beginning date of employment but will not be able to take vacation leave until after he has been employed six months, unless authorized by Department Director. Successfully completing the probationary period will not result in additional compensation being paid to the employee.~~

~~If an individual has been transferred or promoted, he remains eligible for all fringe benefits included with the previous position during the probation period for the transfer or promotion. If the position to which an employee has been transferred or promoted carries benefits different from those of the previous position, the person becomes eligible for the benefits of the new position upon the satisfactory completion of the probation period retroactive to the date of the transfer or promotion.~~

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~~If an emergency arises during an employee's probationary period which requires a leave of absence, such time off, if granted will not be considered as time worked. In this case, the probationary period will be extended to match the equivalent the time granted through the leave of absence.~~

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3.5 RE-EMPLOYMENT

~~Any former regular, full-time or part-time employee who resigned from the City in good standing is eligible for re-employment. Persons interested in re-employment must complete a City application via the website for any advertised vacancy for which the former employee believes matches his/her qualifications. The individual will then proceed through the regular hiring procedures with other applicants.~~

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~~Persons interested in re-employment should file a completed City application form with the Human Resources department for any advertised vacancy for which the former employee believes matches his/her qualifications. The individual will then proceed through the regular hiring procedures with other applicants.~~

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~~The date of hire will take the person's previous service with the City into account for retirement service credit purposes; however, salary, benefits, and future increases will coincide with the re-employment date. The individual's previous personnel file will be re-activated once re employed by the City provided reemployment is within seven years after the original separation.~~

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~~The individual's previous personnel file will be re-activated once re-employed by the City provided re-employment is within seven years after the original separation.~~

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~~All individuals re-employed by the City must complete a new probationary period. The Department Director has the discretion to re-employ an individual into any vacant position within the department for which the employee is qualified by following the~~

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~~prescribed recruitment process.~~

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~~The Department Director has the discretion to re-employ an individual into any vacant position within the department for which the employee is qualified by following the prescribed recruitment process.~~

Re-employment of Retirees: If a bona-fide termination of employment as described in section 3.5.4 has occurred, the City may re-employ a retiree on a limited term basis. The following guidelines provide a consistent standard by which all requests for re-employment of retirees will be measured.

1. City Need - Re-employment must be as a result of City need, such as the retired employee ~~possesses~~possessing skills and institutional knowledge that the hiring department cannot otherwise obtain with equal cost effectiveness; ~~o.~~ Or, the hiring department anticipates that the Retired Employee will assist a replacement to acquire necessary skills and knowledge.

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2. Break in Service - A period of at least 30 days has elapsed since the time the employee retired and the date of re-employment. Additionally, employees who have not reached normal retirement age must not engage in discussions concerning re-employment for a period of 30 days after their retirement date.

3. Re-employed Status - Unless specifically approved by the City Manager, retired employees are limited to no more than 19 hours per week, or 988 hours during any 12-month period. Re-employment into multiple part-time positions may violate the maximum hour limitation and is prohibited.

4. Compensation - Upon re-employment, the employee will be compensated at the regular rate of pay for the position rehired. The retired employee may elect to either cease or continue to receive benefits under a defined contribution plan, if applicable. If the re-employed retiree continues the benefit, there will be no further employer contributions or accrual of credited service under the plan.

If the retiree elects to cease and is rehired into a full-time position, then the employee would be paid at the regular rate, resume ~~contributions~~contributions, and receive additional credited service; at the time of subsequent separation, the retirement benefit is recalculated with the additional service added.

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5. ~~Prior Approval Required~~ - All actions to rehire a retiree must be approved by the City Manager after review and consideration of the aforementioned guidelines by the Director of Human Resources.

3.6 ELIGIBILITY FOR BENEFITS

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~~Non-exempt employee compensation will be stated in terms of hourly wage. Exempt employees are considered salaried. Employees classified as regular full-time employees shall be eligible to receive all employee benefits provided by the City. Probationary employees shall be classified as regular full-time employees, for purposes of benefit eligibility and entitled to the same benefits as regular full-time employees subject to applicable eligibility provisions and time periods.~~

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~~Employee's classified as regular full-time employees shall be eligible to receive all employee benefits provided by the City. Probationary employees shall be classified as regular full-time employees, for purposes of benefit eligibility and entitled to the same benefits as regular full-time employees subject to applicable eligibility provisions and time periods.~~

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~~Regular part-time employees working 30 or more hours for an expected duration to exceed 48 weeks are eligible to receive health benefits in accordance with the Affordable Care Act.~~

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3.7 ~~HIRING PROCESS RECRUITMENT AND SELECTION~~

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~~The Human Resources Department will administer and/or coordinate the hiring process for all position vacancies to ensure compliance with contractual, legal, and equal opportunity requirements. It is the policy of the City to recruit and select the best qualified applicants for employment. All recruitment efforts and selection decisions will be made in accordance with the City's Equal Employment Opportunity and Diversity and Inclusion Policies. The Human Resources Director has the authority to implement a procedure to effectuate this policy.~~

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~~Prior to filling any vacant regular, ~~full-time~~full-time, or part-time position, hiring departments must secure authorization from the City Manager, or designee, as may be modified or waived from time-to-time by the City Manager.~~

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~~Recruitment – Open Positions~~

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~~For purposes of the Recruitment and Selection Policy, a position is deemed to be open when: (1) the position is a newly-created position with no incumbent, or (2) in the case of an established position, when a Department Head receives information that the position will be vacated by the incumbent on a particular date due to promotion, demotion, lateral transfer, retirement, voluntary or involuntary separation from employment, or other change in job status.~~

~~A Department Head may begin recruitment and selection procedures for an established, funded position immediately upon receiving notice that the position will be vacated by the incumbent on a particular date due to promotion, demotion, transfer, retirement, voluntary or involuntary separation from employment, or other change in job status~~

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unless the Department Head has obtained approval for creation of a parallel position pursuant to City policy.

To fill an open position, the Department Head must inform the Human Resources Director of the need to initiate the recruitment and selection process as set forth below.

~~POSTING VACANT POSITIONS~~—In order to fill any vacant or newly created position, the position must be posted to ~~allow for~~allow interested candidates to apply. City of Stonecrest departments have three posting options to use when filling vacant positions:

- a. In-house Posting (Departmental) – This option should be used first if departments are able to identify candidates from their current staff. The announcement of the position should be posted for a minimum of ~~five~~three days.
- b. Internal Posting (For City Employees Only) – This option has been established to provide City employees the first opportunity to apply for vacant positions. Internal postings are accessed via the City's ~~website~~ intranet and are not accessible to the population at large. These postings will remain open for a minimum of ~~five~~three days and may be updated on a weekly basis.
- c. External Posting (All Candidates Interested in City Positions) – This option allows departments to consider anyone who is interested in City positions. External postings will be posted for a minimum of ~~10~~three days or longer.

Applications for all advertised vacancies are to be submitted directly to the Human Resources Department ~~in the manner prescribed by the department~~via the applicant tracking software. Upon the position closing date, all qualified applications will be ~~forwarded available~~to the hiring department for review and consideration. ~~If the posting does not provide for a closing date, the Human Resources Department shall forward applications to the hiring department as they are received.~~

Application and Selection

A. Employment Application

Applications for employment in any announced open position shall be submitted within the time limits specified in the applicable announcement by any person who meets the minimum qualifications, standards and requirements of the position as specified in the announcement. Acceptance of applications after the closing date may be approved by the Human Resources Director or his/her designee whenever sufficient reason(s) exist. Applications shall be made under oath on forms prescribed by the Human Resources Department and shall be completed in their entirety. An application must be completed to be eligible for employment with the City.

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B. Minimum Qualifications

No applicant for employment may be offered a position with the City unless the applicant meets the minimum qualifications established for the position.

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C. Interviews and Selection

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Upon receipt of a List of Eligible Applicants (LEA), a Department Head shall review the qualifications of the candidates appearing on the List and send written invitation(s) for interview(s) to a sufficient number of name(s) listed thereon to allow for selection. The Human Resources Department will provide the Department Head with sample written interview invitations or prepare and send the interview invitations on behalf of the Department Head, if requested.

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It is the responsibility of the Department Head to act promptly on the LEA and to advise the Human Resources Director of their decisions and actions without undue delay.

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Final hiring decisions and selection of eligible candidates from the LEA shall be made by the Department Head concerned. Upon selection of an acceptable candidate for appointment from the LEA, the Department Head shall submit the Request to Hire Form to the Human Resources Department indicating the name(s) of the candidate(s) selected, including salary requested.

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D. Rejected Candidates

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Candidates listed on a List of Eligible Applicants who were considered but not selected shall be appropriately dispositioned removed by the Department Head and/or the Human Resources Department notified.

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Upon completion of the review process, the hiring department shall notify Human Resources of the candidate selected to fill the vacancy.

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3.8 TESTING

Examinations may be developed for certain positions based on the position's responsibilities, the qualifications required, and resources available. Notice of required examinations will be included on the advertised position announcement.

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The examination may consist of oral interview, application review, a structured questionnaire, practical tests, or written tests, ~~in basket exercise, or assessment center, and/or other performance tests.~~ In all cases, the testing will be job related and designed to determine the candidate's knowledge, skills, and abilities for the position.

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Human Resources for consistency with applicable employment laws. –Examination contents are confidential and unauthorized disclosure to any candidate is grounds for discipline. In certain situations, outside consultants may be contracted to assist with test development.

▲ The Department Director shall ensure that all testing is based on bona-fide occupational qualifications. Upon receipt of a request for same, ~~the Department~~the Department Director shall work with the Director of Human Resources to ensure that reasonable accommodations are made in test procedures to assure that persons with disabilities can be tested in an appropriate manner, unless such accommodation(s) would impose an undue hardship.

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~~Upon receipt of a request for same, the Department Director shall work with the Director of Human Resources to ensure that reasonable accommodations are made in test procedures to assure that persons with disabilities can be tested in an appropriate manner, unless such accommodation(s) would impose an undue hardship.~~

▲ Pre-employment testing. All job applicants being considered for employment shall be required to pass pre-employment tests, which may include, but are not limited to, employment verification, a drug and alcohol screening test, criminal background, medical and/or psychological exam, and /or credit check.

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▲ Random and periodic drug testing. The City retains the right to require all to submit to a drug and alcohol screening test at random or on a periodic basis from time to time as determined by the Director of Human Resources.

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▲ Reasonable Suspicion Testing. A drug and/or alcohol screening test based on reasonable suspicion shall be undertaken in accordance with Section 7.1.4 of this Policy Manual.

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▲ Testing after accidents or injury. All employees involved in a work-related incident causing personal injury or property damage shall be tested promptly for drug and/or alcohol use in accordance with City policies. Any employee involved in a motor vehicle accident while driving a City vehicle on a public roadway and who is determined to have been at fault in the accident by the investigating law enforcement officer shall be tested for drugs and alcohol.

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▲ Voluntary participation in an employee assistance program prior to an employee being requested to submit to a test is encouraged and such participation shall be kept confidential.

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3.9 AT-WILL EMPLOYMENT

All employees of City of Stonecrest are “at-will” employees. Employment with City of Stonecrest is entered into on a voluntary basis, and all employees are employed for an

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indefinite time ~~period~~. Either the City or the employee is free to terminate the employment relationship at any time without notice, for any reason, with or without cause.

This manual is not intended to, and does not, create an employment contract between the City and its employees. Your employment is for no specified period of time, and this manual does not limit your right or the City's right to terminate your employment at any time for any reason or no reason, unless otherwise specified.

The Mayor and City Council may provide a contract/letter of agreement and/or employment offer letter for ~~positions of~~ City Manager, Director of Finance, City Clerk, or any other positions reporting to ~~the~~ Mayor and City Council.

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3.10 ~~IMMIGRATION LAW COMPLIANCE~~ EMPLOYMENT ELIGIBILITY I9 VERIFICATION

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The City is committed to complying with all immigration-related employment laws. Therefore, the City will not knowingly or intentionally hire or continue to employ individuals who lack work authorization. Nor will it do business with independent service providers (e.g., independent contractors, subcontractors, vendors) it determines to have knowingly hired or continued to employ persons without work authorization. Moreover, the City will only work with contractors and subcontractors who use E-Verify to check the status of workers employed on building and road projects and/or engaged in any other performance of labor for a public employer within this State under a contract or other bidding process, as required by State Law.

Consistent with this commitment, the City participates in E-Verify and requires the completion of the Federal Form I-9 to verify the identity and work authorization of all employees.

I. Prohibition of Discrimination and Retaliation

The City will not tolerate any form of discrimination or harassment prohibited by Federal, State, or local law, including discriminatory treatment based on an individual's national origin or citizenship status. Nor will the City tolerate discriminatory application of the Form I-9 requirements or E-Verify process including, but not limited to, singling out individuals for extra scrutiny based on their national origin or citizenship status. The City will not permit retaliation against employees for complaining of perceived discrimination or harassment.

II. Form I-9 Compliance

As required by Federal law, the City must ensure that every employee hired or rehired after November 6, 1986, completes the Form I-9. The Human Resources Department should use the most current version of the I-9 form. The City must retain I-9 forms of all

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current employees. It must also retain I-9 forms of former employees for three years after the date of hire or one year from the date of termination, whichever is later. Completed I-9 forms should not be placed in personnel files; instead, the forms, and any accompanying documents, such as E-Verify confirmations, should be kept in separate I-9/E-Verify binders and maintained in confidence as with any other personnel records.

III. E-Verify Participation

E-Verify is an internet-based program that compares information from an employee's Form I-9 to data in Federal records to confirm employment eligibility. As required by law, the City is enrolled in and participates in E-Verify. Before a Human Resources Department staff member uses E-Verify, they must register as a user, familiarize themselves with the rules and responsibilities contained in the E-Verify User Manual, and participate in the required E-Verify trainings. Registered users must never allow someone else to use their login credentials to access E-Verify.

All new hires must be verified through E-Verify. E-Verify should never be used to verify prospective employees or applicants. Current employees already confirmed through E-Verify must never be "re-verified" even if Section 3 of the I-9 must be completed because temporary work authorization expired or is set to expire. If the City rehires an employee, the City must confirm his or her employment eligibility using E-Verify as for a new hire.

An E-Verify case for each newly hired employee must be initiated no later than the third business day after he or she/she begins working. Generally, case initiation should occur on the same day the Human Resources Department completes Section 2 of the I-9. If the Human Resources Department misses this deadline, the Human Resources Department must still proceed with the verification and note the reason for the delay using the dropdown function in E-Verify.

The City of Stonecrest is committed to full compliance with federal and state immigration laws and will hire only individuals with the legal right to work in the United States. Pursuant to the Georgia Security and Immigration Compliance Act, all employees must complete the Form I-9 and provide legal documentation of citizenship and/or work status as set forth on the form. Within three (3) business days of hire, the City Human Resources Department electronically verifies accuracy of the employee's Social Security number and other documentation through the U.S. Department of Homeland Security verification system. The employee will be immediately notified of a non-confirmation of their Social Security number and will be provided a referral letter.

It is the employee's responsibility to resolve the discrepancy with the Social Security office within eight (8) federal government working days. On the 10th federal government working day after the date of the referral letter, the Human Resources Office will make a second inquiry to the Social Security Administration database for a final confirmation. The employee shall continue working until the confirmation process is completed, however,

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~~a final non-confirmation will result in immediate termination.~~

~~This policy and its procedures are intended to comply with the Georgia Security and Immigration Compliance Act.~~

~~Should any portion of said Act be amended, modified, revised, or repealed, or if other or additional controlling federal or state immigration laws or regulations become adopted in the future, the processes and requirements set forth in such Act, laws, or regulations shall govern.~~

3.11 PERFORMANCE REVIEWS

City departments shall utilize ~~an annual~~ performance review process which includes both a mid-year (June-July) and year-end (December) performance reviews to provide employees appropriate feedback on their work performance and to provide progress against established goals and related performance standards (metrics) as well as communicate general competencies for all employees and additional competencies for managers necessary to perform the assigned duties and responsibilities of their positions. The form and manner of reviews should be prescribed by the Human Resources Department.

Managers and supervisors shall meet with each employee within their area of supervision at least ~~once twice per~~ twice per year to formally review performance. It is also expected, that at the start of each calendar year (January) or shortly after an employee is hired, transferred or promoted/demoted into a new role that performance expectations are reviewed and documented in the appropriate section of the performance evaluation form.

In addition to the ~~annual~~ performance review periods, supervisors are encouraged to establish a performance review period of a shorter duration for employees, and particularly for an employee whose performance is deemed to be unsatisfactory, who has been placed on performance probation, or who has been issued a performance improvement plan, ~~or for any reason.~~

NOTE: All new hires and probationary employees will be evaluated at 45 days, 90 days, and 180 days.

3.12 LACTATION ACCOMMODATION

To the extent required by law, the City will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child during the first year following the child's birth. Employees will be relieved of all work-related

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duties during any unpaid break. In accordance with applicable law, the City will provide employees with the use of a room or a private area, other than a bathroom or toilet stall, that is shielded from view and free from intrusion from co-workers and the public.

The City will otherwise treat lactation as a pregnancy-related medical condition and address lactation-related needs in the same manner that it addresses other Non-incapacitating medical conditions, including requested time off for medical appointments, requested changes in schedules and other requested accommodations. The City will not demote, terminate or otherwise take adverse action against an employee because an employee requests or makes use of the accommodation and break time described in this policy.

Employees should contact their supervisor during their pregnancy or before their return to work to identify the need for a lactation area. These policies do not create a contract of employment. Employees needing breaks for lactation purposes may use ordinary paid rest breaks or may take another reasonable break time when needed. If possible, the lactation break time should run concurrently with scheduled meal and rest breaks already provided to the employee. If the lactation break time cannot run concurrently with meal and rest breaks already provided or additional time is needed for the employee, the lactation break time will be paid for nonexempt employees.

Where unpaid breaks or additional time are required, employees must notify their supervisor regarding scheduling and reporting the extra break time. Employees should provide reasonable notice to the City that they intend to take breaks for expressing breast milk upon returning to work. Because exempt employees receive their full salary during weeks in which they work, all exempt employees who need lactation accommodation breaks do not need to report any extra break times.

The City will make a reasonable effort to identify a location within close proximity to the work area for the employee to express milk. This location may be the employee's private office, if applicable.

SECTION 4: COMPENSATION

4.0 GENERAL

It is the policy of the City and the purpose of this plan to establish a compensation system that will allow the City to effectively compete for qualified personnel and to ensure that salaries are equitable and commensurate with the duties performed by each employee.

The City's pay range schedules include minimum and maximum pay allowed by grade. The pay range schedules for employees shall be adopted by the Mayor and City Council.

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Cost-of-Living adjustments may be granted by the Mayor and City Council upon recommendation by the City Manager. In the event a cost-of-living adjustment is made, the salary range allowed by grade may not change. Rather, the eligible employee's pay should be adjusted up the range to reflect the cost-of-living increase.

Classification Plan: The City administers a classification and compensation plan in which jobs with similar duties and responsibilities are assigned to the same salary grade. The Director of Human Resources may conduct an analysis of various jobs when there is an indication an employee is working above or below the established responsibilities for that position. Such review may result in the position being upgraded to a higher grade or downgraded to a lower grade within the plan.

Position Upgrade: In the event that the duties of any position are re-evaluated by the Director of Human Resources ~~and/or~~ City Manager and results in the position moving to a higher grade range, the employee's salary may increase by 5% or the employee may assume the entry level salary of the new range, whichever is greater, subject to the grade minimum and maximum salary levels. However, if the employee is receiving temporary additional compensation or supplemental pay, such temporary additional compensation shall not be included in the calculation of the salary adjustment.

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Position Downgrade: In the event that the duties of any position are re-evaluated by the Director of Human Resources ~~and/or~~ City Manager and results in the position moving to a lower grade range, the employee's salary may be reduced by 5% or more, subject to the grade minimum and maximum salary levels. However, if the employee is receiving temporary additional compensation or supplemental pay, such temporary additional compensation shall not be included in the calculation of the salary adjustment.

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Maintenance of the Salary Plan: The Director of Human Resources shall be responsible for the continuous maintenance and administration of the City's Compensation Plan. Reviews will include an analysis of prevailing rates of pay for similar positions in comparable labor markets, organizations, cost-of-living factors, budgetary considerations, and other related factors. On the basis of this information, the City ~~Manager may~~ ~~Manager may~~ recommend to the Mayor and City Council changes to keep the plan current, uniform and equitable.

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New Employees: New employees will ordinarily be paid between the minimum rate and ~~midpoint~~ ~~in~~ ~~midpoint in~~ the appropriate salary range, depending on qualifications, and budgetary considerations.

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The salary offered to the employee must be consistent with the salary and requirements of the position. An employee who meets only the minimum requirements for the position will start at the bottom of the salary range regardless of the employee's current salary. Employees who exceed the minimum requirements for the position may be offered a

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salary consistent with the employee's level of skills, experience, and knowledge, but in no case shall the salary be more than the midpoint level pay for the position, unless prior approval is obtained from the City Manager.

No employee's salary shall exceed the maximum salary for their position. In the event an employee's salary exceeds the maximum range, he may not receive annual increases until market research warrants an increase in grade and/or range or, unless authorized by the City Manager.

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4.1 OVERTIME AND COMPENSATORY TIME

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FLSA: This policy ~~shall not contravene the provisions of the Federal Fair Labor Standards Act (FLSA) pertaining to the minimum rate of compensation for employment in excess of an established work week/period, excluding exempted positions.~~ ~~Applies to all employees who are "non-exempt" as defined in the Fair Labor Standards Act (FLSA) and may apply to exempt employees in certain circumstances as set forth herein.~~

~~Qualification~~**Overtime Pay:** ~~To be eligible for overtime pay, the employee must have actually been present at their assigned worksite for the specified number of hours. When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime. Non-exempt employees will be paid one and one-half (1.5) times their regular rate of pay for all hours worked in excess of the applicable maximum hours of 40 and as otherwise required by applicable state and federal law, unless the employee receives compensatory time for overtime work as set forth in this policy. Vacation, sick, holiday or other types of leave will not count as hours worked for calculating overtime pay.~~

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~~The City will compensate overtime at the rate of one and one-half for hours worked in excess of the number of hours allowed per work week.~~

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~~All overtime work must be authorized in advance by the employee's supervisor. Employees will be compensated for all time worked. However, working overtime without prior authorization may result in disciplinary action. The standard work week discussed above are defined in the Work Week and Pay Period Policy.~~

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~~V. Exempt Employees:~~

~~Exempt employees are expected to work as much of each workday as is necessary to fulfill their job responsibilities. Exempt employees are not eligible for overtime pay. At the sole discretion of the City, exempt employees may be offered compensatory time in certain circumstances, upon approval from the City Manager and/or Department Director, for~~

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~~departments under his or her direct supervision. If such compensatory time is offered, exempt employees will be allowed to use the compensatory time at a time convenient for the City. Exempt employees will receive payment for accrued unused compensatory time at their regular rate of pay upon separation from employment with City.~~

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Paying out Compensatory Time:

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~~Any comp time accrued over the 120 hours maximum will be paid the following pay period in which it is earned. Employees, supervisors, and department heads should closely monitor comp time accruals to ensure the maximum accrual is not exceeded.~~

Compensatory time will be paid out as following (whichever occurs first):

1. 120 hours maximum accrual
2. Separation of employment
3. Change in classification affecting compensation (i.e. promotion/ demotion)

~~If the City in its discretion decides to cash out an employee's accrued compensatory time balance at a time other than upon termination, payments for such accrued compensatory time will be paid at the regular rate earned by that employee at the time the employee receives such payment. When applicable, compensatory time shall be earned at a rate not less than one and one-half hours for each hour of employment in excess of 40 hours worked for non-exempt employees. Accrued compensatory time shall not exceed one hundred twenty (120) hours.~~

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~~A. Any such non-exempt employee who has accrued 120 hours of compensatory time off shall, for additional overtime hours of work, be paid overtime compensation.~~

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~~b. a~~ If compensation is paid to an employee for accrued compensatory time off, such compensation shall be paid at the regular rate earned by the employee at the time the employee receives such payment.

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~~c.b.~~ An employee who has accrued compensatory time off shall, upon termination of employment, be paid for the unused compensatory time at a rate of compensation not less than:

~~1. The average regular rate received by such employee during the last 3 years of the employee's employment, or~~

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~~2.1.~~ The final regular rate received by such employee, whichever is higher.

~~d.c.~~ ~~an employee, who~~ ~~employee who~~ has accrued compensatory time and has requested the use of such compensatory time, shall be permitted to use such time on the specific date requested by the employee, unless doing so would be unduly disruptive to the department's operations.

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e.d. All compensatory time shall be used by the end of the calendar year, or such accrued time will be paid out in monetary compensation.

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~~Call Back Pay: If an employee is called back to work outside of normal working hours he will be paid for hours worked, or provided compensatory time, as recommended by the Department Director~~

4.2 DEMOTIONS

An employee reassigned to a position in a lower ~~classification pay grade~~ regardless of the reason will receive a cut in pay commensurate with the nature of the demotion as determined by the ~~Department Director~~ in consultation with the Director of Human Resources and City Manager and ~~taking into account~~ considering the pay scale for the position.

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Demotion Approval

A demotion can be voluntary or involuntary and may occur at the request of the Department Head or at the request of the employee. A demotion can be within the same department or in another department. If more than one department is involved, however, approval of both the losing and gaining Department Head, as well as that of the Human Resources Director, is required.

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Reasons for Demotions

The reasons for demotion may include, but are not limited to, the removal of higher-level duties and responsibilities, the inability of an employee to assume or perform the duties of his/her position, and/or reduction in force. In addition, an employee may be demoted for disciplinary reasons.

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Effect on Compensation

An employee who is demoted will typically receive a reduction in pay in an amount determined by the Human Resources Director and the City Manager; and based on budget availability. The demoted employee's salary rate for the lower position must fall within the minimum and maximum rates of the assigned pay grade for the lower position.

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As a general rule, in the case of a voluntary demotion or the reclassification of a position to a lower pay grade, adjustments to an employee's salary will be made as follows:

- o a 3% salary reduction for a demotion of one pay grade level
- o a 5.5% salary reduction for a demotion of two pay grade levels
- o an added 1.5% salary reduction for each additional pay grade level thereafter

As a general rule, in the case of an involuntary demotion, adjustments to an employee's salary will be made as follows:

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- o a 5% salary reduction for a demotion of one pay grade level
- o a 7% salary reduction for a demotion of two pay grade levels
- o an added 2% salary reduction for each additional pay grade level thereafter

In the case of an employee who is demoted within twelve (12) months of having received a promotion, the employee's salary will be reduced to the employee's previous salary or the entry salary for the new position, whichever is greater. In cases where the employee is demoted to a position that is assigned to a lower pay grade than the position held prior to the promotion, the adjustment methodology described in the immediately preceding paragraph shall be applied to the employee's previous salary.

The compensation of employees who are offered the option of a demotion as a reasonable accommodation under the ADA, will be reviewed on a case-by-case basis consistent with the ADA and Reasonable Accommodations Policy. Demotions do not change the person's date of hire.

No employee shall be demoted to a position for which he does not possess the minimum qualifications that were documented in the job description for their assigned work duties at time of hire, transfer, or promotion.

The Department Director will provide advance notice to an employee being demoted whenever possible, except in emergency situations.

Any demotion to prevent layoffs may be revised when the employee's previous position is reopened.

Persons demoted to new positions will be subject to the standard probationary period for the new position.

4.3 PROMOTIONS

A promotion is an appointment to a position in a classification with a higher pay grade. An employee may be promoted while in any status if they have established current eligibility for the promotional position. Generally, promotional recruitment shall be open only to current City employees who have been employed at least six months prior to the posting of the job announcement. However, any recruitment that is also open to the public shall not be subject to such a minimum service requirement.

Effect of Promotion on Compensation

Whenever an employee receives a temporary or regular appointed promotion, the employee's salary rate shall be adjusted upward by a minimum ten percent (10%) or to the minimum of the pay grade for the employee's new position, whichever is greater. A Department Head may request a salary adjustment above ten percent (10%) or the minimum of the pay grade when an employee who is promoted to a position in a

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professional or technical class possesses specialized training, skills, experience or an advanced or professional degree directly related to the work of the position. The Department Head's request is subject to both approval of the Human Resources Director and budget availability. The Human Resources Director may develop a systematic method to be used for the placement of such employees within a pay range.

The Human Resources Department shall maintain copies of written requests for salary increases above ten percent (10%) or the minimum of the pay grade and the decisions regarding the same. The City shall attempt to fill all vacant positions with qualified City employees before advertising to the public, following a policy of upward mobility whenever possible.

~~— Generally, employees are expected to serve in their current position for at least six months before being considered for a promotion or transfer.~~

~~— Selection of an employee for a promotion (or lateral transfer) is based on past work record, education, knowledge of the job duties, as well as time in service.~~

~~— When considering the promotion (or lateral transfer) of City employees having the same or similar qualifications, the position will be filled after considering the factors listed above.~~

~~— In cases where only one employee applies for a position and the person's abilities and qualifications are known to the hiring department, the formal selection process may be dispensed with upon concurrence of the Director of Human Resources.~~

~~— No offer of promotion may be made to any employee prior to completion of the recruitment and selection process. Temporary assignments may be made by the Department Director for a specified time or assignment as necessary. Such acting status appointments are made on a temporary basis and the employee returns to his regular position upon completion of the assignment. Such acting status appointments are governed by Section 4.7.1.~~

~~— Whenever an employee is promoted to a higher position, or whenever an employee's position is upgraded, said employee will enter the new grade/position at the entry level of the new position. In the event the entry level of the new or upgraded position does not provide a salary increase, the employee may enter at the level which provides a salary increase of 5% or more with City Manager approval. However, if the employee is receiving supplemental pay for acting status pursuant to Section 4.7.1, such temporary additional compensation shall not be included in the calculation of the salary adjustment. The new pay rate, upon promotion, shall not exceed the maximum of the new pay range.~~

~~— Promotions do not change the person's date of hire.~~

~~— Persons so promoted will be subject to the standard probationary period for the new position.~~

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~~Non-exempt employees promoted to exempt positions shall be entitled to use any accrued compensatory time prior to the effective date of the promotion. In the event that use of compensatory time is not feasible, the employee shall be paid the balance of the compensatory time prior to the effective date of the promotion.~~

4.4 TRANSFERS

Any current employee interested in applying for a transfer must file a completed City application ~~form~~ with the Human Resources Office ~~.~~

~~If the employee meets the stated requirements for the position, he/she will proceed through the regular hiring procedures with all other applicants. Transfers are made only when the City's service will benefit. All else being equal, current City employees will be given priority for open positions.~~

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~~Transfer employees will serve a probationary period in his/her new position. Transfer employees remain eligible for all fringe benefits included with the previous position. If the position to which an employee transfers carries benefits different from those of the previous position, the benefits of the new position apply.~~

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~~Transfers do not change an employee's person's date of hire.~~

~~Transfers may also be initiated by the City in instances where the City's best interests may be served, without following the standard recruitment procedures.~~

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~~The salary of an employee transferred to a position within the same salary grade will not change unless prior approval is obtained from the City Manager.~~

~~Any unused accrued vacation, or sick time for which the employee has at the time of transfer, shall transfer to the new department. Any unused compensatory time will be cashed out or used prior to moving to the new department.~~

4.5 LAYOFFS

~~The City reserves the right to separate employees via layoff due to lack of work or funding or for any reason determined to warrant a reduction in force. Employees may also be separated via layoff if positions are eliminated due to City-wide reorganization, departmental or divisional restructuring, or other circumstances. The determination of who is to be separated is within the sole discretion of the City Manager.~~

4.6 REORGANIZATION

~~The City will routinely review departmental operations to determine whether there are performance gaps or opportunities for improvement, such as increasing operational~~

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efficiency, reducing costs or making City government more customer friendly. Sometimes improvements require changing the organizational structure of a department, program or division and/or the elimination, addition or redistribution of job functions within a department. It is the policy of the City to have any changes to the organizational structure of departments centrally reviewed and approved by the City Manager prior to implementation.

A reorganization is the restructuring of departmental operations. A reorganization may occur for various reasons including, but not limited to, the following:

- To improve operational efficiency
- To reduce costs or for other budgetary reasons
- The merger, repositioning, or realignment of departments
- To meet the strategic needs of the City or department
- To provide a better service model
- The addition or loss of grant funds
- The addition or termination of a program or service
- A significant change in technology

This policy and procedure shall apply to any change in the organizational structure of an existing section, or division within a department, which results in the realignment of existing supervisory, managerial or other reporting relationships and/or the elimination, addition or redistribution of functions.

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4.75 POSITION DESCRIPTIONS

Position descriptions shall be maintained by the Human Resource Department for all budgeted positions.

The position descriptions shall include —Position Title, Grade, ~~Position Code,~~ Department, FLSA Status, General Purpose, Supervision Received, Supervision Exercised, Examples of Duties, Minimum Qualifications and Special Requirements.

—The position description does not constitute an employment agreement between the City and employee and is subject to change as the needs of the City and the requirements of the job change.

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Examples of duties listed in the position description are intended only as illustrations of the various types of work performed. The omissions of specific statements of duties do not exclude them from the position if the work is similarly related or a logical assignment to the position.

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—Each employee's position description is maintained as part of his/her personnel file. Additional copies of position descriptions may be requested through the Department Director or

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Director of Human Resources.

4-6 4.8 RECLASSIFICATION

Revision of position descriptions and re-allocations within the classification plan shall be made as often as is necessary to provide current information on positions.

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Each position of employment under the jurisdiction of the City of Stonecrest is assigned to a particular pay grade. This section allows for changing the assignment of a particular position to a different and more suitable pay grade when it is determined that the position is incorrectly assigned. This change may produce a corresponding change in the salary for the position.

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A Department Director may request ~~reclassification~~ reclassification review to the Director of Human Resources and the City Manager. A Request for Reclassification shall be submitted in writing, along with a position analysis questionnaire, a detailed statement of justification for the request, and proof of budget availability to support any potential increase in salary of the affected employee. Reclassifications are justified as a result of the following:

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- a. The position was originally assigned to an inappropriate pay grade; or
- b. There has been a substantial change in the duties and responsibilities associated with a position since it was originally assigned to a particular pay grade.

Upon receipt and verification of the request, the Director of Human Resources shall conduct an analysis of the request for the ~~purposes~~ purpose of determining whether the requested reclassification is warranted.

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The Position Analysis Questionnaire will be reviewed using established point-factor analysis. Based on this analysis, the Director of Human Resources shall determine the appropriate pay grade for the position.

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If the analysis reveals that the position should be reclassified to a pay grade that is different than the one currently assigned, the Director of Human Resources will forward this information to the City Manager for review/approval.

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If the analysis reveals that the position is properly assigned, then no further action will be taken other than to inform the- Department Director of the result of the review.

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The City Manager shall review, approve, or disapprove recommendations of the Director of Human Resources regarding all Requests for Reclassification.

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Treatment of Affected Employee Upon Reclassification of Position

- a. If the position is occupied at the time of reclassification, the employee shall be entitled to serve therein with the corresponding status after the reclassification.
- b. If the position is assigned to a higher grade as a result of the reclassification, such action is considered a position upgrade. If the position is occupied at the time of an upgrade, the employee's salary shall be affected as outlined in 4.0.5.
- c. If the position is assigned to a lower grade as a result of the reclassification, such ~~action~~ an action is considered a downgrade of the position. If the position is occupied at the time of a downgrade, the employee's salary shall be affected as outlined in 4.0.6.
- d. In all cases of reclassification of a vacant position, the position shall be filled at the beginning salary of the new pay grade.

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4.79 SUPPLEMENTAL PAY

Acting Status. When an employee is temporarily reassigned to a position that is different from the regular assignment, or when the employee is temporarily assigned a significant increase in duties and responsibilities above the employee's regular position, the Department Director may recommend to the Director of Human Resources, ~~and~~ City Manager that the employee's salary be increased by a minimum of five 5% percent, or to a level responsive to given responsibilities for the duration of the reassignment. ~~All~~ employees reassigned to acting status should meet the minimum requirements for the new position prior to the reassignment. The duration for acting status shall not exceed 12 continuous months without written approval of the City Manager. Requests to extend the 12-month ~~limitation~~ limit must be provided in writing to the City Manager.

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Supplemental pay will be discontinued in the event the employee is reassigned to a different position not eligible for supplemental pay.

The City Manager reserves the right to provide supplemental pay to employees who achieve additional or special degrees and/or certifications at the request of the Department Director.

4.10 WORKER'S COMPENSATION

All employees of the City are covered by the State of Georgia Workers' Compensation Act. Workers' compensation is a benefits program created by state law that provides medical, rehabilitation, income, death and other benefits to employees and dependents due to injury, illness and death resulting from a compensable work-related injury covered by the Law.

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An employee who sustains an injury on the job must, at the time of the injury, notify his or her supervisor, -Department Director, ~~and~~ ~~or~~ the Director of Human Resources of the injury, and must document same on forms provided by the Human Resources Department. An employee may lose the right to receive compensation if an accident is not reported promptly.

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Use of Designated Physicians – If medical attention by a physician is needed, the employee must select a doctor from the approved panel of physicians provided by the City. In an emergency, the employee may receive temporary 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 of Stonecrest reserves the right to refuse payment of medical services for any employee examined by a physician not listed on its approved panel of physicians.

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If the injury ~~will prevent~~ ~~prevents~~ the employee from working, the employee must submit a physician's statement verifying same.

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An employee who is eligible to receive workers' compensation benefits due to a job related injury or illness is entitled to sixty-six and two-thirds percent (66 2/3%) of his/her gross wages during such period of eligibility up to the current maximum weekly compensation set by law.

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The first seven (7) days following a job related injury or illness are not reimbursable unless the employee is unable to work for more than twenty-one (21) days. If the employee is unable to work for more than twenty-one (21) days, the first seven (7) days are usually paid at the end of the compensable period.

The employee must use accrued sick or vacation leave during the initial seven (7) days of absence to supplement his/her weekly workers' compensation wages to maintain full pay.

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~~If the injury necessitates the employee's absence from work, the employee shall receive his/her regular rate of pay for a maximum of seven (7) calendar days. Thereafter, the City's worker's compensation carrier shall determine if further compensation is required.~~

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Effect on Leave ~~→~~ Time spent on Workers' Compensation leave shall not be considered ~~"hours worked"~~ for purposes of leave accrual.

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An employee may be paid for earned sick leave while on Workers' Compensation leave. Such payment, when combined with the Workers' Compensation benefit, shall not cause the employee's salary to exceed the normal rate of pay prior to work injury.

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If an employee qualifies for worker's compensation benefits, and the worker's compensation leave is for an FMLA-qualifying reason, the employee's worker's compensation leaves and the FMLA leave will run concurrently.

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Return to Work – Any employee who has lost time due to a work-related injury or illness must obtain a doctor's statement for the time missed and a fitness-for-duty certification to return to work. Doctor's notes that specify work restrictions must be adhered to by the employee.

If the employee has caused or contributed to an on the job injury which resulted in a loss of worktime, you must submit to a substance abuse test.

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A worker's compensation leave may not exceed twelve (12) months. If an employee does not return to work within twelve months from the date of injury, employment will be terminated.

4.8 4.11 LONGEVITY PAY

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A longevity bonus is an incentive used to recognize and reward long-term service for employees to the city. The City provides regular full-time employee's longevity pay, at the rate of \$10 per month for each full year of service, up to a maximum of 25 years, paid on an annual basis. All eligible employees of the city shall be eligible for an annual lump sum longevity bonus the month after their anniversary month of employment. Longevity pay begins after a regular, full-time employee has completed three (3) years of service.

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SECTION 5: BENEFITS

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5.0 City of Stonecrest offers a variety of benefits to its employees. Information in this Policy Manual is intended to only summarize those benefits. Terms of written plan documents, insurance policies or other benefits plans and policies will be the controlling documents. Employees should refer to official plan documents or policies for detailed plan or policy information. Employees should contact the Human Resources Department with any questions about City of Stonecrest's employee benefits.

5.1 GROUP HEALTH PLAN

The City offers to all its regular, full-time employees and their eligible dependents group health coverage. The City pays a percentage, approved by the Mayor and City Council, of

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premiums for those with individual, dependent, or family coverage.

5.2 LIFE INSURANCE

The City provides life insurance to all its regular, full-time employees. Basic Life insurance premiums for employees may be paid in full by the City.

5.3 GROUP DENTAL AND VISION PLAN

The City offers to all its regular, full-time employees and their eligible dependents group dental and vision coverage. The City pays a percentage, approved by the Mayor and City Council, of the premiums for those with individual, dependent, or family coverage.

5.4 CREDIT UNION

City employees and their family members are eligible to participate in credit unions. Credit unions offer a variety of services to members, including savings programs, money market accounts, certificates of deposit, individual retirement accounts (IRAs), loans, check cashing, loan protection insurance, and member account insurance. All contributions are financed 100% by the employee.

5.5 457(b) DEFERRED COMPENSATION

The City provides an option to any eligible employee to invest a portion of his present earnings in a deferred compensation (457b) plan. This is an arrangement where a percentage of an employee's salary can be designated by the employee to be withheld from his or her paycheck and invested for payment at a later date, usually at retirement. Under this arrangement, neither the deferred amount nor earnings on the investments are subject to current Federal income taxes until such time as the employee receives payment from the plan.

The City approved program is administered by Georgia Municipal Association (GMA). Enrollment may be arranged through the Human Resources Office and is open to any individual who has achieved full-time employee status with the City. Contributions to the program are made by employees through payroll deductions.

~~Benefits received through this program are in addition to any Social Security for which the participating employee would be eligible.~~

The City makes no claim of profitability of investment options and is not responsible for any gains or losses that may occur as a result of individual investment choices.

The City may match a percentage up to 4% of an eligible employee's contribution to the 457(b) plan, approved by Council. Matched contributions will be made in the 401(a)

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defined contribution plan and be subject to vesting rules.

5.6 RETIREMENT – 401(a) DEFINED CONTRIBUTION PLAN

~~The City chooses to provide all full-time City employees a defined contribution retirement program and may modify defined contribution plan documents from time to time.~~

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~~The City shall contribute a percentage approved by Mayor and Council n-unmatched amount equal to 11% of the eligible employee's monthly annual salary into the 401a defined contribution plan.~~

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~~The City may match up to 4% of an eligible employee's contribution to the 457(b) deferred compensation plan into the defined contribution plan.~~

~~City employees participating in the City's 401(a) Defined Contribution Plan, and those qualifying for matching 457(b) contributions shall vest after completion of each vesting year in the plan as follows: Year 1 – 20%, Year 2 – 40%, Year 3 – 60%, Year 4 – 80%, Year 5 – 100%.~~

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~~Employees should notify the Human Resources Department at least 60 days prior to their anticipated retirement date to ensure that all paperwork can be processed in a timely manner.~~

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5.7 FLEXIBLE SPENDING ACCOUNT

~~The City may provide Medical and/or Childcare Flexible Spending Accounts for its full time employees. Employee contributions are pre-tax deductions and shall be used for reimbursement for medical and/or childcare related expenses not covered by other City healthcare plans. Employees seeking to take advantage of such flexible spending accounts are urged to give due consideration to the amount of money they wish to contribute for the subject year, because if the employee puts in more money than they use for medical and/or childcare related expenses, they may lose the unused amount.~~

5.8 SOCIAL SECURITY

~~All employees are automatically included as participants in the Social Security System (FICA) which provides workers with the following benefits: retirement insurance, survivor's insurance, disability insurance, Medicare for the disabled and the aged, and supplemental security income.~~

5.9 UNEMPLOYMENT COMPENSATION

~~The City is a covered employer under the Unemployment Compensation law. The basic objective of the program is to provide a partial replacement of wages for its employees during short periods of involuntary unemployment under certain circumstances. The~~

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~~program is financed completely by the City.~~

5.710 CONTINUANCE OF MEDICAL COVERAGE (COBRA)

Group insurance benefits will terminate upon termination of employment. However, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified dependents the opportunity to continue health insurance coverage under the City's health plan when a "qualifying event" would normally result in loss of eligibility. Typical qualifying events include termination of employment (excluding for gross misconduct), divorce or legal separation, leave of absence, a dependent child no longer meeting eligibility requirements, or retirement. Under COBRA, the employee or dependent pays the full cost of coverage at City of Stonecrest's group rates (which includes City of Stonecrest's portion of the premium) plus an administrative fee. The City will provide a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the health plan, or upon request of the employee. Employees should contact the Human Resources Department to report any change in personal status (or qualifying event) which might affect their benefits, or for any questions about City health plans.

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COBRA benefits will be discontinued when the employee becomes eligible for Medicare benefits, with the exception that where an employee's separation occurs less than 18 months after the date the covered employee became entitled to Medicare benefits, the period of coverage for qualified beneficiaries other than the employee will not terminate before the close of the 36-month period beginning on the date the covered employee became so entitled to Medicare benefits.

5.118 EMPLOYEE RECOGNITION PROGRAM AND SERVICE AWARDS

Service Awards → Employee tenure may be recognized by the presentation of a service gift. These gifts may be presented monthly to full-time employees by the Mayor and City Council or its designee. Recognition may be given every ~~three (3)~~ 5 years.

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Employee Recognition Program – This program is based upon the concept of promoting team spirit. The City of Stonecrest recognizes and values the strength in our teams and will continue to encourage and support efforts in building a team environment.

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Sunflower Service Award- Nominees should have excellent customer service skills. Nominees strive to demonstrate that City of Stonecrest cares about every person that reaches out to us regardless of their issue or circumstances. Nominees are hard workers but are also encouraging, motivated, dedicated, pleasant to be around and always ready to lend a helping hand to a coworker. Nominees may not deal directly with customers, but their professionalism and communication skills around the office help move the City of Stonecrest forward. - \$200, Plaque (8 Hours Vacation) City Manager will select the

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Sunflower Service Award winner by way of recommendations from leadership

People Choice Award – Nominees should be often recognized by their peers as having a positive attitude, upholding the vision (Community, Commerce, and Culture working together as a world class city), and are always willing to provide support to others. Nominees set a high bar for everyone. \$100, Certificate (4 Hours Vacation) Staff nominates and votes for the People Choice Award.

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Criteria

Nominees should be often recognized by their peers as having a positive attitude, upholding the vision (Community, Commerce, and Culture working together as a world class city), and are always willing to provide support to others. Nominees set a high bar for everyone.

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5.912 VEHICLE USAGE

City Vehicles – City of Stonecrest may provide employees with vehicles to help them in carrying out their job efficiently and effectively.

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~~a. a. Personal Use~~ – Employees shall not use a City vehicle for personal or private business. ~~The only exception to this is commuting to and from work in a City vehicle. Employees who commute in a City vehicle shall be governed by the following guidelines.~~

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~~b. b. Authorization~~ – Use of a City vehicle for commuting must be authorized by the City Manager for one of the following reasons:

- ~~1. Emergency Calls~~ – The employee responds to emergency or after hours calls, and
- ~~2. The cost of providing the vehicle is less than the expense of mileage reimbursements for using a personal vehicle on City business~~

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~~Additional Benefits~~ – The City may provide a vehicle or an allowance for the use of a personal vehicle as an additional fringe benefit for selected personnel. The criteria for providing such a benefit shall be:

~~a. The City receives intangible benefits from giving the employee the vehicle benefits such as the speed of response to emergencies or after hours services which justify the benefit, or~~

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~~b. Provision of the vehicle or vehicle allowance is considered to be a part of the total compensation package for the position.~~

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Taxation – If the vehicle is provided to an employee and is authorized and required for commuting to and from work, there is no tax liability on part of the employee. If a vehicle is not required for commuting to and from work, the value of the use of the City's vehicle will be reported as income to the employee for tax purposes. The City will withhold appropriate taxes from the employee for the value of the vehicle's use and will pay any taxes incurred as an employer.

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Penalty for Abuse – Employees may not use a City vehicle for personal use other than authorized commuting to and from work, unless written authorization is obtained from the City Manager. Any further personal use of the vehicle will result in disciplinary action against the employee.

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Motor Vehicle Record – It is the policy of City of Stonecrest and a requirement of employment that every employee filling a position that requires a valid driver's license have a motor vehicle record (MVR) specified grading requirements. This MVR policy applies both to drivers of entity owned vehicles, and employees using personal vehicles in the course of their employment as well.

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Employee MVR's will be examined prior to the date of employment and every year thereafter. Any job offer made where the job requires a valid driver's license will be contingent upon an MVR meeting the required standards. Continued employment with the City in a position requiring a valid driver's license will require an MVR meeting the specified standards.

All violations will be reviewed by the City Manager and Director of Human Resources and may result in disciplinary action, up to and including termination.

5.103 EMPLOYEE ASSISTANCE PROGRAM

The City may maintain for its employees and their immediate family members a counseling and treatment program, referred to as the Employee Assistance Program or EAP. This program, provided by an outside professional medical organization, assists City employees and their immediate family members with a wide range of personal problems that may have a negative effect on their well-being and/or job performance. The provider will furnish an assessment for the employee or family member and make recommendations for further counseling or treatment as needed either at their facility or by making a referral to an appropriate agency.

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Common problems for which employees may seek professional counseling through the Employee Assistance Program are financial, marital, alcohol abuse, drug abuse, dealing with problem children, coping with stress, death of a family member, divorce and children with certain medical problems.

5.114 OTHER BENEFITS

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The Mayor and City Council may authorize other benefits not specifically included in this policy manual to both full and part-time employees, contingent upon budgetary considerations.

5.14.2 Uniforms: The City may provide uniforms or an allowance for the purchase of uniforms to regular full-time employees for particular departments.

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5.14.3 Personal Safety Equipment: Employees may be eligible to purchase safety equipment through a City or State Contract. The City will pay for required personal safety equipment necessary to adhere to OSHA safety standards. ~~Employees wishing to enhance or purchase additional equipment may use payroll deductions to pay for these items.~~

5.14.45.12 Workplace Wellness:

With the rising onset of physical and mental health problems in Georgia, the City of Stonecrest has a growing concern for their employees' health and wellbeing. Therefore, we are dedicated to helping employees reach optimal health and improve their quality of life.

Definition: Health and wellness refer to the physical, mental, and social well-being of an individual, not merely the absence of illness.

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The City of Stonecrest recognizes the benefits, to both employees and employers, of programs that promote and support workplace health promotion and wellness. The City of Stonecrest's workplace wellbeing program is designed to provide employees with the tools and resources they need to make positive lifestyle changes that result in better physical and emotional health and wellbeing. The program's goals are to:

- Reduce health risks by encouraging preventive care, healthy lifestyle choices, and management of chronic conditions. This can lead to decreased healthcare costs for both the employer and employee.
- Create physical fitness programs that promote physical activity through fitness challenges and on-site exercise facility, leading to improved physical health and reduced risk of chronic illness.
- Address mental health programs that can offer mental health awareness training, stress management workshops, and access to mental health resources, promoting emotional well-being and reducing stress and anxiety.

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As part of the City of Stonecrest's commitment to wellness, a Health Promotion Champion has been appointed and a Benefits and Wellness Committee formed that will:

- Assess the well-being needs of employees through surveys, data analysis, and meetings.
- Propose and implement programs and initiatives that address identified needs. This could include workshops on stress management, healthy eating, physical activity, financial literacy, or mental health awareness.
- Actively engage employees in well-being programs and initiatives through communication, incentives, and recognition.

This policy will provide up to thirty (30) minutes of the employees scheduled workday to engage in physical activity in support of this philosophy.

ACCOUNTABILITY

1. Supervisors will encourage and support employees in using their wellness break in order to decrease employee stress and help prevent overuse patterns from extended sitting computer use.
2. Employees are responsible for initiating and utilizing the wellness break in order to promote a healthier lifestyle.

PROCEDURES

1. A maximum of 30 minutes in a given workday will be used to engage in a wellness activity, at the discretion of the supervisor.
2. Employees are required to work with supervisors to ensure the wellness break does not impair the City's mission. Employees may not be granted a wellness break daily due to obligations and workload.
3. Wellness breaks can be taken in the form of:
 - Two (2) 15-minute breaks
 - One (1) 30-minute break
4. Supervisors will encourage and allow staff to combine the designated wellness break with lunch breaks, not to exceed sixty (60) minutes combined break.
5. These wellness breaks would replace any previous breaks taken in the morning and afternoon.
6. Employees are strongly encouraged to engage in heart healthy activities such as walking, jogging, exercise, dancing, meditation, etc.
7. Employees are not permitted to end work early and exercise without returning to their worksite. However, an employee may be excused to exercise at the end of their workday if they report back to work before their departure for that day.

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8. Employees must report to work in the morning prior to taking their 30-minute wellness break. Employees cannot report to work 30 minutes late to accommodate the exercise before their scheduled arrival time.

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5.153 BENEFITS COMMITTEE

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5.153.1 The City Manager may create a benefits and wellness committee to advise on benefit offerings and effectiveness.

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5.153.2 The mission of the Committee is to facilitate the provision of quality and affordable health and other benefits for City employees and their eligible dependents by acting in an advisory capacity to the Director of Human Resources and City Manager by:

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Investigating and facilitating the provision of quality and affordable benefits for City employees; building a foundation for an effective health care program that encourages wellness through healthy lifestyle, including features that provide the best value for cost in the health care plan design, while reducing health care costs to employees, eligible dependents, and taxpayers; relying upon a combination of initiatives for employee, dependent and providers in making health care decisions; gaining employee understanding and endorsement of health, retirement, and other benefit programs; and developing fact-based outcome measures for cost effective health care programs.

SECTION 6: LEAVE

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6.0 FAMILY MEDICAL LEAVE

6.0.1 It is the policy of the City to fully comply with the Family and Medical Leave Act (FMLA) to provide eligible employees with leave for qualifying reasons and to assure those employees that they will be able to return to work into the same or an equivalent position with all of the same benefits, pay, terms and conditions of employment as provided by law. It is further the policy of the City to comply fully with each and every requirement of the Family and Medical Leave Act.

To be eligible for FMLA benefits, employees must have (1) worked for City for a total of at least 12 months, which need not be consecutive as defined by applicable law; (2) worked at least 1,250 hours over the previous 12 months as of the start of the leave; and (3) worked at a location where at least 50 employees are employed by the City within 75 miles, as of the date the leave is requested.

Eligibility requirements may differ for employees who have been on a protected military leave of absence. If employees are unsure whether they qualify, they should contact the Human Resources Director or his/her designee.

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City of Stonecrest will provide employees, whom are eligible, up to twelve (12) weeks of unpaid family and medical leave during a twelve (12) month period for the following reasons:

1. Birth of a child and to care for the newborn child within one year of birth
2. The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement.
3. To care for an employee's spouse, child, or parent who has a serious health condition.
4. A serious health condition that renders the employee unable to perform the essential functions of his or her job; and/or
5. Any qualifying exigency arising out of the fact the employee's spouse, son, daughter, or parent is a covered military member on covered active duty; or
6. Twenty six (26) workweeks of leave during a single 12 month period to care for a member of the Armed Forces, including a member of the National Guard or Reserves, wo is the spouse, son, daughter, parent, or next of kin to the employee, and who is undergoing medial treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

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~~City of Stonecrest will provide employees with up to twelve (12) workweeks of unpaid family and medical leave during any 12 - month period for the following:~~

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- a. ~~Birth of a child and to care for the newborn child within one year of birth.~~
- b. ~~The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement.~~
- c. ~~To care for the employee's spouse, child, or parent who has a serious health condition.~~
- d. ~~A serious health condition that renders the employee unable to perform the essential functions of his or her job; and/or~~
- e. ~~Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on covered active duty; or~~

~~Twenty-six (26) workweeks of leave during a single 12-month period to care for a member of the Armed Forces, including a member of the National Guard or Reserves, who is the spouse, son, daughter, parent, or next of kin to the employee, and who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.~~

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6.0.2 Ordinary illnesses do not qualify for FMLA, such as the common cold, flu, earaches, upset stomach, **headaches**, and routine dental care. To be eligible for leave under the FMLA, an employee must have a condition that renders him or her unable to perform their essential job function.

~~6.0.3 To be eligible for leave, an employee must have worked for at least twelve (12) months for the City and for a minimum of 1,250 hours during the previous year.~~

6.0.34 Employees who take leave will be entitled to return to their positions, or positions with

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equivalent benefits, pay and other terms and conditions of employment, provided that the returning employee is able to perform the essential functions of the same or equivalent position upon his or her return. The City may deny restoration to a job position to employees who are among the highest paid 10 percent of the employees where the denial is necessary to prevent substantial and grievous economic injury to the operations of the City.

6.0.54 Employees may accrue any seniority or employment benefits during any period of FMLA leave.

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6.0.65 The City will provide coverage under a group health insurance plan for employees who are on leave under the same conditions as coverage would have been provided if no leave had been taken.

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6.0.67 Employees are required to provide at least 30 ~~days notice~~ days' notice for foreseeable events that require leave under the FMLA.

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6.0.87 Leave resulting from the birth of a child or the placement of a child for adoption or foster care may not be taken intermittently or on a reduced leave schedule unless the employee and the City agree on the schedule of intermittent or reduced leave.

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6.0.89 Leave resulting from the serious illness of a child, spouse, parent, or the employee can be taken intermittently or on a reduced leave schedule when medically necessary.

6.0.109 Concurrent Utilization of Paid Leave and/or Compensatory Time: An employee requesting leave pursuant to the FMLA is required to utilize all accrued personal leave and/or compensatory time available as part of the 12-week leave period. If the available paid leave for the employee is less than twelve working weeks, the additional weeks of leave necessary to obtain the twelve work weeks of leave available under the FMLA shall be provided without compensation. In any event, any combination of personal leave, compensatory time, and/or unpaid family and medical leave shall not exceed twelve (12) weeks. Use of personal and/or compensatory leave, or any combination thereof, must be used concurrently with FMLA leave. FMLA requests will be retroactively dated to the beginning of the current personal and/or compensatory leave, or any combination thereof in the event that the paid leave is commenced prior to the request for FMLA.

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6.0.140 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 Director of Human Resources when requesting FMLA leave.

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Certification shall be sufficient if it states:

- (1) The date on which the serious health condition commenced
- (2) The probable duration of the treatment or condition

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- (3) The appropriate medical facts within the health care provider's knowledge
- (4) 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.

In any case in which the Director of Human Resources has reasonable doubt as to the validity of the certification, the Director of Human Resources may require the employee to obtain the opinion of a second health care provider at the expense of the City. In any case in which the second opinion differs from the original certification, the Director of Human Resources may require the employee to obtain the opinion of a third health care provider designated or approved jointly by the Director of Human Resources and the employee at the expense of the City. The opinion of the third health care provider shall be considered to be final and shall be binding on the City and the employee. The Director of Human Resources may also require that the employee obtain subsequent re-certification on a reasonable basis.

Health care providers who may provide certification of a serious health condition include:

- a. — Doctor of Medicine or osteopathy authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices.
- b. Podiatrists, dentists, clinical psychologists, and optometrists, authorized to practice in the State and ~~performing~~perform within the scope of their practice under State law; and
- c. any health care provider recognized by the City's group health plan.

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6.0.11 An employee qualifying for worker's compensation leave must run any requested FMLA leave concurrently with that of all concurrent and/or intermittent worker's compensation leave. The employee must elect to use either worker's compensation benefits or paid leave during the FMLA period.

6.0.12 In any occasion in which a husband and wife are eligible for leave under the FMLA and are both employed by the City of Stonecrest, the aggregate number of work weeks of leave to which both may be entitled may be limited to twelve (12) work weeks during any 12-month rolling period, in the case where leave is taken for childbirth, adoption, foster care, or to care for a sick parent.

6.0.13 In the event that the Director of Human Resources denies, in whole or in part, a request for leave pursuant to the FMLA, an employee has the right to appeal that decision consistent with the following procedures:

Any such appeal from an employee must be filed within three (3) working days following receipt of the denial decision from the Director of Human Resources. The written notice of appeal shall include the request for leave and all supporting documentation provided to the Director of Human Resources. The appeal shall be filed with the City Manager who

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has the authority to amend or reverse the decision of the Director of Human Resources. Failure of the employee to appeal within three (3) working days shall result in forfeiture of any further right of appeal of a denial.

The City Manager shall review the record of the appeal and shall, within five (5) working days, issue a final determination. The decision of the City Manager shall be final.

6.0.14 Return to Duty from FMLA Leave: As a condition for return to duty, the employee ~~may be~~ required to provide certification from the employee's health care provider that the employee is able to resume work.

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~~4~~ ~~6.1~~ BEREAVEMENT LEAVE

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6.1.1 A regular full-time employee who has a member of his immediate family taken by death shall receive up to ~~three-five (53)~~ days off with pay as bereavement leave to arrange and/or attend funeral activities. If ~~out-of-state~~ travel is necessary, an additional two (2) days may be granted with pay upon the approval of the ~~City Manager~~ Human Resources Director.

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6.1.2 If additional time is necessary beyond the normal ~~three-five (53)~~ days for non-travel leave, it shall be taken as vacation or sick leave (or unpaid leave if vacation or sick leave has been exhausted) with advance authorization by the appropriate ~~—~~ Department Director or Director of Human Resources. Time for attendance at ~~funeral~~ funerals of others may be granted without pay, ~~or~~ made up within the same pay period, ~~or vacation leave~~.

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~~6.1.3~~ ~~6.1.3~~ —The employee must notify his immediate supervisor upon making the determination to take time off from work.

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~~6.1.4~~ ~~6.1.4~~ —Employees who fail to return to work on the date specified to the Department Director without receiving an extension are subject to disciplinary action, up to and including termination.

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~~6.1.5~~ For purposes of this policy, immediate family members are defined as follows:

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Spouse (including same sex spouses)

Child (natural or adopted), stepchild, grandchild, or great-grandchild

Brother, sister, half-brother, half-sister, stepbrother, stepsister

Parent, Grandparent, Great-grandparent, Stepparent

Brother or sister of your mother or father (uncle, aunt)

Son or daughter of your brother or sister (nephew, niece)

Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law

Foster Child

Legal Ward

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~~6.2~~ ~~6.2~~ HOLIDAYS

6.2.1 The City may celebrate the following holidays off with pay for full-time employees, contingent upon budgetary approval by the Mayor and City Council:

New Year's Day	January 1
Dr. Martin Luther King, Jr.'s Birthday	3rd Monday of Jan
Memorial Day	Last Monday of May
Juneteenth	June 19 th for 2023
Independence Day	July 4
Labor Day	1 st Monday of Sept
Veterans Day	November 11
Thanksgiving Holiday (2)	
Thanksgiving	4th Thursday and Friday of November
Christmas (2)Holiday	December 24 and 25
Christmas Day	
New Year's Eve	December 31

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6.2.2 In the event a holiday falls upon a Sunday, the following Monday shall be deemed to be the legal holiday. In the event the legal holiday falls on a Saturday, the preceding Friday shall be deemed to be the legal holiday. Notwithstanding, New Year's Day will always be recognized on the first business day of the year.

6.2.3 To receive pay for an official holiday, the employee must either: 1) work the days immediately before and after the holiday, or 2) be on approved paid leave on those days.

6.2.4 Non-exempt employees authorized to work during any holiday as defined in Section 6.2.1, may be paid at the rate of one and one-half times the normal hourly rate for hours worked on the holiday, plus holiday pay equal to their normally scheduled hours, as approved by the Mayor and City Council, and included in the annual budget.

6.2.5 Any employee who has accrued holiday hours shall use said holiday hours within the year earned and prior to using vacation hours.

~~6.3~~ ~~6.3~~ JURY/COURT LEAVE

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6.3.1 Any regular full-time employee who is required to serve on a jury, or as a result of official City of Stonecrest duties is required to appear before a court, legislative committee, or quasi-judicial body as a witness in response to a subpoena or other directive, shall be

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allowed authorized leave with pay. A probationary employee called will have his probationary period ~~extended by~~extended by the same amount of time as required for serving on jury duty. An employee who receives notice of jury duty or witness service must notify his supervisor immediately in order that arrangements may be made to cover the position. The City reserves the right to request that an employee who is called for jury be excused if their absence would create a hardship on the operational effectiveness of the department to which they are assigned.

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6.3.2 Time away will not affect vacation or sick leave accruals.

6.3.3 Employees who appear in court as the plaintiff or defendant or are otherwise subpoenaed to appear in any action not related to their official duties or City business shall not be paid for time away from work unless that time is accrued vacation or compensatory leave. In addition, an employee shall not be granted court leave for any case in which the ~~employees are~~employee is charged with a crime.

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6.3.4 The employee may keep any court payment for services performed on the days of his regularly scheduled workday or performed while on vacation or compensatory leave.

6.3.5 Employees are to return to work after jury duty although no more than the regularly scheduled number of hours for both jury duty and work shall be required. If excused as a juror on any given day, the employee is expected to contact his supervisor and to report to work as instructed.

6.4 MILITARY LEAVE

~~6.4.1 The authority for this policy is derived from the provisions of Georgia law § 38-2-279 and applies to all City employees who are affiliated with the United States Armed Forces, National Guard or Coast Guard.~~

~~6.4.2 Employer's Responsibilities:~~

~~a. The City is obligated to release employees for service with the Armed Forces when the employee participates in:~~

- ~~1. Annual Training~~
- ~~2. Inactive Duty Training (Weekend drills)~~
- ~~3. Involuntary call up~~

~~b. Ordered military duty shall result in no loss of seniority status or benefits which would have normally accrued if the employee had not been absent for such purposes.~~

~~c. The City is obligated to grant Military Leave with pay to the employee for absences not exceeding eighteen (18) calendar days per year in accordance with Georgia law. The City will not require the employee to use normal annual leave (accrued vacation)~~

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~~for such purposes. The employee may, however, request use of vacation, or leave without pay to supplement absences exceeding those covered by the eighteen (18) day Military Leave allowance.~~

- ~~d. In the event an employee is called to active military duty, the City will provide the reservist differential pay to be the difference between the reservist's base pay with the City and the base pay, excluding benefits, for the military service. This differential pay will not be dependent upon accrued leave and will continue for the period of active duty not to exceed 365 days.~~

~~— All reservists called to active duty will be required to present a payroll receipt for their military service to verify salary levels. A check will then be issued for the differential.~~

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6.4.3 Employee's Responsibilities:

- ~~a. The employee is responsible to provide to their Department Director copies of all military orders which will result in a leave of absence for military duty.~~

~~— Orders must specify the duties of absence, promulgation authority, letter order number and signature of issuing authority. Employees are required to notify their supervisors at the earliest possible date upon learning of scheduled military duty.~~

- ~~b. Employees who fail to return to work on the date specified in the leave request without receiving an extension in advance are subject to disciplinary action up to and including termination.~~

~~c. Inactive duty training dates (weekend drills) should be provided to the Department Director as soon as available if the dates conflict with scheduled employment with the City.~~

- ~~f. Extended leave of absence (exceeding 18 calendar day allowances) will be pursuant to State and Federal law.~~

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The City will grant military leave in accordance with the requirements of the Uniformed Services Employment and Reemployment Rights Act, commonly referred to as "USERRA" and Georgia law.

Military Leave under Federal Law - USERRA

Federal law provides employees with the right to take leave in order to serve in the military. At the federal level, military leave rights are governed by the Uniformed Services Employment and Reemployment Rights Act, commonly referred to as "USERRA." Employees' rights under USERRA are summarized below.

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A. Eligibility for Leave

City employees serving in the “uniformed services” are covered by USERRA. The “uniformed services” are defined as the Army, Navy, Marine Corps, Air Force, Coast Guard, Army National Guard, Air National Guard, Commissioned Corps of the Public Health Service and any other category of persons designated by the President of the United States in time of war or national emergency. The uniformed services also include participants in the National Disaster Medical System when activated to provide assistance in response to a public health emergency, to be present for a short period of time when there is a risk of a public health emergency, or when they are participants in authorized training.

“Service” consists of performing any of the following on a voluntary or involuntary basis: active duty, active duty for training, initial active duty, inactive duty training, full time National Guard duty, absence from work for an examination to determine fitness for such duty, and absence for performing funeral honors duty. Total military leave time may not exceed five cumulative years during employment, except in the following defined circumstances:

- An employee serves in excess of five years to fulfill an initial period of obligated service
- An employee is unable to obtain orders of release through no fault of his or her own
- Required drills and annual training and other training duty certified by the military to be necessary for professional development or skill training/retraining
- Service performed during time of war or National Emergency or for other critical missions/contingencies/military requirements

An employee who is separated as a result of exceeding the five-year service limit under this provision will not be deemed to have been dismissed for disciplinary reasons and therefore will not have any right to appeal the dismissal.

(b)B. –Notice of Leave

Advance notice of leave is required, preferably in writing, unless giving of notice is impossible or unreasonable, or notice is prohibited by military necessity (which is defined by the United States Department of Defense). When notice is required, employees must provide their Department Head with as much advance notice as possible of any anticipated leave of absence for military service.

C. Compensation and Benefits During Leave

In compliance with Federal and State law, City employees (excluding those employed on a temporary basis) taking military leave will be paid their full salary or other compensation as a public employee for any and all periods of absence while engaged in the performance of ordered military duty and while going to and returning from such duty, not exceeding a total of 18 days in any one federal fiscal year; however, in

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the event the Governor declares an emergency and orders any public officer or employee to ordered military duty as a member of the National Guard, any such officer or employee, while performing such duty, shall be paid his or her salary or other compensation as a public officer or employee for a period not exceeding 30 days in any one federal fiscal year.

Accrued unused vacation, holiday pay, and sick leave will then be paid during unpaid military leave at the employee's request. In addition, employees may request payment of any accrued, unused compensatory time, which request will be granted by the Department Head. After 30 days of continuous military leave, employees may elect to continue their health plan coverage at their own expense, for up to 24 months or during the remaining period of service, whichever is shorter.

Vacation and leave benefits continue to accrue during a military leave of absence only up to 18 days. An employee returning from military leave is entitled to any unused, accrued vacation and sick leave benefits the employee had at the time the military leave began minus any vacation and/or sick leave benefits the employee chose to use during the leave. Upon reinstatement, the employee will begin to accrue vacation and sick leave benefits at the rate he or she/she would have attained if no military leave had been taken.

(Dd) Reinstatement

In order to be eligible for reinstatement, an employee must have provided advance notice of the need for military leave (where required); must have completed his or her service on a basis that is not dishonorable or otherwise prohibited under USERRA and must not have exceed the five-year cumulative limit on periods of service as defined by USERRA.

Employees whose military service will be for fewer than 31 days must report to back to work at the beginning of the first full, regularly scheduled workday following completion of service, after allowing for a period of safe travel home and eight hours of rest.

Employees whose military service will be for more than 30 days, but fewer than 181 days must apply for re-employment within 14 days after completing service. Employees whose service is greater than 180 days must apply for re-employment within 90 days after completing service.

The deadlines to report to work or apply for re-employment can be extended up to two years to accommodate a period during which a person was hospitalized for or convalescing from an injury or illness that occurred or was aggravated during a period of military service.

As with other leaves of absence, failure to return to work or to re-apply within

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applicable time limits may result in the loss of re-employment rights. Full details regarding reinstatement are available from the Human Resources Department. In general, an employee returning from military leave will be re-employed in the position and seniority level that the employee would have attained had there been no military leave of absence. If necessary, City will provide training to assist the employee in the transition back to the workforce.

Eligible employees returning from leave will not be discharged except for cause during the following time periods as applicable:

- 180 days after the employee's date of re-employment if his or her most recent period of uniformed service was more than 30 days but less than 181 days; or for
- One year after the date of re-employment if the employee's most recent period of uniformed service was more than 180 days.

An employee who fails to report to work within the time limits noted above will be treated as any other employee who has missed work.

~~(2)~~ Military Leave under Georgia Law

In addition to employees' rights under USERRA, pursuant to Georgia law, regular full-time or part-time employees, including members of the Georgia National Guard and the state militia or reserves, are entitled to a leave of absence for military duty. Eligible employees, who provide a certificate of military service completion, are qualified for the job and apply for reinstatement within 90 days after being relieved from military service will be restored to the same employment position or to a position of like seniority, status and pay. An exception may arise if the City's circumstances change such that it is impossible or unreasonable to provide reinstatement following the leave of absence.

Regular appointed employees who must leave for up to six months in a four-year period to participate in assemblies or annual training, or to attend service schools conducted by the United States armed forces, are also entitled to reinstatement to their previous position, provided they are still qualified for the position, and they apply for re-employment within 10 days after completion of the temporary period of service.

Eligible employees who are reinstated following a leave of absence will not be discharged without cause for one year following reinstatement. Employees should contact a Human Resources Department representative for more information about Military Leave.

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6.5 SICK LEAVE

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All full-time employees, whether paid on an hourly basis or by salary, shall be entitled to sick leave as follows:

- 6.5.1 A full-time employees shall be entitled to sick leave from the date of employment. Sick leave shall be granted at the rate of 3.33 hours for each pay period of service.
- 6.5.2 Employees entitled to sick leave may remain away from work with pay, where such absence is the result of personal illness or physical incapacity not job related, sickness of an immediate family member, involuntary or enforced quarantine, or death in the immediate family of such employee.
- 6.5.3 In the event of an employee's death, accumulated sick leave may be paid to the dependent spouse or child or the dependent's estate.
- 6.5.4 Sick leave benefits shall apply to bona fide cases of sickness, accidents, doctor or dental appointments, maternity leave, and requests for the employee's presence by immediate family, doctor, or clergy due to family illness or emergency.
- 6.5.5 A full-time employee who is on sick leave as above specified for a period of three (3) consecutive workdays or longer ~~shall will~~, prior to being entitled to any compensation, ~~therefore, must~~ furnish without delay a "Certification of Health Care Provider for Employee's Serious Health Condition" form ~~report~~ from a doctor which shall contain a diagnosis of the sickness, whenever possible, ~~or will forfeit pay under sick leave~~.
- 6.5.6 Any employee who becomes ill while on ~~a vacation status~~ vacation may be granted sick leave for the period of illness. This determination shall be made by the Director of Human Resources based on a written statement from the employee's doctor.
- 6.5.7 When an employee goes on Sick ~~Leave~~ Leave, ~~he~~ she must notify his Department Director or designated supervisor immediately. Notification should be at least one (1) hour prior to the beginning of the scheduled workday. Failure to do so may result in denial of such leave pay. The employee should also let the supervisor know when he expects to return to work.
- ~~6.5.8~~ 6.5.8 An employee who is on sick leave shall keep his supervisor advised ~~on a daily~~ daily as to improvement to his or her condition and expected date of return to duty. If requested, the employee ~~shall will~~ file a doctor's ~~certificate~~ "Certification of Health Care Provider for Employee's Serious Health condition" stating the cause of the absence and the nature of the illness before sick leave payment is authorized.
- 6.5.9 Sick leave shall be rounded off to the nearest half hour. When possible, sick leave should be taken in increments of no less than ~~half hour~~ one (1) hour.

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~~6.5.10~~ ~~6.5.10~~ No sick leave will be given to an employee in excess of the amount earned and available to the employee. An employee may utilize vacation time when sick leave has been exhausted at the discretion of the Department Director.

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~~6.5.11~~ An employee who separates employment with the City for any reason other than death will not be paid for sick leave earned or used up to the date of separation.

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6.5.12 Employees covered under the 401A retirement plan and who meet the qualifications for retirement, may receive pay for ½ of their accrued sick leave at time of retirement. Retirees will not receive any other compensation for accrued sick leave upon retirement.

6.5.13 Sick leave is non-transferable, except in cases of extreme life-threatening illness, such as cancer, heart attack, stroke or other major illness. Such requests will be reviewed and approved by the City Manager and Director of Human Resources on a ~~case-by-case~~ case-by-case basis.

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~~6.6~~ ~~6.6~~ **VACATION LEAVE**

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6.6.1 Vacation (Annual) Leave- The City provides vacation leave with pay to each regular full-time employee for rest and relaxation.

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~~6.6.2~~ ~~Probationary Employees~~ ~~While in a probationary period, employees shall earn vacation leave; however, an employee may not take vacation leave during his first six months of employment unless authorized by Department Director.~~

6.6.23 Vacation Earned ~~→~~ A regular full-time employee working a forty (40) hour workweek shall earn vacation leave at the following rates:

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<u>Years of Service</u>	<u>Hours</u>
0 – 5-3 years	80 hours
6-3 – 14-8 years	120 hours
15-8 years → and over	160 hours

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6.6.43 Regular part-time employees working 30 hours per week shall earn a pro-rated accrual at 75%.

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6.6.54 Maximum Accumulation ~~→~~ Employees with an accumulated balance on December 31st may retain this balance. In no event shall annual leave be accrued in excess of 240 hours. All hours accrued above 240 hours will be forfeited and uncompensated.

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6.6.56 Payment for Annual Leave — An employee who is terminated shall be paid for annual leave earned up to the date of separation.

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a. On Death of Employee — The estate of an employee who dies while employed by the City is entitled to be paid for all the vacation leave in the employee's account.

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b. —Maximum Limit — The maximum payment for annual leave on termination shall be 240 hours.

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6.6.67 Upon resignation or retirement from City employment, an employee in good standing shall be paid the normal rate of pay received by the employee on his last physical date of employment for his/her unused annual leave.

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6.6.87 All vacations shall be taken at such time as shall be approved by the head of the department.

~~6.6.9 Annual leave shall be expended in increments of not less than 1 hour.~~

6.6.810 —Vacations shall be scheduled at such times as the supervisor or Department Director finds most suitable after considering the wishes of the employee and the requirements of the department. All requests for vacation must be approved by the supervisor or Department Director prior to the commencement of the requested vacation.

6.6.119 —The established period of determining vacation credit will be from the employee's date of hire.

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6.6.1210 —Paid holidays occurring during vacation are not charged to vacation.

6.6.1311 —Compensatory time off must be exhausted before vacation is taken, even if this will result in accrued vacation being forfeited.

~~6.6.14 Accrued holiday time must be exhausted before vacation is taken, even if this will result in accrued vacation being forfeited, unless the City Manager deems necessary to extend.~~

6.76.7 — EMERGENCY CLOSING COMPENSATION

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6.7.1 If an official City Emergency Closing is issued by the governing authority or its designee due to natural disaster or inclement weather, full time regular employees will receive pay for their regular work hours for that day.

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If an employee actually works on an official emergency closing day, whether required by or at the request of their supervisor or manager, he/she still will receive full pay for their regular work hours, plus compensatory time for actual hours worked (at the rate of one hour for one hour worked). Department managers and/or supervisors will be responsible

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for maintaining an employee log of compensatory time accrued due to working on emergency closing days.

If an employee does not report when requested or required because the employee deems the conditions to be too dangerous to travel from their home to their work location, the employee may request to telework. In such case, the manager or supervisor will review each case individually, and if deemed necessary, grant authority to telework for a specified period.

6.8 ADMINISTRATIVE LEAVE

6.8.1 At the discretion of the City, a full-time employee may be granted administrative leave with or without pay, ~~in order to~~ fulfill personal obligations not covered by any of the aforementioned leave categories, or to temporarily remove the employee from the City when it is deemed to be in the employee's and/or City's best interest.

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6.8.2 Employees placed on Administrative Leave with pay may be required to remain at home or be otherwise available during normal work hours to assist the City, as needed.

6.9 VOTING LEAVE

6.9.1 The City encourages all employees to fulfill their civic responsibilities and to vote in official public elections. The City complies with all applicable state and municipal voting time laws.

Generally, working hours are such that an employee will have ample time to cast a vote before or after the work shift. If employees do not have sufficient time to vote, however, that employee should discuss the matter with their immediate supervisor.

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In accordance with O.C.G.A. §21-2-404, any employee who has less than two hours outside of working hours to vote while the polls are open may take up to two hours off from work, without loss of pay to vote. Any additional time off will be without pay for non-exempt employees.

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Paid leave for voting is available to employees when their work schedule does not allow them at least two (2) hours (including travel) to vote either before or after work. Employees who are scheduled to begin work at least two hours after the polls open or end work at least two hours before the polls close are not eligible to request paid leave to vote.

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Employees must provide reasonable advance notice of the need for time off to vote so that the time off can be scheduled to minimize disruption to normal work schedules. Proof of having actually voted may be required.

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6.10 DONATED LEAVE

6.10.1 Regular full-time employees with one (1) or more years of service are eligible to receive donations of paid leave time once they have exhausted all forms of accrued personal leave, such as vacation or sick leave. Donated leave time is limited to medical emergencies constituting serious health conditions under the Family Medical Leave Act (FMLA) for the employee only.

A qualified employee wishing to receive donated leave time must submit a "Request for Donated Leave" form to Human Resources. If the employee is unable to submit the request personally, the employee's supervisor may do so on his/her behalf. Human Resources will review the request and, if it meets the standards of a medical emergency, will recommend the request to the City Manager for approval. There is no assurance (implied or otherwise) that any given request for leave time will be approved.

Requests may be renewed by submitting a new Request for Donated Leave form up to one (1) additional time within a calendar year. Once approved, a donating employee who wants to transfer accrued personal leave time may do so by completing a Donation Transfer Form available in the Human Resources Department. An employee may not donate leave to his/her supervisor or normal chain of command personnel. Limitations on transfers are as follows:

- Accrued vacation time – No limitations
- Accrued sick time – Donations of up to eighty (80) hours may be made; however, the donating employee must maintain a sick leave accrual of at least eighty (80) hours in his/her personal account

The HIPAA and confidentiality rights of the requesting employee will be maintained according to City policy. The City cannot award additional leave time beyond normal City policy. The City makes no assurances that once a donation request is approved, an employee will donate accrued time to the requesting employee.

Donated leave time is administered separately from all other forms of leave. Employee leave time is granted based on normal City policy and procedure, and whether or not an employee receives donated leave time has no impact on whether or not a leave of absence is approved or extended. Donated leave time will be applied as needed. If leave time is donated in excess of time actually needed by the receiving party, such excess time shall not be deducted from or forfeited by the donating party or held by the City.

6.11 PAID PARENTAL LEAVE

The City is committed to fostering a family-friendly work environment for its employees. The City shall provide paid parental leave to eligible employees

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following the birth, adoption, or foster care placement of a child with an employee to give parents time to bond with their new child, adjust to their new family situation and balance personal and professional obligations. In providing paid time off for activities related to the care and well-being of a child born to or placed for adoption or foster care with an employee, the City reaffirms its commitment to promoting family well-being and improving family economic security.

I. Eligibility

Full-time employees who have been employed by the City for a minimum of one (1) year are eligible for paid parental leave. Reasons for Which Paid Parental Leave May be Granted

A. Qualifying Reasons for Paid Parental Leave:

- The birth of a child/children
- The placement of a child/children with the employee for adoption or foster care
- An employee's inability to work because of a post-pregnancy disability or incapacity related to childbirth
- To care for a spouse/domestic partner who experiences a post-pregnancy disability or period of incapacity related childbirth

B. Applicable Definitions

"Event" for purposes of this policy, means the birth (including post-pregnancy disability or incapacity related to childbirth), adoption or foster care placement of one or more children.

"Parent" for purposes of this policy, means a biological, adoptive, legal guardian or foster father or mother, or any other individual who stands *in loco parentis* to a child.

"Spouse" means the other person with whom an individual entered into marriage as defined or recognized under State law for purposes of marriage in the state in which the marriage was entered into, or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state. This includes common law marriage, domestic partners, and same sex marriage in places where these marriages are recognized.

II. Methods and Amount of Leave Available

A. Amount of Leave Available as Paid Parental Leave

The City will provide up to four (4) weeks of 100% paid parental leave to an

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eligible employee upon the birth of a child or children, or upon taking custody of an adoptive child or foster child under the age of 18. An employee may receive only one period of paid parental leave for the care of any given child. An employee shall not use more than four (4) weeks of paid parental leave in any twelve-month period. The birth, adoption or foster care placement of multiple children that is part of the same event does not increase the length of paid parental leave granted.

B. Calculation of Leave

Eligible employees will receive up to a maximum of four (4) weeks of paid parental leave per event. Eligible employees' leave is calculated by multiplying the assigned or average number of hours in a week by four (4). If both parents work for the City and meet the eligibility requirements, each parent will be eligible for up to a maximum of four (4) weeks of paid parental leave.

C. Use of Accrued Leave

Paid parental leave must be used within twelve (12) months following the birth, adoption or foster care placement of a child. To the extent an employee qualifies for leave under the Family and Medical Leave Act (FMLA) Policy and Procedure for the birth, adoption or foster care placement of a child, any paid parental leave taken under this policy shall be concurrent with, and not in addition to, leave taken under the FMLA Policy and Procedure.

Use of paid parental leave shall not require use of any accrued leave (e.g., sick, vacation, compensatory, holiday). Employees also may use paid parental leave before other accrued leave. Paid parental leave must be used before an employee enters into a leave without pay (LWOP) status. Any paid parental leave not used by the employee before the end of the twelve-month period to which it relates shall be forfeited and may not be accumulated for any subsequent use.

Paid parental leave shall be used in continuous days during the twelve-month period immediately following the birth or the arrival or placement of the adoptive or foster child. Parental leave may be used on an intermittent basis only if approved by the employee's Department. Paid parental leave will be paid at the employee's regular pay rate, but shall not include overtime.

D. Intermittent or Reduced Schedule Leave

Use of intermittent or reduced schedule paid parental leave is contingent upon the approval of the employee's Department Head. If the employee takes intermittent or reduced schedule paid parental leave, the actual number of hours of leave taken will be counted toward the total hours of leave allowed under this policy. Paid parental leave may not be used in increments of less than a full workday or work shift under any circumstance.

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III. Notice

The City will process requests for paid parental leave using the same procedures established for employees to request and receive FMLA leave. Employees planning to use paid parental leave should provide their Department Head with no less than thirty (30) days advance notice of the birth, adoption of foster care placement of a child. When the birth, adoption or foster care placement is not foreseeable, employees should provide their Department Head with as much notice as is both possible and practical.

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IV. Confidentiality

The circumstances involving the need for an employee to be granted paid parental leave will be kept confidential to the extent allowed by law. All documents provided to the City regarding the leave will be maintained separately and treated by the City as confidential medical records, except that in some legally recognized circumstances, the records (or information in them) may be disclosed to supervisors and managers, government officials or City's legal counsel.

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SECTION 7: CONDUCT

Employees are expected to follow the Laws of the State of Georgia and the ordinances of the City. Additionally, since City employment is a position of public trust, certain activities are specifically prohibited.

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7.0 CODE OF ETHICS.

A. It is the policy of the City of Stonecrest to uphold, promote, and demand the highest standards of ethics from all of its employees. City employees shall maintain the utmost standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants including the appearance of impropriety, and never use their City position or powers for improper personal gain.

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B. It is the intention of the Mayor and City Council that this Section be liberally construed to accomplish its purpose of protecting the public against decisions that are affected by undue influence, conflicts of interest, or any other violation of this Code of Ethics.

7.0.1 **Definitions.** The following words and phrases as used in this chapter, unless the context clearly indicates otherwise, shall have the following meanings:

A. "Business" means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, consultant, holding company,

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joint stock company, receivership, trust, or any legal entity organized for profit.

B. ~~“Commercially reasonable loan” means any loan between a person and employee that does not provide the employee with significant benefit, such as an unusual discount.~~

C. ~~“City employee” means every individual hired to an office or position with the City— under the jurisdiction of the Mayor and City Council, whether such individual is paid or unpaid, or receives taxpayer funding appropriated by the Mayor and City Council. Volunteer Board/Committee Members appointed by a Councilmember, or the Mayor and City Council are considered “City employee” for the purpose of Section 7.0, Code of Ethics.~~

D. ~~“Compensation” means payment in any form for real or personal property or services of any kind.~~

E. ~~“Gift” means a voluntary transfer of real or personal property of any kind or the voluntary rendition of services of any kind without consideration of equal or greater value, but not including any reasonable hosting, including travel expenses, entertainment, meals, or refreshments furnished in connection with appearances, ceremonies, and occasions reasonably relating to official City business, where otherwise permitted by law.~~

F. ~~“Immediate family” shall mean spouse, child, parent, brother, sister, grandparent, parent-in-law, daughter-in-law, son-in-law, or grandchildren. The definition also includes any other person living in the employee’s household who is recognized by state law as the employee’s dependent, and any individual who stands in loco parentis to an employee when the employee was a child.~~

G. ~~“Interest” means direct or indirect pecuniary or material benefit accruing to a City employee as a result of a contract or transaction which is or may be the subject of an official act by an employee, committee, or Mayor and City Council, or action by or with the City. For the purpose of this ordinance, an employee is deemed to have an interest in the affairs of:~~

- ~~1. Any partner in the joint ownership of real estate with another person, excluding immediate family member.~~
- ~~2. The counterparty in any purchase or sale of real estate within one year before or after the employee’s interaction with that counterparty on behalf of the City.~~
- ~~3. Any person of the employee’s immediate family.~~
- ~~4. Any business entity in which the stock of, or legal or beneficial ownership of, excess of one percent of the total stock or total legal and beneficial ownership, is controlled or owned directly or indirectly by the employee.~~
- ~~5. Any person with whom a contractual relationship exists with the employee; provided, that a contractual obligation of less than \$500.00, or a commercially reasonable loan made in the ordinary course of business or a contract for a commercial retail sale at~~

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~~prices available to the general public shall not be deemed to create an interest in violation of this ordinance.~~

~~H. "Legislation" means any ordinance, resolution, or official approved action on the part of the Mayor and City Council.~~

~~I. "Person" means any individual or corporation, business, or other entity, however constituted, organized, or designated.~~

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~~7.0.2 Prohibited Conduct. The following shall constitute violations of this Code of Ethics:~~

~~A.A. **General Prohibition Against Conflicts of Interest.** In order to avoid becoming involved or implicated in a conflict of interest or impropriety, or an appearance of conflict of interest or impropriety, no City employee should be involved in any activity that might be seen as conflicting with the conduct of official City business or as adverse to the interests of the City.~~

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~~B. **Beneficial Interests in Contracts Prohibited.** No City employee shall participate in his or her capacity as a City employee in the making of a contract in which he or she has a financial interest, direct or indirect, or performs in regard to such a contract some function requiring the exercise of discretion on behalf of the City. Except, that this prohibition shall not apply where the City employee has only a remote interest in the contract, and where the fact and extent of such interest is disclosed and noted in the official minutes or similar records of the City prior to formation of the contract, and thereafter the governing body authorizes, approves, or ratifies the contract in good faith.~~

~~For purposes of this section, a "remote interest" means:~~

- ~~1. That of a non-salaried officer of a nonprofit corporation.~~
- ~~2. That of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary.~~
- ~~3. That of a landlord or tenant of a contracting party.~~
- ~~4. That of a routine purchaser or seller of residential real estate within one year before or after the city employee's interaction on behalf of the City with the counterparty to that purchase or sale, where such real estate is used by the employee or his/her immediate family.~~
- ~~5. That of a holder of less than 1 percent of the shares of a corporation, limited liability company, or other entity which is a contracting party.~~

~~C. **Beneficial Influence in Contract Selection and Other City Business Prohibited.** No City employee shall influence the City's selection of, or its conduct of business with, a person having or proposing to do business with the City if the City employee has a financial interest in or with the person, unless such interest is a remote interest and where the fact and extent of such interest is disclosed and noted in the official minutes or similar records~~

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~~of the City prior to formation of the contract, as defined in the preceding section. "Conduct of business" includes, and is not limited to, a City employee's exercise of judgment with regard to approving plans, making inspections, considering, or approving of variances, and granting waivers. Delegation of decisions to a subordinate does not relieve a City employee's disclosure obligations under this ordinance in circumstances where it is reasonable to believe that the employee would have influence over the subordinate's decisions.~~

~~**D. Representation of Private Person at City Proceeding Prohibited.** No City employee shall appear on behalf of a private person, other than himself or herself or an immediate family member or except as a witness under subpoena, before any regulatory governmental agency or court of law in an action or proceeding to which the City or a City employee in an official capacity is a party or accept a retainer or compensation that is contingent upon a specific action by the City.~~

~~**E. Certain Private Employment Prohibited.** No City employee shall engage in or accept private employment, or render services for, any private interest when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties.~~

~~**F. Beneficial Interest in Legislation Prohibited.** No City employee, in appearing before the Mayor and City Council or when giving an official department or individual opinion, recommendation or stating a position before the Mayor and City Council, shall have an interest in any legislation coming before the Mayor and City Council and participate in discussion with or give an official opinion to the Mayor and City Council, unless such interest is a remote interest and where the fact and extent of such interest is disclosed and noted on the record of the Council, or similar records of the City, prior to consideration of the legislation by the Mayor and City Council.~~

~~**G. Disclosure of Confidential Information Prohibited.** No City employee shall disclose or use any confidential, privileged, or proprietary information gained by reason of his or her official position for a purpose which is for other than a City purpose; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request.~~

~~**H. Improper Use of Position Prohibited.** No City employee shall knowingly use his or her office or position to secure personal benefit, gain or profit, or use his or her position to secure special privileges or exceptions for himself, herself, or for the benefit, gain, or profits of any other persons.~~

~~**I. Improper Use of City Personnel Prohibited.** No City employee shall employ or use any person under the employee's official control or direction for the personal benefit, gain, or profit of the employee, or another.~~

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~~**J. Improper Use of City Property Prohibited.** No City employee shall unreasonably use City-owned vehicles, equipment, materials, money, or property for personal or private convenience or profit. Use is restricted to such services as are available to the public generally, for the authorized conduct of official business, and for such purposes and under such conditions as are approved by administrative order of the City Manager; provided, the use of a City vehicle by a City employee participating in a carpooling program established by the City, and for a purpose authorized under such program, shall not be considered a violation of this section or of any other provision of this section.~~

~~**K. Acceptance of Compensation, Gifts, Favors, Rewards, or Gratuity Prohibited.** No City employee may, directly or indirectly, give or receive, or agree to give or receive, any compensation, gift, favor, reward, or gratuity for a matter connected with or related to the employee's services with the City of Stonecrest, except this prohibition shall not apply to:~~

~~5—Attendance of a City employee at a hosted meal when it is provided in conjunction with a meeting directly related to the conduct of City business or where official attendance by the officer or employee as a City representative is appropriate.~~

~~6—An award publicly presented in recognition of public service; or~~

~~7—Any gift valued at \$100 or less, which cannot reasonably be presumed to influence the action, judgment of the employee, or be considered as part of a reward for action or inaction.~~

~~**L. Political Activities.** City of Stonecrest employees is encouraged to exercise their right to vote and, on their own time, if they so desire, to take part in political activities on the local, State and Federal levels as long as such activities do not interfere with the performance of their job. However, no City employee may engage in political activities at the workplace or during working time. Further, no City employee may make use of City time, equipment, or other resources to aid a political candidate, political party, or political cause; nor may any employee use his or her position or official authority or influence to persuade, coerce, influence, or intimidate any person in the interest of a political candidate, party or cause, or for the purpose of interfering with or affecting the result of an election for Mayor, or a position on the City of Stonecrest City Council, or any elected office in City of Stonecrest. All City employees should be free of any and all political persuasion or coercion in relationship to their employment, and/or from their supervisors and co-workers, and should report any such activity to their supervisor, the Director of Human Resources, or City Manager if the same should occur.~~

~~2. No employee shall use or authorize the use of the facilities or resources of the City for the purpose of assisting a campaign for the election of any person to any office, or for the promotion or opposition to any ballot proposition.~~

~~3. Nothing in this section shall prevent an employee from fully exercising those rights to participate in political activities granted by the laws of the State of Georgia or the laws of the~~

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~~7.0.3 Employment of Relatives. It is the City's policy that immediate family members (relatives) will not be employed in regular full-time or part-time positions where:~~

- ~~a. One relative would have the authority to supervise, appoint, remove, discipline or evaluate the performance of the other.~~
- ~~b. One relative would be responsible for auditing the work of the other.~~
- ~~c. Other circumstances exists which would place the relatives in a situation of actual or reasonably foreseeable conflict between the City's interest and their own, in the opinion of the City Manager, including but not limited to safety, efficiency, morale, or effective administration of the department's operation.~~

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~~Where business necessity requires the limitation of employment opportunity of spouses, the means chosen to meet the business necessity shall be those which have the least adverse impact on spouses or members of either sex, which may include re-assignment to another department or separation of employment for one of the affected employees.~~

~~If it is determined that continued employment of an immediate family member within the same department is in conflict with any of the above listed factors (Section 7.0.3 a-c), one of the two employees must competitively transfer to another City department or be terminated from City employment within six months from date of such determination.~~

~~The City Manager may authorize an exception to this policy if the position requires specialized training or experience not generally available, there is a vital need to fill the position, substantial efforts have been made to recruit a person who is not a relative, and the relationship is unlikely to materially affect their employment.~~

~~7.0.4 Complaint Process~~

~~A. A complaint that this Code of Ethics has been violated shall be filed with the City Manager, or with the Director of Human Resources, who shall promptly provide same to the City Manager.~~

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~~B. No person shall knowingly file a false complaint or report of violation of this Code of Ethics.~~

~~C. Upon receipt of the complaint, the City Manager may designate an individual to conduct an investigation of the matters set forth in the complaint. The individual designated to conduct the investigation shall complete the investigation and prepare written findings and conclusions, which shall be provided to the City Manager within fifteen (15) working days, unless an extension of time for completion of same is granted~~

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by the City Manager.

D. Upon completion of the investigation, and upon receipt of review of the designated investigator's written findings and conclusions, as well as consideration of any other facts and information deemed appropriate by the City Manager, the City Manager shall render a final decision on the complaint and shall provide a copy of same to the party complained against at their last known addresses.

E. A finding by the City Manager that an employee has violated the Code of Ethics as set forth in the Policy Manual may result in disciplinary action, up to and including immediate termination of employment

ARTICLE X. CODE OF ETHICS

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Sec. 2-375. Declaration of policy.

(a) It is the policy of the City that the proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a code of ethics for all city officials and employees is adopted.

(b) This code of ethics has the following purposes:

- (1) To encourage high ethical standards in official conduct by city officials and employees;
- (2) To establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interest of the city;
- (3) To require disclosure by such officials and employees of private financial or other interest in manners affecting the city; and
- (4) To serve as a basis for disciplining those who refuse to abide by its terms.

(Ord. No. 2017-10-05, § 2-375, 10-2-2017)

Sec. 2-376. Scope of persons covered.

The provisions of this code of ethics shall be applicable to the mayor, all members of the city council, all appointed members of boards, commissions, authorities and other similar bodies, and all employees.

(Ord. No. 2017-10-05, § 2-376, 10-2-2017)

Sec. 2-377. Definitions.

As used in this article, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

Censure means the act of condemning as wrong. A censure shall be effectuated by entry in the minutes of a city council meeting.

City official and/or official, unless otherwise expressly defined, means the mayor, the members of the city council, candidates for the offices of the mayor and city council after legal notice of candidacy and qualification as such candidate, the municipal court judges (including substitute judges), the city manager, any assistant city managers, the city clerk, any deputy city clerks, whether such person is salaried, hired or elected, and all other persons holding positions designated by the city charter, as it may be amended from time to time. City officials, unless otherwise expressly defined, includes individuals appointed by the mayor, city council, or both, to all city boards, commissions, authorities and other similar bodies, unless such individuals or individual members of city boards, commissions, authorities and other similar bodies are specifically exempted from this article by law, this ordinance and/or the city council.

Complainant means a person or entity who submits to the city clerk an ethics complaint alleging a violation of this article.

Decision means any article, resolution, contract, franchise, formal action or other matter voted on by the city council or other city board or commission, as well as the discussions or deliberations, of the council, board or commission which can or may lead to a vote or formal action by such body.

Discretionary authority means the power to exercise any judgment in a decision or action.

Employee means full-time or part-time employees of the City.

Entity means a sole proprietorship, partnership, limited partnership, firm, corporation, professional corporation, holding company, joint stock company, receivership, trust or any other entity recognized by law through which business may be conducted.

Ethics complaint means a written document alleging a violation of this article by a city official or employee. All ethics complaints filed with the city shall contain the following:

- (1) A brief statement specifically identifying the name and title of the city official or employee against whom the complaint is filed. An ethics complaint may not allege violations and/or seek action against more than one city official or employee;
- (2) A numbered list separately identifying each improper act which the city official or employee is alleged to have committed, including:
 - 1) The date of any such alleged offenses;
 - 2) The specific sections of this article that each act is alleged to be in violation of;
and
 - 3) The factual basis for each alleged violation;

- (3) A sworn and notarized statement by the complainant attesting that all information in the complaint is true to the complainant's information and knowledge;
- (4) Email address, phone number and mailing address where the complainant may be contacted; and
- (5) The complainant's residential address within the city limits.

Exempt city boards, commissions, authorities and similar bodies shall mean all boards, commissions, authorities and similar bodies of the city other than the Board of Zoning Appeals, Design Review Board, Historic Preservation Board, Planning Commission, Construction Appeals Board, Alcohol Licensing and Appeals Board, Stonecrest Convention and Visitors Bureau and any authority created by either the Georgia General Assembly or by the City by resolution or ordinance pursuant to chapter 61 or chapter 62 of Title 36 of the Official Code of Georgia Annotated. The members of exempt city boards, commissions, authorities and similar bodies are exempt city officials or officials unless such member is either an elected official of the City or is also a member of another city board, commission, authority or similar body not specifically exempted by this ordinance or by law.

Immediate family means the legal and/or biological parent, sibling, child, spouse, or any corresponding in-law of any city official or employee.

Interest:

- (1) Incidental interest means an interest in a person, entity or property which is not a substantial interest.
- (2) Remote interest means an interest of a person or entity, including a city official or employee, who would be affected in the same way as the general public. The interest of a councilmember in the property tax rate, general city fees, city utility charges, or a comprehensive zoning article or similar decisions is incidental to the extent that the councilmember would be affected in common with the general public.
- (3) Substantial interest means a known interest, either directly or through a member of the Immediate Family, in another person or entity:
 - a. The interest is ownership of five percent or more of the voting stock, shares or equity of an entity or ownership of \$5,000.00 or more of the equity or market value of the entity;
 - b. Funds received by the person from the other person or entity either during the previous 12 months equaled or exceeded \$5,000.00 in salary, bonuses, commissions or professional fees, or ten percent of the recipient's gross income during that period, whichever is less;
 - c. The person serves as a corporate officer or member of the board of directors or other governing board of the for-profit entity other than a corporate entity owned or created by the city council; or
 - d. The person is a creditor, debtor or guarantor of the other person or entity in an amount of \$5,000.00 or more.

(4) Substantial interest in real property means an equitable or legal ownership interest in real property with a fair market value of \$5,000.00 or more.

Reprimand means an official reproof, reprehension, or rebuke of a wrong. A reprimand shall be effectuated by resolution of the mayor and council.

Respondent means a city official or employee charged with a violation of this article.

(Ord. No. 2017-10-05, § 2-377, 10-2-2017)

Sec. 2-378. Standards of conduct.

- (a) No city official or employee shall use such position to secure special privileges or exemptions for such person or others, or to secure confidential information for any purpose other than official responsibilities.
- (b) No city official or employee, in any matter before the body in which he has a substantial interest, shall fail to disclose for the common good for the record such interest prior to any discussion or vote.
- (c) No city official or employee shall act as an agent or attorney for another in any matter before the city council or any city body.
- (d) No city official or employee shall directly or indirectly receive or agree to receive any compensation, gift, reward or gratuity in any matter or proceeding connected with, or related to, the duties of his office except as may be provided by law.
- (e) No city official or employee shall enter into any contract with the city except as specifically authorized by state statutes. Any city official or employee who has a proprietary interest in an agency doing business with the city shall make known that interest in writing to the city council and the city clerk.
- (f) All public funds shall be used for the general welfare of the people and not for personal economic gain.
- (g) Public property shall be disposed of in accordance with Georgia law.
- (h) No city official or employee shall solicit or accept other employment to be performed or compensation to be received while still a city official or employee if the employment or compensation could reasonably be expected to impair in judgment or performance of that official's or employee's city duties.
- (i) If a city official or employee accepts or is soliciting a promise of future employment from any person or entity who has a substantial interest in a person, entity or property which would be affected by any decision upon which the official or employee might reasonably be expected to act, investigate, advise, or make a recommendation, the official or employee shall disclose the fact to the body on which he serves, or to his supervisor, and shall take no further action or matters regarding the potential future employer.
- (j) No city official or employee shall use city facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public.

- (k) No city official or employee shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at-large.
- (l) No city official or employee shall directly or indirectly solicit from a person or entity a gift, loan, favor, promise, or thing of value for himself or another person or entity if the city official or employee is, at the time of such solicitation, involved in any official act or action which would result in a benefit to the person or entity from whom the gift, loan, favor, promise or thing of value is solicited. However, the above prohibition shall not apply in the case of:
- (1) Occasional unsolicited non-monetary gifts and/or trinkets with a value of less than \$100.00, such as a calendar, memento, pen, and/or admission to or consumption of food and/or beverages at a function, social setting or event;
 - (2) An award publicly presented in recognition of public service;
 - (3) Any transaction authorized by and performed in accordance with O.C.G.A. § 16-10-6 as now or hereafter amended;
 - (4) A commercially reasonable loan or other financial transaction made in the ordinary course of business by an institution or individual authorized by the laws of Georgia to engage in the making of such loan or financial transaction;
 - (5) Campaign contributions made and reported in accordance with Georgia laws;
 - (6) Items listed under O.C.G.A. § 16-10-2 that are specifically itemized as "a thing of value shall not include" as now or hereafter amended; or
 - (7) Food, beverage or expenses afforded city officials or employees, members of their families, or others that are associated with normal and customary business or social functions or activities.

(Ord. No. 2017-10-05, § 2-378, 10-2-2017)

Sec. 2-379. Prohibition of conflict of interest.

A city official or employee may not participate in a vote or decision on a matter affecting a person in whom the official or employee has a Substantial Interest or a matter affecting any property in which the official has a Substantial Interest in real property; in addition, a city official or employee who serves as a corporate officer or member of a board of directors of a nonprofit entity may not participate in a vote or decision regarding funding of the entity by or through the city. Where the interest of a city official or employee in the subject matter or a vote or decision is remote or incidental, the city official or employee may participate in the vote or decision and need not disclose the interest.

(Ord. No. 2017-10-05, § 2-379, 10-2-2017)

Sec. 2-380. Conflict of interest exemptions.

The provisions of this article shall not be construed to require the filing of any information relating to any person's connection with, or interest in, any professional society or any charitable, religious, social, fraternal, educational, recreational, public service, civil or political organization not conducted as a business enterprise or governmental agency, and which is not engaged in the ownership or conduct of a business enterprise or governmental agency.

(Ord. No. 2017-10-05, § 2-380, 10-2-2017)

Sec. 2-381. Reserved.

Sec. 2-382. Penalty.

(a) Any respondent found to have violated the provisions of this article shall be subject to:

- (1) Public reprimand and/or censure by the mayor and council;
- (2) A fine greater than \$100.00 but less than \$500.00; and
- (3) Request for resignation by the mayor and council.

(Ord. No. 2017-10-05, § 2-382, 10-2-2017)

Sec. 2-383. Filing of complaints.

(a) Any resident or employee may initiate a complaint of a violation of this ethics ordinance by submitting to the city clerk a written, verified and sworn complaint under penalty of perjury.

(b) All ethics complaints shall be filed with the city clerk. The city clerk, or his designee, shall email a copy of any such complaint to the city manager and the respondents named in the complaint within five calendar days of such filing.

(c) To discourage the filing of complaints under this article solely for political purposes, complaints brought under this article against a municipal election candidate filed 60 calendar days prior to the opening date of qualifying for municipal office through the date of certification of the election results will not be acted upon until the election results for that office have been certified. Deadlines under this article shall be tolled during such period. Action shall thereafter only be taken upon the ethics complaint if the candidate against whom the complaint is filed is elected to that term of office.

(Ord. No. 2017-10-05, § 2-383, 10-2-2017; Ord. No. 2023-02-02, § 1(Exh. A), 3-13-2023)

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Sec. 2-384. Service of documents by respondent and complainant.

- (a) Within three calendar days of the filing of an ethics complaint with the city clerk, the complainant shall serve by personal service, certified mail return receipt requested or statutory overnight delivery the respondent with a copy of the ethics complaint.
 - (b) The respondent may file a response to the ethics complaint with the city clerk, but is not required to do so.
 - (c) The complainant and the respondent shall serve each other, the city manager and the appointed hearing officer (once the hearing officer is appointed), with copies of all documents filed by them with the city clerk relating to the ethics complaint, by certified mail, return receipt requested or statutory overnight delivery, within three calendar days of the date that any such document is filed.
 - (d) The complainant and the respondent shall file with the city clerk proof of mailing of all mailings required under this article within three business days of such document being mailed. Such proof of service shall contain a copied and/or printed form provided by the postal facility which evidences the recipient, tracking number and date of such mailing. The city clerk shall verify that the correct address was indicated on the envelope.
- (Ord. No. 2017-10-05, § 2-384, 10-2-2017; Ord. No. 2023-02-02, § 1(Exh. A), 3-13-2023)

Sec. 2-385. Action upon complaints.

All ethics complaints shall be heard before a hearing officer who: (i) shall be a competent attorney at law of good standing with the State of Georgia Bar, (ii) shall have at least five years' experience in the practice of law, and (iii) shall not reside or maintain an office within the City of Stonecrest. The hearing officer shall have power to issue subpoenas for witnesses that may be enforced, if necessary, by order of the Chief Judge of the Stonecrest Municipal Court. The city clerk may maintain a listing of qualified attorneys to serve as a hearing officer pursuant to this section. The burden of proof for all ethics complaints shall be on the complaining party and the standard of proof shall be beyond a reasonable doubt. Ethics complaints shall be reviewed as follows:

(a) Preliminary review of ethics complaints:

- (1) Upon being appointed and being served with all pertinent documents, and upon expiration of the fifteen-day period for the respondent to file an answer, the hearing officer shall review the complaint and response, if any, to determine: (i) whether the complaint is in conformity with the requirements of sections 2-377 and 2-383 herein, (ii) whether upon consideration of the complaint and response, the complaint is unjustified, frivolous, patently unfounded, or (iii) whether upon consideration of the complaint and answer, the complaint demonstrates facts sufficient to invoke disciplinary jurisdiction as set forth in this article.

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(2) If the complaint fails based upon the requirements of subsection (1) above, the complaint shall be dismissed stating the basis for said dismissal. A dismissal of such complaint preliminarily herein shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the city official.

(b) Evidentiary hearing on ethics complaints:

(1) Upon a determination that the complaint should not be dismissed pursuant to subsection (1) above, the hearing officer shall be empowered to collect evidence and information concerning such complaint and to add the findings and results of the investigation to the file containing such complaint. In furtherance of this investigation, the hearing officer may:

(i) Seek such further information from the complainant or the respondent through inquiry or written questions, provided, however, the respondent shall have no obligation to answer any inquiries, or

(ii) Conduct a hearing regarding the allegations set forth in the complaint. Respondent shall have the right to representation by counsel at all stages of these proceedings, to written notice of the hearing at least ten calendar days before the first hearing, to hear and examine the evidence and witnesses, to not testify, and to submit evidence and call or subpoena witnesses to oppose or mitigate the allegations. In all hearings held under this section, the procedures and rules of evidence applicable in civil cases shall guide, but not strictly apply.

(2) All investigations under this section shall be completed within 45 days of the hearing officer receiving the complaint and any response. Should the investigation not be completed in the said period, the complaint will be deemed dismissed as a failure to state facts sufficient to invoke the disciplinary jurisdiction of the city council, unless an extension is requested by complainant and granted by the hearing officer. Only one such extension may be granted for an additional 30 days. Within seven days of the completion of the investigation, the hearing officer shall:

(i) Dismiss the complaint on the grounds that it is unjustified, frivolous, patently unfounded, or that it fails to state facts sufficient to invoke the disciplinary jurisdiction of the city council; or

(ii) Prepare a report of findings and recommendations to the mayor and city council.

(iii) Should the hearing officer determine to submit a report in the matter, the report shall consist of: a written finding of facts, a determination whether the complaint establishes beyond a reasonable doubt that a violation has been committed, and, if so, the specific violation and evidence supporting

the same, and a recommendation regarding the punishment for such violation.

(iv) The hearing officer's written determination of findings and recommendations shall be delivered to the city clerk, who shall provide a copy to the city manager and the mayor and council and serve a copy on the complainant and respondent by personal service, certified mail return receipt requested, or by statutory overnight delivery. Such findings shall not be final until approved by vote of the city council.

(c) Mayor and city council.

(1) Upon receipt of findings and recommendations from the hearing officer, the mayor and council may:

(i) By simple majority accept the findings of the hearing officer.

(ii) By simple majority accept the findings of fact and reject the recommended discipline, instead substituting its own discipline which shall be limited to the remedies stated herein.

(iii) By a supermajority, consisting of the majority of those present forming a quorum plus one, reject the findings and recommendations and conduct its own hearing in conjunction with the same hearing procedures dictated above. Upon the completion of such a hearing, the findings and recommendations of the mayor and city council shall be binding.

(iv) If no majority or supermajority can be obtained as provided herein, the findings and recommendations shall be deemed rejected and the complaint dismissed. Such dismissal shall be one on the merits.

(2) If the subject of the complaint is the mayor or any councilmember, he or she shall recuse themselves from participation in any hearing or vote held pursuant to this subsection (c), with the exception of the right to attend such hearing as member of the general public, nor shall such mayor or councilmember be counted for the purpose of establishing a quorum.

(3) Upon final judgment and certification of the minutes of the meeting disposing of this matter, the city clerk shall serve the respondent with the copy of the certified minutes and findings and recommendations by personal service, certified mail return receipt requested or statutory overnight service.

(Ord. No. 2017-10-05, § 2-385, 10-2-2017; Ord. No. 2023-02-02, § 1(Exh. A), 3-13-2023)

Sec. 2-386. Charge of noncompliance.

(a) After the filing of an ethics complaint, but at least five days prior to the preliminary hearing, or evidentiary hearing if one is set, the respondent and/or complainant may file a charge of noncompliance with the city clerk, alleging that the complainant, respondent and/or any city employee/official has failed to meet a required deadline under this article.

This section is strictly limited to grievances with respect to procedural deadlines set forth under this article, and may not be used to seek review of alleged ethics violations. Additionally, a separate charge must be filed against each city employee and/or official who is alleged to have violated a procedural deadline set forth under this article. The charge must identify the filer of the charge, the person against whom the charge is made, and the alleged missed deadline.

- (b) The city clerk, or his designee, shall email a copy of such charge to the hearing officer, city manager, respondent, complainant and the employee and/or official against whom the charge is made, within five calendar days of such filing. The city clerk shall not be required to email a copy of the charge to the respondent and/or complainant who filed the charge. The city manager shall cause for corrective action to be taken for any missed deadline under this article by a city employee.
- (c) The filer of the charge may also raise the charge of noncompliance as a threshold issue at the next scheduled public meeting on the ethics complaint. The hearing officer shall thereafter determine whether the alleged deadline was missed. The hearing officer's finding of a material failure by the complainant to comply with this article at any time may result in the ethics complaint's dismissal. The hearing officer's finding of a missed deadline by a city employee and/or official, without a finding of contributing negligence by the filer of the charge, shall give the filer of the charge the option to have the proceeding continued to the next available council meeting in lieu of being heard further that day.

(Ord. No. 2017-10-05, § 2-386, 10-2-2017; Ord. No. 2023-02-02, § 1(Exh. A), 3-13-2023)

Sec. 2-387. Bar against subsequent complaints.

- (a) The dismissal of an ethics complaint by the hearing officer on procedural grounds shall bar the complainant from filing any subsequent complaint against the same respondent for a period of three months from the date of such dismissal.
- (b) Should the hearing officer deny an ethics complaint on jurisdictional grounds, and/or determine that the evidence does not establish that the respondent has committed a violation of any provision of this article, the complainant shall be barred from filing any subsequent ethics complaint against the respondent arising from the same facts and circumstances as the adjudicated complaint.

(Ord. No. 2017-10-05, § 2-387, 10-2-2017; Ord. No. 2023-02-02, § 1(Exh. A), 3-13-2023)

Sec. 2-388. Participation by accused members.

- (a) If the mayor, city councilmember, appointed members of boards, commissions, authorities and other similar bodies, and all employees is charged with a violation of this article, he shall not:

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- (1) Participate in, preside over, remain in his place on the dais, or have any other direct or indirect involvement with the consideration or deliberation by the mayor and council of the ethics complaint; or
- (2) Substantively discuss the pending ethics complaint, including any of the facts, circumstances, or allegations supporting it with the mayor, any other councilmember, or any official or employee of the city, except at the meetings and/or hearings on the complaint. This provision shall not prevent the mayor or any city councilmember from communicating with city employees and officials with respect to facilitating and receiving required filings and notices under this article.

(b) If the mayor, a city councilmember, an appointed member of a board, commission, authority and other similar body, and all employees is charged with a violation of this article they shall completely recuse themselves from the complaint process under this article except to receive required filings and notices.

(Ord. No. 2017-10-05, § 2-388, 10-2-2017; Ord. No. 2023-02-02, § 1(Exh. A), 3-13-2023)

Sec. 2-389. Participation by complaining official.

If the mayor or any city councilmember files, initiates, and/or encourages the filing of an ethics complaint against a respondent, he shall not actively preside over the consideration of the complaint before the city council.

(Ord. No. 2017-10-05, § 2-389, 10-2-2017)

Sec. 2-390. Statute of limitations.

(a) No ethics complaint shall be permitted under this article unless such complaint is filed within six months of the commission of the act complained of; provided, however, the limitation shall be tolled during the period that the alleged offense is unknown to the complainant. Under no circumstances, however, shall any period be tolled where the complainant knew and/or should have known about the alleged violation and/or where the facts surrounding the offense were published by a news outlet, discussed at a public meeting and/or otherwise known to the general public.

(b) No proceeding under this article shall be instituted and/or prosecuted after the expiration of the respondent's term of office during which the offense is alleged, if not re-elected immediately following such term, and/or after the resignation, death, vacancy, disqualification and/or withdrawal of the respondent from office.

(Ord. No. 2017-10-05, § 2-390, 10-2-2017)

Sec. 2-391. Right to appeal.

An appeal of any adverse decision of the mayor and council rendered under this article shall be commenced by filing a petition for review in the Superior Court of DeKalb County as provided by law.

(Ord. No. 2017-10-05, § 2-391, 10-2-2017; Ord. No. 2023-07-01, § 1(Exh. A), 7-24-2023)

Secs. 2-392—2-410. Reserved.

7.1 ATTENDANCE AND PUNCTUALITY

It is the policy of the City that employees meet punctuality and attendance standards in accordance with the expectations of their job positions and applicable law. In addition, as a public agency, the City has a responsibility to our citizens to ensure that taxpayer funds are used appropriately, and that we are working as efficiently, effectively, and productively as possible on their behalf.

If employees are unable to report for work on any day, they must call, text and/or email their supervisor at least one (1) hour or as soon as practical thereafter, before the time the employee is scheduled to begin working for that day. The City may inquire about the general reason for an absence or tardiness. Unless extenuating circumstances exist, employees must contact their supervisor ~~call in on~~ each day they are scheduled to work but will not report to work.

Excessive absenteeism or tardiness, which may include but is not necessarily limited to, unplanned absences or tardies that exceed an employee's accrued sick leave and/or last-minute absences or tardies, including no-call/no-shows, may result in disciplinary action up to and including termination, unless the absence or tardiness is legally protected. The following types of time off will not be considered grounds for disciplinary action under this policy:

- Excused time off, including vacation and other forms of paid time off
- Approved leaves of absence, including jury duty leave, military leave, leave protected under the Family and Medical Leave Act or Georgia law, and time off or leave provided under the Americans with Disabilities Act or Georgia law
- Time off due to a work-related injury that is covered by workers' compensation
- Unscheduled absences or tardiness resulting from circumstances beyond the employee's control, including, for example, unexpected school delays or closures and inclement weather that interferes with an employee's ability to arrive at work on time.

Generally, absenteeism will be considered excessive when an employee incurs three or more unexcused absences of any length in a 30-day period. An unexcused absence may occur whenever a supervisor does not accept as reasonable an employee's explanation for an unscheduled absence or occasion of tardiness. An unexcused absence is when you take time away from work without the permission of your supervisor. Unexcused absences aren't scheduled or authorized by an employer.

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For example, if an employee decides to take a personal day without communicating with their supervisor or making advanced arrangements, that is generally an unexcused absence.

An employee is deemed to be tardy whenever he/she fails to report to work more than ten (10) minutes past his or her scheduled start time. Excessive tardiness occurs when an employee is tardy three or more times during a rolling 30-day period. The City will not subject employees to disciplinary action or retaliation for an absence or for tardiness that is legally protected. If the employee believes that his or her absence or lateness to work is legally protected, the employee should notify his or her supervisor or manager of this fact at the time of the absence or tardiness. Employees will not be required to reveal the nature of any underlying medical condition to their supervisor or manager. If an employee believes he or she/he/she has been mistakenly subjected to disciplinary action for an absence or for tardiness that the employee believes is legally protected, the employee should promptly discuss the matter with his or her manager or Department Head. If the employee believes the matter has not been resolved by their manager or Department Head, the employee should contact the Human Resources Director. In addition, for FMLA and ADA-related matters, the employee should contact the Human Resources Department. Please see the City's FMLA Policy, ADA and Reasonable Accommodations Policy for further information.

Non-exempt employees who arrive after their scheduled start time but within the ten (10) minute grace period may, at the discretion of the Department Head, be allowed to make up time or required to use available vacation or sick time (as applicable) as a replacement for salary. Making up time is a privilege granted where good reason is provided. A request to make up time should be made in writing to the Department Head and include an explanation of the circumstances contributing to the tardiness. Generally, make-up time must be completed within the same work week.

Absent extraordinary circumstances or a legally protected reason, if an employee fails to report to work for a period of three (3) days and the absence is not approved nor has the employee provided proper notification to their supervisor, the City will consider the employee to have abandoned and voluntarily terminated his or her employment.

Each department should develop and maintain its own supplemental written time and attendance procedures to address issues unique to the department that are not included in these procedures. Issues that should be addressed in such departmental procedures include, but are not limited to, the procedure for requesting use of vacation leave and other paid or unpaid time off and the notification procedure when an employee will be absent due to illness or unexpected emergency.

7.12 DRUG FREE WORKPLACE

7.24.1 City of Stonecrest has a vital interest in maintaining a safe, healthy, and efficient working environment free from the adverse effects of employee drug and alcohol abuse. Employee drug and alcohol abuse poses serious safety and health risks to the user, and to those who work or come in contact with the user in the workplace. Accordingly, the City does not and will not tolerate any employee's consumption, possession, sale, distribution, or presence in the body of illegal drugs or alcoholic beverages while on City property and/or on City work time. The City further expresses its intent, through this policy, to comply with Federal, State, and local laws

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and regulations that relate to the maintenance of a workplace free of illegal drugs and alcohol.

7.12.2 Scope of Policy and Prohibitions. This policy applies to all City employees, volunteers, interns, and any other individuals performing services on the City's behalf, whether paid or unpaid. For purposes of this policy section, all such persons shall be referred to herein as City employees. The policy applies to all off-site meal breaks or rest breaks when an employee is scheduled to return to work, as well as to all work, activities, and occupation and use of City property and facilities.

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7.12.3 Prohibitions. The City prohibits all employees from engaging in the following conduct or behavior while performing City business, while on City property, while in use of City property, or while operating or riding in a City vehicle and/or conducting City business:

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~~1-~~The use or consumption of illegal drugs, controlled substances, and/or alcohol.

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~~2-~~The possession of illegal drugs, controlled substances, and/or alcohol.

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~~3-~~The abuse of prescription medications and over the counter medications.

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~~4-~~Being impaired by and/or under the influence of illegal drugs, controlled substances, and/or alcohol.

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~~5-~~The manufacture, sale, purchase, transfer, dispensing of, and/or distribution of illegal drugs, controlled substances, prescription medications, and/or alcohol; and/or

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~~6-1.~~The use of City property to store, conceal, or transport illegal drugs, controlled substances, and/or alcohol.

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7.12.4 Definitions. For purposes of this Drug-Free Workplace policy, the following definitions apply:

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Alcohol – Any beverage or substance that contains alcohol manufactured for the primary purpose of personal consumption, including, but not limited to, beer, wine, and distilled spirits.

Illegal Drugs (includes Controlled Substances) – Any drug or substance the law prohibits individuals from manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, selling, or otherwise transferring, including, without limitation, all drugs listed as controlled substances under Title 16 of the Official Code of Georgia Annotated. This definition encompasses any measurable amount of any drugs or controlled substances such as amphetamines, cannabinoids, cocaine, phencyclidine (PCP), methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphene, or other drugs made unlawful under Federal or State laws, or a metabolite of any such substances, "look-alikes," "designer drugs" having the same or similar psychotropic effects, ~~unauthorized~~ alcoholic beverages, marijuana, hallucinogens (whether natural or synthetic), inhalants, unauthorized prescription drugs, or authorized drugs which are not prescribed for a verifiable medical condition and/or are not used in strict accordance with this policy and with the prescribing physician's instructions, or any other substances that are mood-altering, mind or consciousness-affecting, or which are likely to have an effect upon a person's perceptions, sensations, thought processes, self-

awareness, emotions, or other mental or physiological or psychological reactions or behavior. It also includes urinalysis or other substances, natural or synthetic, of a similar nature or purpose designed or used to alter a urine specimen or to conceal illicit chemical substances or other metabolites in an initial screening test.

Impaired – The condition of being weakened, diminished, or damaged, or of functioning poorly, incompetently, uncontrollably, or with less control or ability, due to the consumption, use, or abuse of illegal drugs, controlled substances, and/or alcohol, or if the employee’s drug test results indicate the presence of an illegal drug or controlled substance in an amount that constitutes a positive test under accepted scientific standards.

Legally Obtained Drug – Includes prescription drugs and over-the-counter medications.

Over-The-Counter Medication – Includes any drug or substance that does not require a prescription, but which has the capacity to affect a person physically, mentally, or emotionally or which could otherwise affect a person’s ability to perform.

Prescription Drug – Any drug or substance that is attainable only by lawful prescription from a licensed physician.

Reasonable Suspicion – A belief based on objective facts sufficient to lead a prudent person to conclude that a particular employee has used, consumed, is impaired by, or is under the influence of illegal drugs, controlled substances, and/or alcohol. Reasonable suspicion must be directed at a specific person and must be based upon specific and articulable facts and the logical inferences and deductions that can be drawn upon such things as observable phenomena, such as direct observation of the possession or use of an illegal drug, controlled substance, and/or alcoholic beverage, or the direct observation of physical symptoms of being impaired by or under the influence of illegal drugs, controlled substances, and/or alcohol, such as slurred speech, unsteady gait, a pattern of unusual or abnormal conduct or erratic behavior, odor of the employee, information provided by a reliable and credible source, and/or involvement in a work-related accident, and/or deviation from safe working practices.

7.12.5 Use of Legally Obtained Drugs

City employees must not be on the job, be on City property, operate a City vehicle, or operate any other equipment or vehicle while in performance of City business while impaired due to any drug, legal or illegal, that renders the employee unfit for duty. An employee is “unfit for duty” if, in the City’s opinion, the employee’s use of legally obtained drugs jeopardizes his or her ability to work safely and efficiently.

An employee who is using legally obtained drugs must notify his or her immediate Supervisor or Department Director, of any and all known or experienced symptoms and probable adverse side effects that may render the employee unfit for duty. An employee’s failure to so notify the City constitutes grounds for disciplinary action, up to and including termination. An employee is not expected to notify the City of legally obtained drugs that are unlikely to render him or her unfit for duty.

Employees using legally obtained drugs while on the job shall do so in strict accordance with

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physician and/or manufacturer's directions. It is the employee's responsibility to notify the prescribing physician of the duties required by the employee's position and to ensure that the physician approves the use of the prescription medication while the employee is performing his or her duties.

The abuse and/or inappropriate use of legally obtained drugs while on the job, while on City property, while in operation of a City vehicle, or while in operation of any other equipment or vehicle in performance of City business is prohibited and shall constitute grounds for disciplinary action, up to and including termination.

7.12.6 When Testing is Required

7.12.6.0 All job applicants for full-time and part-time positions of employment with the City will be tested for drugs after a conditional offer of employment has been extended. No such applicant or new hire shall be permitted to report for duty until the results of the drug test are obtained. ~~All applicants for temporary full-time and temporary part-time positions of employment will be tested for drugs after a conditional offer of employment has been extended in the discretion of the City Manager, depending on the nature of the temporary position. The cost of a pre-employment drug test shall be the responsibility of the applicant and will be deducted from the first check of the employee.~~

7.12.6.1 All City employees will be subject to immediate testing when there is reasonable suspicion that the employee has used or misused drugs or alcohol in violation of this policy. Any employee who is required to take a reasonable suspicion test will be immediately placed on administrative leave with pay pending the results of the test and confirmation of the results. Supervisors who suspect that an employee is under the influence of drugs or alcohol shall document all credible evidence on the Reasonable Suspicion Incident Checklist provided by the Human Resources Department and shall seek confirmation of the observations from the Director of Human Resources or another employee with Reasonable Suspicion training before transporting the employee for testing.

7.21.6.2 Drug and alcohol testing must be performed when any employee, while in operation of a City vehicle, equipment, or heavy machinery, or while in operation of any other vehicle or equipment while in the performance of City of Stonecrest business, is involved in an accident that results in: (1) a fatality; or (2) a citation issued to the employee; or (3) an injured person requiring immediate medical treatment; or (4) damage to City property; or (5) damage to any other property. Alcohol and drug test(s) shall be completed within eight hours of an accident. This testing is to be performed in addition to any drug or alcohol test(s) ordered by law enforcement authorities. The involved City employee must report immediately for testing, or be subject to disciplinary action, up to and including termination.

7.21.7 Procedures for Testing

Alcohol screening will be conducted using a federally approved evidential breath-testing device or the use of a swab/saliva test performed by an approved independent medical facility. In the event that it is not reasonable under the circumstances to conduct an alcohol test based on a breath test or a swab/saliva test, the City reserves the right to test for the presence of drugs or alcohol by a blood test analysis.

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All drug tests shall be administered and accounted for by an approved laboratory and/or medical facility that are operating in compliance with the U.S. Department of Health and Human Services (DHHS). Testing will involve an initial screening test(s) and confirmation of positive tests by gas chromatography/mass spectrometry (GC/MS) analysis, or other test(s) that are approved by the DHHS for screening and confirmation of drugs or alcohol in a person's system. Tests will be certified, to the fullest extent possible under the circumstances, by a laboratory approved by the DHHS.

All positive test results for drugs will be interpreted by a physician approved by the City as a medical review officer (MRO) before the results are reported to the City. Prior to notifying the City, the MRO will make reasonable efforts to contact the employee for the purpose of allowing the employee to offer an alternative medical explanation for the positive test result. If the MRO is able to contact the applicant or employee and determine there is a legitimate medical explanation for the positive test, the result will be communicated as negative to the City. The MRO's inability to contact the applicant or employee before providing test results to the City will not void the test results or make the test results unusable in any subsequent disciplinary action. An applicant or employee who fails to respond to an inquiry by the MRO within forty-eight (48) hours of such inquiry shall have waived his or her opportunity to offer an alternative medical explanation for the positive result or to request confirmation testing.

7.24.8 Test Refusal. The City has a zero-tolerance policy regarding test refusals. As such, any employee so refusing to immediately proceed as directed will be subject to disciplinary action including termination from employment.

Other actions that constitute a test refusal occur when an employee:

- Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer, after being directed to do so by the employer
- Fails to remain at the testing site until the testing process is complete.
- Fails to provide a urine or breath specimen for any drug or alcohol test required.
- ~~In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of his/her provision of a specimen~~
- A specimen shall be collected with due regard to the privacy of the individual providing the specimen and in a manner reasonably calculated to prevent substitution or contamination of the specimen.
- Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through required medical evaluation, that there was no adequate medical explanation for the failure
- Fails or declines to take a second test the employer or collector has directed the employee to take.
- Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process.
- Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); and/or

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- If the MRO reports that there is verified adulterated or substituted test result Failure or refusal to sign Step 2 of the alcohol testing form.

~~7.12.9~~ Investigation of Prohibited Drug and Alcohol Use and Searches. All City-issued equipment, property, and facilities, including, but not limited to, desks, workstations, file cabinets, lockers, vehicles, or any other property or equipment owned, leased, or provided by the City is subject to inspection at any time and for any reason. No employee shall have any privacy interest whatsoever in any City-issued property. If a search uncovers evidence of employee wrongdoing, illegal activity, or employee violations of City rules or policies, the evidence may be used to support disciplinary action, up to and including termination. In cases involving suspected illegal activities, the evidence may be turned over to appropriate legal authorities.

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~~7.21.10~~ Discipline. An employee who violates any provision of this policy is subject to discipline, up to and including termination.

The following actions shall be presumed to result in immediate termination of an employee:

- Manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, selling, or otherwise transferring an illegal drug(s) or controlled substance(s) while on the job, while on City property, while in operation of a City vehicle, or while in operation any other equipment or vehicle while in performance of City business.
- Refusing to consent to or to take a drug or alcohol test pursuant to this policy, or failure to appear at the designated collection site to take a drug or alcohol test when so directed; and/or
- A confirmed positive test for drugs and/or alcohol.

~~7.21.11~~ Treatment. Employees who have a problem with drugs and/or alcohol are urged to seek help before the problem adversely affects their health, relationships, or work performance, or before it results in a violation of this policy.

~~7.32~~ GARNISHMENTS

Employee indebtedness is a personal concern, but multiple garnishments of an employee's salary may lead to disciplinary action. No employee shall allow his personal finances to hamper the performance of his job or create undue administrative problems for the City. A history of garnishments may be viewed adversely.

~~7.43~~ TITLE VII Under the Civil Rights Act (DISCRIMINATION PROTECTION)

Title VII defines an employee as simply "an individual employed by an employer." Therefore, assuming they work — or are applying to work — for a covered employer as outlined above, Title VII provides discrimination protection for all employees, former employees, and those applying to be employees.

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It shall be unlawful employment practice for the City of Stonecrest, an employee of Stonecrest or an employment agency acting on behalf of Stonecrest to discriminate or perform any of the following based on an individuals' race, color, religion, sex, or national origin to:

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(1) fail of refuse to hire or discharge any individual, or otherwise discriminate against any individuals with respect to their compensation, terms, conditions or privileges of employment

(2) to limit, segregate or classify their employees or applicants for employment in any way which would deprive or tend to deprive any individual or employment opportunities or otherwise adversely affect their status as an employee,

(3) pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate nor shall it be an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test provided that such test, its administration or action upon the results is not designed, intended or used to discriminate

(4) to differentiate upon the basis of sex in determining the amount of the wages or compensation paid or to be paid to employees of such employer if such differentiation is authorized by the provisions of section 206(d) of Title 29 [section 6(d) of the Labor Standards Act of 1938, as amended].

(5) to prevent apprenticeship, onboarding, training, retraining, including on-the-job training programs

Nothing contained in this section shall be interpreted to require any employer, training vendor or employment agency to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer, referred or classified for employment by any employment agency, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, or national origin in any community in the available work available to the City of Stonecrest.

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It shall not be an unlawful employment practice for an employer to fail or refuse to hire and employ any individual for any position, for an employer to discharge any individual from any position, or for an employment agency to fail or refuse to refer any individual for employment in any position, to fail or refuse to refer any individual for employment in any position, if:

(1) the occupancy of such position, or access to the premises in or upon which any part of the duties of such position is performed or is to be performed, is subject to any requirement imposed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any statute of the United States or any Executive order of the President; and

(2) such individual has not fulfilled or has ceased to fulfill that requirement.

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7.35 HARASSMENT/SEXUAL HARASSMENT

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The City is committed to maintaining a work environment that is free of inappropriate or unlawful conduct. In keeping with this commitment, the City will not tolerate harassment, discrimination, or the unlawful treatment of employees by anyone, including any supervisor,

co-worker, vendor, client or customer of the City. Likewise, the City expressly prohibits such actions by employees against others, including vendors, clients, citizens, or customers of the City.

7.35.1 Prohibited Conduct. Harassment, discrimination and/or improper conduct consists of misconduct that includes unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as sex, color, race, religion, national origin, age, disability or other protected group status or activity (e.g., opposition to prohibited discrimination or participation in the statutory complaint process) as provided for by law. This includes conduct by someone to another of the same gender.

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The City will not tolerate conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment. No supervisor or City employee has authority to engage in such conduct.

If an employee feels they have been subject to the type of conduct prohibited by this policy, they must report this conduct. They are specifically authorized to bypass their supervisor and directly file an EEO complaint with the Human Resources Department as provided for in this policy. If an employee complains to their supervisor and no action is taken, they are directed to report the conduct as described below to the Human Resources Department. An employee should report any improper conduct before it becomes severe or pervasive and does not have to wait until it rises to the level of an unlawful action.

7.35.2 Sexual Harassment. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitute sexual harassment when (1) submission to the conduct is an explicit or implicit term or condition of employment; (2) submission to or rejection of the conduct is used as the basis for an employment decision; or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Inappropriate conduct may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing," "practical jokes," jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical contact, such as patting, pinching, or brushing against another's body.

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7.35.3 What is Not Harassment. Harassment does not include the normal and lawful exercise of supervisory responsibilities, including direction, counseling, and discipline when necessary.

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7.35.4 Retaliation. The City will not tolerate any retaliation against anyone pursuing in good faith the objectives or acting in accordance with this policy. Any complaints of retaliation should be reported to the Director of Human resources in the same manner as violations of these policies are to be reported. Any employee found by the City to have retaliated against another employee for these reasons will be subject to appropriate disciplinary action ranging from written reprimand up to and including termination.

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7.35.5 Complaint Procedure. All employees should help to assure that we avoid any form of unlawful or inappropriate treatment. If you feel that you have experienced or witnessed harassment,

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discrimination or unlawful or inappropriate treatment, you are to notify immediately (preferably in writing no later than within 24 hours after occurrence) the ~~Department Director~~ Human Resources Department.

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If the employee is not contacted promptly about their complaint, they are to re-file it with the Director of Human Resources. ~~The address and telephone number for the Human Resources Department is 3120 Stonecrest Blvd, suite 190, Stonecrest, GA 30038, (470) 727-0070.~~

The City forbids retaliation against anyone who has made a complaint or provides information related to a complaint.

The City will undertake an objective and appropriate review of any complaint. To the extent practicable and appropriate, the City will keep any complaint and the terms of its resolution confidential. The City will take corrective action as it determines is appropriate, including such discipline up to and including immediate termination of employment.

The City will undertake corrective action to stop inappropriate conduct before it rises to the level of an unlawful action. You will be notified as to the outcome of your complaint. If you have any questions about the status of your complaint, you should contact the Director of Human Resources at the above telephone number and address.

7.35.6 Malicious or Bad Faith Complaints. The City recognizes that intentional or malicious false accusations of misconduct can have a serious effect on innocent men and women. Individuals falsely accusing another of misconduct will be disciplined in accordance with the nature and extent of his or her false accusation. The City encourages any employee to raise questions ~~he or she~~ he/she may have regarding misconduct or this policy with the Director of Human Resources or higher-level officer.

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7.47.6 CONFIDENTIALITY

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As public servants, City of Stonecrest employees should carry out their duties in a manner which would withstand public scrutiny. Some employees handle confidential City-related or employee-related documents while others handle sensitive matters, such as health records and investigations. Consequently, employees should maintain the confidentiality of matters they handle assuring information about these activities is made public only upon appropriate authorization.

7.57 OUTSIDE EMPLOYMENT

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The City is sympathetic to the fact that employees may find it necessary to engage in outside employment, including self employment. However, each City full-time employee position should be considered the employee's primary employment. Therefore, City employees should carefully evaluate other employment that interferes with the employee's duties and obligation as a City employee, involves a potential conflict of interest, or in any way compromises the

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integrity or credibility of the department or City government.

7.57.1 Prohibitions. All City employees should avoid the following outside employment situations:

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1. Outside employment with any entity that conducts business with the City without full disclosure and satisfactory management of any conflict of interest.

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2. Outside employment which cannot be accomplished outside of the Employee's normal working hours or is otherwise incompatible with the performance of the Employee's duties by placing the employee in a position of conflict between the Employee's position with the City and the Employee's position with the outside employer/employment.

3. Outside employment which exploits the Employee's position with the City, or the confidential information acquired in the performance of City duties.

7. 4. Outside employment which the public may reasonably view as work on behalf of the City.

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Due to the importance of the public's perception of the City of Stonecrest government, all employees who engage in outside employment must disclose such work to the Supervisor, Department Head and Director of Human Resources. Outside employment is subject to review for conformance with this Policy. Employees engaged in outside employment determined not to be in conformance may be required to cease such outside employment

7.68 EMPLOYEE DISCLOSURE

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Due to the importance of the public's perception of the City of Stonecrest government, all Department Directors, managers, and supervisors shall disclose all outside interests and financial relationships that may place the employee in conflict with each person's obligations to the City and to his or her profession. Timely and complete disclosure of potential conflicts of interest protects employees from suspicion and accusations of breach of professional integrity. Disclosure forms are available in the Human Resources Department.

7.79 WORKPLACE SAFETY

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7.79.1 It is the policy of City of Stonecrest that every employee is entitled to work under the safest conditions reasonably possible. Every reasonable effort will be made to provide and maintain a safe and healthy workplace, safe equipment, and proper materials, and to establish and insist upon safe methods and practices at all times. It is the basic responsibility of every employee to make safety a part of their daily concern. Employees are obligated to observe all guidelines governing safety and appropriate conduct, to properly use the safety equipment provided, and to follow common-sense safety practices. Employees should always be conscious of the safety of others, as well as themselves. Employees should always observe the following guidelines:

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1. Observe all safety rules, practices, and procedures.

2. Promptly report any unsafe conditions, accidents, damaged or malfunctioning vehicles or equipment, any employee who is performing his or her job in an unsafe manner, or any other type of hazardous situation.
3. Only operate equipment assigned to the employee and for which the employee has received full training.
4. Use proper safety clothing, equipment, and personal protective equipment wherever provided, assigned, or required, as designated for the work performed.
5. Wear a seat belt when in a City of Stonecrest vehicle, when driving on City of Stonecrest business, or when operating any vehicle on City of Stonecrest premises.
6. Use appropriate, safe methods to lift heavy objects, and use back braces, handcarts, or other devices to assist with lifting or moving activities.
7. Never endanger themselves or other individuals through inappropriate actions, horseplay, practical jokes, or by taking unnecessary chances.
8. Be prepared for fire or other emergency situations. Know what to do, what actions to take, where to go, and the location of exits, firefighting equipment, and alarm pulls within the work environment.
9. Observe proper maintenance practices to keep work areas, vehicles, tools, or other equipment in a clean, safe, and operable condition.

7.79.2 Reporting Safety Hazards or Deficiencies – Any employee who believes that a safety or health risk exists must report the matter to their supervisor so that the City may take appropriate action. The employee should make this report immediately upon detection of the safety or health risk. A safety or health risk may consist of, among other things, a condition in the workplace or the work methods of other employees.

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7.79.3 Reporting Employee Injuries or Accidents – All workplace injuries and accidents must be reported immediately to the employee’s immediate Supervisor, or Department Director. This ensures prompt and appropriate medical treatment, allows for timely completion of reports as required by law, and enables eligible employees to qualify for coverage as quickly as possible. Except for emergencies (in which case the employee should seek emergency treatment), if medical attention by a physician is needed, the employee must use one of the physicians specifically listed on the Workers’ Compensation Notice posted by City of Stonecrest in a conspicuous place and on the City internal website (intranet). Failure to report an injury or to receive medical treatment from a physician on the posted panel may jeopardize payment of medical bills or other benefits under workers’ compensation insurance.

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7.79.4 Response to Emergency Situations* – Employees should become familiar with emergency plans established within their assigned department or work area, as well as with their assigned role in the event of an emergency situation.

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***A call to 9-1-1 may be appropriate first, in the judgment of the staff or managers involved.**

Decisions may need 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.

7.79.5 Safety Violations – Accidents, injuries, damaged equipment, or destruction of materials or property can cause needless suffering, inconvenience, and expense to City of Stonecrest or its employees. As a result, any such actions by employees that could be avoided by utilizing appropriate safety practices may result in disciplinary action up to, and including, termination.

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7.79.6 Office Closings – Information about reporting procedures when the City of Stonecrest closes (or postpones opening) due to inclement weather or other situations, will be posted on the internal site, and communicated to all employees.

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7.79.7 Risk Management/Safety Committee – The City Manager has the discretion to create a Risk Management/Safety Committee to provide oversight of a risk management program for the City of Stonecrest or to participate in a risk management program established by an approved municipal association. The purpose of the risk management program is to minimize the adverse effects of loss through identification and assessment of actual and potential losses, loss prevention, risk financing, and claims control.

7.108 WORKPLACE VIOLENCE AND ANTI-BULLYING VIOLENCE

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~~7.8.17.10.1~~ ~~The City is concerned about the well-being and personal safety of its employees and anyone doing business with the City, and consequently strictly prohibits workplace violence.~~ The City is committed to providing all employees with a healthy and safe work environment. Acts of violence and/or threats of violence, whether expressed or implied toward individuals in the City workplace, are strictly prohibited and will not be tolerated. All reports of incidents or perceived incidents of workplace violence or threats of workplace violence will be taken seriously and addressed appropriately. This policy concerns prohibited conduct, as well as general procedures and potential responsive steps in the unfortunate event that workplace violence occurs despite these preventive measures.

Any employee who feels he or she/she has been victimized by bullying and/or workplace violence is encouraged to report the matter to his or her supervisor or Department Head or to the Human Resources Department. Where appropriate, an investigation will be undertaken and disciplinary measures will be taken as necessary by the Department Head or his or her designee.

Workplace violence is any conduct that is severe, offensive, or intimidating enough to make an individual reasonably fear for his or her personal safety or the safety of family, friends, or property. Examples of conduct that may be considered threats or acts of violence under this policy include ~~policy include~~, but are not limited to, the following:

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1. Threats of any kind (veiled or direct, verbal, or non-verbal); intimidation or attempts to instill fear in others.

2. Physically aggressive, hostile, or violent behavior.

3. Behavior that suggests a propensity for violence, such as belligerent speech, excessive arguing or swearing, or sabotage or threats of sabotage of City property.

4. Intentional damage or destruction of City property or of another's property.

5. Harassing or threatening physical, verbal, written, or electronic communications, including comments, phone calls, emails, letters, faxes, website materials, diagrams or drawings, gestures, or any other form of communication that causes a reasonable fear or intimidation response in others.

6. Stalking (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, or any other type of correspondence sent by any means).

7. Unauthorized or illegal possession of firearms, ammunition, explosives, knives, or weaponry of any type on City property is strictly prohibited. A lawfully possessed firearm may be stored within a personal vehicle that is locked out of sight within the trunk, glove box, or other enclosed compartment or area within such vehicle.

8. Bullying: Unwelcome or unreasonable behavior that demeans, intimidates or humiliates people either as individuals or as a group. Bullying behavior is often persistent and part of a pattern, but it can also occur as a single incident. It is usually carried out by an individual but can also be an aspect of group behavior. Examples:

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7.10.2 Reporting Incidents – Any employee who is subjected to, observes, hears of, or becomes aware of any of the above actions or behavior by an individual in the City workplace must immediately report such incident to a Supervisor, Manager, or the Department Director.

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All acts of violence, or threats thereof, should be reported no matter how minor or insignificant they may appear. If an employee does not feel ~~he or she~~he/she can discuss an act or threat of violence with his or her immediate Supervisor, or if an employee is not satisfied with the manner in which a complaint was handled, the employee should contact the Department Director directly. Failure to report any threats or acts of violence in violation of this policy appropriately is in itself a violation of this policy, and may subject any employees involved to disciplinary action, up to and including termination.

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7.10.3 Investigations – All reports of acts or threats of violence will be promptly investigated. The City may consult with law enforcement authorities or other resources as it deems appropriate. To the extent possible, identities of the reporting employee, any witnesses, and any individuals alleged to be involved in actual or threatened violence will be protected against unnecessary disclosure. All persons involved in the investigation are expected to refrain from

discussing the matter with any person outside the investigation process. All employees – whether complainant, witness, or accused – are required to be truthful, accurate, and cooperative during a City investigation. ~~The Department Director will decide whether the workplace violence policy has been violated and, based upon his or her findings, will take appropriate preventive, corrective, or disciplinary action, up to and including termination.~~

It is the Human Resources Director’s responsibility to oversee the investigation of all reported incidents involving workplace abuse, intimidation, or violence and report findings to the Department Head (or his/her designee) who shall take immediate action as appropriate. Such investigation shall commence as soon as practicable and supervisors and Department Heads are required to take reasonable steps to protect the alleged victim(s), including, but not limited to, separation of the alleged perpetrator(s) and victim(s).

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7.10.4 Consequences – Any employee found by the City to have engaged in violence or threats of violence will be subject to immediate and appropriate disciplinary action, ranging from a written reprimand up to and including termination. ~~While the City encourages all employees to raise any concern(s) under this policy and procedure, the City also recognizes that intentional or malicious false allegations can have a serious effect on innocent people. Any individual who knowingly falsely accuses another of a violation will be disciplined in accordance with the City policies and procedures up to, and including, dismissal.~~

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7.810.5 Non-Retaliation Policy – Retaliation will not be tolerated against an employee for reporting in good faith a suspected act or threat of violence, or for providing information in good faith regarding a report made by another employee. Any complaints about retaliation should be reported in the same manner as violations of this policy are to be reported. Any employee found by the City to have retaliated against another employee for these reasons will be subject to appropriate disciplinary action, ranging from a written reprimand up to and including termination.

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Conversely, an intentional or malicious false accusation could have a serious effect on an individual who has been falsely accused, and any individual found to have knowingly made false complaints will be disciplined based on the extent of the false accusation, up to and including termination.

7.810.6 Searches and Inspection – All City equipment, property, and facilities (including, but not limited to, desks, workstations, file cabinets, lockers, computers and computer-stored information, email, voicemail, business records, vehicles, or any other property or equipment owned, leased, or provided by the City) are subject to inspection at any time and for any reason. No employee shall have any privacy interest or reasonable expectation of privacy whatsoever in any City equipment, property, or facilities. If a search uncovers evidence of employee wrongdoing, illegal activity, or employee violations of City rules or policies, such evidence may be used to support disciplinary action up to and including termination. In cases involving suspected illegal activity, the evidence may be provided to the proper law enforcement authorities. Further, if the City reasonably suspects that an employee has violated a policy that directly affects the safety or security of City employees, patrons, or facilities, the City will take appropriate actions (such as contacting law enforcement officials, placing employee on

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administrative leave while an investigation is conducted, or other actions as deemed appropriate).

7.911 USE AND RETURN OF CITY PROPERTY

The purpose of this section is to provide a broad overview of guidelines for the use of City property, including property related to information technology. New employees will be issued City property upon hire. This may include, but is not limited to, keys, key cards for access to buildings and offices; photo identification cards; uniforms; computers or mobile devices and vehicles.

7.911.1 City Property. All computers, telephones, facsimile machines, copiers, communication systems, electronic equipment, and/or any other material, property, or equipment provided by the City and used in the course of employment is property that is exclusively owned, leased, borrowed, and/or held by the City. Such property is, or for the purposes of this Policy shall be deemed and considered, exclusively the property of the City. City employees should have no expectation of privacy with respect to same.

7.911.2 Telephone Use. When making personal ~~local~~ telephone calls from the workplace, and/or using a City mobile phone or similar device, employees must use judgment and discretion to limit the number and/or length of any calls. ~~Personal long-distance calls are not permitted on City telephones.~~ Excessive or unauthorized telephone use may subject an employee to disciplinary action, up to and including termination. Upon separation of employment, employees must return any mobile phone or device issued for City business. Upon the return of mobile devices, the employee must also provide the access pin used to activate the device.

7.911.3 Communication Systems. The City provides a variety of channels for communication to promote the efficient operation of City business. These communication systems include, and are not limited to, voicemail, email, facsimile, computer networks, internet connections, online services, computer files, telephone systems, mobile phones, and similar devices. All information transmitted by, received from, or stored in these systems is the sole property of the City, and an employee should have no expectation of privacy related thereto.

7.9.411 Email and Internet Access and Code of Conduct. Access to email and the Internet is provided by the City to its employees for the benefit of City employees and patrons, and as valuable sources of information to allow for the provision of better and more efficient services. It allows employees to connect to information resources around the state, the country, and the world. Every employee has a responsibility to maintain and enhance the City's public image and to use the internet in a productive manner.

7.911.5 Confidentiality, Privacy, and Monitoring. As set forth herein, all City computer systems, including email, internet connections, instant messaging, and similar protocols, are the property of the City. All documents, information, and data created in, stored in, and/or copied to City computer systems are the property of the City and may not be copied or in any form transmitted to any third party other than in the ordinary course of business on behalf of the City. Employees using the City's computer systems are cautioned that email and internet systems do not provide

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complete confidentiality and employees have no right to privacy when using same. The City has the right to access, monitor, and disclose the contents of any file or electronic message composed, sent, received, or viewed on City computer systems, for any business purpose, including but not limited to investigating potential security breaches, policy violations, or misuse of computer systems or email. Employees should be aware and understand that the use of personal email accounts to engage in City business may result in those personal accounts being subject to the provisions of the Georgia Open Records Act and/or other statutes pertaining to access to government records.

Safeguarding data privacy isn't just about digital systems—it's also about how we manage our physical workspaces. Maintaining the security of workspaces is vital to protecting sensitive information and upholding organizational integrity.

Every employee plays a critical role in protecting sensitive and confidential information from unauthorized access. To support data privacy best practices, always:

- Lock your screen when stepping away from your computer—even for a moment.
- Secure drawers and cabinets containing confidential files, records, or devices.
- Clear your desk of sensitive documents when not in use — especially before leaving for the day.
- Avoid leaving documents or devices in common areas where unauthorized individuals might see or access them.

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7.911.6 Email Communications. All employees are responsible for the content of all text, audio, or images that they place or send via email or over the internet. Fraudulent, harassing, or obscene messages are prohibited. Information published on the internet should not violate or infringe upon the rights of others. No abusive, profane, or offensive language may be transmitted through the system. Notwithstanding the City's right to read and retrieve any electronic mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any email messages that are not sent to them. Employees should not attempt to gain access to another employee's messages without the employee's permission, except as expressly authorized elsewhere.

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7.911.7 Prohibited Activities. City employees are strictly prohibited from using City email, internet, communication systems, computers, electronic equipment, or other City property to engage in the following activities (except where expressly authorized elsewhere):

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1. Sending, retrieving, or storing offensive, obscene, or defamatory material.
2. Engaging in illegal, fraudulent, or malicious conduct.
3. Transmitting or receiving messages containing derogatory, harassing, or inflammatory remarks about an individual's or a group's race, color, religion, sex, national origin, age,

No employee or City Official may use any equipment, materials, supplies, or other City property or the services of City employees for their personal benefit. Employees are expected to use proper care when using the City's property and equipment. No property may be removed from the premises without the proper authorization of the employee's Supervisor/Manager. If an employee loses, breaks, or damages any property, they must report it to their supervisor immediately. An employee who negligently loses or damages City-issued property may be required to replace the item(s) at their own expense.

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Employees must return all City property that is in their possession or use upon separation of employment, or immediately upon request. Employees should clearly understand that, upon separation of their employment, they are without authorization to access or use of any such City property, whether through a City computer or non-City computer. Further, for the avoidance of doubt, this policy makes clear that no employee is authorized to access the City's computer systems or networks, including City email services, after separation of employment. Violation of this policy may result in disciplinary action, up to and including termination. Further, the City may also take all action lawful and deemed appropriate to recover or protect its property.

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7.911.11 Passwords and Access. Access to computers, email, voicemail, and select applications may be password protected. Such passwords, access, and accounts, and any other types of authorization employed by the City, are confidentially assigned to individual employees, and may not be shared with others. Each employee is responsible for any access to and use of his or her assigned computer, email, voicemail, and applications. Upon the return of mobile devices, the employee must also provide the access pin used to activate the device.

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7.911.12 Employer Monitoring. City employees should not expect privacy with respect to their work-related activities. Video surveillance may be used by the City to monitor job performance, monitor interaction and communication with the public, assure conformance with safety procedures, and guard against employee misconduct, and to gather information for legitimate business reasons. However, no video surveillance will occur in City restrooms.

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7.911.13 Violations. Violations of any guidelines listed above may result in disciplinary action, up to and including termination. If deemed necessary or appropriate, the City may advise appropriate legal officials of any perceived illegal activities or violations via use of City communication systems.

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7.102 SMOKE-FREE ENVIRONMENT

City of Stonecrest complies with the Georgia Smoke free Air Act of 2005. All City buildings and vehicles are designated as smoke-free and tobacco-free areas. Neither smoking nor tobacco use is permitted within 25 feet of any City building entrance or exit. This policy applies to the use of any tobacco product, including smokeless tobacco, and applies to both employees and visitors of the City.

Further, smoking (which means the burning of a lighted cigarette, cigar, pipe, or any other

matter or substance) is strictly prohibited in all privately-owned vehicles while used in the course of City work whenever other City employees or persons are present in the vehicle, regardless of whether the vehicle's windows are open. Smoking and/or tobacco use in privately-owned vehicles is otherwise permissible, provided that it is done within the vehicle and is not within 25 feet of any City building entrance or exit.

The City understands that tobacco is a legal product and further recognizes that, as an employer, the City may not require that employees or prospective employees refrain from tobacco use when not at work.

The success of this policy will depend on the courtesy and cooperation of both tobacco users and nonusers. All City employees are responsible for following and helping to enforce this policy and should report any problems or violations to a supervisor. Violations of this policy will subject an employee to disciplinary action, ranging from an oral reprimand up to and including termination.

7.143 PROPER WORK ATTIRE AND STANDARDS FOR DRESS

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7.143.1 Dress Standards – To maintain a public image consistent with a professional organization, the City adopts a conservative business casual dress code. (For purposes of this policy, the term “conservative” refers to modest clothing that is in keeping with traditional standards for casual business attire.) When away from work, an employee's choice of attire is a matter of personal preference. However, when the employee is working, attire must be within parameters that reflect the professional, neutral environment that the City strives to provide. If an employee must conduct personal business that involves non-professional apparel before or after work, the employee should plan to change clothes.

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7.143.2 Guidelines for Attire – The goal is for each employee to present a neat, clean, well-groomed, appearance while at work. Rather than focusing on individual items of clothing, the employee should consider the overall image that ~~he or she~~he/she presents. It is possible for one aspect of an outfit to be considered somewhat casual, but when paired with professional clothing the overall appearance may be professional.

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No dress code can address all contingencies, and this policy does not attempt to itemize all current and future clothing options. Employees are expected to use judgment in selecting work attire.

Following are guidelines to assist employees in determining whether attire is acceptable.

- Business casual shall be the standard dress.
- Clothing that is see-through is unacceptable.
- Clothing should cover the chest, back, and midriff (including when standing, sitting, stooping, while arms are extended over the head or while bending over), and should not reveal undergarments.
- ~~Pants made of blue denim (or fabric that resembles blue denim) may be allowed, as~~

~~approved by the Department Director. Other pants may be acceptable if the overall image the employee presents is professional.~~

- Solid T-shirts may be allowed only on Fridays, but shirts printed with political or social leanings, sayings, or graphics should not be worn (unless related to a City-approved activity).

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~~7.143.3 Shoes and Footwear – Flip-flops are not allowed. Clean athletic shoes are acceptable only on Fridays and acceptable in certain positions/departments (i.e. Parks & Recreation). Conservative walking shoes, dress shoes, oxfords, loafers, boots, flats, dress heels, and backless shoes are acceptable for work.~~

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~~7.143.4 Personal Grooming, Accessories, and Use of Fragrances – Professional appearance also includes an emphasis on standards of personal hygiene and good grooming. Good personal hygiene is expected at all times. No staff member shall have an odor generally offensive to others when reporting to work. An offensive body odor may result from lack of good hygiene, from an excessive application of fragrance or from some other cause.~~ Clothing should be clean, neat, and well kept (no holes, tears, patches, fading, or frayed areas). Facial hair should be clean and neatly trimmed. Fragrances, if used, must be mild; ~~patrons customers~~ and other employees may be allergic or sensitive to perfumes, colognes, or other fragrant products.

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~~7.143.5 Slacks, Pants, and Suit Pants~~

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~~Slacks that are similar to Dockers and other makers of cotton or synthetic material pants, wool pants, flannel pants, pants that match a suit jacket, and nice-looking dress synthetic pants are acceptable.~~

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~~Inappropriate slacks or pants include any that are too informal. This includes jeans (without prior approval by the City Manager or his/her designee), sweatpants, exercise pants, Bermuda shorts, short shorts, shorts, bib overalls, leggings, camouflage and any spandex or other form-fitting pants such as people wear worn for exercise or biking.~~

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~~7.143.6 Skirts, Dresses, and Skirted Suits~~

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~~Dresses, skirts, skirts with jackets, dressy two-piece knit suits or sets, and skirts that are split at or below mid-thigh are acceptable. Dress and skirt length should be at a length at which you can sit comfortably in public.~~

~~Short, tight skirts that ride halfway up the top mid-thigh are inappropriate for work. Mini-skirts, skorts, sundresses, beach dresses, backless dresses and spaghetti-strap dresses are inappropriate for the office.~~

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~~7.143.7 Shirts, Tops, Blouses, and Jackets~~

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~~Shirts, dress shirts, sweaters, tops, and turtlenecks are acceptable attire for work if they contribute to the appearance of formal, professional dress. Most suit jackets or sports coats are also desirable attire for the office. Inappropriate attire for work includes tank tops; tube tops; midriff tops; clothing with see-through material; shirts with potentially offensive words, terms, logos, pictures, cartoons, or slogans; halter-tops; backless tops; tops with bare shoulders or plunging necklines; and sweatshirts.~~

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7.143.8 Field Appropriate Attire

While the demands of the field rarely warrant traditional business dress, fieldwork should also not be viewed as an excuse for inappropriate or extremely casual attire. Field staff should keep in mind that they are representing the City in the field and should maintain a professional appearance appropriate to those field activities. Field staff should also consider safety and avoid excessively loose, draping, or floppy clothing that could be hazardous on an active construction site or any site involving machinery.

7.143.9 Uniforms

Staff whose job requires the use of uniforms and/or whose attire must meet prescribed safety standards must follow their department guidelines. Such staff must present a professional image by ensuring that uniforms are complete, clean and in good condition. Uniforms should not be excessively worn or faded. Uniform issue shorts may be permissible with City Manager approval. Modifications to uniforms (e.g., unauthorized logos on hats or wearing t-shirts) are not permitted. Uniforms should be worn during work hours only. All staff members must always carry or wear the City of Stonecrest identification badge while at work and/or conducting business on behalf of the City of Stonecrest.

7.13.10 Hats and Headgear

This section provides guidelines for wearing hats and head coverings in the workplace to ensure professionalism, safety, and inclusivity while accommodating cultural, religious, and medical needs.

1. General Rule

- o Employees are generally expected to maintain a professional appearance. Wearing hats, caps, or other head coverings indoors may be restricted depending on the workplace setting.

2. Exceptions

- o **Religious and Cultural Accommodations:** Employees may wear head coverings for religious or cultural reasons (e.g., hijabs, turbans, kippahs, or headscarves) upon review of request.
- o **Medical Accommodations:** Employees requiring head coverings for medical reasons (e.g., chemotherapy, alopecia) will be accommodated upon request.
- o **Workplace Safety:** Hard hats or other protective headgear may be required in specific work areas for safety compliance.

3. Dress Code Compliance

- o Fashion or casual hats (e.g., baseball caps, beanies, fedoras) are restricted in professional or customer-facing roles unless explicitly allowed.
- o Branded or company-issued hats may be permitted as part of a uniform.

o Head coverings should not display offensive language, graphics, or slogans.

4. Enforcement and Requests

o Employees seeking religious or medical accommodations should contact Human Resources.

o Supervisors are responsible for ensuring compliance with this policy in a fair and consistent manner.

o Violations will be addressed through disciplinary procedures.

7.143, 1105 — Compliance. Dressing appropriately is a condition of employment with the City. Failure to adhere to the dress code will be addressed as a policy violation. Repeated or obvious violations of this policy will result in disciplinary action, up to and including termination. In extreme cases, the City reserves the right to require an employee to leave work to change into appropriate clothing. Any time spent away from work would be without pay.

Employees are expected to comply with the above standards and should not put their Supervisors in the position of having to police attire. If there is any doubt as to whether an aspect of attire is appropriate, the employee should assume it is not. Employees with questions about what is appropriate for their positions should contact their Supervisor or the Department Director. The City reserves the right to prohibit certain articles of clothing. The Department Director may approve dress code exceptions in certain circumstances and will consider such instances on a case-by-case basis.

Supervisors may use discretion in granting limited exceptions to accommodate special circumstances, e.g., pregnancy or wearing athletic shoes following a foot injury. Departments experiencing difficulty interpreting these guidelines for particular situations should refer their concerns to the City Manager for a final determination.

The above guidelines are not intended to be all-inclusive. Rather, the guidelines are intended to help set general parameters for appropriate business attire and allow staff members to make intelligent judgments about items that are not specifically addressed. Rather than focusing on individual items of clothing, the staff member should consider the overall image that he or she/he/she represents.

* Guidelines are subject to change at the discretion of the City Manager. *

As stated above, no dress code can address all contingencies. The City reserves the right to interpret what is acceptable in the matter of overall appearance, and to interpret and apply this policy to other aspects of appearance not specifically covered in this policy.

Any employee who contends that this policy interferes with his/her held religious beliefs should

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contact Human Resources to inquire into whether he/she may be eligible for an exemption.

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7.124 PROFESSIONAL HONOR

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7.124.0 As a part of the commitment to maintaining a professional work environment, all employees in leadership positions as determined by the City Manager shall adhere to the following Professional Honor Code.

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“The City of Stonecrest Leadership Professional Honor Code assures our valued residents, visitors, and co-workers that when they place their trust in us, they can expect a high standard of professional excellence, integrity, tolerance and optimism – all within a framework that emphasizes respect for the people we work with and for. I acknowledge that I am expected to:

- uphold and promote the City of Stonecrest Code of Ethics.
- serve the people I work with and for with integrity, competence, objectivity, independence, and professionalism.
- ensure that considerations of personal benefit will never override my focus on the interests of the people I work with and for.
- exemplify the values I publicly espouse in making this pledge. I will be equally vigilant in ensuring the professional behavior of my co-workers and subordinates within my department, or the entire organization, and will bring to the attention of my supervisor any violation of this shared professional oath of honor;
- treat all persons fairly and equally regardless of race, gender, nationality, religion, politics, sexual orientation or social status. I will be respectful of those whose wellbeing may be contingent on any decisions or advice;
- diligently apply objective judgment to all assignments.
- continually invest in professional development to keep abreast of evolving knowledge within my profession and in my areas of technical expertise; and
- recognize that my status and privileges as a professional – a leader of City government stem from the respect and trust that I must earn each and every day; and I accept my responsibility to employ, protect and develop the above standards to enhance that respect and trust.”

SECTION 8: DISCIPLINE

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8.0 DEFINITION

As an At-Will employer, the City reaffirms its authority to terminate employment with or

without cause, with or without notice. However, there are times when the City recognizes that it is in its best interest to attempt to take rehabilitative actions to positively affect employee behavior and performance. In so doing, the City will ensure that progressive discipline is taken in accordance with City policies and standards of performance, including the City Standards of Conduct and City's Code of Ethics, and that progressive discipline is appropriately documented and retained in an employee's personnel file.~~the City may utilize progressive discipline.~~

Progressive discipline is a process in which disciplinary action is taken in degrees of increasing severity. The City ~~may will~~ use a policy of progressive discipline when applicable. An employee who fails to perform assigned duties adequately or who violates City policies will be disciplined accordingly. Disciplinary actions taken may depend on the degree and circumstances of the violation and will be determined on a case-by-case basis.

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The City expressly reserves the right to depart from this policy of progressive discipline and immediately discharge any employee at its sole discretion for conduct that threatens the health, welfare and/or safety of the public or other employees.

Information contained herein may be used as a reference when disciplining at-will employees.

As used in this policy and accompanying procedure, the term "cause" means any justifiable, non-arbitrary grounds, good and sufficient reason(s), occasion, motive, or inducement which is offered as the basis for a disciplinary or adverse action against an employee.

Responsibilities of Department Heads and other Supervisors

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Supervisors should maintain clear and accurate records of all staff interactions (memos to file, progress notes, emails, etc.) with back-up documentation, as applicable. Informal progressive discipline normally starts with verbal counseling.

The fair administration of progressive discipline rests on the supervisor's careful collection of pertinent facts and consistent application of established policies, rules of conduct and performance standards. While it is not possible to anticipate a response to all types of misconduct or poor performance, the following principles should be considered:

- Initial discipline should be corrective rather than punitive in nature and applied in a consistent manner; and
- Supervisors should help employees understand the Standards of Conduct and other expected standards of performance and provide leadership to encourage them to meet these standards at all times.

Some forms of misconduct or unsatisfactory performance may warrant administrative suspension of the employee pending a review of the matter to determine the final form of progressive discipline, which may include termination.

In order to prepare to meet with the employee, supervisors should review City's Standards of Conduct, Code of Ethics, the employee's job description, and other policies and procedures as appropriate. Supervisors should compare the employee's conduct with established standards and should determine the degree of seriousness of the misconduct. The employee's prior record also should be considered.

All meetings should be conducted in private. At the end of the meeting, the employee should understand why progressive discipline is needed, the department's expectations for improvement, and the consequences of failing to improve.

Department Head may delegate or permit supervisors and managers to issue warnings, however, suspensions, demotions and dismissals should be ultimately decided by the City Manager.

Progressive discipline may also include the use of mandated referrals by Department Head to the Employee Assistance Program (EAP) which provides confidential counseling. Mandated referrals to the EAP are intended to help resolve problems affecting documented job performance/discipline. Failure by the employee to accept the mandated referral and/or failure to cooperate and complete any counseling/treatment may be considered as insubordination. The first EAP session may take place during normal City work hours. Additional sessions must be scheduled during non-work hours.

Forms of Progressive Discipline

A. Verbal Counseling

A verbal counseling is a private meeting between a supervisor/manager/Department Head and employee to advise an employee that his/her conduct/performance does not meet standards and that, unless corrected, further progressive discipline may be necessary. This conversation should be documented on a calendar or via some other method for future reference but may not be documented to an employee's personnel or department file.

B. Written of Final Warning

A written or final warning is a formal report warranted by failure to meet the City's standards of performance or conduct. A written or final warning also may be used to advise an employee of a continued pattern of unacceptable conduct or performance, including failure to improve following a verbal counseling.

When issuing a written or final warning, the supervisor must complete a Progressive Discipline Form, with guidance and input from the Human Resources Department as appropriate, specifying the particulars of the pattern of behavior or rule infraction(s), and the consequences for the employee's failure to correct his/her behavior.

The supervisor must discuss the written or final warning with the employee so that the employee clearly understands the nature of the misconduct or unsatisfactory performance and the consequences of failing to improve.

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The employee should sign the Progressive Discipline Form to acknowledge receipt of the written or final warning. The employee may comment in the space provided or provide a written addendum, if desired. If the employee refuses to sign, the supervisor should add language indicating that the "employee chooses not to sign."

A copy of the Progressive Discipline Form is given to the employee. A copy is maintained in the Human Resources Department for inclusion in the employee's personnel file.

C. Performance Improvement Plan

If after a written warning is issued, an employee's performance does not improve or is not corrected, a Performance Improvement Plan may be created. A Performance Improvement Plan is a detailed outline to develop employees who are experiencing performance deficits in several areas of their job responsibilities and should last at least thirty (30) days. Performance Improvement Plans are required for deficiencies in the following Articles, but not limited to:

Absenteeism and Tardiness

Inefficiency and Incompetence

Insubordination

The Performance Improvement Plan should state the areas of concern, the desired behavior, and an action plan to include any applicable training(s). The document should be signed by the Department Head, supervisor, and the employee. The supervisor should meet with the employee on a weekly basis to review the progress and provide additional guidance. There must be a formal follow-up no more than 60 days after the Performance Improvement Plan is initiated to provide the employee with closure on whether or not the improvement level was achieved to a satisfactory level. If a satisfactory level of performance is not achieved, the progressive discipline process will continue.

Although Department Heads and/or supervisors may choose to implement Performance Improvement Plans at other times, this process must be utilized with written warnings and annual performance ratings of less than "Satisfactory".

Supervisors should consult with their Department Head and the Human Resources Department if they plan on issuing a Performance Improvement Plan.

D. Administrative Suspension Pending Review

Suspension pending review provides time to evaluate the particulars of serious situations prior to determining the appropriate final form of discipline. These situations include, but are not limited to, fraud, theft, professional misconduct, breach of confidentiality, and substance abuse.

Emergency Action - The City Manager and/or Department Director may take immediate action against an employee under emergency situations. Immediate action shall be to place the employee on Administrative Leave with or without pay until an investigation can be conducted. For the purpose of this policy, an emergency situation may include but is not limited to the

following:

a. an employee commits a crime of moral turpitude. For the purpose of this policy, moral turpitude is defined as conduct that is considered contrary to community standards of justice, honesty, or good morals, and may include but is not limited to the following:

- Making false representation
- An intent to defraud
- The actual act of committing fraud
- Arson
- Blackmail
- Burglary
- Embezzlement
- Extortion
- Forgery
- Larceny (grand or petty)
- Malicious destruction of property
- Receiving stolen goods (with guilty knowledge)
- Theft
- Professional misconduct
- Breach of Confidentiality
- Substance Abuse
- Assault
- Contributing to the delinquency of a minor
- Gross indecency
- Kidnapping
- Lewdness
- Manslaughter
- Murder
- Pandering
- Prostitution
- Rape (including "Statutory rape" by virtue of the victim's age).

b. when an employee may harm himself, fellow workers, or the general public.

b. when an employee may damage public property; and/or

c. when there is reasonable suspicion that the employee has used or misused drugs or alcohol in violation of policy for a drug and alcohol-free workplace.

The Department Head or their designees must consult with the Human Resources Department regarding administrative suspensions pending review. Administrative suspensions pending review are paid suspensions and shall last only up to ten (10) working days.

During administrative suspension pending review, the Department Head, in consultation with the Human Resources Department and other key stakeholders, will gather relevant

information, review pertinent documents and conduct investigatory interviews, as appropriate.

E. Suspension without Pay

Suspension without pay is administered as a result of severe infractions of standards of performance or conduct, excessive and/or repeated violations of standards of performance or conduct after verbal counseling, written warnings and/or the failure to improve job performance after placement on a Performance Improvement Plan. A suspension without pay may also be administered as a result of the failure to maintain licenses and/or certifications required by an employee's position. Department Head or their designees must consult with the Human Resources Director prior to imposition of a suspension without pay on a classified employee.

F. Dismissal

Dismissal is termination from employment. It is invoked in situations of gross misconduct or after other progressive discipline measures have failed to achieve the results desired. Department Head or their designees must consult with the Human Resources Department in all cases of possible dismissal of any employee. The Human Resources Director or his or her designee must review any recommendation to terminate an employee to ensure that any required progressive disciplinary steps, when applicable, have been followed and that there is adequate documentation to support termination. The City Manager may suspend directors or department heads or recommend their termination as set forth so long as the City Attorney reviews the facts supporting suspension or termination and concurs such action is appropriate before such action is taken.

The City expressly reserves the right to depart from progressive discipline and immediately discharge any employee in its sole discretion for conduct that threatens the health, welfare and/or safety of the public or other employees.

Active Period for Discipline

Employee discipline remains active, at a minimum, for a rolling 12-month period following the date it was issued, depending on the type of offense and/or level of discipline previously imposed. Any disciplinary infraction shall be treated as cumulative with respect to progressive discipline. All documentation shall be submitted to the Human Resources Department for official record-keeping.

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8.1 CAUSES FOR ACTION

Certain actions or forms of behavior are considered unacceptable in the workplace. In general, conduct that interferes with the operations of the City, brings discredit to the City, or is offensive to the City, supervisors, co-workers, or the public is not tolerated. While it is not possible to list all of the actions considered unacceptable, the following are examples of conduct that is not permitted and will subject the individual involved to disciplinary action, up to and including immediate termination of employment:

1. Theft, abuse, misappropriation, or misuse of City property or vehicles; failure to report damage

or destruction of City property to a supervisor; loaning City property or equipment without permission or proper authority; negligence or improper conduct leading to damage of property.

2. Theft, destruction, unauthorized use, or inappropriate removal or ~~possession~~possessing of property of other employees, patrons, or others doing business with the City.

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~~3.~~3. Fraud, falsehood, perjury, or malfeasance involving any willful, intentional or deliberate misstatement or concealment of material fact in connection with employment, employment application, work records, responsibilities, reports, investigations or proceedings, or intentional misuse of paid work time or assets. Willfully, knowingly and falsely swearing by a person to whom a lawful oath or affirmation is administered, in a manner material to an issue or point in question in some proceeding.

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4. Unauthorized use of, or access to, City computer systems or communication systems (such as computers, databases, email, internet, telephones, cell phones, voicemail, postal or interoffice mail), and/or violation of City policies governing the use of City property (including telephone, Internet, and electronic property and equipment).

5. Sabotage, malicious damage or vandalism to City property or the property of other employees.

~~3.~~6. Threats and/or Acts of Workplace Violence or Bullying as defined in the City's Workplace Violence and Anti-Bullying Policy and Procedure.

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7. Falsification or destruction of official records or documents.

~~4.~~ Release of confidential information from official records without proper authority.

8. Willfully giving false statements to supervisors, officials, or the public.

~~5.~~9. Divulging confidential, classified or highly sensitive information without proper authority or for an improper use.

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10. Careless, negligent, or inappropriate handling of City funds or financial records; failure to follow laws or procedures governing the reporting or use of funds.

~~6.~~11. Reporting for duty or being on duty while using or under the influence of intoxicating liquors or drugs; provided, that for the purposes of this, any employee who is tested and has a positive test result for the presence of an illegal drug in the employee's urine or blood, and any employee who is tested and has a Blood Alcohol Concentration (BAC) test equal to .01 grams or greater, shall be considered under the influence of the tested substance. While an employee may not be required to submit to a test, signs of being under the influence which would subject one to discipline include, but are not limited to, slurred speech and motor skill impairment. Excessive public use of intoxicants while off duty resulting in conduct unbecoming a City employee.

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12. Violation of City policies regarding business ethics, conflict of interest, or acceptance of gifts or gratuities. Embezzlement or misappropriation of funds.

~~7.~~13. Acceptance of bribes, gifts or favors intended or designed to influence official actions or decisions.

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~~8.14.~~ Use of official position for personal benefit, profit, or advantage.

~~9.15.~~ Any use, threatening of use, or attempt at use of personal or political influence to secure employment benefits, including but not limited to promotion, transfer, change of pay rate, leave of absence, or character of work.

~~10.16.~~ Violation of traffic laws while driving a City vehicle; failure to report to a Supervisor and/or Fleet Administrator any traffic violation or citation issued, ~~while on official City business.~~

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~~11.17.~~ Any and all arrest(s) and/or conviction(s), as defined by law. ~~Conviction of a felony or a crime involving moral turpitude.~~

~~12.18.~~ Violation of a crime or City Ordinance that tends to bring discredit upon the City.

~~19.~~ Acts during duty hours which are incompatible with public service.

~~20.~~ Unlawful gambling or betting on City premises.

~~21.~~ Sexual harassment, as defined in the policy and procedure

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~~14.22.~~ Failure to do work at an acceptable level of competence as determined by the City. Continued inefficiency or incompetence in the performance of assigned work, based upon written performance reviews and/or other form of written or verbal counseling covering a reasonably demonstrable period of time.

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~~15.23.~~ Wasting time, willful idleness, inefficiency, sleeping while at work, and/or loitering during working hours.

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~~16.24.~~ Behavior reflecting conduct and misconduct identified in the City's policy against workplace violence.

~~17.25.~~ Disorderly conduct or violence in the workplace, including fighting, threatening, abusing, or intimidating other individuals; using physical force against another individual except in self-defense; provoking a fight; causing a disturbance; engaging in horseplay or boisterous, disruptive activity; engaging in lewd, obscene, or otherwise inappropriate conduct.

~~18.26.~~ Use of profane, obscene, or abusive language or discourteous treatment of the public or other employees; use of any form of physical or verbal abuse of the public or other employees or making threats to the public or other employees.

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~~19.27.~~ Engaging in obscene or offensive conduct.

~~20.28.~~ Insubordination or uncooperative behavior attitude, including, and not limited to, disrespect to a supervisor, co-worker, or the public.

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~~21.29.~~ Failure to follow the lawful orders or direct instructions of a Supervisor.

~~22.30.~~ Carelessness or negligence with the monies or other property received by the City.

~~23.31.~~ Failure to cooperate during an internal investigation of the City.

~~32.~~ Excessive absenteeism or tardiness; unexcused or unauthorized absence, absence without notice, or failure to notify employer of absence or tardiness in a timely manner; absence when employee does not have sufficient accrued paid leave to accommodate the absence; leaving a scheduled work shift without authorization; absence due to incarceration.

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~~24.33.~~ Failure to report to work for a period of three (3) consecutive workdays without approval or proper notification (no call, no show)

~~34.~~ Failure to report an occupational injury or accident during the shift on which it occurred.

~~25.35.~~ Failure to follow policies, procedures or safety rules where safety of persons or property is endangered.

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~~26.~~ Failure to disclose criminal records on employment applications, and/or to report criminal convictions and arrests as required by this Policy Manual.

~~27.36.~~ Violation of City policies against discrimination and harassment.

~~28.37.~~ Violation of City policies for workplace safety and workplace security.

~~29.38.~~ Violation of City policies for a drug and alcohol-free workplace.

~~30.39.~~ Failure to adhere to City dress code and guidelines for acceptable attire and personal grooming.

~~31.40.~~ Unauthorized solicitation or distribution or posting of materials at or in City work areas.

~~32.41.~~ Unauthorized public statements to the media pertaining to the City Manager, Mayor, a Council member or the City Council, the employees of the City, or the work and/or operations of the City.

~~33.42.~~ Unauthorized statements to any City Board or Committee member or body reflecting discredit upon the City, Mayor, a Council member, the City Council, City Manager, Department.

~~34.43.~~ Negligence, inefficiency, or inability to properly perform assigned duties.

~~35.44.~~ Misconduct.

~~36.~~ Violation of any City policies or provisions of this Manual.

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~~37.45.~~ Any other action or inaction not in the City's best interest.

~~38.46.~~ Violations of City Policies and Procedures and any other violations or actions not specifically enumerated in this manual which impair or reflect adversely upon the integrity, efficiency, good order or operation of any segment of City government.

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Off-Duty Conduct – In general, the City will only apply its disciplinary policies to any off-duty conduct that affects City's business interests. Off-duty conduct such as membership in organizations to promote civil rights, religious practices protected by law, smoking, or other lawful off-duty conduct is not a matter of concern to the City. While it is not possible to list all of the potential off-duty conduct that may affect City interests, below are examples of off-duty conduct that is not permitted and will subject the individual involved to disciplinary action, up to and including immediate

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termination of employment:

- Off-duty sexual harassment of City employees.
- Off-duty illegal conduct that occurs on City property.
- Off-duty illegal conduct that indicates the potential for violence.
- Off-duty illegal conduct that causes the employee to be unable to perform his or her essential job functions.
- Off-duty disruptive actions at a City-sponsored event.
- Off-duty conduct that interferes with the operations of the City, brings discredit to the City, or is offensive to the City, supervisors, co-workers, or the public, including, but not limited to, arrests for alleged criminal conduct.

Depending upon the timeliness and severity of the infraction and the past record of the employee, greater or lesser penalties may be imposed. A combination of infractions may be considered jointly and normally will justify a more severe penalty than a single offense resulting in disciplinary action. Past records may be taken into consideration, but past offenses which did not result in disciplinary action at the time of discovery should not be applied in current disciplinary actions.

The violations outlined above do not cover every possible type of offense or disciplinary action. Therefore, offenses not listed should be reprimanded with comparable severity to other similar offenses listed.

8.2 TYPES OF ACTIONS

Disciplinary actions fall into two general classes: reprimands and adverse actions:

8.2.1 Reprimands—A reprimand is a formal means of advising the employee that a problem exists and must be corrected.

a. Oral Reprimand (referred to as a counseling session)—A verbal explanation of a problem with an employee and what must be done to correct the problem. This discussion should be between the immediate supervisor, department manager, or Department Director and the employee in a private setting. A written record shall be maintained for all oral reprimands for inclusion within the departmental personnel file.

b. Written Reprimand—A written statement of a problem with an employee and what must be done to correct the problem. The reprimand should also reflect the likely result of not correcting the problem. The employee should be given a copy of this reprimand in a private interview with the immediate supervisor, department manager, or Department Director. A written record shall be maintained and submitted to Human Resources for inclusion within the employee's personnel file.

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~~8.2.2 Adverse Action—An action taken by the City Manager, or Department Director, that results in a suspension without pay, salary reduction, demotion, or dismissal.~~

~~a. Suspension Without Pay—An employee may be suspended without pay, not to exceed 30 days, for a violation of policies governing performance and conduct.~~

~~b. Salary Reduction—An employee's salary may be reduced for disciplinary purposes. A salary reduction is not a demotion in pay grade.~~

~~c. Demotion—An employee may be demoted for disciplinary or other involuntary reasons if a) a lower position is open, and b) the employee is qualified to perform the work at the lower position. A disciplinary demotion must include a decrease in salary as outlined in Section 4.2.~~

~~d. Dismissal—An employee may be dismissed for disciplinary or other involuntary reasons. A dismissal may also take place if the employee must be removed from the workplace immediately and/or permanently.~~

~~8.2.3 Emergency Action—The City Manager and/or Department Director may take immediate action against an employee under emergency situations. Immediate action shall be to place the employee on Administrative Leave with or without pay until an investigation can be conducted. For the purpose of this policy, an emergency situation may include but is not limited to the following:~~

~~a. an employee commits a crime of moral turpitude. For the purpose of this policy, moral turpitude is defined as conduct that is considered contrary to community standards of justice, honesty, or good morals, and may include but is not limited to the following:~~

- ~~• Making false representation~~
- ~~• An intent to defraud~~
- ~~• The actual act of committing fraud~~
- ~~• Arson~~
- ~~• Blackmail~~
- ~~• Burglary~~
- ~~• Embezzlement~~
- ~~• Extortion~~
- ~~• Forgery~~
- ~~• Larceny (grand or petty)~~
- ~~• Malicious destruction of property~~
- ~~• Receiving stolen goods (with guilty knowledge)~~
- ~~• Theft (when it involves the intention of permanent taking)~~
- ~~• Assault~~
- ~~• Contributing to the delinquency of a minor~~
- ~~• Gross indecency~~
- ~~• Kidnapping~~
- ~~• Lewdness~~

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- ~~Manslaughter~~
- ~~Murder~~
- ~~Pandering~~
- ~~Prostitution~~
- ~~Rape (including "Statutory rape" by virtue of the victim's age).~~

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~~b. when an employee may harm himself, fellow workers, or the general public.~~

~~e. when an employee may damage public property; and/or~~

~~d. when there is reasonable suspicion that the employee has used or misused drugs or alcohol in violation of policy for a drug and alcohol free workplace.~~

~~8.2~~ **8.3 EMPLOYEE GRIEVANCES**

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The City recognizes that complaints, disputes, misunderstandings, and dissatisfactions ("Grievances") may arise between the City and its employees from time to time. An employee's Grievance may be based on the belief that he/she has been treated unlawfully or in a way that violates his/her rights under City policy, or on his/her disagreement with how a certain policy or procedure is interpreted and/or applied to him/her. The City has therefore developed this procedure for the resolution of good faith Grievances when they arise, pursuant to which employees may present Grievances, free from coercion, interference, restraint, discrimination or reprisal.

The purpose of this policy is to allow for the expeditious and equitable resolution of Grievances. It is therefore the policy of the City that every Grievance properly presented through the procedure detailed herein be thoroughly considered and every reasonable effort made to achieve a resolution.

All City employees may utilize the procedures as provided herein.

GRIEVABLE AND NON-GRIEVABLE MATTERS

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For purposes of this policy, a Grievable matter is an action, event, or condition in the workplace which negatively affects and is otherwise meaningful to the employee and which is not specifically designated herein as non-grievable. Grievable matters may be either disciplinary or non-disciplinary. Except as otherwise provided, the following matters are non-grievable:

A. Written or verbal counseling, PIP, referrals to EAP, informal discipline, suspension without pay, or corrective action.

C. Position classification (unless based on an alleged misclassification as exempt from overtime compensation).

E. Performance reviews.

F. Duties, responsibilities, or assignments if within the relevant position description or a reasonable extension thereof.

G. Transfers, shift changes, or work schedule changes (unless not based on an alleged failure to follow or apply established policies or procedures).

H. Ordinances, resolutions, budgets, or any other action taken by the City Council or which are otherwise not within the jurisdiction or control of the City Manager.

J. Security measures, including decisions made and actions taken based on reasonable security considerations.

K. Temporary or short-term changes to the employee's terms and conditions of employment due to emergency or other exigent circumstances.

Notwithstanding the foregoing, any of the above-stated non-grievable matters are considered grievable if within the jurisdiction or control of the City Manager and alleged to be the result of unlawful discrimination, harassment, or retaliation.

The following matters are grievable:

Separation, furlough, demotion, reduced work hours, or other changes to the employee's terms and conditions of employment due to layoff, reduction-in-force, reorganization or restructuring of the department, or other economic or budgetary considerations.

GENERAL CONSIDERATIONS

An employee may be entitled to such time off from regular duties to process a Grievance as may be necessary and reasonable with approved leave without pay or vacation leave. The City's Human Resources Department is available to answer questions regarding the Grievance procedure. All Grievance appeals and decisions must be in writing and issued within prescribed time limits.

GRIEVANCE PROCEDURE

Step One: Informal / Departmental Process

Employees are encouraged to discuss their Grievances with their immediate supervisor on an informal basis in an effort to resolve the Grievance at that level. If no resolution is achieved, the employee must submit his/her Grievance, in writing, to his/her immediate supervisor within five (5) work days from the date on which (a) the event giving rise to the Grievance occurred or (b) the employee reasonably became aware of the event.

Except as otherwise provided herein, the employee must follow the chain of command in his/her department, submitting the Grievance to each successive level of supervision. In each instance, the supervisor should respond to the Grievance within two (2) working days. The employee must submit his/her Grievance to the next level of supervision within two (2) working days of his/her receipt of an unsatisfactory response. If a supervisor at a particular level is unavailable or otherwise fails to respond to the Grievance within the prescribed time, the Grievance is considered denied and must be submitted to the next level of supervision within two (2) working days of the date on which the response would have been due. Any Grievance not presented in compliance with these deadlines will be considered

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resolved.

If the Grievance involves a supervisor in the employee's chain of command, the employee may bypass that supervisor and submit his/her Grievance to the next level of supervision.

Supervisors shall acknowledge receipt of the Grievance at each level of the process by noting the date, time, and the person receiving the Grievance. Responses should be in writing and contain an explanation of the supervisor's decision.

For purposes of all steps of the Grievance procedure, "working days" are considered to be Monday through Friday (excluding holidays).

Grievances based on a demotion or termination of employment must be initiated at Step Three.

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Step Two: Formal Process / Department Head

If the Grievance is not satisfactorily resolved in Step One or if the supervisor fails to respond within the time specified, the employee may submit a written Grievance directed to the Department Head and Human Resources through the appropriate supervisor within two (2) working days of the final Step One response date.

The Grievance must include:

- A. A written statement of the Grievance and the facts upon which it is based;
- B. A written allegation of the specific wrongful act and harm done;
- C. A written statement of the relief or remedy sought; and
- D. Significant dates and times of events should be included.

As soon as practicable upon receipt of a timely Grievance, the Department Head and Human Resource Director will meet with the employee to review and discuss the Grievance. The Department Head should render a decision and comments in writing to the grievant within ten (10) working days of the meeting.

If a Grievance not based on a demotion or termination of employment relates to the Department Head, the employee may submit the Grievance to the Human Resources Director who, after reviewing the Grievance and discussing it with the employee, will decide whether it should nevertheless be submitted to the Department Head or whether the employee may proceed directly to Step Three.

The decision of the Department Head is final as to any Grievance brought by a probationary employee.

Step Three: Deputy City Manager / Personnel Hearing Officer

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If a Grievance unrelated to demotion or termination of employment is not satisfactorily resolved in Step Two or if the Department Head fails to meet with the employee or to respond to the Grievance within the time specified, a non-probationary employee may submit a written Grievance directed to the Deputy City Manager and Human Resources Director within five (5) work days of the Step Two response date.

Except as provided below, the Step Three Grievance must include:

A. A statement of the purpose of the Grievance and the desired outcome;

B. A statement that the chain of command has been followed (or an explanation of each instance in which the chain of command was not followed); and

C. Copies of all previous versions of the Grievance submitted by the employee through Steps One and Two, including all written responses, associated correspondence, and any other documentation relevant to the Grievance.

Notwithstanding the foregoing, when a Grievance based on a demotion or termination of employment is initiated at Step Three, the Grievance must include the items enumerated above for Step Two Grievances.

When the Step Three Grievance does not involve the employee's demotion or termination of employment, it will be reviewed and decided by the Deputy City Manager.

In so doing, the Deputy City Manager, at his/her discretion, will determine the method he/she considers appropriate for reviewing the Grievance and arriving at an appropriate resolution. The Deputy City Manager may base his/her decision solely on the record presented or he/she may, among other things, meet with and/or interview the employee, meet with and/or interview the supervisors and/or department head involved in the decision or action being grieved and/or other witnesses, consult with outside parties, etc., or any combination thereof as he/she deems appropriate.

If the Deputy City Manager was directly involved in the decision or action being grieved or is otherwise unavailable, the City Manager or his/her designee may appoint a department head or other suitable individual to serve in his/her place and review and consider the Step Three Grievance.

Upon completion of his/her review, the Deputy City Manager (or any department head or other individual serving in his/her place) will respond to the Step Three Grievance within fifteen (15) calendar days.

When the Step Three Grievance involves the employee's demotion or termination of employment, it will be heard by the City's Personnel Hearing Officer. The Personnel Hearing Officer will preside over a personnel hearing and issue written findings and conclusions regarding the Grievance, as well as a recommended decision, to the City Manager or his/her designee.

1. Upon receipt of a compliant Step Three Grievance relating to the employee's demotion or termination of employment, the Deputy City Manager shall arrange for the Human Resources Director to notify the Personnel Hearing Officer of the Grievance and the need for a hearing within ten (10) workdays.

2. The Human Resources Director shall also cause to be provided to the Personnel Hearing Officer a copy of the Grievance and all attachments thereto.

PERSONNEL HEARINGS

Personnel Hearing Officer

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A. Appointment

1. The Personnel Hearing Officer is appointed by the City Manager for the purpose of hearing Grievance appeals relating to demotions and terminations of employment and serves at the City Manager's pleasure. The City Manager may also appoint two (2) alternate Personnel Hearing Officers who will serve in the event the Personnel Hearing Officer is unable for any reason to serve.

2. The Personnel Hearing Officer shall enter into an agreement with the City Manager pursuant to which the terms and conditions of the Personnel Hearing Officer's service to the City and compensation are established.

B. Qualifications. The Personnel Hearing Officer shall not be an employee or other agent or representative of the City and shall have the following qualifications:

1. A law degree;

2. Admission to the State Bar of Georgia;

3. A working knowledge of, and the ability to understand, the provisions of the City's Employee Handbook and personnel policies, the City's Code of Ordinances, the City Charter, the laws of the State of Georgia (including local government law) and regulations pertaining thereto, and legal interpretations thereof by Federal and State courts;

4. A working knowledge of administrative hearings and procedures;

5. The ability to analyze and interpret laws, rules and policies and logically apply them to cases under review; and

6. The ability to prepare organized and concise written material utilizing technical and legal terminology.

Personnel Hearing Procedure

A. Scheduling and Notice of Hearing

1. Within ten (10) workdays of his/her receipt of a Step Three Grievance relating to the employee's demotion or termination of employment, the Personnel Hearing Officer shall schedule a hearing and notify the employee, the Human Resources Director and the Deputy City Manager.

2. Such notice shall be provided at least thirty (30) calendar days prior to the scheduled hearing date.

B. Attendance at Hearing; Legal Counsel

1. Attendance is limited to the Personnel Hearing Officer, the employee, the department head or other individual(s) responding to the alleged Grievance ("respondent"), the Deputy City Manager, and the City's legal counsel.

2. The employee shall have the right to retain and consult with his/her own legal counsel at his/her own expense; however, for Grievances not involving termination, the employee's legal counsel shall not be present at the hearing.

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3. For Grievances involving termination, the employee's legal counsel may be present for the hearing and consult with the employee but shall not respond for the employee before the Personnel Hearing Officer, examine witnesses, or otherwise actively participate in the hearing.

4. Witnesses may only be present while testifying.

5. For Grievances involving termination of employment, if the Deputy City Manager or his/her designee determines that a name-clearing hearing is warranted in light of the reason or grounds for termination, the Step Three Grievance hearing may be open to the public to serve this dual purpose.

C. Witness Lists

1. Not later than ten (10) workdays prior to the hearing, each party will provide the Personnel Hearing Officer with a list of witnesses (if any) to attend the hearing on the party's behalf. The Personnel Hearing Officer will provide each party with a copy of the other party's witness list within two (2) workdays of receipt.

2. Each party may add names to his/her original witness list based on the other party's witness list, but any additions must be submitted to the Personnel Hearing Officer and the other party not later than three (3) workdays prior to the hearing. The Personnel Hearing Officer may exclude the testimony of any witness who is not disclosed in accordance with this paragraph, absent good cause for the party's non-compliance.

D. Hearing Format

1. The Personnel Hearing Officer will preside over the hearing and rule upon all procedural matters.

2. An audio recording of proceedings will be made. Upon commencement of the hearing, the Personnel Hearing Officer will state the date and introduce him/herself, the parties, and any other attendees for the record. Copies of the audio recording may be obtained, upon request and payment of copying expenses, after the Personnel Hearing Officer has forwarded his findings, conclusions, and recommendation to the City Manager or his designee.

3. The Personnel Hearing Officer will swear in each party and any other witness providing testimony during the hearing by requiring him/her to respond affirmatively to the following: "Do you swear or affirm that the testimony you are about to give will be the truth, the whole truth and nothing but the truth?"

4. After the employee gives an opening statement not to exceed fifteen (15) minutes, the Personnel Hearing Officer will have thirty (30) minutes to ask questions of the employee. The respondent will then have an opportunity to make an opening statement not to exceed fifteen (15) minutes. If the employee seeks relief against more than one respondent, each respondent will have an opportunity to make an opening statement. After hearing each respondent, the Personnel Hearing Officer will have thirty (30) minutes to ask questions.

5. After the opening statements and questions have been completed, the employee will call each of his/her witnesses. The employee will have twenty (20) minutes to ask questions of each witness. If

the Personnel Hearing Officer determines that the testimony of a witness may require additional time because the testimony is particularly involved, the employee may be allowed additional time for questioning. Following the employee's questioning, the Personnel Hearing Officer will have thirty (30) minutes to ask questions of the witness.

6. After the employee has called all of his/her witnesses, each respondent will then have the chance to call witnesses. Each respondent will have twenty (20) minutes to ask questions of each of its witnesses. If the Personnel Hearing Officer determines that the testimony of a witness may require additional time because the testimony is particularly involved, the respondent may be allowed additional time for questioning. Following the questioning by each respondent of each of its witnesses, the Personnel Hearing Officer will have thirty (30) minutes to ask questions of the witness.

7. If provided to the Personnel Hearing Officer and the other party at least five (5) workdays in advance of the hearing, the Personnel Hearing Officer may consider the sworn statement of a witness who cannot or will not appear at the hearing; provided, however, that the statement must affirmatively explain the reason for the witness's non-appearance. The Personnel Hearing Officer may decline to consider any statement which he/she determines fails to adequately explain the witness's non-appearance.

8. After each side has called all of their witnesses, the employee and each respondent will have fifteen

(15) minutes to make a closing statement.

E. Evidence; Burden of Proof; Hearing Record

1. The Personnel Hearing Officer will base his/her findings, conclusions, and recommendations solely on the record made in accordance with the procedure outlined herein.

2. The burden of proof at the hearing shall be on the employee. To satisfy the burden of proof, the employee must establish by a preponderance of the evidence that he/she was wrongfully demoted or terminated as alleged in the Grievance.

3. The Personnel Hearing Officer will decide what testimony or other evidence to admit and is not required to follow state or federal rules of evidence (including those pertaining to hearsay). Testimony or evidence may be excluded if it is cumulative, immaterial, irrelevant, offered for improper purposes, if its harm outweighs its potential value, or for any other good and sufficient reason. While the Personnel Hearing Officer should exercise reasonable flexibility so that he/she receives sufficient information on which to base his/her findings, conclusions, and recommendation, he/she nevertheless must ensure that the scope of the hearing remains confined to the issue(s) presented in the Grievance.

4. The Personnel Hearing Officer will determine when the hearing record is closed. Upon closure of the record, the Personnel Hearing Officer work with the Human Resources Director to include that both have complete and accurate copies of the hearing record, including the audio recording thereof.

F. Post-Hearing Procedures; Final Decision

1. The Personnel Hearing Officer will prepare a written report consisting of his/her findings of fact

and conclusions regarding the application of any federal, state, or local law, rule, or regulation, any Charter provision, ordinance, policy, or procedure of the City, or any departmental SOP, directive, or order, or any other proper source of authority implicated by or relevant to the events precipitating the Grievance. The report should also include a summary of the testimony and other evidence admitted during the hearing upon which the Personnel Hearing Officer's findings and conclusions are based. Finally, the report should include the Personnel Hearing Officer's recommendation(s) as to whether the Grievance should be sustained or denied.

2. The Personnel Hearing Officer will transmit his/her written report and the hearing record to the City Manager within twenty (20) workdays of the closing of the record. For purposes of this requirement, the hearing record includes the audio recording of all testimony, opening statements, and closing arguments, the Grievance itself and all attachments thereto, and all other documentary and other forms of evidence accepted into the hearing record. The Personnel Hearing Officer shall not provide copies of his/her written report to the parties at this time.

3. Upon receipt of the Personnel Hearing Officer's written report and the hearing record, the City Manager, in the exercise of his sole discretion, may either (a) proceed to make a final decision on the Grievance based on his/her review and consideration of the report and hearing record or (b) delegate the task of making the final decision on the Grievance to the Assistant City Manager or other qualified individual.

4. In considering the written report of the Personnel Hearing Officer, the City Manager or his/her designee shall have the right, but not the obligation, to request that the Personnel Hearing Officer reopen the hearing record to receive additional testimony or other evidence when the City Manager or his/her designee deems such a request necessary.

G. Final Decision

1. If the City Manager or his/her designee approves the Personnel Hearing Officer's recommendation(s), copies of the written report shall be transmitted to the employee, the respondent(s) involved, legal counsel, and the Human Resources Director as the final decision on the Grievance.

2. If the City Manager or his/her designee rejects the Personnel Hearing Officer's recommendation(s), he/she shall make his/her own decision without further hearing. Upon being reduced to writing, the decision of the City Manager or his/her designee shall be final. Copies of the Personnel Hearing Officer's written report and the written decision of the City Manager or his designee shall be provided to the employee, the respondent, the Human Resources Director, and any legal counsel involved in the Level Three Grievance.

GRIEVANCE ADMINISTRATOR; DISCLAIMER

A. Coordinator; Custodian

1. The Human Resources Director shall act as coordinator of the Grievance process, including any personnel hearings that may be conducted as provided herein, throughout and following the process.

2. The Human Resources Director shall act as the City's official custodian of all records comprising

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each Grievance, including any attachments thereto, as well as the entire record from any personnel hearing conducted on a Grievance, including the audio recording of the hearing and all documentary and other evidence admitted into the record during the hearing, the Personnel Hearing Officer's written report and any written decision issued by the City Manager or his designee on the Grievance. The Human Resources Director shall establish and maintain a file of all such Grievances and related materials, which file shall be maintained in a secure area within Human Resources.

3. The Human Resources Director shall conduct, or cause to be conducted, an annual analysis of formal Grievances to serve as a management tool in determining potential problem areas within City which may need to be addressed. The annual report of the completed analysis shall be forwarded to the City Manager.

B. Disclaimer. The City is an "at will" employer, and no aspect of this Grievance Procedure is intended or should be interpreted or applied so as to impose any restrictions or limitations on the City's right to terminate or otherwise modify any employment relationship at any time, with or without cause or with or without notice.

~~An employee may file a written grievance with his Department Director, Director of Human Resources, or City Manager, in accordance with the process/policies defined as follows:~~

~~8.3.1 Grievance shall be defined as a claim by an employee declaring:~~

- ~~a. Unsafe or unhealthy working conditions.~~
- ~~b. Unlawful discrimination; or~~
- ~~c. Application of City policies in violation of this Policy Manual.~~
- ~~d. Disciplinary demotion, a disciplinary reduction in pay, or termination.~~

~~8.3.2 The following areas are **NOT** grievable:~~

- ~~a. Issues which are pending, or which have been concluded by other administrative or judicial procedures;~~
- ~~b. Management's rights to assign work and/or establish work processes.~~
- ~~c. Disciplinary actions that do not result in a termination, demotion or salary reduction.~~
- ~~d. Budget allocations and expectations and organizational structure, including the persons or number of persons assigned to particular jobs or units.~~
- ~~e. The content or rating of a performance evaluation.~~

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~~f. The selection of an individual by the Department Director, or City Manager to fill a position through appointment, promotion, or transfer, except when the employee can show adverse effect because of unlawful discrimination.~~

~~g. Any matter which is not within the jurisdiction or control of the City.~~

~~h. Internal security practices established by the City Manager and/ or Mayor and City Council; and~~

~~i. Decisions, practices, resolutions, or policies made or passed by the Mayor and City Council or City Manager.~~

~~8.3.3 Managers and supervisors are responsible for ensuring that the grievance is fully processed. No employee shall be retaliated against for using the City grievance procedures.~~

~~8.3.4 Any complaint shall follow the procedure outlined below and shall refer to the provision or provisions of City policy, shall identify the manner in which City policy is alleged to have been applied in violation of this Policy Manual, shall identify the practice, procedure, rules, or regulation alleged to have been violated, and shall adequately set forth the facts pertaining to the alleged violation.~~

~~8.3.5 Any grievance submitted shall be dated and signed by the employee. Any decision shall be written to the employee and shall be dated and signed by the City representative at that step.~~

~~Step 1. The employee shall present a grievance or complaint in writing to his/her department director within five (5) working days from the date that the grievable action or violation occurs. Discussions shall be informal for the purpose of settling the issue in the simplest and most direct manner. The department director shall reach a decision and communicate in writing to the employee within five (5) working days from the date that the grievance was presented. If there is no applicable Department Director, the employee shall proceed directly to Step 2 within five (5) working days from the date that the grievable action or violation occurs.~~

~~Step 2. If the employee is not satisfied with the decision in Step 1, and the action taken results in termination of employment or the grievance contends a violation of State or Federal law, the employee may appeal the decision in writing within five (5) working days of the Step 1 decision to the Director of Human Resources and City Manager.~~

~~a. Included in the appeal shall be:~~

~~1. The specific violation contended within the original grievance,~~

~~2. A complete copy of all of the grievance materials generated through Step 1, and~~

~~3. Specific information that establishes that a termination is not warranted or supporting the employee's position that the aggrieved matter constitutes a violation of State or Federal law.~~

~~b. The Director of Human Resources shall review the appeal on its merits and, if appropriate, meet with the employee within ten (10) working days after receipt of the appeal. The Director of Human Resources shall investigate the contentions and forward his review of facts to the City Manager. The City Manager will review the facts and communicate a decision to the grievant within twenty (20) working days from the date the grievance was received by the Director of Human Resources and City Manager. The decision of the City Manager shall be final, without further right to appeal.~~

~~8.3.6 The time limit at any step set forth in Section 8.3.5 may be extended by the City Manager or mutually agreed to by all parties involved. A grievance not advanced to the higher step within the time limit provided shall be deemed permanently withdrawn, and as having been settled on the basis of the decision most recently given. Failure on the part of the City's representative to answer within the time limit set forth may entitle the employee to proceed to the next step.~~

SECTION 9: REPEALER/SEVERABILITY/ACKNOWLEDGEMENT

9.0 REPEALER

All provisions of the ordinances of City of Stonecrest in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the ordinances of the City of Stonecrest, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

9.1 SEVERABILITY

It is the intention of the City of Stonecrest that this Ordinance, and every provision thereof, shall be considered severable and the invalidity of any section, clause or provision or part or portion of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

***Adopted by the City of Stonecrest City Council
this ___ day of ___, 2025.***

George Turner, Mayor Pro-Tempore

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ATTEST:

Sonya Isom, City Clerk

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ACKNOWLEDGMENT OF RECEIPT OF PERSONNEL POLICY MANUAL

By signing below, I acknowledge that I have received a copy of the City of Stonecrest Personnel Policy Manual. I understand that it is my responsibility to read and comply with the policies contained in this Manual as well as any revisions made to it. I also understand that if I need additional information, or if there is anything I do not understand in this Manual, I should contact my immediate supervisor, or other appropriate City management personnel, or the City Manager.

I understand that the City of Stonecrest is an "at will" employer and, as such, employment with City of Stonecrest is not for any definite period of time and may be terminated at the option of either me or the City, with or without cause, and with or without prior notice. I also understand that nothing contained in this Policy Manual may be construed as creating a promise of future benefits or a binding contract with the City for employment, benefits, or any other purpose.

In addition, I understand that this Manual reflects policies, practices, and procedures in effect on the date of publication, and that it supersedes any prior policy manual, handbook, work rules, benefits, and practices of City of Stonecrest. I further understand that the rules, policies, benefits, and practices referred to in this Manual are continually evaluated and may be modified, reduced, or discontinued at any time by City of Stonecrest, in its judgment and discretion, with or without notice.

REVIEWED AND ACKNOWLEDGEMENT BY:

(Print employee name)

(Employee signature / Date signed)

Please return signed acknowledgment page to the Human Resources Department.

REVIEWED AND ACKNOWLEDGED BY:

For HR Use only: HR Rep Name/Signature/Date Signed _____

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