

# CITY OF BROOKHAVEN EMPLOYEE POLICY MANUAL





Dear City of Brookhaven Employee:

We are pleased you joined us, and we know that your contributions will assist us in becoming a model employer in this community.

As an employee of the City of Brookhaven (the "City"), you should know what you can expect from us and what we expect from you. This policy manual gives you that information by outlining many of our City's current benefits, practices and policies.

Please keep this policy manual handy as a guide and ready reference throughout your employment here.

If you have questions as you read through this policy manual, please discuss them with your Department Head. Your Department Head is a very important source of information and will be more than happy to assist you.

Additionally, the Director of Human Resources is always available to discuss any questions you may have with regards to information in this Policy manual, or about any personnel policy matter in general.

Thank you for being a valuable part of the Brookhaven team!

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## **Purpose of the Policy Manual**

This policy manual is designed to acquaint you with our City and to give you a ready reference to answer many of your questions regarding your employment with us. Please remember that business conditions change, and this policy manual reflects the employee benefits, personnel policies and employment rules that are in effect at the time the policy manual is published.

This policy manual does not create an “employment contract” or other enforceable entitlements or expectations, including constitutionally protected property or liberty interests.

Nothing in this employee policy manual or in any other personnel document, including benefit plan descriptions, creates or is intended to create a promise or representation of continued employment for any employee.

Certain City Departments may issue policies unique to the particular department. Departmental policies must be followed by employees and must be read in conjunction with this employee policy manual. In the event of a conflict or inconsistency between a departmental policy and a City-wide policy, clarification should be sought from the Department Head. This policy manual excludes elected and appointed officials except as expressly stated otherwise.

## **History of the City and Our Commitment to Service**

The City of Brookhaven was incorporated in 2012. Like many similar cities, Brookhaven citizens voted for a more local government entity that could provide better service to its citizens.

The City is headed by a Mayor, and four (4) City Council Members. Each City Council Member represents the citizens who are located in a specific geographic area within the City of Brookhaven. The Mayor and the Council appoint a City Manager – who is charged with managing the day to day activities within the City.

As an employee of the City of Brookhaven, you are expected to provide each and every citizen, and the community with the highest level of service possible.

## **Right to Revise**

This employee policy manual contains the employment policies and practices in effect at the time of publication. All previously issued policy manuals and any inconsistent policy statements or memoranda are superseded.

The City of Brookhaven reserves the right to revise, modify, delete, or add to any and all policies, procedures, work rules, or benefits stated in this policy manual or in any other document, except for the policy of at-will employment. Although the City intends that the benefits, policies and regulations outlined in this policy manual will generally remain in effect, the City reserves the right to, at any time, redefine eligibility for benefits and/or amend, curtail, terminate, or to otherwise revise the benefits, policies or regulations outlined in this policy manual.

Any written changes to this policy manual will be communicated in writing to all employees so that employees will be aware of the new policies or procedures. No oral statements or representations can in any way alter the provisions of this policy manual.



## IMPORTANT CITY POLICIES

### At Will Employment Policy

Employment at the City of Brookhaven is on an “at-will” basis unless otherwise stated in a written individual employment agreement signed by the City Manager. This means that employment may be terminated by the employee or the City at any time, for any reason or for no reason, and with or without prior notice.

No one has the authority to make any express or implied representations in connection with, or in any way limit, an employee’s right to resign or the City’s right to terminate an employee at any time, for any reason or for no reason, with or without prior notice. Nothing in this policy manual creates an employment agreement, express or implied, or any other agreement between any employee and City. Nothing in this policy manual creates or is intended to create a promise, contract, or representation of continued employment.

No department head, City appointed or elected official, or vendor of the City has any authority to enter into an agreement for employment for any specified period of time or to make an agreement for employment other than at-will. Only the City Manager has the authority to make any such agreement and then only in writing, and only in accordance with the City’s Charter.

### EEO Policy

The City of Brookhaven provides equal opportunity to all employees and applicants for employment without regard to race, color, religion, sex, national origin, age, disability, marital status, veteran status, genetic information, or any other classification protected by applicable federal, state and local laws.

This policy applies to all terms and conditions of employment, including yet not limited to hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation and training.

If the City determines that unlawful discrimination has occurred, effective remedial action will be taken commensurate with the severity of the offense. Appropriate action also will be taken to deter any future discrimination. The City will not retaliate against you for filing a complaint in good faith and will not knowingly permit retaliation by management employees or your coworkers.

### Anti-Harassment Policy

**Policy Statement.** It is the policy of the City to maintain a workplace free from unwanted sexual advances and free from harassment based upon race, color, sex, pregnancy, sexual orientation, age, religion, national origin, genetic information, physical or mental disability, veteran’s status, or any other status as protected by state or federal law. All such workplace harassment is strictly prohibited. Retaliation against employees or prospective employees reporting workplace harassment or participating as a witness or otherwise in any investigation or other proceeding relating to a complaint of workplace harassment is also strictly prohibited. The term “employee” as used in this Policy shall mean a person (i) employed by the City as an employee or independent contractor and (ii) employed by an of an independent contractor performing governmental functions of the City pursuant to a contract between such contractor and the City.

**Workplace Harassment Defined.** Workplace harassment is verbal or physical conduct that is reasonably offensive to an individual because of his or her race, color, sex, pregnancy, sexual orientation, age, religion, national origin, genetic information, physical or mental disability, or veteran’s status.

This Policy is applicable to and prohibits workplace harassment between employees, between employees and elected officials and between employees and members of the public and is not limited to harassment between employees. Moreover, this Policy is applicable to and prohibits harassment that adversely affects the workplace, regardless of whether it actually takes place in the workplace or during work hours.

**Examples of Workplace Harassment.** Workplace harassment may include, but is not limited to, the following:

- Epithets, slurs, negative stereotyping, jokes, or threatening, intimidating or hostile acts that relate to race,

color, sex, pregnancy, sexual orientation, age, religion, national origin, genetic information, physical or mental disability, or veteran's status;

- Written or graphic materials which are offensive to an individual because of his or her race, color, sex, pregnancy, sexual orientation, age, religion, national origin, genetic information, physical or mental disability, or veteran's status and which are displayed or distributed in the workplace; or
- Threatening, intimidating, abusive, or hostile acts directed to an individual because of his or her report or complaint of workplace harassment or participation as a witness or otherwise in any investigation or other proceeding relating to such a report or complaint.

This Policy prohibits harassing conduct as defined herein without regard to whether such conduct would also violate state or federal anti-harassment laws.

**Sexual Harassment Defined.** Sexual harassment is a category of workplace harassment. In addition to the foregoing definition, sexual harassment is further defined as any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature when:

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

**Examples of Sexual Harassment.** Conduct constituting sexual harassment may include, but is not limited to, the following:

- Verbal conduct, such as derogatory comments, slurs, unwanted sexual advances, or sexually-oriented verbal references, jokes, kidding, or abuse;
- Intentional physical conduct, such as unwanted touching, patting, pinching, blocking normal movement, or assault;
- Subtle or explicit pressure for sexual activity;
- Demands to submit to sexual requests, accompanied by implied or direct promises of preferential treatment or threats concerning an individual's employment status; or
- Visual harassment such as sexually-explicit or sexually-derogatory posters, obscene gestures, cartoons, photographs, or drawings.

This Policy prohibits harassing conduct as defined herein without regard to whether such conduct would also violate state or federal anti-harassment laws.

**Employee Responsibility.** Employees should not tolerate workplace harassment (including sexual harassment) as defined by this Policy. Any employee who believes that he or she has experienced such harassment or who has personal knowledge by witnessing the act of harassment of another employee or prospective employee has a duty to report the potential policy violation so that an investigation can be conducted and any appropriate corrective action can be taken. Any such complaints or reports may be made to either the employee's supervisor, department head, or the Director of Human Resources.

While not mandatory, complaints or reports of workplace harassment (including sexual harassment) should be made in writing whenever possible and should include all details, specifying all names, dates, times, etc.

All employees are responsible to ensure that they do not participate in, promote, or support any form of workplace harassment (including sexual harassment) as defined by this Policy.

This Policy extends to all electronic and voice mail communications.

**Management Responsibility.** Managers and supervisors are to comply with the City's Anti-Harassment Policy and to work to prevent, detect, and correct any harassment occurrences in their areas of responsibility. Managers and supervisors are responsible to ensure that the employees in their areas are aware of this Policy, to report all complaints to the Director of Human Resources and to assist the Director of Human Resources in the investigation of all such complaints or reports of workplace harassment (including sexual harassment).

**Retaliation Strictly Prohibited.** Retaliation against any individual for reporting conduct which he or she believes to constitute workplace harassment (including sexual harassment) or for otherwise participating in any investigation or other proceeding relating to such a complaint or report is a serious violation of this Policy and will be subject to appropriate corrective and/or disciplinary action.

**Complaint Procedure.** Any reported violation of this Policy or the EEO Policy will receive prompt and appropriate action. Any employee or prospective employee who believes that he or she has been subjected to discrimination, workplace harassment (including sexual harassment) or retaliation as defined by this Policy or who is aware of the harassment of or retaliation against other employees or prospective employees, should immediately contact his or her supervisor, department head, or the Director of Human Resources. If an employee believes his or her complaint or report of harassment or retaliation is not being properly addressed, he or she should notify the Director of Human Resources or the City Manager.

- The City will investigate all complaints or reports of workplace harassment (including sexual harassment) or retaliation that come to its attention. When conducting an investigation, care will be taken to protect confidentiality to the fullest degree possible, while still permitting a meaningful investigation to be conducted.
- Following any investigation where a complaint or report of workplace harassment or retaliation is sustained, the CITY will take prompt and appropriate corrective action. Any employee found to have engaged in workplace harassment (including sexual harassment) or retaliation as defined in this Policy will be subject to corrective action and/or disciplinary action, up to and including termination of employment.

Even non-employees are covered by this policy. Harassment, discrimination or retaliation of any employee in connection with their work by non-employees is prohibited.

### Investigation and Resolution Procedure

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly, thoroughly and impartially by the HR Department. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. Confidentiality will be maintained throughout the investigatory process to the extent practical and legal.

We are serious about enforcing our policy against discrimination, harassment, and retaliation. Employees who violate this or any other City policy are subject to discipline, up to and including immediate termination for an employee, or other appropriate remedial action for a non-employee.

### Ethical Conduct Policy

All employees are expected to comply with the City's Code of Ethics and Conduct.

### Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, employees will work for the common good of the people of the City of Brookhaven and not for any private or personal interest. They will assure fair and equal treatment of all employees, claims and transactions coming before the City.

**Comply with the Law**

Employees shall comply with the laws of the United States, the State and the City in the performance of their duties. These laws include, but are not limited to: the United States and Georgia constitutions; laws pertaining to conflicts of interest, financial disclosures, employer responsibilities and open processes of government; and City ordinances and policies.

**Conduct of Employees**

The professional and personal conduct of employees must be above reproach and avoid even the appearance of impropriety. Employees should maintain a reputation for serving equally and impartially all members of the City Council. To this end, employees should not engage in active participation in City election campaigns while at work, on City time, or in their official capacity.

**Respect for Processes**

Employees shall perform their duties in accordance with the processes and rules of order established by the City Council and boards and commissions governing the deliberation of public policy, issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

**Conduct at Public Meetings**

Employees shall prepare themselves for public issues and meetings, listen courteously and attentively to all public decisions, and focus on the business at hand. They shall refrain from interrupting other speakers, making personal comments not related to the business of the body, or otherwise interfering with the orderly conduct of meetings.

**Decisions Based on Merit**

Employees shall base their decisions only on the merits and substance of the matter at hand.

**Communication**

If an employee receives substantive information from a source outside the decision-making process regarding a matter under consideration by the Council, boards or commissions, the employee has an obligation to share that information with his/her supervisor.

**Conflict of Interest**

In order to assure their independence and impartiality on behalf of the common good, employees shall not use their official positions to influence government decisions in which they have a material financial interest or personal relationship which may give the appearance of a conflict of interest. Where a conflict exists, an employee shall disclose the conflict and excuse himself/herself from participating in deliberations and decision-making regarding such matters.

**Gifts and Favors**

No employee shall solicit or accept anything of value if it could reasonably be considered to influence the employee in the discharge of official duties. This prohibition shall not apply to an occasional nominal non-monetary gift, admission to a breakfast, lunch, dinner, function or event, or honorary or ex-officio memberships in civic organizations.

**Use of Public Resources**

Employees shall not use public resources that are not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purpose. Employees shall not utilize the City's name or logo for the purpose of endorsing any business.

**Representative of Private Interests**

In keeping with their role as stewards of the public interest, employees shall not appear on behalf of the private interests of third parties before the Council, any board, commission, or proceeding of the City; nor shall employees appear before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

## Advocacy

Employees shall represent the official policies or positions of the Council, board and commission to the best of their abilities when designated as delegates for this purpose. When presenting their individual Employees opinions and positions, employees shall explicitly state that they do not represent the City, and shall not imply that they do.

## Independence of Boards and Commissions

Because of the value of the independent advice boards and commissions provide to the public decision-making process, employees shall refrain from using their positions to influence unduly the deliberations or outcomes of board and commission proceedings.

## Positive Work Place Environment

Employees shall support the maintenance of a positive and constructive work place environment for all City employees and for citizens and businesses dealing with the City. Violations of this policy or the City's Code of Ethics and Conduct may result in disciplinary action, up to and including immediate termination of employment.

Please refer to the Brookhaven website Code of Ordinances to review the Code of Ethics.

[[Brookhaviga.gov/City Government/Code of Ordinances/Chapter 2/Article XI/Section 2.401-2.407](http://Brookhaviga.gov/City%20Government/Code%20of%20Ordinances/Chapter%202/Article%20XI/Section%202.401-2.407)]

## Problem Solving Procedure (Grievances)

The "Problem-Solving Procedure" offers all employees the freedom to discuss anything they wish with the appropriate members of management. These discussions might include but are not limited to discipline, termination, transfer, suspension, promotion or demotion. Follow the procedure below if you believe that a City policy may have been violated. Whenever you have a problem, it usually can be resolved by following these steps:

1. First, discuss any problem with your immediate supervisor. Very often, your supervisor is in the best position to handle your problem satisfactorily. This informal process often will resolve your problem. Employees in the Police Department, when practicable, should follow the chain of command within the Department in this process. This process should not exceed five (5) working days.
2. If you are not satisfied after you have spoken with your supervisor and have gone through the chain of command as applicable, or if you feel that you cannot speak to your supervisor, contact your Department Head for resolution. The Department Head will review the problem and respond within ten (10) working days.
3. If you still are not satisfied after working with your Department Head on a resolution, or if you feel that you cannot speak to your Department Head, you should submit a written grievance to the Director of Human Resources within five (5) working days of the decision of your Department Head or supervisor, as applicable. The Director of Human Resources will serve in an advisory role only, and will respond within ten (10) working days.
4. If you still are not satisfied after working with the Director of Human Resources, you may submit the written grievance to the City Manager within five (5) working days of receiving the recommendation of the Director of Human Resources. The City Manager will respond within ten (10) working days. The City Manager's decision is final.

At any step in the process, City management will investigate the circumstances to the extent necessary to make an informed decision.

An employee may speak with the Director of Human Resources at any time to express concerns or seek assistance; however, depending on the nature of the problem involved and other relevant circumstances, the employee may be directed to follow the above-described problem-solving procedure prior to the Director of Human Resources's consideration of the issue.

Due to the seriousness of complaints regarding the EEO Policy and the Anti-Harassment Policy, employees must follow the complaint policy outlined in the Anti-Harassment Policy for such complaints and shall not use this Problem Solving Procedure.



## **SUBSTANCE ABUSE POLICY**

### **I. Policy Statement**

It is the position of the City of Brookhaven that alcohol and controlled substance abuse is a significant health problem in the United States today. The costs involved with this problem include human costs, such as lost jobs, morale problems, injuries, illnesses, and deaths, as well as economic costs, such as property damage, absenteeism, tardiness, lost productivity, increased health insurance costs, and the costs involved in replacing and retraining new employees. Further, in professions that serve the public, alcohol and substance abuse represents a real danger to the health and safety not only of the employees themselves, but also of the constituents served by those employees.

It is the objective of the City of Brookhaven to provide safe and effective public service. To meet this objective, the problem of alcohol and controlled substance abuse must be identified, confirmed and defeated. In order to achieve this, the City has developed a comprehensive alcohol and controlled substance abuse policy.

### **II. Definitions**

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

- 1) Controlled Substance shall have the meaning and include the substances defined as "controlled substances" in the Georgia Controlled Substances Act, O.C.G.A. § 16-13-20 and 16-12-21(4) as said Act shall appear from time to time.
- 2) Safety Sensitive Position shall be those positions where inattention to duty or errors in judgment by the employee or applicant while on duty will have the potential for significant risk of physical harm to the employee, other employees or the general public.
- 3) Confirmed Positive Result. Whenever an initial test for drugs or alcohol is found to be positive, the laboratory will carry out additional tests pursuant to laboratory testing guidelines to confirm that the initial positive indication was correct. If the second procedure also indicates the presence of drugs or alcohol, the test result will be considered a confirmed positive result.
- 4) Medical Review Officer shall mean a properly licensed physician who reviews and interprets the results of drug tests and evaluates those results together with medical history and any other relevant biomedical information to confirm positive results.

### **III. Drug and alcohol use prohibited**

Alcohol and controlled substance use by employees during assigned working hours, in City buildings or on City grounds, or otherwise while on official business shall be prohibited. This shall include the use or possession of controlled substances, the abuse of prescription medications, the possession of prescription medications by anyone other than the person for whom the medication was prescribed (except as required by official duty), and the use or abuse of alcohol. This prohibition (and the procedures set forth below) is in addition to any other drug and alcohol policy, including any policies or programs required by federal or state law.

### **IV. Types of testing to be implemented**

- 1) Pre-employment testing: Because substance abuse is not easily detectable in an applicant without the provision of a drug and alcohol screening, and because the safety and health of employees and the health and safety of citizens depend upon a workforce free from drug and alcohol abuse, all job applicants being considered for employment in positions for which pre-employment drug and/or alcohol screening is allowed by law, shall be required to pass a drug and/or alcohol screening test prior to being hired. All job applicants shall be informed in advance that such testing shall be required. Pre-employment testing shall take place only after an offer of employment has been made but before employment actually commences.
- 2) Random and periodic drug testing: Employees in all positions designated as safety sensitive, involved in drug interdiction, or having unsupervised access to prisoners or contraband shall be required to submit to a drug and alcohol screening test at random or on a periodic basis from time to time as determined by the department head and the Director of Human Resources.
- 3) Drug and/or alcohol screening test based on reasonable suspicion:
  - a. Any employee shall be required to submit to drug and/or alcohol testing when there is reasonable suspicion to believe that such employee is under the influence or effects of drugs and/or alcohol

immediately before, during or immediately after assigned working hours or while otherwise on duty or in control of government property.

- b. Reasonable suspicion means a reasonable belief based on specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Situations that may give rise to a conclusion that an employee is under the influence of drugs and/or alcohol include, but are not limited to, the following:
    - i. An employee is involved in a physical or verbal altercation on the job.
    - ii. An employee has an excessive number of incidents or accidents on the job.
    - iii. An employee exhibits unusual behavior such as slurred speech or unsteady walking or movement on the job.
    - iv. An employee has an odor of alcohol or marijuana on their person on the job.
    - v. An employee is in possession of alcohol, drugs, or drug paraphernalia on the job.
    - vi. An employee is observed using illegal drugs or alcohol or has exhibited the symptoms and manifestations of being impaired due to alcohol or drug use.
    - vii. An employee has caused or contributed to an accident while on the job.
  - c. In the event a supervisor determines that reasonable suspicion exists that an employee is under the influence of drugs and/or alcohol, the supervisor shall immediately report the incident to his/her immediate supervisor or department head and shall complete the form entitled Observation Checklist **(Exhibit A)**.
  - d. The determination of whether reasonable suspicion exists shall be made by the department head or, in his/her absence, by the highest ranking supervisory staff on-duty at the time.
  - e. Following the determination that reasonable suspicion exists, the facts underlying the determination of reasonable suspicion shall be disclosed to the employee at the time the demand to submit to testing is made. The employee shall be transported to and from the testing site by the employee's supervisor or a designee. Following the testing procedure, the person transporting the employee shall make appropriate arrangements to transport the employee home.
  - f. Supervisors shall be required to document in writing, by the next working day, the specific facts, symptoms or observations that formed the basis for their determination that reasonable suspicion existed to warrant the testing of an employee. All documents created in connection with the determination of reasonable suspicion shall be forwarded to the Director of Human Resources.
- 4) Testing after accidents or injury: An employee in a safety sensitive position, an employee involved in the interdiction of illegal drugs, or an employee who, in his/her job duties, is given unsupervised custody of prisoners or contraband shall be subject to a drug and alcohol test conducted when, while on duty or just prior to going on duty:
- a. The employee is operating a vehicle and/or equipment causing damage or bodily injury; or
  - b. The employee is involved in a fatality; or
  - c. The employee is cited with a traffic violation; or
  - d. The employee sustains a work-related injury requiring medical treatment beyond first aid.

## V. Prescription drug use

- 1) Any Employees using prescription medication while on the job shall do so in strict accordance with medical directions. It is the employee's responsibility to notify the prescribing physician of the duties required by the employee's position and to ensure the physician approves the use of the prescription medication while the employee is performing his/her duties.
- 2) The abuse and/or inappropriate use of legally prescribed drugs, including the performance of duties when the employee knows or should know that he or she is potentially impaired due to prescription drug use, shall be prohibited and shall be deemed a violation of this policy. Job performance or attendance deficiencies resulting from use shall be cause for disciplinary action up to and including termination. If any employee's behavior or job performance gives rise to a reasonable suspicion that the employee is abusing or inappropriately using prescription medication, the employee may be required to submit to drug testing and to take leave until such time as the employee is cleared to return to work by the employee's physician, the Medical Review Officer, and the personnel director.
- 3) Employees and job applicants shall at the time of testing provide [Laboratory] with a list of those prescriptions and over-the-counter medications the employee recently has used. The list of medications

shall be kept confidential until there has been a test result. The list of medications shall be disclosed only to the Medical Review Officer who will determine whether the positive result was due to the lawful use of any of the listed medications.

**VI. Consent**

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

**VII. Refusal to consent**

- 1) Job applicants: Any applicant for a position for which pre-employment drug and/or alcohol screening is permitted by law who refuses to consent to a drug and/or alcohol test shall be denied employment, and any conditional offer of employment shall immediately be rescinded.
- 2) Employees: Any employee who refuses to sign the required consent form or to submit to a drug and/or alcohol test as required shall be deemed to have violated this policy.
- 3) No show: Employees who fail to appear at the designated collection site to submit to a required drug and/or alcohol test when so directed shall be deemed to have refused to submit to the test and shall be deemed to have violated this policy. A "no show" shall include any attempt to adulterate a test sample or otherwise frustrate, impair, or otherwise impede the testing process.

**VIII. Testing laboratory guidelines**

- 1) All testing procedures shall be administered and accounted for by an approved laboratory and/or medical facility operating in compliance with the National Institute of Drug Abuse (NIDA) or College of American Pathologists (CAP) guidelines.
- 2) Urine samples shall be provided in a private restroom stall or similar enclosure so that employees and applicants may not be viewed while providing the sample, unless circumstances require monitored testing. Outer garments, bags, briefcases, purses, or other containers will not be permitted into the test area. The water in the commode shall be colored with dye to protect against dilution of test samples.
- 3) If the drug and/or alcohol test is to be conducted using a specimen other than urine (e.g. hair, saliva, blood, etc.), the sample shall be collected in a manner consistent with the privacy of the employee and the need to minimize the possibility of adulteration and/or mislabeling of the sample.
- 4) Whenever an initial test for drugs and alcohol is found to be positive, the laboratory will then carry out additional tests pursuant to laboratory testing guidelines to confirm that the initial positive indication was correct. If the second procedure also indicates the presence of drugs or alcohol, the test result is considered a Confirmed Positive Result.

**IX. Confidentiality of test results**

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

**X. Violations of this policy**

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

**XI. Employee assistance program**

Referrals to an employee assistance program or rehabilitation program shall be made in accordance with established employee assistance policies, if any.

**XII. Drug and alcohol convictions**

Consistent with the Federal Drug-Free Workplace Act of 1988, employees shall report to his or her department head within five (5) working days any arrest or conviction made under a criminal drug or alcohol law and any charge made under a drug or alcohol law for which conviction could cause the loss of driving privileges. The department head shall then investigate and make appropriate recommendations to Human Resources Director.

## EMPLOYMENT PRACTICES

### Classification of Employees:

**Department Head** An individual who is assigned formal management responsibilities for an established department of City government.

**Temporary Employee** An employee who is scheduled to work any number of hours per week on a temporary basis during seasonal periods or on special projects. Temporary employees are not eligible for City benefits.

**Supervisor** Applies in general terms to any employee formally assigned to supervisory responsibilities for personnel and operations of a work unit with a larger department of City government. However, Department Heads and the City Manager should be understood to be “supervisors” of individuals who report directly to them.

### Status for Employees

- Regular full-time employees are employees who are scheduled to work 40 hours or more per week.
- Regular part-time employees are employees who are scheduled to work between 20 to less than 29 hours each week on a consistent basis.
- Your employment status (full or part time) determines your eligibility for various benefit plans. Employees in these classifications are eligible for various benefit plans. The eligibility for the plan is described within the plan, and may be subject to certain other requirements as defined by the plan.

### On-Boarding Requirements

On-Boarding is the process used for assisting you in joining the City. Included in this activity is filling out all required forms, providing personal information including emergency contacts, making benefit selections and getting set up with system user ID's and passwords. In addition, there are legal requirements that must be met relative to your ability to work in the United States, and having a clean background that will enable you to work for the City.

### Immigration Law Compliance

The City of Brookhaven complies with all Federal and /or State of Georgia immigration laws, and all new employees are required to provide proper documentation. The City utilizes the E-Verify system in addition to completion of an I-9 Form on all employees to ensure compliance with this requirement.

### Background Checks

All employees must successfully pass a background check to work for the City of Brookhaven. All background checks are initiated and reviewed by the Human Resources department.

### Medical Exams

Some positions with the City may require a medical exam be completed prior to employment.

### Pre-Employment Drug Testing

All employees who will work in a safety sensitive position for the City of Brookhaven must undergo a pre-employment drug test prior to being hired.

### Parking

Employees are expected to park in areas designated for City employees. Failure to adhere to parking guidelines will result in disciplinary action.

### System Log in and Passwords

Human Resources will work with the IT department and the employee's supervisor to secure the necessary system logins, computer hardware, phones, and other equipment necessary to ensure that the employee's workspace is ready on their first day of employment.



**Uniforms**

Some jobs at the City are required to wear a uniform; namely the Police Department. The City provides the employee with a sufficient supply of uniforms. The employee is responsible for the laundry or dry cleaning associated with the uniform.

**Job Description**

All positions at the City of Brookhaven have a written job description. Each job description provides a summary of duties as well as the minimum requirements necessary for the position.

**Dress Code and Appearance**

All employees are expected to dress in accordance with established business professional dress standards.

Employees may wear business casual dress as defined by the City on established casual dress days. All employees must maintain a neat and clean personal appearance.

**Personnel File**

Your personnel file is a confidential record associated with your employment. Access to the file is limited and requests for access must be in accordance with established procedures. This is done to protect your privacy and the privacy of the information contained in your file.

If you want to inspect your personnel file, you must make this request in writing and submit the request to Human Resources.

You will be able to inspect your file in the Human Resources office and in the presence of a member of the HR Staff. You may not remove any information from the file. If you would like a copy of something contained in the file that copy will be made by Human Resources for you.

Information relative to employees and former employees is available for public inspection at reasonable times and in compliance with such requirements mandated by Federal or state law, including the Open Records Act.

To the extent that disclosure is not required by law, all personnel records of employees covered under these regulations and all other records and materials are considered confidential.

Records pertaining to workplace investigations are exempt from review by the employee until ten (10) days after the investigation is completed and the issue has been presented to the City Manager for final resolution.

We ask you to keep personnel records up to date, to ensure that the City has the ability to contact you, and to ensure that the appropriate benefits are available.

All employees are required to notify the City of any change of name, address, phone number, number of dependents, or other applicable personal information.

**Work Schedule**

Each employee has an established regular work schedule for the workweek. The schedule is determined in accordance with the needs of the City and the reasonable needs of the public who may be required to do business with various City departments.

On occasion, you may need to deviate from your regular work schedule. Any changes in schedule are at the direction of your supervisor and will be scheduled as far enough in advance as practical to minimize disruptions to both the City and the employee.

## **Absenteeism and Tardiness**

Absenteeism or tardiness, even for good reasons, is disruptive of City operations and interferes with the City's ability to satisfy its citizens' needs. Therefore, any unexcused absenteeism or tardiness can result in discipline up to and including immediate termination.

If you are going to be late or absent from work for any reason, you must personally notify your supervisor as far in advance as possible so that proper arrangements can be made to handle the work during the absence.

In cases where prior notice cannot be given, you are expected to notify your supervisor as soon as possible.

Failure to notify your immediate supervisor may result in disciplinary action, up to and including termination.

Voice mail, email or text message is an acceptable form of communication only if confirmation from the supervisor or Department Head is received.

A termination due to violations of this policy may result in the loss of unemployment benefits, including termination.

Failure to report to work for two (2) consecutive scheduled working days without notifying the City may result in immediate termination as job abandonment.

## **Outside Employment**

The City recognizes that many outside employment activities are of benefit to the City and its employees, and to the community as well. As such, the City does not prohibit outside employment, subject to the procedures, terms, and conditions of this policy.

### **Outside Employment Defined**

Except as otherwise provided herein, outside employment is any activity, not performed for or on behalf of the City, for which an employee receives economic benefit (whether monetary or non-monetary).

This includes:

- Employment with any employer other than the City;
- Contracts, agreements, or understandings to provide goods to and/or to provide or perform services for persons or entities other than the City; and,
- Self-employment or operation of a business.

For purposes of this policy, military service is not considered outside employment.

### **Prior Approval Required**

All employees shall request and obtain prior written approval from their supervisors for any outside employment, and the City reserves the right to rescind any approval previously granted.

Employees also must remain mindful of the fact that outside employment, once approved, is still subject to the procedures, terms, and conditions of this policy, including the restrictions set forth in the Restrictions on Outside Employment section of this policy.

Employees must promptly disclose any previously unknown information or change in circumstances relating to their outside employment which makes such outside employment unacceptable under this policy or which might reasonably be expected to affect the supervisor's approval of such outside employment.

### **Restrictions on Outside Employment**

Outside employment that interferes or can be reasonably expected to interfere with the performance of the

employee's duties to the City or that creates an actual or potential conflict of interest with the employee's duties to the City is prohibited.

Outside employment is prohibited during periods of military leave or paid sick leave, as well as during any unpaid leave of absence.

### **Violation of Policy**

Disciplinary action, up to and including termination of employment, may be imposed for violations of this policy. Such violations include, but are not limited to, the following:

- Failing to obtain prior written approval for outside employment;
- Obtaining or retaining approval for outside employment through misrepresentation or omission of material facts regarding the outside employment; and,
- Engaging in outside employment in contravention of any restriction set forth in the Restrictions on Outside Employment section of this policy.

### **Bulletin Boards and Publications**

Information is routinely circulated to employees via Email, and by posting announcements on bulletin boards. Bulletin boards are considered City property and are there to display required legal posters and other information. If you want to post a notice on the bulletin board, please get approval from the Human Resources Department prior to placing your notice. You may not use the bulletin board or the email system to solicit business, nor can it be used to solicit membership in organizations.

### **Performance Management and Reviews**

The City of Brookhaven conducts an annual review and appraisal for every City employee. The annual performance review is a process that is designed to facilitate feedback between the employee and his/her immediate supervisor relative to the employee's performance over the prior review period.

The annual review is a management tool, used to document management's perspective on the performance of the employee. Self-appraisals are provided to employees for the purpose of collecting employee feedback on their performance.

- Appraisals are conducted annually during the month of February. All employees will be appraised provided they have completed at least 6 months of service with the City.
- All employees should complete a self-appraisal. The self-appraisal is provided to allow the employee to articulate their own feelings about their performance for the prior year, as well as to present to their supervisor any goals, career aspirations or areas of personal development. If the employee does not complete a self-appraisal, the supervisor is still required to complete an appraisal of the employee's performance.
- Supervisors review the employee self-appraisal and prepare the formal appraisal document taking into consideration any information provided by the employee on their self-appraisal.
- All reviews are to be conducted in the privacy of an office or conference room.
- Completed reviews require the signature of the supervisor, as well as a signature that the review has been reviewed and approved by the next level of management.
- Employees are required to sign the review form. In the case where the employee disagrees with the information provided in the review, the employee may notate on the review form that the signature is only for the purpose of documenting that the review took place, but does not reflect agreement with the content.

An employee who disagrees with the content of his/her review may dispute the review. This dispute must be received in writing not later than 5 days after the review session has occurred. Disputes should be directed to the Director of Human Resources who will investigate the issues brought forward and attempt resolution. The Director of Human Resources will meet with the management team involved and report back to the employee his findings no later than 5 days after receipt of the dispute.

## Job Posting

All positions are posted on the City's website.

Internal job applicants must submit a resume and letter of interest to the Human Resource Department for consideration for any posted position.

Internal job applicants must be in their current position a minimum of 6 months before posting for another position with the City. This requirement can be waived with the approval of the employee's direct supervisor and the department head.

## Selection

The City of Brookhaven is committed to selecting the best qualified candidate for each position available. Selection is based on the candidate's experience, knowledge, skills and demonstrated ability.

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## WAGES AND BENEFITS

### Payment of Wages

All employees are paid bi-weekly and receive payment either by check or through direct deposit.

All employees are required to complete specific government forms, included but not limited to, an IRS form W-4 upon hire.

You are encouraged to always review your paycheck for accuracy and to bring any discrepancy in payment to the attention of Human Resources.

### Wage or Salary Increases

Employees are eligible to receive merit increases to base pay in recognition for performance over the prior review period. Merit increases are provided in conjunction with annual Performance Evaluations; provided the employee's performance warrants an increase in pay, and the current pay is not above the established pay range.

Discretionary pay increases may be provided to recognize specific performance achievements, or to address issues of internal equity, employment counter offers, achievement of special certifications, or other like circumstances.

Promotional increases are provided for employees who change positions, and move to a position that requires more skill, knowledge and responsibility, and/or is in a higher pay range. A demotion shall mean a change in classification resulting in a decrease in normal wages and/or duties and authority. The rate of pay for an employee who is assigned to a job classification in a lower wage range will be reduced to a point within that range. The amount of the pay rate reduction will be determined on a case-by-case basis.

### Payroll Deductions

Deductions from pay are made in accordance with law and any deductions, except those legally required by law, are done so only with the knowledge and approval of the employee.

The City will make deductions from an employee's gross wages as required by law including, but not limited to, the following: applicable federal, state, and City taxes and any garnishment, child support order, or similar legal process.

No other deductions will be made from an exempt employee's wages except deductions that are allowed by applicable law.



An employee who believes that an improper deduction has been made from their wages should discuss it with Human Resources personally or present it in writing before the next regular pay period. If it is determined that a deduction was made in error, the City will reimburse the employee for any improper deductions and take good faith efforts to prevent improper deductions in the future.

**Deductions for Exempt Employees**

Deductions from pay are permissible when an exempt employee: Is absent from work for one or more full days for personal reasons other than sickness or disability; for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness; to offset amounts employees receive as jury or witness fees, or for military pay; for penalties imposed in good faith for infractions of safety rules of major significance; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions.

Also, an employer is not required to pay the full salary in the initial or terminal week of employment, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act (FMLA).

**Reimbursement for Expenses**

Employees are always reimbursed for any approved out of pocket expenses incurred while performing your duties as an employee of the City. These expenses must be filed in accordance with the Expense Reimbursement Policy using the appropriate Expense Reimbursement Forms and submitted for approval within the required deadlines.

**Meal and Break Periods**

Employees receive a sixty (60) minute unpaid meal period each work day, provided that their workday is in excess of 5 scheduled hours.

**Timekeeping and Payroll Requirements**

All non-exempt employees must record time worked by use of an electronic timecard. All timecards must be submitted by the employee and must be approved by the employee's supervisor.

Timecards should be noted for days off with or without pay, vacation time and other leave time as appropriate.

Timecards must be submitted to payroll on the Monday following the end of the prior workweek.

Exempt employees must report all leave time, holiday and vacation time off.

**Pay Day and your Paycheck**

Employees are encouraged to use direct deposit. Employees who choose to receive a live paycheck will receive the check from their immediate supervisor on the Friday of the scheduled pay week. If the employee is not at work on that day, it is the responsibility of the employee to contact their supervisor to receive their check. All checks not distributed on the Friday of the pay week are returned to the Payroll office for distribution.

**Payroll Advances**

The City does not provide payroll advances.

**Overtime for Non-exempt Employees**

Overtime is work performed by non-exempt employees beyond the scheduled work cycle as provided by the Federal Fair Labor Standards Act (FLSA). Non-exempt employees are eligible for overtime after reaching 40 hours of working time during the work week. For purposes of calculating overtime hours, only actual hours of work will be counted. Paid time off or holiday pay is not counted as hours worked for purposes of calculating overtime hours. Overtime performed by sworn officers are eligible for overtime after 86 hours in a bi-weekly pay cycle.

The City may periodically schedule overtime work to meet City business needs. All employees who are sched-

uled to work overtime or who are called out to work on a special project will report to work unless specifically excused by their supervisor. Failure to report for scheduled overtime work or to receive approval to work overtime may result in discipline, up to and including immediate termination.

All employees (other than salaried-exempt employees) must receive approval from their supervisor prior to performing overtime work.

### **Emergency Call Back**

An emergency call back occurs when a non-exempt employee is requested by management to return to work after leaving the premises following his or her work shift to respond to a work-related emergency which cannot wait until regularly scheduled working hours.

Employees may be called back to work for emergencies which require a response on short notice and for which the call back work will serve to:

- Avoid significant service disruption
- Avoid placing employees, or the public in unsafe situations
- Protect and/or provide emergency services to property or equipment
- Respond to emergencies

When an employee has left the work site and is called back by management to work before or after completing the regular work schedule and upon leaving the premises, the employee shall be paid for time actually worked upon return or a minimum of three (3) hours, whichever is greater.

The portion of the three hours call back compensation that is guaranteed but not worked does not count toward overtime. Emergency call back time actually worked will count towards determining overtime.

If the time on callback is more than the three hours allowed, the employee shall be compensated for the actual time on callback.

Unless otherwise compensated and/or de Minimis under FLSA, employees responding to an emergency request via telephone/computer shall receive a minimum of 30 minutes as paid time at the employee's hourly rate for each occasion of call back.

The provisions of this policy do not apply when the emergency call back causes the employee to return to work less than one (1) hour in advance of his/her scheduled start time. Employees whose work continues following the end of the regularly scheduled hours of work will not be considered to be called back.

### **Pay for Mandatory Meetings and Training**

Non-exempt employees always receive payment for time spent in mandatory meetings or in mandatory training.

### **Paid Time Off (PTO)**

PTO is defined as all paid time off, and includes time used as vacation, sick and/or sick leave. This affects both exempt and non-exempt employees.

PTO is accrued on a per pay period basis in accordance with the following schedule

Years of Service	Annual PTO Hours
1-5 years	160 hours (6.15 hours per pay period)
6-10 years	200 hours (7.69 hours per pay period)
11 years or more	240 hours (9.23 hours per pay period)

PTO can be accrued up to a maximum of 400 hours, and all earned but unused PTO is payable to the employee at termination.

Employees are required to use PTO time for any day off. In the event the employee does not have enough PTO to cover the day off, the employee will receive no payment for that day.

Part time employees accrue based on actual hours worked at a pro-rate for all hours worked.

The City will advance one week with approval from the department head, Director of Human Resources and Director of Finance.

### **City Holiday Schedule**

The City of Brookhaven follows the holiday schedule noted below. All employees are paid for the holiday regardless of their work schedule.

- New Year's Day
- Martin Luther King Day
- President's Day
- Memorial Day
- 4th of July
- Labor Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve
- Christmas Day
- City Floating Holiday

### **Group Health Benefits**

The City of Brookhaven provides Medical, Dental, and Vision and other carrier insurance plans to eligible employees and their dependents. Regular full-time employees are eligible to enroll on the first of the month following 30 calendar days of continuous employment. Part-time employees are not eligible for health care benefits. The City provides covered employees with Summary Plan Descriptions and other materials relating to its plans. Please refer to the summary for details on the plans. In the event of a conflict, the insurance contract or plan documents will prevail over other documents, including this policy manual. Assistance or additional information regarding these programs may be obtained from Human Resources.

### **Worker's Compensation Insurance**

Workers' Compensation protects you in the event of occupational injury or sickness. You must immediately report any on-the-job accident or injury, no matter how small, to your supervisor or Human Resources. Where medical care is required for on-the-job injuries, employees initially must go to one of the designated medical facilities listed on the panel of physicians, posted on the bulletin board of each facility per the City Workers' Compensation Insurance Program.

### **Retirement**

The City has established and maintains a 457(b) and a 401(a) plan, and a Social Security Replacement Plan to allow eligible employees a tax-leveraged means of supplementing their retirement planning. Employees enter the plan the first of the month following the completion of 30 days of employment.

- 401(a) Plan - The City contributes up to 10% of the employee's eligible compensation to the 401(a) plan as a 2:1 match of the employee's contribution to the 457(b) plan. Employees are fully vested in the 401(a) plan after completing one (1) year of service with the City.
- 457(b) Plan – This plan allows the employee to defer part of their pay on a tax deferred basis into the investment of their choice. Employees may contribute 1% to 100% of pay, each pay period. This amount is limited by the IRS and changes each year, to include both the salary deferral and employer contributions. This plan does provide catch up contributions for employees who are over age 50. Specifics on this amount are available from Human Resources. You are always fully vested in your contributions, and you direct your investment options from a variety of mutual fund options.

- Social Security Replacement Plan – The City will contribute the Social Security withholding amount of 6.2% for each eligible employee into a Target Date Fund. All participants are fully vested in the plan at all times.

Contributions made by the City to the 401(a) plan and contributions made by the employee to the 457(b) plan are vested as defined by the City's Plan Documents, and are portable based upon regulations defined in the City's Plan Document and guidelines defined by the Internal Revenue Service.

The City provides employees covered by its plans with Summary Plan Description booklets and other materials regarding these retirement plans, as appropriate.

### **Educational Assistance**

In order to encourage City employees to continue their education and improve their job skills, the City may, as City finances permit and at the discretion of the City Manager, reimburse regular, full-time employees for coursework tuition, lab fees and textbooks associated with requested coursework. The current annual allotment is \$2000 per eligible employee after one (1) year of employment. This amount is subject to appropriation each year by Council and is provided on a first-come, first-served basis. Educational assistance only covers courses taken in the pursuit of degree completion from an accredited college or university.

### **Job Training**

The City provides periodic in-house training programs for qualified employees. In addition, employees may be permitted to attend training programs that will benefit the City or enable them to improve their job proficiency with the City. Financial assistance for such training programs is provided at the discretion of the City and may include tuition, books and supplies.

### **Housing Program (Police Department Only)**

The housing reimbursement program provides additional compensation as reimbursement to sworn officers of the City of Brookhaven's Police Department to reside within the City limits. Housing reimbursement is for the rent or payment of a mortgage for a single family home, condominium, apartment or any unit suitable for housing one family. The taxable allowance amount is \$400 per month (\$4800 per year), subject to annual appropriation each year on a first-come, first-served basis. The monthly amount gradually decreases to \$300, starting in the third year to \$200 in the fourth year and \$100 per month by the fifth year.

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## **CONDUCT, DISCIPLINE AND WORK RULES**

### **Employee Behavior and Conduct**

This City has certain policies and rules to govern the conduct and performance of all employees. Violation of these or similar rules may result in discipline up to and including immediate termination. Please note the list below is not all inclusive, and there may be other circumstances for which employees may be disciplined or terminated.

The City strives to be constructive in nature and believes in a progressive approach to disciplinary matters in order to prevent recurrence and raise job performance levels. When a situation arises that calls for disciplinary action, the City will consider the seriousness of the infraction, the past record of the employee, and the circumstances surrounding the matter.

The City does not guarantee that one form of disciplinary action will necessarily precede another. Nothing in this policy is designed to modify the City's employment at-will policy.

If you have any questions about these rules or what we expect of all employees, please discuss them with your supervisor or Human Resources. For additional guidance as to the City's expectations regarding employee conduct, please refer to the Ethics and Conduct Policy of the Employee Policy manual.



**Breach of Confidence or Security**

Because of the nature of City business, we will not tolerate any breaches of our security measures, our confidential business relationships, or any other matter required by applicable law to be maintained securely and/or confidentially.

**Confidential Information**

Employees shall respect the confidentiality of information concerning City property, personnel or proceedings of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal interests.

**Damage to Property**

The City has made a tremendous investment in its facilities, equipment and other City property. Deliberate, reckless or careless damage to the property of the City, its citizens, or its employees will not be tolerated. If appropriate, damage to property will be reported to law enforcement agencies. Monetary reimbursement to the City may also be required if applicable.

**Discourtesy or Disrespect**

The City expects all employees to be courteous, polite and friendly. No one should use unprofessional language or show disrespect to a citizen or co-worker or engage in any activity that could harm the City's reputation.

**Discrimination, Harassment or Retaliation**

Violations of the City's EEO Policy or the Anti-Harassment Policy will not be tolerated and may subject an employee to disciplinary action up to and including termination.

**Fighting, Threats or Weapons**

Employees are prohibited from fighting, assaulting, threatening, or engaging in any other loud or abusive conduct toward coworkers or members of the public, whether on or off City property or on or off duty. We also do not allow the possession of unauthorized weapons of any kind in City vehicles, in City facilities, or on your person at any time while you are working. This policy is not intended to limit employees within the Police Department from performing their job duties. If you are aware of a violation of this policy, you are required to report it to your supervisor or Human Resources immediately.

**Fraud, Dishonesty or False Statements**

No employee or applicant may falsify or make any misrepresentations on or material omissions from or about any documents, employment applications, resume, document establishing identity or work status, medical record, insurance form, invoice, paperwork, time sheet, time card or any other document. Violation of this policy may result in disciplinary action, up to and including immediate termination. If you observe or are aware of such a violation, please report it to your supervisor or Human Resources immediately.

The City also does not allow employees to knowingly make false statements or allegations against other employees or members of the public, and such conduct may subject an employee to disciplinary action, up to and including termination.

**Gambling**

Employees may not engage in any form of gambling on City premises or City time.

**Insubordination**

Employees may not refuse to follow the lawful directions of a supervisor, department head or member of management.

**Loss of Property**

Employees must report all loss of City property to a supervisor immediately. The negligent care of the City's property or its citizens' property will not be tolerated. Monetary reimbursement to the City may be required if applicable.

## **Misuse of Property**

Employees may not misuse or use without authorization any equipment, vehicle or other property belonging to citizens, other employees or the City.

## **Personal Business**

All employees should refrain from making or receiving excessive personal calls, texts, instant messages and emails, except for emergencies. (See Personal Use of Our Systems for clarification on this rule of conduct.) Additionally, employees should reasonably limit personal cell phone use to non-working time such as lunch and breaks.

All visitors on City property are required to follow City rules. Any visitor who refuses to obey these rules will not be allowed to return. Visits to an employee by friends or relatives can be disturbing to our operations. We strongly discourage such visits during work hours.

All mail delivered to the City is presumed to be related to our business and may be opened by the office and routed to your department. Employees should have no expectation of privacy in any mail delivered to the City. Do not use a City address for your personal mail.

## **Poor Performance**

We expect all employees to make every effort to learn their job and to perform at a satisfactory level. Employees who fail to maintain a satisfactory level of performance are subject to discipline, up to and including immediate termination.

## **Shortages**

Employees who handle financial transactions as a part of their job duties will be held accountable and may be required to pay for all shortages. Employees who handle financial transactions as a part of their job duties also may be disciplined for such shortages, up to and including immediate termination.

## **Sleeping or Inattention**

To protect the safety of all employees and to properly serve our citizens, sleeping or inattention on the job is not allowed.

## **Solicitation or Distribution**

Direct solicitation for non-City-related contributions, membership in clubs or organizations, signatures for petitions, the sale of consumer products, or other outside business is not permitted among employees in any form, including via e-mail, during working hours. Literature regarding such matters may be left only in designated areas of City Hall and other City facilities that are restricted to the public. Employees should refrain from discussing such literature or its contents during working hours. Employees will not solicit or distribute literature to any visitor/citizen at any time for any non-City business purpose during working hours or in his/her capacity as a City employee.

## **Substance Abuse**

Employees are subject to disciplinary action, up to and including termination, for violations of the City's Substance Abuse Policy. (See Substance Abuse Policy)

## **Theft**

Stealing or attempting to steal City property or property belonging to others is strictly prohibited. The City reserves the right to inspect all City-owned or City-issued property such as vehicles, cabinets, lockers, desks, and tool boxes, and no employee should have any expectation of privacy in any such property. Furthermore, the City reserves the right to search any employee property on City premises, including purses, briefcases, packages, or vehicles, upon reasonable suspicion to believe that such search will reveal evidence of theft or any other violation of these policies.

## **Unlawful Activity**

Employees should not engage in any unlawful activity, including, but not limited to activity either on City prop-

erty, a job site, or off the job, since such activity can adversely affect public trust and confidence, bring discredit to the City, or interfere with the mission of the City.

**Unsafe Work Practices**

The City is committed to providing a safe place for you to work, and we have established a safety program to ensure that everyone understands the importance of safety. This program requires all of us to exercise good judgment and common sense in our day-to-day work. Horseplay and practical jokes can cause accidents and injuries and, therefore, are prohibited. Employees are required to comply with departmental safety requirements, including the use of personal protective devices.

**Discipline**

The City has established rules and other policies to ensure the best and safest possible working conditions. These rules are designed and intended to protect all of us. Rules sometimes are broken. In most cases, the City believes that by applying progressive discipline, an employee's undesirable behavior can be corrected. Generally, the first step in the progressive discipline process will be verbal coaching by an employee's supervisor. This step may be followed by a verbal counseling then a verbal reprimand, a written reprimand, suspension with or without pay, demotion and, finally, termination, a Performance Improvement Plan may be used prior to demotion or termination. In some instances, the employee's conduct may be such that the City, at its option, may advance the level of discipline to the step it deems appropriate, up to and including immediate termination. The City reserves the right to skip, advance or repeat any level of discipline it deems appropriate. Further, the City reserves the right to terminate employees at any time without cause or notice and without prior discipline.

**Confidential Information**

Employees may, by virtue of their employment with the City, obtain access to sensitive, confidential, restricted and proprietary information about the City, its employees, vendors, contractors and other stakeholders that is not generally known or made available to the public and that the City has made reasonable efforts to keep confidential, including but not limited to financial records, vendor records and files, referral or mailing lists, medical records, credit card numbers and similar information, whether stored electronically or in paper format.

Such confidential information shall be used solely by employees in the performance of their job duties for the City and shall not be used in any other manner whatsoever during their employment. Employees shall not, without the prior written consent of the City, use, disclose, divulge or publish to others any such confidential information acquired in the course of their employment. This prohibition expressly includes such information in electronic form. Such confidential information is the exclusive property of the City, and under no circumstances whatsoever shall employees have any rights to use, disclose or publish to others such confidential information subsequent to the termination of their employment. Unauthorized use or disclosure of confidential information may result in discipline, up to and including immediate discharge, prosecution or other available action.

Upon termination of employment, employees must deliver to the City immediately any and all confidential information, whether stored electronically or in paper format, including but not limited to all copies of such documents prepared or produced in connection with their employment with the City that pertain to the City's business or the employee's services for the City, whether made or compiled by the employee or furnished to the employee in connection with such services to the City. In addition, at termination, employees must return to the City any and all City non-confidential property, documents or electronic information.

As required by law, the City may be required to release information under the Open Records Act or pursuant to subpoena or other legal process.

**Communication Devices**

Communication devices include cellular telephones, pagers, personal digital assistants and similar devices. These devices may be issued to employees by the City or may be the personal property of the employee. Employees in possession of City-issued communication devices must protect the devices from loss, theft and

damage. If an employee chooses to bring a personal communication device to work, the City will not be responsible for the loss of or damage to the personal communication device.

### **Electronic Communications**

This policy contains guidelines for Electronic Communications created, sent, received, used, transmitted or stored using City communication systems or equipment and/or user-provided systems or equipment used in the workplace, during working time or to accomplish work tasks. "Electronic Communications" include, among other things, messages, images, data or any other information used in e-mail, instant messages, voice mail, fax machines, computers, pagers, telephones, cellular and mobile phones including those with cameras, intranet, Internet, back-up storage, information on a memory or flash key or card, jump or zip drive, any other type of internal or external removable storage drives or any other technology tool. In the remainder of this policy, all of these communication devices are collectively referred to as "System" or "Systems."

### **Consent**

By using the City Systems, employees are consenting to the terms of this and all other City policies as well as consenting to the City accessing, monitoring, reviewing, printing and distributing any communication contained in the Systems.

### **Acceptable Uses of Our Systems**

Employees and other system users may use our Systems to communicate internally with co-workers or externally with citizens, suppliers, vendors, advisors, other business acquaintances, and the general public, for business purposes. To maintain the efficiency of employees and our system, an employee or system user must obtain Department Head approval prior to sending an email to all City employees or system users.

### **City Control of Systems and Electronic Communications**

All Electronic Communications contained in City Systems are City records and/or property. Although an employee or system user may have an individual password to access our Systems, the Systems and Electronic Communications belong to the City. The Systems and Electronic Communications are accessible to the City at all times including periodic unannounced inspections. Our Systems and Electronic Communications are subject to use, access, monitoring, review, recording and disclosure without further notice. Our Systems and Electronic Communications are not confidential or private. Furthermore, written communications transmitted, received, maintained, or otherwise contained on the City's Systems may be subject to the Georgia Open Records Act. The City's right to use, access, monitor, record and disclose Electronic Communications created by any employee or system user without further notice applies equally to user-provided systems or equipment used in the workplace, during working time, or to accomplish work tasks. Even items that have been "deleted" can be traced and recovered.

### **Social Media**

Social media is content created by the use of accessible, expandable and upgradeable publishing technologies. Examples of social media include, but are not limited to, Facebook, blogs, MySpace, RSS, YouTube, Second Life, Twitter, LinkedIn, Delicious, and Flickr. General standards for the use of social media have been outlined in the City's Communication Policy. That policy should be referred to for further details regarding social media.

### **Personal Use of Our Systems**

Although incidental and occasional personal use of our Systems that does not interfere or conflict with productivity or the City's business or violate City policy is permitted, personal communications in our Systems are treated the same as all other Electronic Communications and will be used, accessed, recorded, monitored and disclosed by the City at any time without further notice. Since all Electronic Communications and Systems can be accessed without advance notice, employees and system users should not use our Systems for communication or information that they would not want revealed to third parties. Employees, therefore, shall not have any expectation of privacy regarding the use of our Systems. Employees are prohibited from using their personally-owned electronic devices, such as iPhones, or other smart phones, to access or synchronize with City email accounts.

## Prohibited Uses of Our Systems

Employees and system users may not use our Systems in a manner that violates our policies including, but not limited to, No Harassment, Equal Employment Opportunity, Confidential Information, Business Records, and No Solicitation. Employees and system users may not use our Systems in any way that may be seen as fraudulent, harassing, obscene, offensive, profane, intimidating or defamatory. Examples of prohibited uses include, among other things, sexually-explicit messages, images, cartoons, or jokes; propositions or love letters; ethnic or racial slurs; or any other message or image that may be in violation of City policies.

In addition, employees and system users may not use our Systems:

- To download, save, send or access any defamatory, discriminatory or obscene material;
- To send chain letters of any type;
- To download, save, send or access any non-business related music, audio or video file;
- To download shareware or free software without the advance written permission of the IT Director;
- To download, save, send or access any site or content that the City might deem “adult entertainment” or that contains graphic or explicit sexual content;
- To access any “blog,” discussion board or website to post a personal opinion;
- To solicit employees or others for a non-work related matter or venture;
- For commercial purposes or to advertise personal business;
- To gamble;
- To gain or attempt to gain unauthorized or unlawful access to computers, equipment, networks or systems of the City or any other employee or entity;
- In connection with any infringement of intellectual property rights, including but not limited to copyrights; and,
- In connection with the violation or attempted violation of any law.

Exceptions are limited to police investigations into criminal activities and Human Resources and/or legal investigations, which may require the use of the Internet for information and intelligence gathering by authorized and appropriate personnel.

## Devices and Software

Employees and system users may not attach privately owned devices to the City computer networks or to any City-owned systems. This includes printers, mobile devices, and any device that can be connected with a USB/Serial connection. If you believe you have extenuating reasons for connecting a privately owned device, you must obtain approval from your Department Head.

All removable storage containing City data is subject to Open Records laws. If an employee or system user needs a thumb drive or an external hard drive, one can be issued by the Information Technology Department for City Hall staff and by the Property & Evidence Technician for Police Department staff. Thumb drives will be tracked as issued equipment. Only City-issued thumb drives or external hard drives may be used on non-City issued laptops or workstations. All thumb drives should be regularly scanned for viruses and malicious data. If an employee or system user suspects that a virus has been introduced into the City’s network, the employee or system user is to disconnect his/her computer from the network and contact the Information Technology Department immediately.

Employees and system users may not use personal laptops within any City building or leased space. Additionally, employees and system users may not use personal laptops to gain access to City network resources. If you believe you have extenuating reasons for using a personal laptop, you must obtain approval from your Department Head.

Likewise, no personal software of any kind can be loaded on City-owned equipment or systems. Only software purchased and provided by the City can be installed. If you believe you have extenuating reasons for installing your own software, you must obtain approval from your Department Head. The Department Heads must contact the IT Director prior to granting approval for a personal device or personal software.

Without prior written authorization from the IT Director, employees and system users may not do any of the



following:

- Copy software for use on their home computers or to other computers;
- Provide copies of software to any independent contractors of the City or to any third person;
- Install software on any of the City's workstations or servers;
- Download any software from the Internet or other online service to any of the City's workstations or servers;
- Modify, revise, transform, recast or adapt any software; and,
- Reverse-engineer, disassemble or decompile any software.

Employees or system users who become aware of any misuse of software or any violation of copyright law should immediately report the incident to the IT Director.

### **Electronic Forgery**

An employee or system user may not misrepresent, disguise, or conceal his or her identity or another's identity in any way while using Electronic Communications; make changes to Electronic Communications without clearly indicating such changes; or use another employee's or system user's account, mail box, or password without prior written approval of the employee or system user and without identifying the actual author.

### **Intellectual Property Rights**

Employees and system users must always respect intellectual property rights, such as copyrights and trademarks. Employees and system users must not copy, use or transfer proprietary materials or confidential information of the City or others without appropriate authorization.

### **System Integrity, Security, and Encryption**

All Systems passwords and encryption keys must be available and known to the City. Employees and system users may not install password or encryption programs without the written permission of the IT Director. Employees and system users may not use the passwords and encryption keys belonging to others.

Each employee will be responsible for all computer transactions that are made with his/her User ID and password. Passwords should not be recorded where they may be easily obtained. Passwords must be changed immediately if it is suspected that they may have become known to others.

Employees are required to provide all logins and passwords related to their assigned City computers and all of the software on those computers to the City's Information Technology department. Employees are prohibited from disclosing these passwords to anyone else without authorization from their Department Head and the Information Technology Department.

### **Physical Security**

It is the City's policy to protect computer hardware, software, data and documentation from misuse, theft, unauthorized access and environmental hazards. All portable storage devices and media, including but not limited to CDs, DVDs and diskettes, issued to employees should be stored out of sight when not in use. If they contain highly sensitive or confidential data, they must be stored in a secure location. All portable storage devices and media should be kept away from environmental hazards such as heat, direct sunlight and magnetic fields. Critical computer equipment, such as laptops and desktops, must be protected by an uninterruptible power supply (UPS). Other computer equipment should be protected by a surge suppressor. Environmental hazards to hardware such as food, smoke, liquids, high or low humidity, and extreme heat or cold should be avoided.

The Information Technology Department staff is responsible for all equipment installations, disconnections, modifications and relocations, and employees are not to perform these activities. This does not apply to temporary moves of portable computers for which an initial connection has been set up by the Information Technology Department. Employees shall not take shared portable equipment such as laptop computers out of the City facilities without the informed consent of their department manager. Informed consent means that the manager knows what equipment is leaving, what data is on it, and for what purpose it will be used. Employees should

exercise care to safeguard the valuable electronic equipment assigned to them. Employees who neglect this duty may be accountable for any loss or damage that may result. Misuse of City equipment or negligence in the course of use of City equipment may result in disciplinary action, up to and including termination. Employees shall not download any software to their work laptops, desktops or mobile devices unless it has been approved by the City's IT Director.

### **Employee Transfers and Terminations**

The Human Resources Department will notify the Information Technology Department of transfers and terminations when they take place.

### **Applicable Laws**

Numerous state and federal laws apply to Electronic Communications. The City will comply with applicable laws. Employees and system users also must comply with applicable laws and should recognize that an employee or system user could be personally liable and/or subject to fine and imprisonment for violation of applicable laws.

### **Consequences of Policy Violations**

Violations of this Policy may result in disciplinary action up to and including immediate termination of an employee's employment or removal of a system user from the City systems, as well as possible civil liabilities or criminal prosecution. Where appropriate, the City may advise legal officials or appropriate third parties of policy violations and cooperate with official investigations. The City will not retaliate against anyone who reports possible policy violations or assists with investigations.

### **Questions**

If you have questions about the acceptable use of our Systems or the content of Electronic Communications, ask your supervisor for clarification in advance of using our Systems.

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## **LEAVES OF ABSENCE**

### **Family and Medical Leave Act (FMLA)**

Employees may be eligible to take up to twelve (12) weeks of unpaid, job-protected leave each year for specified family and medical reasons. For family or medical reasons that qualify an employee for FMLA, the City is obligated by federal law to designate the leave as FMLA.

### **Employee Eligibility**

To be eligible for family or medical leave, an employee must have worked at least:

1. Twelve (12) months for the City; and,
2. 1,250 hours for the City over the previous 12 months.

### **Conditions Triggering Leave**

Family and medical leave must involve one or more of the following reasons:

1. To care for a newly born child, or placement of a child with the employee for adoption or foster care.
2. To care for an immediate family member (spouse, child, or employee's parent) with a serious health condition.
3. The employee has a serious health condition that makes the employee unable to perform the employee's job duties.
4. Because of any qualifying exigency arising out of an employee's spouse, son, daughter, or parent being on covered active duty involving a foreign deployment (or being notified of an impending call or order to active duty involving a foreign deployment) in the Armed Forces (including National Guard or Reserves) in support of a contingency operation.
5. For a spouse, son, daughter, parent, or next of kin to care for a service member or covered veteran 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. A "serious injury" is one incurred or aggravated by the service member in the line of duty on active duty in the Armed Forces that may render the service member medically unfit to perform the duties of the service member's office, grade, rank or rating.

### Duration of Leave

Eligible employees may receive up to 12 workweeks of unpaid leave during any “rolling” 12-month period, measured backward from the date of any family or medical leave. Family and medical leave involving the birth or placement of a child for adoption or foster care must be concluded within 12 months of the birth or placement. An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member shall be entitled to a total of 26 workweeks of leave during a single, 12-month period to care for the service member. During the single 12-month period, an eligible employee shall be entitled to a combined total of 26 workweeks of leave under the FMLA.

Eligible employees may take family and medical leave intermittently which means taking leave in blocks of time, or by reducing your normal weekly or daily work schedule whenever it is medically necessary to care for a seriously ill family member or because you are seriously ill and unable to work.

In some cases, intermittent FMLA may be permitted related to the birth of a newborn child or the placement of a child with an employee for adoption or foster care. If intermittent leave is permitted in these circumstances, it must be used within one year of the birth or placement of the child. Please see the Human Resources Department for more details.

Employees who are approved for intermittent FMLA leave must continue to comply with the City’s regular absence reporting policies to the fullest extent possible.

The City requires the use of paid time off concurrently with family and medical leave. For example, if the employee is eligible for any paid leave under any other benefit programs such as PTO, accrued vacation, compensatory or sick time, the employee will be required to exhaust the paid leave upon the commencement of, and concurrently with, FMLA leave. Paid leave will run concurrently with and be counted toward the employee’s total 12-week or 26-week period of FMLA leave. If an employee accepts a light duty position, any time spent working light duty will not count against the employee’s FMLA leave entitlement.

### Maintenance of Health Benefits

The City will maintain coverage for eligible employees and dependents (if applicable) during family and medical leave. This coverage will be provided if you or your family were covered under the plan before the leave was taken and on the same terms as if you had continued to work. Where appropriate, you must make arrangements to continue to pay your share of health plan premiums while on leave.

In some instances, the City may recover premiums it paid to maintain health coverage for you and your family if you do not return to work from your leave.

### Job Restoration

Upon returning from a family and medical leave, an eligible employee will normally be restored to his/her original job or to an equivalent job with equivalent pay, benefits and other employment terms and conditions.

Use of family and medical leave does not result in the loss of any employment benefit that an employee earned or was entitled to before using family and medical leave. However, an employee does not continue to accrue paid leave while on unpaid family and medical leave. When an employee is out on family and medical leave, that employee will accrue paid leave during the period of time the employee is using paid leave such as vacation and sick leave. If an employee on family and medical leave exhausts all paid leave in accordance with the Duration of Leave policy above and remains unable to return to work, then the remainder of the family and medical leave will be unpaid. During the period of unpaid family and medical leave, the employee will not continue to accrue paid leave.

Job restoration may be denied if conditions unrelated to the FMLA leave have resulted in the elimination of the employee’s position or if the employee qualifies as a “key employee” (generally the highest paid 10% of the workforce). Key employees may be denied job restoration if it would cause substantial and grievous economic injury to the City, in which case the key employee will be notified of this.

### **Notice and Medical Certification**

When seeking family and medical leave, an employee may be required to provide:

1. Thirty (30) days of advance written notice to the Director of Human Resources of the need to take family and medical leave, if the need is foreseeable. If the leave is not foreseeable, the employee must provide written notice to the Director of Human Resources of the need for leave as soon as practical and must comply with the City's standard procedures for reporting an absence.
2. Medical certifications supporting the need for leave, including any need for intermittent or reduced schedule leave, due to a serious health condition affecting the employee or an immediate family member.
3. Failure to provide the necessary requested certification forms will result in the delay or denial of FMLA leave.
4. Second or third medical opinions (at the City's expense) and periodic re-certifications may also be required.
5. Periodic reports during the leave regarding the employee's status and intent to return to work.
6. Medical certification of fitness for duty before returning to work, if the leave was due to the employee's health condition.

When leave is needed to care for an immediate family member or for the employee's own illness, and is for planned medical treatment, the employee must try to schedule treatment so that it will not unduly disrupt the City's operation.

Upon receiving sufficient notice of an employee's need for FMLA-qualifying leave, the City will notify the employee of his/her eligibility to take FMLA leave within five (5) business days of the request, absent extenuating circumstances. At this time, the City will also provide the employee written notice of the employee's rights and obligations with respect to the leave (as well as providing copies of the required certification form).

### **Extended Medical Leave**

Eligible employees who have exhausted their FMLA leave and all other leave may be allowed to take an extended unpaid medical leave of absence, not to exceed 12 months following the last day worked. Employees who take such extended medical leave are not guaranteed to be returned to work or reinstated to a particular job, rate of pay or shift at the end of their extended medical leave. However, the City will attempt to return an employee to his/her regular position if it is available. If it is not available at the time reinstatement is sought, the City will attempt to place the employee in a similar job for which he/she is qualified, if such job is available. An employee on extended medical leave may maintain his/her insurance benefits, subject to policy terms and conditions, by paying in a timely manner the full cost of any applicable continuation of benefits premiums for which he/she may be responsible. An employee on extended medical leave does not accrue any additional employee benefits such as paid time off while on extended medical leave.

### **Failure to Return from Leave or to Comply with City Policy**

An employee may be subject to immediate termination for:

1. Failure to return to work as scheduled following the end of a medical or family leave without express prior approval from the City;
2. Providing false or misleading information or omitting certain information in connection with a leave; or,
3. Violation of any of the City's rules and regulations relating to leave (or any other City policy or performance standard).

### **Military Leave of Absence**

The City allows employees who require time off from work to fulfill military duties to meet those commitments. An employee with such a commitment is expected to notify his/her immediate supervisor and to provide the City with a copy of the orders as soon as possible.

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) is a federal law that protects the rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. Under USERRA, employees have the opportunity to elect continuation of group health coverage for the shorter of up to 24 months or the length of their leave.

In compliance with USERRA, employees on leave for 30 days or less will not be required to make a premium contribution for any more than their regular share of premium while on leave.

Employees on active duty for more than 30 days may be covered by military health care along with their dependents. However, in the event that an employee on a military leave of absence is not eligible or does not qualify for medical, dental and/or vision coverage through the U.S. Armed Forces, the City will continue to provide coverage for the employee and covered dependents under the same terms and conditions as he/she had at the time of the commencement of their military leave for a period of up to 24 months.

With respect to the City's retirement plans, upon reemployment, an employee who has taken military leave will be credited for purposes of vesting with the time spent in military service and will be treated as not having incurred a break in service. Immediately upon reemployment, the employee may, at the employee's election, make any or all employee contributions that the employee would have been eligible to make had the employee's employment not been interrupted by military service. Such contributions must be made within a period that begins with the employee's reemployment and that is not greater in duration than three times the length of the employee's military service. Employees will receive all City contributions upon reemployment as well. The time frame for the City's contributions also begins with the employee's reemployment and is not greater in duration than three times the length of the employee's military service.

### **Notification upon Completion of Service**

Upon the completion of a military leave of absence, the employee should notify the City of the employee's intent to return to a position of employment with the City as follows:

For periods of service of up to 30 consecutive days, the employee must report back to work for the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and safe transportation home, plus an eight-hour period for rest. If reporting back within this deadline is "impossible or unreasonable" through no fault of the employee, he/she must report back as soon as possible after the expiration of the eight-hour period.

After a period of service of 31-180 days, the employee must submit a written or verbal application for reemployment with the employer not later than 14 days after the completion of the period of service. If submitting the application within 14 days is impossible or unreasonable through no fault of the employee, he/she must submit the application as soon as possible thereafter.

After a period of service of 181 days or more, the employee must submit an application for reemployment not later than 90 days after completion of the period of service. These deadlines to report to work or apply for reemployment can be extended up to two years to accommodate a period during which a employee was hospitalized for or convalescing from an injury or illness that occurred or was aggravated during a period of military service.



**Personal Leave**

There are situations that occur that require the ability of the employee to leave the workplace that is not covered by any of the leaves mentioned in this policy. In these circumstances, employees may request a Personal Leave of Absence but it must be approved by their department manager, the Director of Human Resources and City Manager.

1. The Personal Leave of Absence is for a period of no longer than 30 days.
2. The Personal Leave of Absence must be approved by the employee's supervisor, department head, Director of Human Resources and the City Manager.
3. During the time that the employee is on a Personal Leave of Absence, he/she is responsible for the payment of the full premium associated with all insurances provided by the City.

**Bereavement Leave**

Regular, full-time and part-time employees are eligible to receive up to three (3) working days of paid bereavement leave due to the death of a member of their immediate family.

Unpaid time off for bereavement may be extended beyond the three days noted above with the approval of the employee's supervisor based on the circumstances presented.

All regular, full-time employees may take up to one (1) day off without pay to attend the funeral of a close, non-immediate family member. This time off must be approved by the employee's supervisor on a case-by-case basis. This time off would be considered unpaid or the employee may elect to use accrued vacation time. The supervisor should confirm that the time is recorded accurately on the timecards.

There is no accumulation of bereavement leave days and no payment upon separation from City employment.

For purposes of the bereavement leave policy, an employee's immediate family includes his or her spouse, son, daughter, mother, father, sister, brother, stepson, stepdaughter, stepmother, stepfather, stepsister, stepbrother, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandmother, grandfather, grandson, and granddaughter, grandmother in-law, grandfather in-law, grandson in-law or granddaughter in-law.

For purposes of the bereavement leave policy, non-immediate family members include cousins, nieces, nephews and other close non-immediate family members. This category is also used to include family members of significant others and close friends of the employee.

**Jury Duty/Witness**

The City provides for all employees to serve as required when called for Jury Duty. All employees must provide a copy of the Jury Summons to their immediate supervisor upon receipt of same from the court.

While on jury duty, the employee will be paid, for his/her regularly scheduled hours. Employees on jury duty will not be paid for any anticipated overtime, nor is time spent on jury duty considered working time for the calculation of overtime. Any monies received by the employee from the Court must be turned into the City.

All employees are expected to contact their supervisor if they have been excused from Jury Duty, or if the court takes an early recess during proceedings for which they have been selected for Jury Duty. The employee's supervisor will make a determination if the employee should return to work for the balance of the shift.

Employees subpoenaed to appear as a witness, must notify their supervisor immediately so that the department's work can be planned with as little disruption as possible.

City employees are not paid when subpoenaed to appear as a witness for matters unrelated to City business, but an employee may use vacation leave or take unpaid leave.

A City employee who is subpoenaed or ordered to attend court to appear as a witness or to testify in an official capacity on behalf of the City of Brookhaven, the State of Georgia or the Federal Government will be com-

pensated at his/her regular rate of pay for the period in which he/she is in court. An employee absent for court appearance will promptly return to work on any days in which he/she is excused from court.

An employee on witness duty must provide his/her supervisor with a copy of the subpoena. An employee who is released from witness service before the end of his/her regularly scheduled shift is expected to call his/her supervisor as soon as possible and report to work if requested.

### **Time off To Vote**

Employees who are unable to exercise their right to vote due to a conflicting work schedule must notify his/her supervisor so that arrangements can be made for the employee to have the necessary time to get to the polls.

### **Administrative Leave**

Administrative Leave is used by the City to relieve an employee of their current duties during the course of an investigation, or pending results from a drug or alcohol screen; while not changing the employment status of the employee from that of an active employee.

1. Administrative leave can be either paid or unpaid. The nature of the situation at hand will determine which leave the employee is placed on.
2. In general, if there is a concern that the employee has acted inappropriately, or if there is a reasonable suspicion that an overt act has occurred, the employee will be placed on an unpaid administrative leave.
3. If there is not a concern relative to the employee's behavior regarding the situation, then the employee is placed on paid administrative leave pending the outcome.
4. If the outcome of the circumstance reveals that the employee who has been placed on unpaid administrative leave has not acted inappropriately, and has not been found to have violated any policy, then the employee is reinstated to his/her former position and is paid for all time off at the base pay rate without regard to any potential overtime payments.
5. If the outcome of the circumstance reveals that the employee who has been placed on unpaid administrative leave has acted inappropriately, or has been found to have violated City policy, then the employee may receive discipline up to and including termination, and is not paid for any time off during the administrative leave.
6. If the employee was placed on administrative leave with pay, and the results of the investigation or test reveal that the employee is at fault and/or has failed a drug test, then the employee is required to repay the wages earned while on Administrative Leave with Pay.

### **Leave Use Procedure**

The following general provisions apply to leaves of absence:

1. If while on approved leave of absence additional leave is required, a request for an extension of a leave of absence must be made in writing within one week prior to the expiration date of the original leave of absence. When appropriate, this request for an extension must be accompanied by a health provider's written statement that certifies the need for the extension.
2. Failure to return to work on the first workday following the expiration of an approved leave of absence is considered a violation of the City's policy and any employee who is absent from work for three (3) consecutive days without authorization from the Supervisor/Manager or HR Department is considered to have voluntarily resigned.
3. For any leave of absence without pay, an employee must make arrangements with the City to pre-pay their share of group insurance premiums before going on the leave of absence. Payment for additional months must be received by the first of the month. Failure to pay the employee share of the premium will result in loss of coverage.
4. Employees on leave of absence are subject to lay off on the same basis as employees who are actively at work.
5. The company may postpone or proceed with any counseling, performance review or disciplinary action, including discharge, that was contemplated prior to any employee's request for or receipt of a leave of absence or that has come to the City's attention during the leave. If any action is delayed during the leave of absence, the company reserves the right to proceed with the action upon the employee's return.
6. Requesting or receiving a leave of absence in no way relieves employees of their obligation while on the

job to perform their job responsibilities capably and up to the City's expectations and to observe all the City rules, policies and procedures.

7. Employees on leave of absence who seek or accept other employment without the City's prior written approval may be subject to disciplinary action, up to and including possible termination. The leave of absence has been granted for a specific purpose, not for the employee to secure alternate employment.
8. Paid Time Off does not accrue during leaves of absence.
9. Employees who falsify the reason for their leave of absence may be subject to disciplinary action, up to and including possible termination.
10. All foreseeable leaves of absence must be approved in advance, in writing, by the employee's Supervisor and the Human Resources Department.

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## **SAFETY AND HEALTH**

### **Inspection of Work Area**

Offices, cubicles, lockers, desks, cabinets and vehicles provided by the City are City property and are subject to entry and inspection by the City at any time with or without prior notice. Employees have no expectation of privacy with respect to City property. The City may conduct reasonable searches to the extent allowed by applicable law. Searches will be conducted by supervisory staff and/or the City of Brookhaven Police Department. An employee's refusal to cooperate with search efforts may result in immediate termination.

### **Weapons and Dangerous Instruments**

Except as otherwise stated in this policy manual and as a requirement of one's job (such as a sworn officer), and to the extent permitted by law, ammunition, explosives, unauthorized weapons and dangerous instruments of any kind are prohibited in City buildings and in City vehicles at any time. Likewise, no employee should possess any ammunition, explosive, other unauthorized weapon or dangerous instruments at any time while performing any work for the City. Although the City retains the right to determine the scope of this paragraph on other weapons and the terms contained in it, "possess" as used in this policy generally means to have on your person, or in any vehicle assigned to you, or in other property in your presence or under your control while in a City building or on City property.

Any violation of this policy may subject an employee to discipline, up to and including immediate termination. Employees who have any questions concerning the application of this policy should consult their supervisors immediately.

### **Accident Reporting**

All accidents, including those that do not involve serious injury and those involving the public, must be reported immediately to your Department Head. Likewise, immediately report to your supervisor any unsafe conditions, defective tools or equipment, or other hazards. If it is not unsafe to do so, you should attempt to correct any such unsafe conditions, defective tools or equipment, or other hazards. If you believe correcting the condition would be unsafe to you, your coworkers, or the public, you should take whatever steps are necessary to ensure the safety of you, your coworkers, and the public such as notifying others of the hazard. Each employee is expected to assist the City in maintaining safe conditions.

### **Safety**

The health and well-being of all employees are foremost among our concerns. You must follow common-sense safety practices. All employees must cooperate with the City in maintaining safe working conditions. Please ask your Department Head for additional safety information.

All employees are required to adhere completely with all City safety requirements, as well as state and federal laws and insurance company requirements. Failure to comply with safety requirements will result in discipline, up to and including immediate termination.

Basic rules include:

1. Promptly correct, when it is safe to do so, and report to your supervisor all unsafe conditions, defective or malfunctioning tools, and unsafe practices.
2. Wear a seat belt at all times in a running vehicle.
3. Follow all safety rules, and only operate equipment for which you have been trained.
4. Use safe lifting techniques.
5. Immediately report all accidents to your supervisor.
6. Refrain from horseplay and practical jokes.
7. Adhere to all insurance and other legal requirements.

### Severe Weather

Under extreme weather conditions, you may not be able to report to work or the City may close an operation. Public Safety and emergency response crews operate 24 hours a day, 365 days a year, regardless of the weather and regardless of whether the City is “closed.”

In the event of severe weather, non-essential employees should listen to local newscasts and check the City website for delayed opening or closing information. Non-essential employees should make every effort to report to work when the City is open unless their personal safety or the safety of their family is at risk. If you are not able to report to work, you must follow the normal “call-in” procedures to report your absence. If you make every effort to safely report to work and notify your supervisor of your absence according to the normal “call-in” procedures, your absence will be excused. Employees may use PTO days to be paid for an excused absence. Failure to properly report an absence will result in an unexcused absence and may result in disciplinary action.

In the event that the City is “closed” due to severe weather, employees will be paid at the normal hourly rates according to their regular work schedules for the time that the City is “closed”. In the event of extraordinary circumstances requiring a prolonged closure of the City, the City reserves the right to suspend this policy.

### Vehicle and Driving Requirements

Only authorized employees may use City vehicles. If a City vehicle incurs any damage while under the charge of a particular employee, that employee must report the damage immediately and may be responsible for paying for some or all of the repair costs, to be determined in the City’s sole discretion.

Likewise, if an employee receives a citation for any violation while operating a City vehicle or a personal vehicle while on City business, the employee is responsible for paying any fine or penalty incurred and may be subject to discipline, up to and including immediate termination. All such citations must be reported to your Department Head immediately. Failure to immediately report a citation may result in discipline, up to and including immediate termination.

Drinking alcoholic beverages is prohibited in a City-owned vehicle or in a personal vehicle while on City business and employees are prohibited from driving after consuming alcohol or taking any controlled substance that could impair his/her ability to operate the vehicle.

### Seatbelts

All employees must wear a seatbelt while driving or riding in any vehicle while performing City business. Furthermore, the City encourages all of its employees to wear seatbelts at all times, as required by state law.

### Use of Cellular Telephones and Communication/Mobile Devices While Driving

Employees must refrain from using any communication device while driving any vehicle for City business, including the use of a wireless device to write, send or read any text-based communication, including but not limited to a text message, instant message, and email or Internet data. If communication is necessary,

employees are required to drive safely out of the flow of traffic and stop the vehicle before using the communication device and comply with all Georgia's traffic laws. While certain City vehicles may be approved for hands-free communication devices, no personal calls may be answered while operating a City vehicle or City equipment or while driving on City business. Employees should never use personal communication devices or accept personal telephone calls while responding to or working on an emergency scene except as necessary to make work-related calls regarding the emergency.

### **Motor Vehicle Record Checks**

For employees who drive City vehicles in the course of their duties, the City may check motor vehicle records ("MVR") of applicants prior to making them offers of employment and of all current employees. Employees may be subject to ongoing MVR checks throughout the duration of employment. For employees who drive vehicles in the course of their duties, an accident, and/or a citation for DUI, DWI, or any other serious driving violation or citation (even those occurring off duty) may create an unacceptable MVR. An unacceptable MVR may result in discipline, up to and including immediate termination.

### **Reporting of Traffic Incidents**

Employees who drive either personal or City vehicles in the course of their duties must report in writing to their supervisor any citation, DUI, DWI, violation or accident ("incidents") that occur at any time (on or off duty) after beginning employment with the City. Failure to report such incidents within 24 hours of occurrence (i.e., accident or receipt of citation, not conviction on the charges) may result in discipline, up to and including immediate termination.

### **Driver's License**

All employees who drive as part of their job duties must have a valid Georgia driver's license. Any employee whose driver's license is suspended or revoked must report the suspension or revocation to their Department Head within 24 hours of the suspension or revocation.

### **Smoking**

Use of tobacco in any form is permitted only in designated outdoor places. Smoking is prohibited by law in any area where paint or other flammable materials may be present. Tobacco use in any form is not permitted on City-owned or City-leased property, in any City-owned public park, at any City event while on work time, in any City vehicle, nor within 25 feet of any building entrance, City vehicle, air intake duct or window. The use of tobacco in any form while in uniform is prohibited.

### **Security**

The City is committed to providing a safe and secure environment to the citizens of Brookhaven and to the employees of the City. Courtrooms and other city facilities may be equipped with metal detection equipment.

### **Fire Safety**

The City will periodically conduct fire drills to ensure that all employees know and understand the requirements related to fire safety. All employees should note the proper exits to be used in case of fire.



## **TERMINATION**

An employee who desires to resign from employment should notify his/her supervisor at least two calendar weeks in advance of the last day of work. The City encourages employees to submit a letter of resignation stating the reason for the resignation. Failure to comply with this procedure may be cause for denying such employee future employment with the City.

### **Voluntary Termination**

An employee who resigns from employment with the City will be paid for all unused accrued PTO leave hours up to the maximum allowable cap of 400. If it is determined to be in the best interest of the City, the City Manager may grant the employee "pay in lieu of notice." After receiving written notice of voluntary termination, the Department Head will notify the Human Resources Department who will schedule and conduct an exit interview for the employee.

Employees resigning, retiring or leaving the City cannot use sick leave for any part of their notice period unless a physician statement is provided.

### **Involuntary Termination**

The Department Head will notify the Human Resources Department of the intended termination. All involuntary terminations require the approval of the Department Head, Director of Human Resources and City Manager.

### **Reduction in Force**

The City reserves the right to separate employees due to lack of work, operating requirements, funding or other reasons. The determination of who is to be separated is within the sole discretion of the City Manager.

### **Rights at Termination**

All employees maintain rights to retain their health insurance, for a period of time, through COBRA. Please see the Human Resources department to understand what your rights and obligations are under this law.

### **Eligibility for Re-hire**

All employees who voluntarily terminate from the City are eligible for re-hire unless noted as not eligible for re-hire by their supervisor. Employees who are terminated involuntarily for cause are not eligible for re-hire.

In the event you leave the employment of the City and return in less than 12 months, the City will bridge your service time to recognize the time worked for the City prior to the initial separation. If you are gone longer than 12 months, your time will not be bridged, and you will begin with the City as a new employee. Time that is bridged for service is used in the calculation of PTO, but is not used for purposes of benefit eligibility.

**OBSERVATION CHECKLIST  
EXHIBIT A**

Physical signs or conditions:

- |   |   |
|---|---|
| <p>1. Walking</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Stumbling</li> <li><input type="checkbox"/> Swaying</li> <li><input type="checkbox"/> Staggering</li> <li><input type="checkbox"/> Holding on</li> <li><input type="checkbox"/> Unable to walk</li> <li><input type="checkbox"/> Unsteady</li> <li><input type="checkbox"/> Falling</li> </ul>  | <p>5. Actions</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Resisting communications</li> <li><input type="checkbox"/> Fighting</li> <li><input type="checkbox"/> Withdrawn or improperly talkative</li> <li><input type="checkbox"/> Spends excessive amount of time on telephone</li> <li><input type="checkbox"/> Displays violent behavior</li> <li><input type="checkbox"/> Avoids talking with supervisor regarding work issues</li> <li><input type="checkbox"/> Has exaggerated sense of self-importance</li> </ul> |
| <p>2. Standing</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Swaying</li> <li><input type="checkbox"/> Sagging at knees</li> <li><input type="checkbox"/> Rigid</li> <li><input type="checkbox"/> Unable to stand</li> <li><input type="checkbox"/> Feet wide apart</li> <li><input type="checkbox"/> Staggering</li> </ul>   | <p>6. Eyes</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Bloodshot</li> <li><input type="checkbox"/> Watery</li> <li><input type="checkbox"/> Dilated</li> <li><input type="checkbox"/> Glassy</li> <li><input type="checkbox"/> Droopy</li> <li><input type="checkbox"/> Closed</li> </ul>   |
| <p>3. Speech</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Shouting</li> <li><input type="checkbox"/> Silent</li> <li><input type="checkbox"/> Whispering</li> <li><input type="checkbox"/> Slow</li> <li><input type="checkbox"/> Rambling</li> <li><input type="checkbox"/> Mute</li> <li><input type="checkbox"/> Slurred</li> <li><input type="checkbox"/> Slobbering</li> <li><input type="checkbox"/> Incoherent</li> </ul>   | <p>7. Appearance/Clothing</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Unruly</li> <li><input type="checkbox"/> Messy</li> <li><input type="checkbox"/> Dirty</li> <li><input type="checkbox"/> Partially dressed</li> <li><input type="checkbox"/> Stains on clothing</li> <li><input type="checkbox"/> Having odor</li> <li><input type="checkbox"/> Neat</li> <li><input type="checkbox"/> Clean</li> </ul>   |
| <p>4. Demeanor</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Cooperative</li> <li><input type="checkbox"/> Polite</li> <li><input type="checkbox"/> Calm</li> <li><input type="checkbox"/> Sleepy</li> <li><input type="checkbox"/> Crying</li> <li><input type="checkbox"/> Silent</li> <li><input type="checkbox"/> Talkative</li> <li><input type="checkbox"/> Excited</li> <li><input type="checkbox"/> Sarcastic</li> <li><input type="checkbox"/> Fighting</li> </ul> | <p>8. Breath</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Alcoholic odor</li> <li><input type="checkbox"/> Faint alcoholic odor</li> <li><input type="checkbox"/> No alcoholic odor</li> </ul>   |
|   | <p>9. Accidents</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Taking needless risks</li> <li><input type="checkbox"/> Disregard for safety of others</li> <li><input type="checkbox"/> Higher than average accidents on the job</li> </ul>  |

**EXHIBIT B  
PRE-EMPLOYMENT DRUG TESTING  
CONSENT AND RELEASE FORM**

I hereby consent to submit to urinalysis and/or other tests as shall be determined by the City of Brookhaven in the selection process of applicants for employment, for the purpose of determining the drug content thereof.

I hereby acknowledge that I have been notified of the requirements of the City of Brookhaven Substance Abuse Policy.

I agree that LabCorp may collect these specimens for these tests and may test them or forward them to a testing laboratory designated by the lab for analysis.

I further agree to and hereby authorize the release of the results of said tests to the City of Brookhaven Director of Human Resources.

I understand that it is the current use of illegal drugs that prohibits me from being considered for employment with the City of Brookhaven.

I further agree to hold harmless the City of Brookhaven and its agents (including the above named physician or clinic) from any liability arising in whole or in part, out of collection of specimens, testing, and use of the information from said testing in connection with the City's consideration of my application of employment.

I further agree that a reproduced copy of this pre-employment consent and release form shall have the same force and effect as the original.

I have carefully read the foregoing and fully understand its contents. I acknowledge that my signing of this consent and release form is a voluntary act on my part and that I have not been coerced into signing this document by anyone.

**Applicant**

Print Name: \_\_\_\_\_ SS# \_\_\_\_\_

**Applicant**

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

Witness Printed Name: \_\_\_\_\_

Witness Signature: \_\_\_\_\_

Guardian Signature (if applicant/employee under 18): \_\_\_\_\_

- ( ) DRUG TEST
- ( ) BLOOD ALCOHOL
- ( ) BREATH ALCOHOL
- ( ) PRE-EMPLOYMENT
- ( ) CAUSE/REASONABLE SUSPICION
- ( ) POST-ACCIDENT
- ( ) RANDOM
- ( ) FOLLOW-UP TREATMENT
- ( ) OTHER \_\_\_\_\_

**ACKNOWLEDGMENT OF RECEIPT OF EMPLOYEE POLICY MANUAL**

I acknowledge that I have received a copy of the City of Brookhaven (“City”) Employee Policy Manual that covers many important City policies, including but not limited to:

	Initials
Purpose of the Policy Manual	_____
EEO Policy	_____
Anti - Harassment Policy	_____
Problem-Solving Procedure (Grievances)	_____
Substance Abuse Policy	_____
Electronic Communications Policy	_____
FMLA	_____

I will familiarize myself with the policy manual and all of its contents.

I understand that this policy manual represents only current policies and benefits and that it does not create a contract of employment or any property rights. The City retains the right to change these policies and benefits at any time, without advance notice, as it deems appropriate.

I understand that my employment is at-will, which means that I have the right to terminate my employment at any time, for any reason with or without advance notice, and that the City has a similar right. I further understand that my status as an at-will employee may not be changed except in writing signed by the City Manager.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Job Title

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date









## **City Vision and Mission**

The following are vision and mission statements crafted and adopted by the Mayor and Council during their council retreat in 2014.

### **Vision**

Brookhaven will be nationally recognized as a beautiful community where multiple generations can live in safety, flourish in business and succeed in a historic, sustainable environment with exceptional education and transportation options.

### **Mission**

In support of the Brookhaven vision the City government shall: encourage and maintain a beautiful community, meet public safety needs, develop an environment for business success, promote sustainable projects and activities, identify and preserve historic and neighborhood resources, facilitate educational opportunities, and improve transportation conditions, connectivity, and options while listening to and communicating with the public.

# CITY OF BROOKHAVEN EMPLOYEE POLICY MANUAL

Rick Stone  
Director of Human Resources  
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