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**1.00 WELCOME MESSAGE FROM THE CITY MANAGER**

Dear Employee,

Welcome to the City of Gainesville!

The mission of the City of Gainesville is to enrich the community by practicing good stewardship of resources and by providing exemplary services for all people. The City's core values include integrity, innovation, responsiveness and teamwork.

As the City Manager, it's my responsibility to implement the policies and procedures adopted by Council. Please take the time to review this manual as it contains important information that you need to know throughout the course of your employment.

I am excited to have you as part of our team. I look forward to establishing a good working relationship with each and every one of you.

Sincerely,



Bryan Lackey  
City Manager



## **1.01 A WORD ABOUT THIS MANUAL**

The City of Gainesville creates these Personnel Policies and Procedures to ensure the effective and efficient administration and utilization of human resources in the operation of the City and for the benefit of the City's employees and the citizens they serve.

This manual supersedes all previous employee manuals and memos. This manual contains a summary of the personnel policies and procedures of the City of Gainesville. Additional details may be obtained from the Human Resources Department. If you have any questions regarding policies or procedures, we encourage you to discuss them with your department director or human resources.

This manual is intended to provide a better understanding of city policies and procedures. The policies outlined in this manual should be regarded as guidelines which may change from time to time.

All employees are considered 'at-will' employees, and nothing contained in this manual is to be construed by any employee as establishing, creating or constituting as written or implied contract of employment, and no oral statements made by department heads, elected officials, or other management can alter this disclaimer or create a contract. Furthermore, nothing herein shall be construed as a guarantee of continued employment nor as a guarantee of benefits or conditions of employment. Only the City Manager has the authority to create an employment contract, and such contract must be in writing and signed by the City Manager, City Attorney and City Clerk to be valid.

## **1.02 ROLES AND RESPONSIBILITIES**

### **CITY MANAGER**

While allocating the City's resources to achieve the desired objectives of the City Government, the City Manager also provides direction and guidance through the issuance of rules, policies, and procedures. The City Manager shall be the executive officer of the City in charge of all City employees under the merit system, which includes all employees in classified and non-classified service. The City Manager is responsible for the efficient operation of all departments of the City and the personnel thereof.

The City Manager, with the assistance of the Director of Human Resources, is responsible for administering the policies in this manual and any amendments thereto that may be subsequently adopted by the Governing Body of the City of Gainesville.

### **DEPARTMENT DIRECTOR**

The Department Director is responsible for insuring the optimum performance of his/her department by providing leadership, guidance, and direction to achieve organizational goals and assure departmental integrity through coordinated teamwork as governed by the City's adopted Policies and Procedures. Each Department Director has the authority to establish additional policies or standard operating procedures, which specifically apply to that department's activity and may not apply to the general employee population. Supplementary departmental policies and standard operating procedures must be consistent and compatible with these policies and procedures.

### **1.03 EQUAL EMPLOYMENT OPPORTUNITY**

The City of Gainesville does not tolerate discrimination based on someone's race, color, national origin, age, disability, gender, religion, genetic information or protected class as established by law. Anyone who believes he or she is being subjected to discrimination or who has witnessed such conduct must immediately report such conduct. Generally, the employee should report the conduct to their department head. If the department head is involved, or if the employee is otherwise uncomfortable reporting the conduct to their department head, the employee may proceed directly to the Director of Human Resources. All complaints of discrimination will be properly investigated. The City will preserve the confidentiality of such complainants and witnesses as much as possible consistent with a thorough investigation. Prompt, corrective action, up to and including termination of employment will be taken when an investigation of a discrimination complaint confirms the allegations.

This policy relates to all phases of employment in all positions including, but not limited to recruitment, employment, placement, upgrading, demotion, transfer, layoff, recall, termination, rates of pay and other compensation and benefits, training, use of facilities, and participation in City-sponsored employee activities. The Gainesville City Government is committed to maintaining a work environment that is free of unlawful conduct. In keeping with this commitment, the City will not tolerate harassment, discrimination, or the unlawful treatment of employees by anyone, including any supervisor, co-worker, vendor, client, or citizen of the City.

It is the intention of the Gainesville City Government to fully comply with the Americans with Disabilities Act of 1990 (ADA) in providing reasonable accommodations whenever and wherever necessary throughout City departments. The City will not discriminate against qualified individuals on the basis of a disability in consideration of any terms and conditions of employment or in admission and access to programs, services, and activities. Any concerns or questions regarding ADA compliance should be directed to the Director of Human Resources.

## 2.00 Employment Status

There are five types of active employment status the City recognizes:

1. Regular Status Full-time - Employees are employed in positions which are utilized on a continuing, year round basis and who are employees for 40 or more hours per week, or at a minimum, an average of 30 hours per week.
2. Probationary - A probationary period status is assigned to newly hired employee. The City utilizes a period of 12 months for its probationary period. However, this period may be extended depending on the recommendation of the Department Director and concurrence and approval of the Director of Human Resources. [See Section 2.01 on Probationary Employees for more information.]
3. Part-Time Status - Employees in positions requiring less than full time work typically working 30 hours or less per week.
4. Seasonal/Temporary - Employees are employed in positions which are not utilized on a year round basis.
5. Acting Capacity (Interim) Status – At times an employee may be required by the Department Head to fill a temporary vacated position. In such instances, the department may provide the employee working in an acting capacity a temporary pay increase after consultation with the Director of Human Resources. Such appointment shall not exceed 90 days without the approval of the City Manager. The amount of the temporary pay increase, if authorized, will be no less than 5% increase in current salary. At the sole discretion of the Director of Human Resources and City Manager, the temporary pay may be set at a higher level if the increase in responsibility warrants such consideration.

## **2.01 Probationary Employees**

Each full-time and part-time employee who is newly hired will serve a 12-month probationary period. The probationary period shall be regarded as an extension of the examination process, and shall be utilized by supervisors and department heads for closely observing the probationary employee's work, and determining if the employee can satisfactorily perform required tasks and meet the required work standards. This period also enables the employee to determine if the job is best suited for him/her.

1. Upon successful completion of the probationary period, the employee is eligible to become a regular status employee.
2. During the probationary period, employees are subject to any personnel action, including discharge, without prior notice and without right to grieve or appeal adverse action except as defined in Policy 1.03 Equal Employment Opportunity.
3. If, at the completion of the probationary period, an employee has not met all performance requirements, the probationary period may be extended at the discretion of the Department Director and Director of Human Resources, for up to an additional 180 day, 6-month period. This can be accomplished by providing a justification memo and Personnel Action Form.
4. Only time in active work status shall be counted toward completion of the probationary period. An employee in a probationary period status who is absent for a sustained period, i.e. on a workers' compensation or disability leave, shall be required to complete the amount of time on the job specified for the job classification to which he/she is appointed.



**2.02 RECRUITMENT AND SELECTION (INTERNAL/EXTERNAL PROCEDURES)**

The City of Gainesville is committed to employ, in its best judgment, the best qualified candidates for positions while engaging in recruitment and selection practices that are in compliance with all applicable employment laws. It is the City's policy to provide equal employment opportunity for employment to all applicants and employees. It will be the City's preference to promote and transfer from within as determined by the Department Director and Director of Human Resources.

1. The appropriate authorization is required to initiate any action for an open position, including any recruitment efforts, advertising, interviewing and offers of employment.
2. The hiring process includes multiple steps and various practices, including creating and distributing job announcements, advertising through various sources, use of employment applications, interviews, pre-employment testing, reference checks, and background checks.
3. Vacant positions may be posted internally or externally and shall be announced publicly for a minimum of ten calendar days. Job vacancy notices shall be posted in all departments of the City. Under special circumstances and with the approval of the Director of Human Resources, the posting of a vacant position may be waived and a current employee within the department or division may be selected at the Department Director's discretion to fill this vacant position.
4. Human Resources may use various methods of web site publicity and media to provide notice of vacancies to as many qualified persons as possible and to assure obtaining qualified applicants.
5. Application requirements may differ depending on the position. Typically, candidates, internal or external, must complete an Employment Application. However, for some positions, a letter of interest and resume, in lieu of an application may be submitted. The job posting will specify application requirements. Additional documents may be required depending on the position.
6. Deliberate omission or falsification of any discovered fact on an application shall be grounds for disqualification of a candidate from consideration of employment, transfer, or promotion. Disciplinary action may be taken against a current employee for omitting or falsifying a fact on an application.
7. Starting pay is typically at the minimum of the pay range. However, Department Directors have the authority to offer the candidate up to 15% above minimum. Offers above this amount up to midpoint may be extended with the approval of the Director of Human Resources. Offers made at the established mid pay range of the job, or higher must have

sufficient justification and be approved by the Director of Human Resources and City Manager prior to tendering an employment offer.

8. Participation in one of the City's retirement plans shall be dictated by the position the employee holds. Subsequent movement to other jobs throughout the City may necessitate the employee to alter retirement plan participation. However, the employee affected shall be entitled to all credited service with the City even if that service is split between retirement plans.

### **Pre-Employment Procedures for New Hires**

All candidates must undergo a background investigation prior to being employed. The background investigation will include (but is not limited to) criminal, motor vehicle record, and reference checks. Candidates will also be required to have a drug screen and physical (if safety sensitive position). A more extensive background check will be conducted by the Police Department for Police Officers.

Upon a satisfactory background check and approval from the Director of Human Resources, a start date will be issued.

Employment Documentation - Each new employee must complete and sign personal information forms, tax withholding forms, USCIS Form I-9, and other documents prior to being added to the City's payroll. Each prospective employee must be able to prove their identity and their ability to live and earn wages in the United States. Some City jobs may require citizenship in the United States and have specific minimum age requirements. Each new employee will be scheduled for a new employee orientation meeting to discuss and enroll in City benefits through Human Resources.

Mandatory Direct Deposit of Payroll Funds - All employees will be required to use direct deposit to receive payroll related payments. In accordance with federal requirements each employee may select the financial institution of his/her choice to accommodate the receipt of direct deposit funds.

The Director of Human Resources has exclusive authority to grant an exemption in the case that an employee does not have an account at an eligible financial institution, and further provides evidence that he/she cannot obtain an account at an eligible financial institution. An employee desiring exemption consideration should contact the payroll office to obtain a "Direct Deposit Personal Exemption Request Form".

### **Filling Vacant Positions Internally**

Vacant positions may be filled internally by reclassification, promotion, demotion, or transfer.

### Reclassification

Appointment of a current employee to a new position, for which a vacancy is not created by reclassifying the incumbent, may be authorized by the Director of Human Resources as a direct appointment.

### Promotion

The City encourages promoting qualified individuals to higher level positions in an effort to boost morale and give employees an incentive to learn and grow in their careers.

Promotion is defined as the (re)assignment of an employee to a job in a higher grade or range which carries a greater scope of responsibility. Upon promotion, an employee will receive a 5% increase for one grade promotion, and a 10% increase for two or more grades, not to exceed the maximum pay for the new pay grade. Promotional increases may exceed 10% at the Department Director's discretion provided the Department Director can justify exceeding 10% due to the employee's experience, education, skills, or market data showing the position should be at a higher salary than that of 10%. A memo requesting approval must be submitted to the Director of Human Resources and City Manager.

### Demotion

Demotions may be proposed for a number of different reasons, including poor employee performance, disciplinary actions, position elimination or organizational restructuring, and at times an employee-desired reduction in responsibility. Each circumstance should be carefully considered prior to determining that demotion is the appropriate action. Supervisors should thoroughly examine if a demotion can truly achieve the desired purpose. Supervisors should consult with the Director of Human Resources or designee prior to demoting an employee.

An employee who is demoted shall have his or her salary reduced. A demotion of one grade results in a 5% reduction; a demotion of two or more grades results in a 10% reduction, not to exceed the maximum of the new class. Exceptions to this provision must be approved by the City Manager.

### Transfer

A vacancy may be filled by the transfer of an employee from another department, subject to relevant competitive procedures. As a courtesy, Department Directors should discuss the timing of the transfer so as not to cause a hardship on the releasing department; but not to exceed two (2) pay periods from the offer date.

### **2.03 Nepotism**

The City generally permits the employment of a current employee's qualified relatives as long as such employment does not, in the opinion of the City, or the Department Director, create a conflict of interest. This policy applies to employment of full-time, part-time, seasonal, and temporary employees. Employees are required to notify their Department Director and/or Human Resources should they become aware of any violations of this policy.

Individuals who are related by blood, marriage or adoption, or who are part of the same household, are permitted to work in the same City department, provided no direct reporting or supervisor-to-subordinate relationship exists. That is, no employee is permitted to work within "the chain of command" when the terms and conditions of one relative's employment such as work responsibilities, salary, hours, career progress or benefits could be influenced by the other relative.

If an employee becomes a relative of someone who is his/her supervisor or Department Head, then one of them must either resign or request a transfer to another department if a position is available. If a transfer is not practical or not desired by any other Department Head or a supervisor, the City has no obligation to allow the employee to transfer, thereby mandating that either employee resign. The City Manager may waive this requirement in cases of extenuating circumstances.

Employment of relatives of the Mayor, a City Council member or the City Manager is prohibited.

Relative, for the purposes of this policy, shall be defined as immediate family and family related by marriage, as close as first cousins, and including in-law and step relationships and includes immediate family by blood or marriage, spouse, parent or guardian, child, brother, sister, aunt, uncle, niece, nephew, first cousin, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, grandchild, stepmother, stepfather, stepson, stepdaughter, half-sister, half-brother, or other relative living in the same household as employee.

**2.04 Non-Fraternization**

Romantic or sexual relationships between manager/supervisor and a direct report employee can cause real or perceived conflicts of interest. In order to prevent these conflicts, the City prohibits such relationships or any conduct that is intended or may reasonably be expected to lead to the formation of a romantic or sexual relationship between manager/supervisor and an employee in a direct reporting relationship. Should a manager/supervisor desire to date or become involved with a direct report employee, the manager/supervisor should first resign from his/her position. Failure to do so, will result in termination of the manager/supervisor.

Should two employees within the same department, but not in a direct reporting relationship, desire to become romantically involved, they should disclose the relationship to the Department Director who shall then make a decision regarding the effect of the relationship on the work environment. If the Department Director determines that the relationship between the two employees creates a negative effect on the department operations, then one of the employees will be asked to transfer or resign from his/her position with the City.

## 2.05 POLITICAL ACTIVITY

The City of Gainesville expects employees to avoid public political activity and involvement or interference with local elections. Prohibition against political solicitation and participation in local political campaigns afford protection for the employee as well as ensuring the integrity of the system by limiting the potential for a conflict of interest. Employees may privately express their opinions, and, as always, employees are encouraged to vote for the candidates of their choice.

1. Nothing in this section shall be construed to prevent employees from becoming or continuing to be members of any political party, club, or organization, attending political meetings, expressing their views in private on political matters outside working hours, and off City premises, or voting with complete freedom in any elections.
2. To further protect the public trust, no employee shall use his/her City employment position to advocate or oppose the candidacy of any individual.
3. No City employee shall coerce, command, or advise any other City employee or officer to contribute anything of value to any person or party for political purposes.
4. An employee may participate in political activities at other levels of government (County/State/Federal), provided that such participation is at no time engaged in during working hours or while wearing a City uniform, and provided such participation does not adversely affect performance as a City employee.
5. When the seeking or holding of any public office would be incompatible or would substantially interfere with the discharge of his or her duties, an employee of the City of Gainesville shall request a leave of absence without pay while seeking such office and resign employment with the City of Gainesville if such office is obtained.
6. Employees assigned to work during the entire time that polls are open on Election Day may be allowed to take a maximum of one hour to cast their ballot in local, state, or national level elections.
7. Employees are expected to keep personal political views out of the workplace in order to maintain a non-hostile, amicable working environment for all employees.

**2.06 ACCEPTING GIFTS**

To reduce the potential for conflicts of interest, abuse of position, or even the appearance of impropriety, the City of Gainesville limits the gifts an employee may accept which arise or may be reasonably perceived as arising by virtue of his/her capacity with the City.

1. An employee shall report to his/her Department Director all gifts received from an individual, business, or organization with whom the City of Gainesville does business or is considering doing business.
2. Under no circumstances shall an employee accept gifts, gratuities, loans, or services which have an estimated value exceeding \$100.00 and which were given to the employee in the course of his/her employment. All gifts shall be in compliance with OCGA 16-10-2. In the event an employee is in receipt of a gift that may exceed \$100.00, he/she should inform the Department Director.
3. Under no circumstances shall an employee accept anything of value for discharging his official duties or job responsibilities or the expectation thereof except where given or authorized by the City.
4. All employees are expected to be familiar with and comply with all the employee parameters found in Chapter 1-9 Code of Ethics in the Code of the City of Gainesville, Georgia.

## **2.07 OUTSIDE/DUAL EMPLOYMENT**

Outside/dual employment is defined as paid employment of a City's employee by any other entity or enterprise, in addition to such employee's employment with the City of Gainesville. As related to one's employment with Gainesville City Government, no employee shall engage in other employment without written authorization of the Department Director. Outside/dual employment shall only be allowed under the following conditions:

1. Such employment shall not interfere with nor affect the performance of the employee's duties in his primary City job.
2. Such employment shall not involve a conflict of interest, or a conflict with the employee's duties.
3. Such employment or outside business shall not interfere with the efficient performance of his/her duties as an employee with the City of Gainesville.
4. Such employment shall not occur during the employee's regular or assigned working hours, unless the employee is either on scheduled PTO or leave without pay.
5. Under no circumstances may an employee be paid unscheduled PTO, sick leave, workers' compensation pay, or paid disability and work outside employment.
6. Such employment shall not involve the use of records or equipment of the City. Police uniforms shall not be considered equipment in the meaning of this rule. Use of City police vehicles in the course of performing outside employment shall be approved by the Police Chief, or his/her designee.
7. City employees are strictly forbidden from pursuing outside business activity on City time. Government time or property is not to be used for personal gain of any kind.

Prior to engaging in outside/dual employment, to include self-employment, employees must submit a Request for Authorization – Outside Employment form. This form is available through Human Resources and must be submitted to the Department Director for approval.

If it is determined that the employment requested is unreasonably hazardous and may be harmful to the employee, the Department Director will sanction employment only when that employee waives the right to utilize the City's group health plan in the event of an accident or injury, or provide proof that the outside employer provides Workers' Compensation coverage.

The Department Director shall have the right to deny the request, or approve same, provided that such employment is in compliance with the provisions of this policy. Anyone violating this policy is subject to disciplinary action.



## 2.08 PAY PRACTICES

The City of Gainesville has established guidelines consistent with federal and state statutes that will govern its actions associated with compensation for its employees. In accordance with these guidelines, the following procedures have been established.

For more information on pay practices, see Policy 2.02 Recruitment and Selection.

1. The normal workday for City employees is one regularly assigned workday or shift. All employees are expected to be at work every scheduled day and at the appropriate starting time.
2. Employees will be classified as non-exempt (eligible to receive overtime pay), or exempt (ineligible for overtime pay), and these classifications shall meet the criteria established by the Fair Labor Standards Act (FLSA). All non-exempt employees shall be compensated for authorized overtime worked as specified by the FLSA.
3. Exempt employees are considered salaried and shall not be compensated in any manner for excess hours worked during the work period.
4. Overtime shall be those hours actually worked by an employee in excess of 40 hours per week for a seven-day work period, or as otherwise established by federal law.
5. In the case of law enforcement, overtime calculation shall be based on hours worked in excess of 85.5 in a 14-day work period; in the case of Fire and Emergency Medical Services employees 212 hours worked in a 28-day work period.
6. Employees are not permitted to work overtime without permission from their Department Director or his/her designee. Employees who work without permission will be paid, but are subject to discipline up to and including termination.
7. The City does not recognize compensatory time and does not allow any employee to “bank” hours.
8. The City recognizes the importance of advanced certifications obtained by employees that will benefit the City. The City Manager may identify specific positions that qualify for incentive pay. Please contact Human Resources at the time of obtaining certification to determine eligibility.
9. The City has established a bi-weekly pay cycle for regular, full-time employees. Elected and appointed personnel shall be paid monthly.

## 2.09 PERSONNEL RECORDS

All personnel records of employees shall be considered confidential and the property of Gainesville City Government. Information obtained in the course of official duties shall not be released by any employees other than those with this responsibility as part of official duties. All requests for personnel information except as stipulated below (#3) must be processed through the City Manager's office prior to being routed to the Director of Human Resources and other relevant departments. The release of personnel records is governed under the Georgia Open Records Act (O.C.G.A.50-18-70)

1. Current employees who are in need of a specific document from their personnel file (i.e., birth certificate, transcript, etc.) may obtain a copy of requested document without going through the Open Records process provided Human Resources has the document on file, and requested documents are kept to a minimum. Employees are expected to contact Human Resources in advance to make such arrangements.
2. Requests should be submitted in writing to the City Manager's Office specifying the information requested. Requests can also be made via website at [www.gainesville.org](http://www.gainesville.org) under Open Records Requests. Details pertaining to Open Records Requests can be found on this page.
3. Upon receipt of the request, the City Manager's Office will notify the requestor within three (3) business days if there are records responsive to the request and if the records requested are subject to release (O.C.G.A.§ 50-18-71). The response will be provided in written format and will be sent via email when possible.
4. General review of one or a number of files is not permissible.
5. Charges for information from the City's personnel files will be established by the City Manager's Office. The prevailing rate will apply to all duplications of records requested.
6. Items not subject to the Georgia Open Records Act (O.C.G.A. 50-18-72) include but are not limited to medical records, proprietary benefits information protected under HIPAA legislation, similar files or related information and third party evaluations.
7. Employee records shall be kept in accordance with the established retention schedule. Such records may be kept in their original form, or in any other duplicate form, which the Director of Human Resources deems appropriate.
8. Records are governed by the Georgia Records Management Act (O.C.G.A. 50-18-90) (85)-(503).
9. In accordance with state law, applications, resumes, or the names of candidates who are applicants in an employment search for a position with Gainesville City Government will be

released within three days after the request has been received through the City Manager's Office. Charges for assembly and/or copying will be charged at the prevailing departmental rate.

## 2.10 PERFORMANCE EVALUATIONS

In order to measure, document, and evaluate performance, all full time City employees shall receive an annual evaluation. At the discretion of the Department Director, part time employees may also be evaluated using the same process. Evaluations may be completed more frequently at the Department Director's discretion.

1. Performance Factors - Specific areas of evaluation include, but are not limited to, factors such as Job Knowledge, Quality of Work, Productivity, Dependability, and others. Specific factors may change as the evaluation process is revised or updated. The evaluation instruments to be used will be provided and approved by Human Resources.

The performance evaluation seeks to document an employee's overall performance, to advise the employee about whether performance meets expectations and to specify if any improvements need to be made. An evaluation may be used to assist those responsible for recommending promotions or whether an employee will be retained.

2. Rating System - The rating system will consist of a scale ranging from Excellent to Unsatisfactory.

Justification (to include specific examples) should be provided for ratings that are at the bottom of the scale.

Upon completion of the written performance evaluation, supervisors will meet with each employee to review the evaluation. At this time, the employee will have the opportunity to ask questions or provide comments. A copy of the evaluation shall be retained in the employee's personnel file.

3. Evaluation Usage - The City may consider employee performance evaluation history for reasons including but not limited to:
  - a. To determine employees' effectiveness in their assigned positions
  - b. To assess employee training needs
  - c. To determine ability to accept additional responsibilities
  - d. To determine suitability for other positions

## 2.11 REDUCTION IN FORCE

A reduction in force (RIF) occurs when changing priorities, budgetary constraints or other business conditions require the City of Gainesville to abolish positions.

A RIF decision requires an evaluation of the need for particular positions and the relative value of work performed by specific employees so that the City can continue to provide the highest level of service possible with a reduced work force. Determining the retention or separation of an employee includes an evaluation of the relative skills, knowledge and productivity of the employee in comparison to necessary services. Length of service and other factors shall also be considered.

The following guidelines have been established in the event of a RIF:

1. In the event of a reduction in force, duties will be reassigned to other employees as determined by the City.
2. In considering employees to be affected by a reduction of force other than the abolishment of a position, the following criteria will be used:
  - Which positions are most critical to the department in the delivery of services;
  - Relative skills, knowledge and productivity of employees;
  - Performance for last three years;
  - Length of service in job classification and with the City
  - Consideration of equal employment factors to avoid adverse impact on the City's affirmative action goals.
3. Temporary employees performing the same work must be terminated before any employee with a probationary or regular full-time appointment, provided that a probationary or regular employee can perform the temporary employee's tasks.
4. Any determination made by Council that a reduction in force is appropriate is not grievable. Any decision regarding the selection of the employee who will be affected by the reduction in force may be grievable.
5. When a reduction in force is deemed necessary, Department Directors shall provide the names of the affected employees to Human Resources to ensure that such action is carried out orderly and equitably.
6. An employee will be provided a minimum of two weeks or 14 days of notice prior to any reduction in force event, or be paid for the same amount of time in lieu of advance notification.

7. Any employee scheduled to be laid off shall have the right to be demoted to a lower classification provided that a vacancy exists and such employee is qualified to fill the position in the lower classification.
  
8. A reduction in force shall suspend an employee for up to a year from receiving any pay, benefits, (unless Consolidated Omnibus Budget Reconciliation Act (COBRA) is opted for), or service credit from the City. If a vacant position for which a laid off employee is qualified becomes available and is subsequently posted, that employee shall receive consideration if he/she applies for the position as specified in the posting. Any employee who is subsequently recalled will have benefits restarted at the time of the recall. Any layoff lasting for 12 months or more will be considered an involuntary separation.

**3.00 EMPLOYEE RELATIONS PHILOSOPHY**

It is the practice of the City of Gainesville to treat each employee as an individual. We try to develop a spirit of teamwork with individuals working together to attain common goals. In order to maintain an atmosphere where goals can be reached, we attempt to provide a workplace which is comfortable and progressive. We firmly believe that by communicating with each other directly, we can resolve problems that may arise and develop mutually beneficial and respectful relationships.

### 3.01 Basic Standards of Behavior

These policies and procedures are designed and written to express work standards and expectations the Gainesville City Government expects from each employee. Your City Government depends on you to do your best and to be on the job regularly. Your employer and fellow employees expect you to be responsive and cooperate with others in a spirit of teamwork and good customer service.

The City has adopted basic employment standards of behavior for its employees. Every employee is expected to adhere to these tenets of behavior:

1. **Honesty and Integrity** - All City of Gainesville Employees should always be honest and ethical.
2. **Have Regular and Prompt Attendance** - You cannot be productive and fulfill our purpose and our commitment to the public if you are not present at work. Those employees who are present at work are the only ones that are contributing and adding value to our pledge to service.
3. **Positive Attitude** - Your attitude and demeanor are infectious. When it is positive, both you and the City can accomplish great things. That is our standard and our expectation. If you have a problem, it should be addressed through the proper channels quickly. Negativity is non-productive, harmful and inconsistent with the City's mission.
4. **Be Courteous and Helpful to the Public** - Not one of us should ever forget that our customers and citizens provide us our jobs. They deserve excellent service and to be treated with respect.
5. **Be Productive** - Use all your abilities every day, to accomplish our mission: Outstanding Customer Service. Our work is too important, and our standards too high, to spend our time doing anything other than our best. Expect excellence from yourself.
6. **Respect Yourself and Each Other** - The City of Gainesville does not tolerate inappropriate behavior based on someone's race, color, national origin, age, disability, gender, religion, genetic information, or protected class as established by law. Jokes or other behavior that demeans or insults others are not appropriate and will not be tolerated.
7. **Be Safe** - Most of us work with equipment, material, and vehicles and under conditions that expose us, and the public to safety hazards. Accidents hurt everyone. Be careful, use safety equipment, and report unsafe conditions to your supervisor immediately.
8. **Work Smart** - Be responsible for your own performance and set high standards for yourself. Be creative. If some rule or process is in the way, bring it to the attention of those who can change it. Always try to do the right thing.



9. **Be Accountable** - Make yourself responsible for your own performance. Do not make excuses or blame others when problems arise. Take it upon yourself to solve problems. Supervisors should always give credit where it is due.
  
10. **Be Committed** - We all spend a significant part of our lives at work. Let's make it count for something. Let's make a difference!

These Basic Employment Standards will apply to all employees at all times. Failure to follow these Standards will result in disciplinary action in accordance with established City policy up to and including termination of employment.

An employee's compliance with the Basic Standards will be considered during annual performance evaluations, transfers and promotional decisions, and all other matters relating to performance and behavior issues.

### **3.02 WORKPLACE HARASSMENT AND DISCRIMINATION**

The City of Gainesville prohibits any form of harassment or discrimination whether verbal, physical, or visual, that threatens, intimidates or coerces an employee based upon a person's protected status, such as race, color, national origin, age, disability, gender, religion, genetic information or protected class as established by law.

The City will take appropriate and immediate action in response to complaints or knowledge of violations of this policy.

Employees found in violation of this policy will be subject to disciplinary action, up to and including termination.

#### **Sexual Harassment**

Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited.

Sexual harassment is unwelcome conduct of a sexual nature that is sufficiently persistent or offensive to unreasonably interfere with an employee's job performance or create an intimidating, hostile or offensive working environment.

#### **Examples of Prohibited Sexual Harassment Conduct:**

Though sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include the following:

- Explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented kidding or teasing, practical jokes about gender specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and/or physical contact, such as patting, pinching, or brushing against another person's body.
- Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
- Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex.

## **Responding to Conduct in Violation of Policy**

### **Employees**

Anyone who believes he or she is being subjected to harassment or who has witnessed such conduct must immediately report such conduct. Generally, the employee should report the conduct to their Department Head. If the Department Head is involved, or if the employee is otherwise uncomfortable reporting the conduct to their Department Head, the employee may proceed directly to the Director of Human Resources.

Employees may also address the situation directly and immediately to the alleged harasser, if possible. If the inappropriate conduct does not cease, or if the employee is unable to or is uncomfortable with addressing the alleged harasser directly, he or she should report the incident (preferably within 24 hours) to the appropriate personnel as outlined above.

It is helpful, but not required, to provide a written record of the date, time and nature of the incident(s) and the names of any witnesses.

It is important to report any and all concerns of harassment as soon as possible. Management must be made aware of the situation so that it can conduct an immediate and impartial investigation and take appropriate action to remediate or prevent the prohibited conduct from continuing.

The City will preserve the confidentiality of harassment complainants and witnesses as much as possible consistent with a thorough investigation. Prompt, corrective action, up to and including termination of employment will be taken when an investigation of a harassment complaint confirms the allegations.

### **Managers and Supervisors**

Managers and supervisors must deal expeditiously and fairly with allegations of harassment within their departments whether or not there has been a written or formal complaint. They must:

- Take all complaints or concerns of alleged or possible harassment or discrimination seriously no matter how minor or who is involved.
- Ensure that harassment is immediately reported to Human Resources so that a prompt investigation can occur.
- Take any appropriate action to prevent retaliation or prohibited conduct from recurring during and after any investigations or complaints.

Managers and supervisors who knowingly allow or tolerate harassment or retaliation, including the failure to immediately report such misconduct to Human Resources, are in violation of this policy and subject to discipline.

The City recognizes that intentional or malicious false accusations of misconduct can have a serious effect on innocent men and women. Individuals falsely accusing another of misconduct will be disciplined in accordance with the nature and extent of his or her false accusation.

All contractors, vendors, service providers and maintenance personnel are expected to abide by this policy.

### 3.03 WORKPLACE BULLYING

Bullying is defined as **repeated** inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment. The City will take appropriate action to ensure that all employees are treated with dignity and respect.

The City considers the following types of behavior examples of bullying:

- **Verbal bullying:** Slandering, ridiculing or maligning a person or his or her family; persistent name calling that is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.
- **Physical bullying:** Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property
- **Gesture bullying:** Nonverbal threatening gestures; glances that can convey threatening messages.
- **Exclusion:** Socially or physically excluding or disregarding a person in work-related activities.

In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:

- Persistent singling out of one person.
- Shouting or raising voice at an individual in public or in private.
- Using verbal or obscene gestures.
- Not allowing the person to speak or express himself or herself (i.e., ignoring or interrupting).
- Personal insults and use of offensive nicknames.
- Public humiliation in any form.
- Constant criticism on matters unrelated or minimally related to the person's job performance or description.
- Ignoring or interrupting an individual at meetings.
- Spreading rumors and gossip regarding individuals.
- Encouraging others to disregard a supervisor's instructions.
- Manipulating the ability of someone to do his or her work (e.g., overloading, underloading, withholding information, assigning meaningless tasks, setting deadlines that cannot be met, giving deliberately ambiguous instructions).
- Inflicting menial tasks not in keeping with the normal responsibilities of the job.
- Taking credit for another person's ideas.
- Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave.
- Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual's property (defacing or marking up property).

## **Responding to Conduct in Violation of Policy**

### **Employees**

Anyone who believes he or she is being subjected to bullying or who has witnessed such conduct must immediately report such conduct. Generally, the employee should report the conduct to their Department Head. If the Department Head is involved, or if the employee is otherwise uncomfortable reporting the conduct to their Department Head, the employee may proceed directly to the Director of Human Resources.

Employees may also address the situation directly and immediately to the alleged bully, if possible. If the inappropriate conduct does not cease, or if the employee is unable to or is uncomfortable with addressing the alleged bully directly, he or she should report the incident (preferably within 24 hours) to the appropriate personnel as outlined above.

It is helpful, but not required, to provide a written record of the date, time and nature of the incident(s) and the names of any witnesses.

It is important to report any and all concerns of bullying as soon as possible. Management must be made aware of the situation so that it can conduct an immediate and impartial investigation and take appropriate action to remediate or prevent the prohibited conduct from continuing.

The City will preserve the confidentiality of complainants and witnesses as much as possible consistent with a thorough investigation. Prompt, corrective action, up to and including termination of employment will be taken when an investigation of a bullying complaint confirms the allegations.

### **Managers and Supervisors**

Managers and supervisors must deal expeditiously and fairly with allegations of bullying within their departments whether or not there has been a written or formal complaint. They must:

- Take all complaints or concerns of alleged or possible bullying seriously no matter how minor or who is involved.
- Ensure that bullying is immediately reported to Human Resources so that a prompt investigation can occur.
- Take any appropriate action to prevent retaliation or prohibited conduct from recurring during and after any investigations or complaints.

Managers and supervisors who knowingly allow or tolerate bullying, including the failure to immediately report such misconduct to Human Resources, are in violation of this policy and subject to discipline.

The City recognizes that intentional or malicious false accusations of misconduct can have a serious effect on innocent men and women. Individuals falsely accusing another of misconduct will be disciplined in accordance with the nature and extent of his or her false accusation.

All contractors, vendors, service providers and maintenance personnel are expected to abide by this policy.

### **3.04 ANTI-RETALIATION**

The City of Gainesville believes that every employee should be free to ask questions, raise concerns, and make complaints about treatment the employee believes is improper, unfair, unethical, harassing, or discriminatory. The City also respects the right of an employee to contact resources such as an agency or court, if an employee believes that it is necessary, although we hope you will give us the opportunity to fix the problem.

Consistent with this commitment, the City strictly prohibits any form of retaliation against an employee merely for expressing a concern or making a complaint within the City, or for bringing a formal claim against the City, or communicating with an outside agency. An employee who believes that s/he has been retaliated against in violation of this policy should immediately notify the Director of Human Resources so that the situation can be investigated and, if retaliation is found, remedied. Similarly, if an employee thinks or suspects that someone else is or has been the victim of retaliation, this policy authorizes that employee to come forward and report the suspected retaliation directed against another person.

Anyone who engages in, authorizes, or permits any form of retaliation in violation of this policy will be subject to severe disciplinary action, up to and including termination.



### **3.05 Technology and Electronic Information**

The City of Gainesville has established a technology policy, which will define the proper use of electronic communications, electronic information and internet access. The City is committed to providing an environment that encourages the use of technology to improve customer service and support the City's business. General examples of the equipment in use include computers, telephones and smart devices. It is the responsibility of each employee to ensure that this technology is used for proper business purposes and in a manner that does not compromise the confidentiality of proprietary or other sensitive information. The use of programs, systems, and equipment of the City is a privilege and requires the users to be responsible and accountable for their actions at all times.

The City's network, including its connection to the internet, is to be used primarily for business related purposes. By using electronic communications such as email and telephones, sending or receiving information, accessing the internet, or by using any of the City's equipment and software, employees agree and understand that this technology has been provided by the City at its own expense for use by its employees in business transactions and business communications for the City of Gainesville. Electronic communications are an extension of the City and should always be in good taste.

The City understands that from time to time some of this equipment might be used, with advance approval of the manager, for an employee's personal use. Limited internet use, infrequent contact with family or friends on proper topics is permitted, provided it is brief, infrequent, and within the spirit and intent of these guidelines.

All electronic information and electronic communications related to the City network are the property of the City. The City reserves the right to review, audit, and monitor its electronic equipment, including an employee's mailbox and internet usage at its discretion in the ordinary course of business. As such the City can access these resources at anytime, including periodic announced or unannounced inspections. Employees do not have personal privacy rights regarding web browsing and any information that has been composed, created, received, downloaded, retrieved, saved, sent, or deleted using the City's internal network.

#### **Prohibited Uses:**

1. Violation or attempted violation of any law.
2. There shall be no inappropriate messages or documents that refer to someone's race, color, national origin, age, disability, gender, religion, genetic information or other protected class status as established by law.
3. There shall be no harassment in any form including, but not limited to, insensitive, derogatory, offensive or insulting messages, comments or unfounded gossip of any kind.

4. All sexually explicit materials including indecent images, cartoons, or jokes are explicitly banned.
5. Personal attacks on co-workers or business associates are forbidden, as is hate mail, vulgar or otherwise offensive language, chain letters and jokes, all of which can constitute harassment and can undermine employee productivity and efficiency.
6. Sharing of network logon passwords and application passwords. User passwords for documents, shared folders, screen savers or any other password not administered by Information Technologies should be shared with the manager.
7. Downloading, saving, sending, installing, or accessing any music, audio or video file is prohibited unless necessary for business.
8. Downloading any computer software from the internet without advance written permission of Information Technologies.
9. Unauthorized dissemination of sensitive or confidential City information or citizen information not within the scope of job duties.
10. Using your City email account for personal email subscriptions or personal social media accounts or other personal web-based accounts.
11. Others:
  - Use for a personal business or personal causes
  - Use of unassigned equipment
  - Misrepresenting one's identity
  - Removing required business programs or files
  - Sending personal emails with large attachments to your City account

**Use of Employee-Owned Devices:**

During working time, personally-owned devices should only be used in a limited manner that does not affect productivity. Given the evolving smart device market, there will always be other devices that are inappropriate or unprofessional. The City may prohibit the use of these devices at any time.

### **3.06 SOCIAL MEDIA, SOCIAL NETWORKING, AND BLOGGING**

Social media, social networking and blogging can be a fun and rewarding way to share your life and opinions with family, friends and coworkers. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we've established the following guidelines:

The term "social media" in this section, includes any online tools used to share content and profiles, such as personal web pages, message boards, networks, communities, and social networking websites including, but not limited to, Facebook, Google+, Twitter, LinkedIn, Tumblr, Instagram, Reddit, and blogs. The lack of explicit reference to a specific site or type of social media does not limit the application of this policy.

This policy will not be interpreted or applied so as to interfere with the rights of employees to discuss or share information related to their wages, hours, or other terms and conditions of employment. Employees have the right to engage in or refrain from such activities. The same principles and guidelines found in other City policies apply to your activities online. Ultimately, you're solely responsible for what you post online.

#### **Know and Follow the Rules**

Remember that our guidelines on Confidentiality, Equal Employment Opportunity, Electronic Information and Internet Usage, and our Policy Against Harassment, apply to social media, and ensure your postings are consistent with these policies. Postings that include discriminatory remarks, sexually harassing statements, threats of retaliation or violence are all violations and will not be tolerated. These types of violations could lead to disciplinary action up to and including termination, even for what might be considered a first offense.

#### **Using Social Media at Work**

Don't use social media while on working time using personal devices. City equipment should never be used for social media, unless it is work-related as authorized by your supervisor, or some other member of management; or consistent with the Technology and Electronic Information Policy. If you've been assigned a City email address, don't use it to register on a social networking site, blog or other online tools that you utilize for personal use.

#### **Reporting Violations and Prohibition Against Retaliation**

We encourage you to report violations of this policy. The City prohibits retaliation against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy, or for cooperating in an investigation, will be subject to disciplinary action up to and including termination.

**For More Information**

Employees should know that the City has the right to and will monitor the use of its computer, telephone, and other equipment and systems, as well as any publicly accessible social media. Employees should expect that any information created, transmitted, downloaded, exchanged or discussed on publicly accessible online social media may be accessed by the City at any time without prior notice.

To the extent an employee is authorized as part of his/her job duties to use social media account(s) to advance the employer's interests, the employer, not the employee, owns the account(s) and employees are required to return all logins and passwords for such accounts at the end of employment.

If you have questions or believe you need further guidance on what is expected of you when using the City's Systems or communicating electronically, please contact the IT Department.

### **3.07 GRIEVANCES AND COMPLAINTS**

The City of Gainesville is committed to ensuring that employees receive fair and equitable treatment throughout their employment. In upholding this commitment, the City has established this complaint and formal grievance policy to ensure that employees are afforded the opportunity to exercise their rights in the event they feel unfair adverse action has been taken against them.

The procedures for filing a complaint or formal grievance are outlined below. Employees should read these steps very carefully. Failure to comply with these guidelines may result in a delay or denial of your complaint or grievance.

Any employee (probationary or non-probationary) who believes he/she has been subjected to harassment, discrimination, or unlawful treatment as it relates to the City's EEO Policy 1.03 or the City's Harassment Policy (3.02) should report the conduct to their Department Head. If the Department Head is involved, or if the employee is otherwise uncomfortable reporting the conduct to their Department Head, the employee may proceed directly to the Director of Human Resources.

#### **Complaint Procedure**

This process has been put in place to facilitate free discussion of employment concerns between employees and supervisors to foster better understanding of administrative and/or operational policies, procedures, and practices.

1. Employees may use the complaint process for non-grievable issues.
2. An employee's chain of command must have the opportunity to resolve any disputed non-grievable issue. If you are unsure of your chain of command, ask your immediate supervisor.
3. Other issues of a more serious nature may be resolved through the formal grievance process. Grievable issues are listed under the Grievance Procedure.
4. If the employee is not satisfied with the response from the chain of command, the employee may, through the Director of Human Resources, file the complaint to the City Manager. The City Manager's decision shall be final.
5. At any point when following the chain of command, the employee, supervisor, or Department Director may call upon the Director of Human Resources to assist in resolving the complaint.
6. Employees must use the Complaint Form when filing. The form is available through Human Resources.

**Grievance Procedure**

1. Only non-probationary employees may file a formal grievance, except in circumstances where a probationary employee believes he/she has been subjected to harassment, discrimination, or unlawful treatment as it relates to the City's EEO Policy 1.03 or the City's Harassment Policy (3.02).
2. This grievance procedure may only be used for the following actions:
  - Dismissal
  - Demotion
  - Suspension (more than 2 weeks)
  - Any disciplinary action that Employee believes relates to harassment, discrimination, or unlawful treatment as it relates to the City's EEO Policy 1.03 or the City's Harassment Policy 3.02.
3. Employees must use the Grievance Form when filing. The form is available through Human Resources. It will be necessary to include the following information on the form:
  - The date of occurrence of the grievable incident
  - Relate the facts, witnesses, and circumstances of the specific incident
  - Specific relief desired
4. Employees are not required to follow the chain of command when filing a grievance.
5. Grievances must be filed within seven (7) calendar days of the grieved event. Grievances submitted after this time are untimely and will not be considered.
6. Within ten (10) calendar days of receiving the grievance, the Department Director will provide a written report of findings and determination to the employee filing the grievance.
7. If the employee is not satisfied with the Department Director's decision, he/she may, through the Director of Human Resources, file a request for review by the City Manager. The grievance form and supporting documentation must be submitted to the Director of Human Resources within five (5) calendar days from the Department Director's written decision.
8. Within 20 calendar days, the City Manager may schedule a meeting with the employee and, at his or her discretion, members of the employee's chain of command, to review the facts and provide a response. In lieu of scheduling a meeting with the grieving employee, the City Manager may opt to respond in writing.
9. If the employee is not satisfied with the decision of the City Manager, an appeal to the Administrative Hearing Officer may be filed (through the Director of Human Resources) within 15 calendar days from the receipt of a response from the City Manager. Only

grievable issues, as defined, are eligible for review by the Administrative Hearing Officer. The Administrative Hearing Officer will set a date for a hearing within 45 calendar days from the receipt of the request. [See section below regarding appeals to the Administrative Hearing Officer]

10. The employee having a grievance scheduled for a hearing before the Administrative Hearing Officer may be allowed a continuance for good cause, at the discretion of the Administrative Hearing Officer. The Administrative Hearing Officer may dismiss the case without a hearing if more than two continuances are requested by the affected employee without justifiable cause. The City may request postponement out of business necessity.
11. Repeated filing of grievances concerning the same issue which has been denied will not be considered.
12. All documentation associated with the grievance will be maintained by the Human Resources Department. Although grievance documentation is part of the employees' records, the documentation will be filed separately from the employee's official personnel file in the Human Resources Department.

### **Administrative Hearing Officer**

The City's Administrative Hearing Officer shall have the final authority within Gainesville City Government to hear a grievance.

1. The Administrative Hearing Officer is an individual, appointed by the City Council, designated to preside over hearings and administrative proceedings of various types. When hearing personnel matters, the Administrative Hearing Officer will be neutral and serve without favoritism to either party involved in the hearing.
2. During personnel hearings, the Administrative Hearing Officer will review the actions of management to ensure that:
  - The action taken was not arbitrary or capricious;
  - No discrimination or violation of state or federal law occurred;
  - There is evidence to support the decision of the City Manager.
3. Upon reaching a conclusion about the matter, the Administrative Hearing Officer will issue a written opinion to the City Manager containing his/her findings and recommendations, with a copy to the grievant. After reviewing the opinion, the City Manager may take such action as the Manager believes is appropriate.
4. Issues that may be reviewed by the Administrative Hearing Officer include dismissal, demotions, suspensions without pay for more than two weeks, harassment, discrimination, or unlawful treatment as it relates to the City's EEO Policy 1.03.

### 3.08 Disciplinary Action

The purpose of discipline is to encourage proper conduct and to redirect behavior, not to punish. The City reserves the right to discipline an employee as considered necessary and to take appropriate employment action as the circumstances may require.

The following disciplinary actions are available to supervisors. The City reserves the right to discipline employees as deemed appropriate by City management.

1. Documented Verbal Counseling - A formal counseling session is a written record of communication between a supervisor and employee. A Counseling is used to discuss minor infractions of rules of conduct and to propose corrective action in order to prevent reoccurrence.
2. Written Warning - A Written Warning, or Written Reprimand, will be used for more serious infractions of rules of conduct or repetition of minor infractions. A written warning must be discussed with the employee. Employee and supervisor should sign and date the form. The employee's signature does not signify agreement with the action, but does indicate that the matter has been discussed with the employee and chronicles the date it was discussed.
3. Suspension - The following guidelines will govern suspension at the discretion of the Department Director, Director of Human Resources, and/or City Manager:
  - a. An employee may be suspended for unacceptable performance or disciplinary reasons.
  - b. An employee may be suspended when he/she is charged with a criminal offense which may affect the performance of the employee's job or the public's perception of the City's workforce.
  - c. A suspension will be for a reasonable period up to 30 calendar days unless a longer period is approved by the City Manager. Suspensions in excess of two weeks may be grievable by any non-probationary employee as authorized by the policies of the City.
  - d. While an employee is on suspension without pay, no paid time off (PTO) will accrue, nor will an employee be paid for holidays that may occur.
4. Reduction in Pay - An employee's pay may be reduced for very serious rules infractions, and/or incidents of City property damage or liability, at the discretion of the Department Director, Director of Human Resources, and/or City Manager.
5. Demotion - An employee may be permanently or temporarily demoted to a lower graded job with a correspondingly lower pay rate for unacceptable performance or for disciplinary reasons. The Department Director should discuss the demotion with the Director of Human Resources prior to taking action against the employee. [See Demotion under Policy 2.02 Recruitment and Selection]
6. Discharge - An employee may be discharged at the discretion of the Department Director, Director of Human Resources, and/or City Manager for:



- a. Committing a major offense;
- b. Three written warnings on different infractions; or
- c. Two written warnings on the same infractions within a 12-month period.
- d. Committing any offense where the facts and circumstances warrant immediate termination.

Discharging an Employee:

1. If termination is recommended by the Department Director, he/she must discuss and receive concurrence of the termination by the Director of Human Resources or his/her appointee.
  2. The Department Director or Supervisor must prepare a termination letter or detailed Disciplinary Action Report and submit it to the Director of Human Resources for review prior to giving it to the employee.
  3. The Department Director or Supervisor should have a meeting with the discharged employee (if possible) to notify the employee of the decision to terminate his/her employment.
  4. Any outstanding funds due the City shall be collected from the terminating employee.
7. Abandonment of Job - An employee will be presumed to have abandoned his/her job when the employee does not report to work or call in for three consecutive scheduled workdays.
8. Administrative Leave (Paid) - With the approval of the Director of Human Resources and/or City Manager, an employee may be placed on administrative leave with pay and without prejudice pending the outcome of a problem situation, administrative investigation, or inquiry.
9. Loss of Required License or Certification - Any employee who is unable to perform the essential job functions of his/her job adequately because of the loss of a necessary license or other requirement shall be subject to adverse action which may include termination of employment. In lieu of termination, an employee may be demoted to a lower class position if such position is available within the department, and if the employee is qualified to perform the essential job functions. Such demotions will be accompanied by a salary reduction in accordance with City pay practices.
10. Attendance - The normal workday for City employees is one regularly assigned workday or shift. All employees are expected to be at work every scheduled day and at the appropriate starting time, as set by the City or the Department Director. However, if an employee is ill or has an unforeseen family emergency, the employee may be excused from being at work promptly as scheduled. If the Department Director determines that the employee has abused sick leave or unscheduled PTO privileges resulting in an attendance problem, sick or PTO pay may be withheld. An employee's immediate supervisor may require a physician's excuse and explanation when an employee is absent for three or more consecutive days or who is absent from work frequently or habitually. An employee's supervisor may require a doctor's statement before the employee is permitted to return to work.

### **3.09 Violence and Weapons in the Workplace**

The City of Gainesville has a strong commitment to its employees to provide a safe, healthy, and secure work environment within the confines of prevailing law. The City also expects its employees to maintain a high level of productivity and efficiency. The presence of weapons and the occurrence of violence in the workplace are inconsistent with these objectives. While the City has no intention of intruding into the private lives of its present or potential employees, all on-duty City employees (except for those specified under Exceptions below) are prohibited from possessing weapons while performing their duties in any location or situation in which the individual is acting in his/her capacity as an employee of the City. This policy shall apply to all City employees, regardless of full-time, part-time, paid, non-paid, and/or volunteer status. The City expects all employees to perform their job without violence toward any other individual and work in a manner so that they can perform their duties in a safe and productive manner. It is the City of Gainesville's belief that all employees have the right to work in an environment free from physical violence, threats, or intimidation. Such behavior may result in disciplinary action up to and including termination of employment.

#### **Exceptions:**

- a. Authorized police personnel, and hired security personnel, while performing their official duties.
- b. Pursuant to O.C.G.A. 16-11-135 employees may keep a weapon(s) in a locked compartment of a motor vehicle or one which is in a locked container or in a locked firearms rack which is on a motor vehicle and such vehicle is parked in a City parking facility.
- c. Employees may possess licensed weapons for personal protection while traveling out of town on business purposes when allowed by law.

**These restrictions and prohibitions shall apply to all employees regardless of any license or permit that an individual may have pertaining to said firearms and weapons including a concealed weapons permit.**

It is the responsibility of each supervisor to ensure that all employees are informed of and are aware of this policy and legal guidelines. Employees who are victims of or who are witnesses to violent incidents should immediately report such conduct to their supervisor or to the Director of Human Resources.

#### **Prohibited Activities:**

The City of Gainesville specifically prohibits the following activities by City employees while on duty or on City property, with the exceptions listed above. Employees engaging in any of the following may be required to cooperate in an internal investigation and are subject to disciplinary action up to and including termination of employment on the first offense:

1. Use, possession, (except where official standard equipment issue), or sale of any weapon. A weapon is described as explosive devices, a machine gun, a short barrel rifle or shotgun, a

handgun (except police officers' issued equipment), a firearm silencer, a switchblade knife, a device principally designed, made, or adapted for delivering or shooting an explosive weapon, any other type of knife with a blade in excess of five inches, knuckles, or other implement used for infliction of bodily injury, serious bodily harm, or death, which have no common lawful purpose or are not issued as standard employee equipment by the department.

2. Storing any weapon in a locker, desk, lunch box, tool kit, bag, purse, tote, or other repository on the worksite of any City building, except as noted in Exceptions item b) above.
3. Illegal possession, use, or sale of a weapon off City property that adversely affects his/her own or other's safety at work, or indicates a propensity for same.
4. Refusing to submit to an inspection for the presence of a weapon that is requested by the City.
5. Conviction under any criminal statute for the illegal possession of a weapon or for committing a violent act against the person or property of another.
6. Refusing to participate in an investigation pertaining to allegations or suspicion that violence has or is likely to occur, or an investigation pertaining to the carrying of a weapon by the employee.
7. Verbal or physical threats, threatening gestures, statements, or actions to employees, supervisors, and the citizens we serve.
8. Fighting, including unprovoked attacks that are either physical or verbal.
9. The City reserves the right to search an employee's possessions kept in City offices, desks, or lockers for appropriate reasons. Employees shall have no right of privacy with respect to City facilities and equipment. Reasons may include, but are not limited to searches for:
  - a. City documents, property, equipment, tools;
  - b. Missing or stolen articles;
  - c. Alcohol, drugs, or any controlled substance;
  - d. Firearms or weapons
10. Any employee who believes he/she has been subject to conduct which violates this policy may use the City's complaint procedure as outlined in Policy 3.07.

### **Serving Customers with Weapons Policy**

It is the policy of the City of Gainesville to provide quality customer service to all of our citizens and customers while simultaneously providing a safe, secure, and comfortable work environment for City employees.

Passed in 2014, Georgia HB60 changed state law by allowing authorized individuals to carry firearms into certain City buildings and facilities thus allowing them to possess such firearms during meetings, conversations, and other direct interactions with staff and others.

Due to the nature of certain City-customer business activities, it is understood that at times conversations, meetings, and other interactions between staff and customers may become tense and uncomfortable. In some circumstances, an employee may feel personal discomfort when working directly with individuals carrying firearms. This policy is intended to guide and authorize staff to seek additional assistance in such situations when deemed necessary.

While not required, employees are authorized to make alternative meeting arrangements when serving customers with firearms or weapons.

When an employee is serving an individual carrying a firearm or other weapon and he/she feels personally uncomfortable doing so, such staff is authorized to contact their supervisor or Department Head who, at their discretion, may make alternative arrangements to best serve the customer. Alternative arrangements may include setting up an appointment at a specific date, moving meeting locations, seeking assistance from others including obtaining the presence of police personnel during such meetings, and/or other similar arrangements.

The purpose of alternative arrangements would be to minimize employee discomfort and potential for disruption while providing quality customer service.

### 3.10 STANDARDS OF CONDUCT

The reputation of the City of Gainesville is in large part dependent on how employees conduct themselves, both on and off the job.

Violation of established work standards, depending on frequency and severity, may result in disciplinary action. The City believes that progressive discipline can be used where appropriate. City employees are to use common sense and abide by the standards of honesty and decency accepted by all good citizens.

1. Listed below are examples of major offenses which will not be tolerated. These egregious acts may result in immediate termination or suspension even if no progressive discipline has been previously applied.
  - a. Possession, use, or selling of alcohol, narcotics, drugs, or other psychoactive substances on City property;
  - b. Unauthorized possession or use of firearms or other weapons on City property;
  - c. Theft, including, but not limited to falsifying payroll records to show an individual is present when he/ she is actually not present, theft by deception, conversion, gambling, etc.
  - d. Insubordination or willful disobedience of directions and instructions necessary to City operations;
  - e. Disclosure of confidential or privileged information;
  - f. Fighting, threatening bodily injury, or horseplay on the job or on City property;
  - g. Violation of the City's Drug-Free Workplace Policy;
  - h. Arrest or conviction of a criminal offense which will affect the performance of an employee's job or the public's perception of the City's workforce;
  - i. Reckless, careless, hazardous, or other behavior, which endangers persons or property;
  - j. Lying or misrepresenting the truth;
  - k. Failure to notify the supervisor of loss of a driver's license or certification if the job requires same;
  - l. Driving a City vehicle while not properly licensed under state law;
  - m. Violation of the City's EEO Policy or the Harassment Policy ;
  - n. Unauthorized use of City-owned equipment, vehicle, or manpower;
  
2. Listed below are examples of behavior which will not be tolerated. These acts may result in such disciplinary actions as a reprimand or warning, suspension, demotion, and/or termination of employment.
  - a. Unsatisfactory job performance resulting in inefficiency or ineffectiveness;
  - b. Unsatisfactory work practices or procedures; lack of cooperation with directives from supervisors;
  - c. Negligence in carrying out duties;
  - d. Disregard for safety and security rules of the department;

- e. Excessive unexcused absenteeism including partial days' absences;
- f. Failure to keep supervisor properly informed concerning absences or tardiness;
- g. Failure to properly follow City leave of absence policies;
- h. Inappropriate conduct by supervisors to include denigrating subordinates;
- i. Use of abusive or obscene language;
- j. Violation of any City or departmental policy;
- k. Willful destruction of City property including sabotage, repeated carelessness or damage/loss of City issued property;
- l. Mishandling cash or other City property;
- m. Unauthorized assembly of employees on City time;
- n. Unauthorized solicitation of funds for any purpose during working hours except for those approved in advance by the Department Director. At no time shall any solicitations interfere with City work operations;
- o. Unauthorized time or shift swapping will not be allowed. In order to be authorized, all shift supervisors involved must have knowledge of the swap and authorize the event in writing.
- p. Unauthorized employee charges or purchases of any amount to the account of the Gainesville City Government.

### **3.11 SMOKE AND VAPE-FREE FREE WORKPLACE**

In an effort to provide a safe and healthy workplace and to promote the good health and wellbeing of its employees, the following smoking and vaping policy has been adopted and shall apply to all employees of Gainesville City Government.

It is the policy of the City to prohibit the smoking of any tobacco product, the use of oral tobacco products or “spit” tobacco (smokeless tobacco) and the use of e-cigarettes (vaping) with or without nicotine. This applies to both employees and visitors of the City of Gainesville on all premises listed below in order to provide and maintain a safe and healthy work environment for all employees.

1. The use of such products is not permitted in the following areas:
  - a. All City buildings
  - b. Any area in which a fire or safety hazard exists
  - c. Common areas, including elevators, stairwells, lobbies, waiting rooms, copy rooms, mail rooms, auditoriums, reception areas, customer service areas, employee lounges, computer areas, and rest rooms
  - d. 50 feet from any City facility egress area including public and employee entrances and exits
  - e. Classrooms and conference rooms
  - f. Any area not specifically designated “smoking permitted”
  - g. City owned vehicles
2. All materials used for smoking, including cigarette butts and matches, will be extinguished and disposed of in appropriate containers. Supervisors will ensure periodic cleanup of the designated smoking area. If the designated smoking area is not properly maintained (for example, if cigarette butts are found on the ground), it can be eliminated at the discretion of management or other decision-making body.
3. Supervisors will discuss the issue of taking smoke breaks with their staff. Together they will develop effective solutions that do not interfere with the productivity of the staff.

### 3.12 DRUG-FREE WORKPLACE

The City of Gainesville is committed to:

- Providing quality service to citizens by employing qualified, capable employees who are fit and ready to perform their duties in a safe, efficient and productive manner;
- Safeguarding the welfare of citizens, mindful of their safety and the safety of their property;
- Providing a safe, healthy and secure work environment for our employees;
- Ensuring that employees are not impaired in their ability to perform assigned duties in a manner that is safe for them, for their fellow employees, for citizens and the public they serve and persons with whom they interact;
- Maintaining City facilities and equipment and ensuring their proper use to minimize risk or harm; and,
- Ensuring that all employees project a positive and professional image while representing the City – this includes operating a City vehicle, wearing a City uniform or identification, and/or representing the City in any capacity.

Maintaining a workplace free of illegal drugs and prohibiting the misuse or abuse of alcohol or other intoxicants by City employees is critical to achieving this commitment.

Under this policy, the City will hold employees accountable for complying with the requirements necessary to maintain a drug-free workplace and to perform their job duties unimpaired by the use of drugs or misuse or abuse of alcohol.

To enforce this policy, the City will use drug testing and alcohol screening to administer the Federal Drug Free Workplace Act and comply with state and federal laws, rules and regulations as provided in the following:

- The Federal Drug Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and requirements for reporting certain drug-related offenses to specified Federal agencies; and
- The Omnibus Transportation Employee Testing Act of 1991 as administered by the Department of Transportation. The US Department of Transportation (DOT) requirements published in 49 CFR Part 40, as amended which sets standards for collection and testing of urine specimens in screening for the presence of drugs and breath tests for alcohol.

Based on our commitment to compliance, the City has adopted this policy and the procedures necessary for its administration.

APPLICABILITY - This policy applies to all City employees, as follows.



**Group One** - “FTA Safety-Sensitive” (Covered by Federal Transit Administration [FTA]):

Employees whose duties may include at any time:

- Operating a revenue service vehicle, whether or not such vehicle is in revenue service.
- Controlling dispatch or movement of a transit service vehicle.
- Maintaining a revenue service vehicle or equipment used in revenue service.

**Group Two** - “FMCSA Safety-Sensitive” (Covered by Federal Motor Carrier Safety Administration):

Employees whose duties may include at any time:

- Operating any vehicle (regularly or as needed) required to be operated by a holder of a Commercial Drivers License (CDL).

**Group Three** - “City Safety-Sensitive”:

- Performing work as a POST (Peace Officer Standards and Training Council) Certified law enforcement officer.
- Performing emergency medical rescue, fire suppression, accident prevention, or other protective functions.
- Interacting with prison work details or similar situations.
- Carrying a firearm for security or law enforcement purposes.
- Performing duties essential to drug interdiction.
- Performing duties which directly affect public health, where the duties require the prevention of disease, prolonged life, and promoting health.
- Performing duties which directly affect public safety, where the duties require the prevention and protection of events that could endanger the safety of the public from danger, injury, harm, or damage, such as crimes or disasters (natural or man-made).
- Operating a city vehicle, motorized equipment, or machinery in the normal course of their duties.
- Maintenance functions for the repair, overhaul, and rebuild of engines, vehicles and/or equipment, which may require test driving or moving a vehicle.
- Otherwise classified as “safety-sensitive” in Group One or Group Two above.

**Group Four** – “All Other”

- City employees whose job duties do not fall in Groups One, Two or Three.

***Employees may be assigned to more than one Group.*** The City has reviewed the actual duties performed or may be performed by employees in all job classifications to determine which employees perform safety-sensitive functions, and has determined which job classifications may require the performance of safety-sensitive functions.

Any newly-created job classification will be assessed to determine whether the job should be considered safety-sensitive and, if so, in which group(s) the position should be placed.

A current list of all safety-sensitive positions is maintained by Human Resources.

1. **PROHIBITED SUBSTANCES** - Prohibited substances addressed by this policy include the following:

a. Illegally Used Controlled Substances or Drugs

The illegal use of any drug or substance identified in Schedules I-V of O.C.G.A. §§16-13-25 through 16-13-29, Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times unless a legal prescription has been written by a medical professional authorized by law to write prescriptions for the substance. This includes, but is not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug or substance not approved by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration for medical use or consumption by humans. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, use of a legally prescribed drug contrary to the instructions given to the employee, and illegal use of prescription drugs, including the use or consumption of the prescription drugs of another person.

b. Alcohol

An employee is prohibited from consuming any beverage or other substance containing alcohol while performing City work unless approved in advance by the Department Director or designee, including prescription drugs or over-the-counter medication.

2. **LEGAL DRUGS**

A legally prescribed drug means that an individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment.

The appropriate use of legally prescribed drugs and non-prescription medication is not prohibited. Any drug or substance, whether prescribed or not, that contains any amount of alcohol may not be consumed while performing City work unless approved prior to beginning work by the Department Director or designee. It is, however, the employee's responsibility to inform his/her physician of the assigned job duties and determine from the physician, or other health care professional, whether or not the prescribed drug may impair the employee's job performance or mental or motor function. It is the responsibility of the employee to remove himself/herself from service if he/she is unfit for duty.

Employees are required to report the use of medically authorized drugs or other substances that may create a direct threat by impairing job performance of safety-sensitive functions to his/her supervisor and provide proper written medical authorization to work from a physician. Failure to report the use of such drugs or failure to provide proper evidence of medical authorization may result in disciplinary action.

### **3. EDUCATION AND AWARENESS**

The City has established a drug awareness program to educate employees about the dangers of alcohol and drug abuse in the workplace. As part of this program, the City provides all employees with a copy of this policy, which includes information concerning penalties that may be imposed for violations of the policy. Information regarding alcohol and drug abuse, drug counseling, treatment and rehabilitation, and employee assistance programs will be periodically supplied to employees.

Furthermore, the City provides ongoing training for managers and supervisors responsible for the administration and enforcement of this policy, including training to determine whether reasonable suspicion exists that will authorize the testing for drugs and alcohol and the availability of assistance for employees.

### **4. EMPLOYEE ASSISTANCE PROGRAM**

The City provides employees with access to an Employee Assistance Program (EAP). Employees may seek education, counseling and treatment for any substance abuse concerns they might have. Any employee who uses illegal drugs or legal drugs in an illegal manner or abuses alcohol is encouraged to acknowledge his/her substance abuse and seek professional advice and assistance before the problem leads to an incident requiring disciplinary action.

However, the City will not permit any employee who is known to be using illegal drugs or legal drugs in an illegal manner or misusing alcohol to perform his/her usual job functions. An employee may not return to duty performing his/her job functions without documentation of full compliance with requirements of the treatment program, including verification of compliance through drug/alcohol testing. Participation in a treatment or rehabilitation program does not preclude normal disciplinary action for violations of this policy or relieve an employee of responsibility for satisfactorily performing assigned duties.

Under no circumstances shall self-identification and enrollment in a treatment program be used to interfere with required testing. An employee may not identify himself/herself as unfit to perform work after having been notified of an impending test and expect to avoid the consequences of a positive test or a refusal to test.

Failure to comply with all requirements of a drug/alcohol treatment program or continued substance abuse following completion of a program in violation of any part of this policy shall result in disciplinary action up to and including termination.

### **5. NON-DISCRIMINATION**

Nothing in this policy is intended to discriminate against any person on the basis of addiction to drugs or alcohol, or on the basis of an individual's medical history of addiction

to drugs or alcohol as defined by the Americans with Disabilities Act of 1990. However, the City reserves the right to consider, for purposes of employment or disciplinary action, any history of criminal activity related to such use to the extent that it may lead to disqualification for employment.

## 6. PROHIBITED CONDUCT

### a. Manufacture, Trafficking, Possession, and Use

Pursuant to the Drug-Free Workplace Act of 1988, all City employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, sale or solicitation for the purpose of purchase or sale, possession, or use of prohibited substances while on any City property, any City land or buildings, any City owned or leased vehicles or while in any way performing City business whether on or away from City property or while on City business.

### b. Intoxication or Impairment

Reporting to work or engaging in any work activity on behalf of the City in an impaired condition which may pose a threat of harm to the employee or any other person is prohibited. This policy also prohibits reporting to or engaging in any work on behalf of the City in a condition which may impair the employee's ability to perform any essential job duty because of the use or abuse of drugs or alcohol.

Any employee who is reasonably suspected of being intoxicated, impaired, or not fit for duty shall be removed from job duties immediately and tested for the presence of intoxicants in his or her system in violation of this policy. An employee removed from job duties for reasonable suspicion testing will not be allowed to return to work until completion of an investigation and verification of test results.

### c. Use of Alcohol Prior to Reporting for Duty

No employee shall perform his or her duties, or report to work as ready to perform duties within four hours after using alcohol or at any time when alcohol is measurably present in the employee's body.

### d. Misuse of Prescription or Over-the-Counter Medications

Abusing or misusing prescription or over-the-counter medication when such conduct could reasonably interfere with the safe or satisfactory performance of any essential job function is prohibited. This includes, but is not limited to, the use, possession, sale or solicitation for the purpose of purchase or sale of any prescription medication for which the employee lacks a valid prescription in the employee's name.

This policy also prohibits lawful use of any prescription or over-the-counter medication while on-duty or prior to reporting for duty when that medication may impair the ability of the employee to perform any safety-sensitive function or duty.

e. Interfering with Investigation

Any employee who hinders, obstructs, or refuses to cooperate or participate in any investigation shall be considered in violation of this policy. This includes, but is not limited to, providing false, misleading or incomplete information in response to any inquiry from a supervisor or from Human Resources related to a suspected violation of this policy. It also includes refusing to undergo a drug or alcohol test or interfering with the testing process in any way.

f. Arrests for Drug or Alcohol Related Offenses

Any employee who is arrested for a drug or alcohol related offense must notify his/her Department Director of the arrest before the end of his/her next shift. The City will make a determination at that time whether the arrest causes temporary or permanent disqualification from remaining in the current position or constitutes grounds for disciplinary action. See the Vehicle Use Policy for information regarding operating a City Vehicle after an arrest for Drug or Alcohol Related Offenses.

7. **REQUIRED TESTING** - Testing will be required under the following circumstances. Testing procedures will be accordance with the Medical Review Officer's established guidelines.

a. Pre-employment Testing

Applicants given a conditional offer of employment for a full-time or part-time position in a Safety-Sensitive position (Groups One, Two or Three) will be subject to a drug test. If an applicant refuses to take a drug test, or if evidence of the use of illegal drugs is discovered, either through testing or other means, the conditional offer will be rescinded.

Any incumbent employee in Group Four (non-safety-sensitive) who is given a conditional offer of promotion to a Safety-Sensitive position (into Groups One, Two, or Three) must have a drug test before assuming the position. If an incumbent employee refuses to test, action will be taken in accordance with this policy.

b. Post Accident Testing

All City employees will be required to submit to a post accident drug screen following any accident while operating a City vehicle or personal vehicle for City business. An accident is defined as an event causing property damage and/or any injury to any person when medical treatment may be necessary.

Safety-Sensitive employees will follow post accident testing procedures on qualifying accidents and follow the applicable DOT Drug and Alcohol Testing Policy. If the accident does not qualify under DOT Policy, then the employee will be tested under City authority.

Such testing shall be performed as soon after the accident as practicable. However, an employee who is subject to post accident testing shall remain readily available for such testing, or may be deemed to have refused to submit to the testing. Employees must receive the post accident drug screen within 32 hours of the accident. If the drug screen is not received within 32 hours, the supervisor must provide written documentation of explanation. (Exception: Employees who seek medical treatment for work-related injuries will be tested, under City authority, in conjunction with initial medical treatment, regardless of the amount of time that has passed since the injury.)

c. Reasonable Suspicion

Any employee may be subject to testing for drugs and/or alcohol when there is a reasonable suspicion that the employee is impaired and/or intoxicated in violation of the City's policy and/or DOT Policy.

An employee may be required to submit to drug and/or alcohol testing to determine fitness for duty, which may include appropriate urine and/or breath testing. A reasonable suspicion drug and/or alcohol test shall be conducted just before, during, or just after the performance of assigned duties.

Reasonable suspicion is a belief that an employee is using or has used drugs or alcohol in violation of the policy based on specific objective and perceptible facts and reasonable inferences drawn from those facts in light of experience and careful observation. A determination for a reasonable suspicion drug and/or alcohol screen will be made by a supervisor who has been trained to determine reasonable suspicion.

d. Random Testing

Safety-sensitive employees in Groups One and Two are subject to random drug and/or alcohol screens as prescribed by the Department of Transportation and in accordance with applicable policy.

City Safety-Sensitive employees in Group Three will be subject to random testing for drugs and alcohol, with the number of random tests determined based upon the total number of employees in the Group. During the first year that this policy is effective, the number of random drug screens conducted will be no less than 25% of the number of employees in the Group and the number of alcohol screens will be no less than 10% of the number of employees in the Group. Percentages are subject to periodic review and adjustment for each subsequent year.

The selection of employees for random drug and alcohol testing will be made using a scientifically valid method that ensures each covered employee will have an equal chance of being selected each time selections are made. The names of all employees selected for random testing will be returned to the random testing pool for their respective group to ensure each covered employee will have an equal chance of being selected each time selections are made. The random tests will be unannounced and spread throughout the year. Based upon the City's operations, random testing may be conducted on all days and hours during which safety-sensitive functions are performed.

Employees can be tested before, during and after an employee's shift. Employees are required to proceed immediately and directly to the collection site upon notification of their random selection.

If the employee selected is absent from work and, therefore, unavailable to be notified for testing or to submit to testing, the employee will be tested as soon as he or she returns to work. The employee will not be notified in advance.

e. Post Rehabilitation Testing & Follow-Up Testing

The City of Gainesville offers employees the use of counseling and rehabilitative services pursuant to coverage limitations and in accordance with the terms of the benefit programs. Employees are personally responsible for seeking treatment for alcohol and/or drug dependency. Any voluntary request by an employee for assistance with his or her own alcohol and/or drug dependency will remain as confidential as possible and shall not, on its own, be used as a basis for disciplinary action.

This section will not apply to an employee who tests positive through the testing program. The employee must voluntarily seek treatment prior to being notified of a pending drug and/or alcohol test or being involved in a situation that requires a reasonable suspicion or post accident FTA drug and/or alcohol test. The employee cannot self-identify in order to avoid testing.

f. Return to Work Testing

Employees under Group One who have been absent more than 90 days will be required to submit to a drug screen in accordance with DOT guidelines. For all other employees, return-to-work drug screens following absence for medical reasons may be required at the discretion of the Director of Human Resources or designee.

## 8. SEARCHES

Employees shall have no right of privacy with respect to City facilities and equipment. The City reserves the right to conduct searches of property, including City vehicles or equipment owned or being operated by the City at any time or place.

The City also reserves the right to conduct searches of an employee's personal property and possessions kept in City offices, vehicles, desks, or lockers when there is a reasonable suspicion that an employee is buying, selling, transporting, or otherwise in possession of intoxicants or controlled substances on the City's property or during working time. A refusal to submit to, or cooperate with a search may result in disciplinary action, including termination.

## **9. CONFIDENTIALITY**

All reports of test results for drug and alcohol, searches, or any employee referral or treatment in an Employee Assistance Program or any treatment program for addictive disorders, will be maintained in confidence as allowed by law. Any person authorized to have access to such confidential information, who, without authorization to do so, discloses it to another person shall have engaged in gross misconduct and shall be subject to disciplinary action up to and including termination. The confidentiality of such information shall not apply to any use or communication to the City of Gainesville or its designee, or where the information is relevant to the City's defense in any administrative or civil action. Such confidential information may also be disclosed to the extent required by any federal, state or local law, statute, ordinance or regulation.

Employees should treat their own testing information and results as confidential and hold it in the strictest confidence. Unless the information needs to be conveyed for a business purpose, the information should not be discussed or shared with other employees.

## **10. CONSEQUENCES**

- Any employee in violation of any part of this policy will be subject to disciplinary action, up to and including termination of employment.
- Any employee that has a verified positive drug test will be terminated.
- Any employee with a confirmed alcohol level of .04 or higher will be terminated. Any employee with a confirmed alcohol level of at least .02 but less than .04 will be removed from duty and subject to disciplinary action, up to and including termination.
- Refusing to submit to a required drug or alcohol test will be considered a positive result and will result in termination of employment.
- Hindering, delaying or obstructing a test for drugs or alcohol, including but not limited to, tampering with a sample or interfering in any way with the chain of custody of a sample shall be considered a positive test result and a direct act of insubordination and will result in termination.

## **11. CONDITION OF RE-EMPLOYMENT**

Any employee who has been terminated for violation of the Drug-Free Workplace policy may be considered for rehire provided the following conditions are met:



- At least 12 months have passed since termination.
- Previous work history, attendance record, and performance were favorable.
- Must receive recommendation from previous City of Gainesville supervisor.
- Must submit to a pre-employment drug screen (even if not being considered for a safety-sensitive position)
- May be drug tested upon request at any time for a period of two (2) years, in addition to participation in the random pool.
- May be required to produce a rehabilitation/assessment certification (at applicant's expense) prior to actual employment.
- Any confirmed failure would be cause for immediate termination with no further eligibility for re-hire.
- Probationary period may be extended by the Director of Human Resources.

### 3.13 DRESS CODE AND GROOMING

It is the policy of the City that work attire should complement an environment that reflects an orderly and professionally operated organization. All employees shall project a positive and professional image toward the community. All employees are reminded that the first impression on the public is their dress and grooming appearance. The dress code shall apply to all on-site and off-site functions at which the individual is acting as a representative or is present on behalf of the City. The purpose of this policy is to establish dress code and personal grooming guidelines for City employees. Limited exceptions may be made based on job duties. To the extent that a particular Department Head adopts a more strenuous dress code than that set forth in this policy, the more strenuous departmental dress code shall apply and serve as the basis for disciplinary action. It is the responsibility of the Department Head and Supervisor to assure that staff members follow the City or Department's more strenuous dress code policies.

Exceptions to this dress code policy will be made as required by state or federal laws. The City shall make reasonable accommodations for employees' religious beliefs provided the accommodation request does not pose a safety concern or undue hardship. However, exceptions may not be made for those employees working in a law enforcement capacity because of the importance to appear objective and unbiased to the public.

1. **Body Modification.** Personal appearance can be a manner of expression for employees; however, the City prohibits tattoos, piercings and any other form of body modification that inhibits an employee's ability to perform their assigned work duties. Factors considered when determining whether or not an employee's body modifications conflict with their work responsibilities and duties include:
  - a. Safety of the employee and others
  - b. Productivity in the performance of work-related tasks
  - c. Perceived offense on the basis of race, sex, religion, etc.
  - d. Customer complaints
  
2. **Employees with Uniforms or City Purchased Clothing.** Please refer to the City's Uniform Policy or relevant department policy for guidelines pertaining to City Uniforms. However, the following should be noted:

Employees shall not modify the uniforms or any clothing provided by the City. Uniforms must be worn at all times when an employee is on duty and must be kept clean and neat. Uniforms must not be altered in any way and uniformed shirts should not be unbuttoned past the second button.

Jeans may be allowed for field personnel in lieu of uniform pants upon approval by the appropriate Department Head. If allowed, the jeans must be kept clean and in good condition without holes or fraying. Shorts may be allowed on a limited basis for those field personnel required to wear uniforms except for jobs requiring the personnel to go into tall

grass, weeds, or woods; performing welding or cutting; or exposure to other hazardous elements. Risk Management should be contacted for proper job hazard assessment.

No employee shall wear a City uniform or any garment denoting the City, Department or entity of any sort at an off-site, non-job related establishment or function such as, but not limited to, an alcoholic beverage store, bar or any other establishment that is deemed unbecoming to the image of the City.

3. **Administrative and Office Employees.** Employees are expected to dress in a manner that is professional, neat, and appropriate for the work environment. For all employees who are not required to wear uniforms, business casual dress will be allowed as long as the attire is professional and in good taste. Approved shirts with City or departmental logo are allowable for men and women.

**Acceptable attire includes:**

Men:

- Dress slacks
- Khakis
- Oxford button down collared shirts
- Golf type shirts
- Polo shirts
- Sweaters
- Business suits, blazers, or sport coats
- Footwear should be selected according to the type of work performed, keeping safety, comfort and professional appearance in mind.

Women:

- Dress slacks
- Khakis
- Oxford button down collared shirts
- Polo shirts
- Blouses
- Sweaters
- Business suits or blazers
- Dresses and skirts no more than 3” above the knee
- Footwear should be selected according to the type of work performed, keeping safety, comfort and professional appearance in mind.

This list is not an all-inclusive list; thus management reserves the right to determine appropriateness. Any problems with what is considered inappropriate attire will be discussed with the employee.

4. **Unacceptable Attire. Under no circumstances are the following acceptable unless part of a City uniform:**
  - T-shirts (unless approved by Department Director for a special event or holiday)
  - Camouflage printed clothing
  - Athletic and/or canvas shoes (unless approved by Department Director)
  - Athletic clothes including sweats, warm-ups, or workout clothing (unless approved by Department Director)
  - Spandex or Lycra clothing (i.e. biker shorts/pants/body suits)
  - Flip-flops and/or casual sandals (unless approved by Department Director)
  - Logoed, printed, sports team or advertising clothing
  - Hats or caps
  - Shorts or cut-offs
  - Mid-drifts and crop tops
  - Tank tops, tube tops, halter tops, tops with spaghetti straps
  - Clothing that is excessively tight or loose, revealing, distracting, or provocative
  - Clothing and jewelry that pose a safety hazard
  
5. **Casual Days.** Department Directors may designate a certain day as casual dress day. At the Department Director's discretion, administrative and office staff may wear blue jeans on casual day. All clothing must be clean, neat, wrinkle free, and without holes or fading. Department Heads and employees should remain cognizant that the public is still being served. Employees should not dress casually if they have formal meetings or other events representing the City that require business attire.
  
6. **Hair and Facial Hair.** Hair shall be conservative, neat, and professional in appearance. Hair should not be so long as to interfere with the wearing of any safety equipment required to perform the job. Facial hair is acceptable provided it presents a professional appearance at all times. Facial hair must be clean and neatly trimmed at all times. Facial hair should not interfere with the wearing of any safety equipment required to perform the job. Public Safety personnel are required to comply with the guidelines and standards established by their respective department.
  
7. **Jewelry.** Long necklaces may be worn provided they do not present a safety hazard by getting caught in equipment or machinery. Jewelry should be in good taste, conservative and professional in appearance.
  
8. **Attire Appropriate to the Work Environment and Position.** At the Department Director's discretion, employees may dress in a manner that is appropriate to the work environment and position. For example, an employee who knows he/she will be working in a dirty or dusty environment or moving and packing boxes (and not provided a uniform) may dress appropriately to the environment and type of work he/she will be performing.

**9. Employee and Management Roles and Responsibilities**Employee:

- Always strive to project a professional image while at work and in the public eye.
- Be conservative when selecting work attire. If there is doubt as to whether a piece of clothing or outfit is appropriate, do not wear it in the workplace.
- Proper appearance includes personal hygiene.

Management:

- Set the example for professional appearance in the workplace.
- Communicate the City standards of dress to all employees.
- The overriding goal is to achieve a professional appearance. Enforce this policy to accomplish that effect. Employees who fail to follow the proper dress code should be counseled and subject to disciplinary actions, including leaving the premises (if necessary). Any time lost will not be compensated.
- Keep safety in mind when determining proper attire at work. Never sacrifice employee safety for comfort.

10. **Compliance.** Failure by a Department Head, Supervisor, or employee to comply with the City or Department's uniform requirements or any portion of this policy will result in disciplinary action.

#### 4.00 LEAVE BENEFITS

Regular status full-time employees are provided with paid time off (PTO) benefits instead of paid vacation and sick leave. PTO may be taken by an employee with prior approval by his/her supervisor or designee, at such times and in such increments as best accommodates each employee's own schedule and the department's staffing needs. PTO is intended to allow employees paid time off from work for reasons such as vacation, personal illness, family illness, medical appointments, religious holidays, or personal or family business. Employees who are absent from work for any reason (other than bereavement leave, workers' compensation, military leave or jury duty) are required to use accrued PTO before taking leave without pay.

##### PAID TIME-OFF

1. PTO Accruals - Full-time eligible employees accrue PTO biweekly and based on service years according to the below table, unless otherwise stipulated.

PTO hours may continue to accrue in excess of the "Annual Maximum" to provide scheduling flexibility around peak workload periods and as an added benefit to employees. PTO balances over the "Annual Maximum" will be transferred to the PTO Bank if not used by the last day of the first **full** pay period in April and October of each year.

**NOTE: See 4.00, Item 5, Payment of Unused PTO, for maximum payment upon termination.**

##### General Employees (Excluding Fire Department Shift Personnel):

Hired Before 1/1/12			Hired on or after 1/1/12*		
Service Years	Annual Accrual Hours	Annual Maximum	Service Years	Annual Accrual Hours	Annual Maximum
Less than 1	80	80	Less than 1	96**	80
1 – 4	160	180	1 – 4	120	140
5 – 9	200	240	5 - 9	160	200
10+	240	300	10 - 19	200	240
			20+	240	300

\*All employees hired between 1/1/12 and 1/4/15 will receive a one-time adjustment of 16 hours added to their PTO balance to show on pay check 2/20/15.

\*\*All employees hired after 1/5/15, will receive 16 hours of PTO immediately upon employment and an additional 80 hours will accrue at a bi-weekly rate of 3.0769 hours for a total of 96 hours of PTO for the 1<sup>st</sup> year of employment.

**Fire Department Shift personnel (24/48):**

Hired Before 1/1/12			Hired on or after 1/1/12*		
Service Years	Annual Accrual Hours	Annual Maximum	Service Years	Annual Accrual Hours	Annual Maximum
Less than 1	120	120	Less than 1	120**	96
1 – 4	192	360	1 – 4	144	168
5 – 9	240	360	5 - 9	192	240
10+	288	360	10 - 19	240	288
			20+	288	360

\*All Fire Department Shift employees hired between 1/1/12 and 1/4/15 will receive a one-time adjustment of 24 hours added to their PTO balance to show on pay check 2/20/15.

\*\*All Fire Department Shift employees hired after 1/5/15, will receive 24 hours of PTO immediately upon employment and an additional 96 hours will accrue at a bi-weekly rate of 3.6923 hours for a total of 120 hours of PTO for the 1<sup>st</sup> year of employment.

**Police 12 Hour Shift Personnel Hired 2011 or earlier previously grandfathered in on the below table.** A grandfathered employee transferring out of a Police 12-hour shift position will transfer to the General Table and will not be allowed to transfer back to this Grandfathered Table for any reason.

Service Years	Annual Accrual Hours	Annual Maximum
Less than 1	100	100
1 – 4	180	180
5 – 9	220	240
10+	260	300

2. PTO Accruals During Periods of Leave - During periods of employee leave, PTO accruals will continue on the following schedule:
  - If on leave for short-term disability, PTO accruals will end on the date short-term benefits begin;
  - If on leave for other reasons (including workers' compensation, military, other FMLA leaves, etc.), PTO accruals will stop when the employee's PTO balance is exhausted or after 30 days of continuous leave, whichever is earlier.
  
3. Scheduled PTO Eligibility - A request for leave form shall be submitted to the employee's immediate supervisor. Scheduled PTO may be taken in any time increment after approval by the Department Director or his/her designee and is subject to administrative review.

[See Section on Extended Leave of Absence.] Employees on PTO are subject to recall in cases of emergency.

4. Unscheduled PTO - PTO that is not scheduled in accordance with departmental policy (other than illness) will be considered unscheduled PTO. Excessive unscheduled PTO may be addressed through the performance evaluation process and/or through progressive discipline or appropriate employment action.
5. Payment of Unused PTO - Upon termination, employees will **only be paid for accumulated unused PTO up to the maximum annual accrual amount** provided all equipment, uniforms, tools, keys, and other City property issued to the employee have been returned, and no outstanding liabilities or debts remain. **Hours accrued over the Annual Maximum will be forfeited.**

#### LEAVE FOR MEDICAL PURPOSES

6. PTO for Illness - An employee may use PTO in the event of personal illness or serious illness of a dependent child or spouse in need of continuous short-term care. The City understands that use of such PTO may be without advance notice. However, the employee shall report illness prior to scheduled work time. If this is not possible, the employee must report the tardiness or absence within 30 minutes after the scheduled start time. Failure to do so may result in an unpaid, unexcused absence. Employees are expected to comply with departmental policy with regard to using PTO for illness. A department may establish a more restrictive policy due to operating necessities. Excessive unscheduled PTO may be addressed through the performance evaluation process and/or through progressive discipline. The City will comply with the provisions of the Family and Medical Leave Act in the administration of this policy.
7. PTO Bank – All leave balances over the “Annual Maximum” will be transferred to the PTO Bank if not used by the last day of the first **full** pay period in April and October of each year. The purpose of this bank is to supplement an employee’s loss of income during the extended leave of absence for medical reasons which would be covered under FMLA. Withdrawals may only be made from the Employee’s own account in the PTO Bank and may only be withdrawn with the approval of the Administrative Services Director when all PTO and Sick Leave balances have been exhausted. For a withdrawal request to be considered, documentation of the medical need and a signed request form will be mandatory. Under NO circumstances will employees be paid for hours in the PTO bank upon terminating employment with the City.
8. Sick Leave Usage (if applicable) – Employees hired before 1/1/12 may have an unused sick leave balance. An employee may use accrued sick leave in the event of personal or dependents/spouse illness or injury.



The employee shall report illness prior to scheduled work time. If this is not possible, the employee must report the tardiness or absence within 30 minutes after the scheduled start time. Failure to do so may result in an unpaid, unexcused absence. A department may establish a more restrictive policy due to operating necessities. Employees who separate from the City shall forfeit all unused sick leave.

9. Medical Certification (Doctor's Note) - Medical absences (sick or unscheduled PTO) may require a doctor's statement before an employee may return to work, at the Department Director's discretion. An employee may also be required to provide medical certification if a request for sick pay falls within a period when the employee is on PTO or if absent from work frequently or habitually.
10. Fitness for Duty - An employee who takes leave for an extended illness, is hospitalized or serves in a safety sensitive position, may be asked to provide a fitness for duty (FFD) clearance from a health care provider upon return to work.
10. Short-Term Disability (STD) - For employees The City will provide short-term disability benefits to qualified employees at the rate of 60% of actual wage loss, excluding unscheduled overtime work up to a maximum of \$2,000 per week. Employee elimination period and eligibility for STD benefits are subject to the policies in place at the time of personal disability event. Benefits will be supplemented with an employee's sick or PTO balances up to 100% of regular pay level. Short-term disability benefits may continue for up to 13 consecutive weeks. Long-term disability benefits may become available for employees who elected this coverage.
11. Family and Medical Leave Act of 1993 - The City complies with the Family and Medical Leave Act of 1993. Employee rights and responsibilities are posted throughout City departments.

FMLA currently requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons. To be eligible for FMLA, an employee must have worked continuously for 1 year, and worked 1,250 hours over the previous 12 months. If your leave qualifies, you have a right for up to 12 weeks of unpaid leave in a 12-month period. This period is calculated under the FMLA "rolling" 12-month period and is measured backward from the date of any FMLA leave usage. Under FMLA, unpaid leave must be granted for any of the following reasons:

- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform his/her job.
- For a qualifying exigency arising out of the fact that employee's spouse, son or daughter (of any age) or parent is on active duty or call to active duty status.

Eligible employees may apply for short-term disability benefits during FMLA related to personal illness. PTO and sick hours (if applicable) shall be used during the FMLA absence.

Sick leave accruals may be used for personal illness during the FMLA absence in accordance with City sick leave policy. When paid leave has been exhausted, additional unpaid leave will be provided to total up to 12 weeks.

If two employees within the same household are requesting leave for the same purpose, they shall be entitled to a combined leave of up to 12 weeks.

If the FMLA is amended in any respect, this policy shall be considered amended to be consistent with the changes in the Act.

12. Advance Notice and Medical Certification - The employee is required to provide advance leave notice and medical certification whenever possible. Taking of leave may be denied unless the following requirements are met:
  - The employee ordinarily must provide 30 days advance notice when the leave is foreseeable (examples include pregnancy, scheduled surgery, non-emergency medical procedures, etc.)
  - The City will require a medical certification to support a request for leave because of a serious health condition, and may require second and third opinions (at the City's expense) and/or a fitness for duty examination in order to return to work.
13. Intermittent FMLA Absence - FMLA may be taken intermittently or on a reduced schedule if medically necessary, with proper notification, and consistent with the Act.
14. Certification of a Serious Health Condition - Serious Health Condition is an illness, injury, impairment, or physical or mental condition involving either inpatient care or continuing treatment by a health care provider. Employees must provide certification of a serious health condition for his/her own serious health condition, or that of a family member. Employees must contact Human Resources for information concerning the certification process.
15. Employee Privacy - The City is in compliance with The Health Insurance Portability and Accountability Act of 1996 (HIPAA), which supports efforts to protect patient confidentiality and security of individual health information. To that end, the City has adopted a Privacy Notice outlining employee rights and responsibilities. Copies of this notice are available through Human Resources.
16. Health Benefits Protection - Employees continue to receive health benefits for up to 12 weeks during FMLA on the same terms and conditions as for active employees. The employee must continue to pay appropriate employee and dependent premiums, co-payments, and other out-of-pocket costs.

17. Upon return from FMLA absence - The City will restore the employee to the original or equivalent position with equivalent pay, benefits, and other employment terms. The use of FMLA leave shall not result in the loss of any employment benefit that accrued prior to the start of an employee's leave.
18. Absence extending beyond FMLA expiration - The job-protected rights afforded by FMLA do not apply to leaves which continue beyond the 12-week period of entitlement.
19. Returning to Work After Approved Leave - An employee who has been out on extended medical leave for more than seven (7) calendar days must be cleared through Human Resources prior to returning to work by providing a medical release from the treating physician with or without work restrictions. In addition, an employee may be required to undergo a fitness for duty drug screen as directed by Human Resources. Failure to seek return to work clearance at the expiration of approved leave shall be considered absent without leave, constituting grounds for disciplinary action up to and including termination of employment.
20. Returning to Work Before the Expiration of Approved Leave - An employee granted a leave of absence who wishes to return to work before the leave period has expired shall be required to notify the immediate supervisor. No employee shall be permitted to return to work without a written medical release from the treating physician and clearance through Human Resources. Depending on the circumstances of the leave, a fitness for duty exam may also be required.
21. Working during Approved Medical Leave - An employee while on an authorized medical leave of absence may not obtain or engage in either part-time or full-time employment, nor engage in training or development relating to their job. Failure to abide by the terms of the approved leave will result in disciplinary action up to and including termination of employment.

#### **OTHER LEAVE TYPES**

22. Funeral Leave - Funeral leave of up to three (3) workdays per calendar year, with a maximum of 24 work hours **annually** will be granted with pay for an employee absent from work so they may travel to, make arrangements for, or attend the funeral of the following members of the employee's family: spouse, parent or guardian, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, stepmother, stepfather, stepchild, stepsister, stepbrother, or other relative living in the employee's household. Funeral leave shall also be granted for in-law relationships for mother in-law, father in-law, brother in-law and sister in-law. In all cases, bereavement leave must be approved in advance. No exceptions will be allowed to this policy.
23. Leave Without Pay - Employees are not permitted to take leave without pay if an accrued leave type balance that is appropriate for the situation is available, unless leave involves

workers' compensation, military leave, or jury duty. The Department Director will give consideration for a leave without pay based on the employee's leave impact on departmental functions, schedule, and reason for the request, as well as the employee's performance and attendance record.

24. Holidays - The following nine days are designated as official holidays for employees in the City of Gainesville personnel system: New Year's Day, Dr. Martin Luther King, Jr. Birthday, Memorial Day, Independence Day (July 4<sup>th</sup>), Labor Day, Thanksgiving Day, Friday following Thanksgiving, Christmas Eve, and Christmas Day. In order to qualify for holiday pay, employees are required to work the day before and the day after a holiday unless the employee is off on approved PTO or sick leave.
25. Holidays During Leave Periods - Employees will be paid holiday pay if a holiday falls within an approved leave period of 30 calendar days or less. Holidays which occur while the employee is on medical leave, workers' compensation, or PTO of more than 30 calendar days are not paid as holidays. If an employee is working partial days due to a medical absence, holidays will be prorated to reflect this.
26. Holiday Pay Compensation - A regular status full-time employee who works on a holiday shall receive holiday pay, plus payment for hours actually worked. Holiday hours are not considered time worked for the computation of overtime pay. Holiday pay practices may be altered depending on the operational needs of the department.
27. Extended Leave of Absence - All extended leaves of absence (more than seven days) must be approved by the Department Director, reviewed and approved by the Director of Human Resources, and are subject to final approval by the City Manager.
28. Military Leave - Every employee shall be entitled to military leave in accordance with state and federal laws.
  - National Guard or Reserve: The City will provide affected employees serving in the National Guard or any reserve unit of the United States Armed Forces with job protection and group benefits coverage in accordance with the provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). The City will also provide up to 18 days (144 hours) annually of paid military leave.
  - Active Duty: Employees contracting with any branch of the Armed Forces for Active Duty, not during the time of war or national emergency, shall be placed on Leave without Pay and will be moved to an inactive status. Such employee will be granted reemployment rights as governed by the Uniform Services Employment and Reemployment Rights Act of 1994. No paid military leave is given for those serving in an active duty capacity.

29. Jury Duty - Any full-time employee called for jury duty or subpoenaed as a witness in the line of duty will be excused from work upon presentation of a court summons or subpoena to the immediate supervisor. The employee will be paid regular pay up to two weeks provided evidence is submitted from the court for the number of days served. Only the actual number of days spent in court will be counted in calculating the payment. The combination of jury duty pay and actual hours worked is not to exceed 40 hours per week unless authorized by an employee's supervisor or Department Director. Payment received from the court will not be deducted from the employee's pay. If an employee reports for jury duty or to testify as a witness on a particular day and is excused from serving that day, the employee must notify the immediate supervisor to determine if the needs of the City require the employee to work that day.
30. City of Gainesville Retirement Plan Credited Service - Credited Service is defined as worked time granted during employment periods when employees participate in one of the City's Retirement Plans. For the purposes of providing credited service for retirement benefit calculations, employees on paid leaves of absence (sick, PTO and/or short-term disability) will be granted service credit. The Department Director, Director of Human Resources, and City Manager may approve unpaid leave period up to one year in duration for which service credit will be granted. No credited service beyond one (1) year will be granted for any employee who remains on a continuous leave of absence. When calculating total City service, leave periods beyond one year or more will not be counted as worked time.

#### **INCLEMENT WEATHER**

31. Absences Due to Hazardous Weather - The City of Gainesville will open at regularly scheduled times and will remain open as scheduled during inclement weather unless the City Manager issues an official closing statement. Unless such a statement is issued, all employees will be expected to work regularly scheduled hours.
32. Critical City Services - Certain positions require mandatory coverage because they provide critical City services. Official closing statements and inclement weather procedures do not apply to employees who provide critical City services in departments such as fire, police, utility and public works, and others. Employees in this classification should report for duty as scheduled or if unable to report, abide by established departmental procedures.

The remainder of this policy pertaining to inclement weather applies only to administrative employees or others in non-critical service positions.

33. Inclement Weather Closing

- If the City of Gainesville administrative offices will be closed for all or part of a day due to inclement weather, the City Manager will issue an official closing statement.
- If no official closing statement is issued, employees should report to work as scheduled or if unable to work, abide by established departmental procedures.

34. Inclement Weather Pay - The intent of inclement weather pay is to make the non-critical service employee “whole” for the hours that could not be worked because the City was officially closed during the employee’s scheduled shift hours.

An employee in this category who reports to work as directed on the day of late opening or early closing shall be entitled to inclement weather pay for the number of hours that could not be worked because the City was officially closed. Employees who work during official closings are not entitled to additional pay. Any hours worked in excess of scheduled hours will reduce the amount of paid inclement weather time available to that employee.

An employee in this category who arrives late or leaves early will be paid actual hours worked plus inclement weather hours for the time the City was officially closed. An employee should discuss with the supervisor options for any other scheduled hours which were missed during the City’s official opening hours. One of several options may be selected such as using accrued PTO or if no accrued leave is available, leave without pay, or the employee may make up the time lost from work at a time scheduled by the supervisor within the same work week

An employee who does not report to work due to inclement weather shall take PTO or leave without pay for the full shift.

#### 4.01 EDUCATIONAL ASSISTANCE PROGRAM

The City will provide educational assistance to employees to improve existing job skills and prepare for development as it relates to future career promotional opportunities. This assistance will be provided based on the approval of the request by the Department Director, and concurrence with the Director of Human Resources. Any assistance will be determined by the fiscal soundness of the City at the time of the request.

Full-time employees who have completed at least one year of service and have completed their probationary period will be eligible to request educational assistance. Employees must have received an overall performance rating of “good” or higher and must be actively employed at the time of the educational assistance request.

1. Tuition reimbursement will be made through the department’s professional development budget of each participating department and is limited to \$1,500.00 per fiscal year per employee.
2. City funding for tuition will be subject to the applicant first applying for other financial aid available, including, but not limited to HOPE grants, military benefits funding, etc. Prior to reimbursement from the City, the employee shall be required to submit proof of application for an award or non-award of assistance from the financial aid office of the school and from other financial sources.
3. Tuition assistance is offered for degree, certificate, or diploma programs, including graduate level classes. All requests are subject to the approval and the fiscal soundness of the City at the time of the request. The program is funded annually. In the event of budget constraints, applications for reimbursement will be determined based on City service, job performance, and date of application.
4. This program also includes the full reimbursement for the cost of the GED test. The City will reimburse the employee upon successful completion of each portion of the GED once proof of passing each test has been submitted. Costs associated with preparing for the test will not be covered. Reimbursement shall be provided for one attempt only.
5. Tuition assistance will cover tuition and lab fees offered by accredited colleges, universities, technical colleges, and certification and accreditation courses.
6. The amount of reimbursement will depend upon the grade received as defined below:
  - Grade A or Pass                    100% reimbursement
  - Grade B                                75% reimbursement
  - Grade C                                50% Reimbursement

There is no reimbursement for a grade below “C” or a grade of “Fail” for a pass/fail course. Before reimbursement can be made, the employee must submit proof of the grade obtained to Human Resources.

7. If an employee should voluntarily terminate employment after receiving tuition assistance from the City, that employee may be required to pay back all or a portion of the education funding received. The following schedule will be applicable in these cases:
  - An employee who voluntarily leaves City employment within one year of last reimbursement shall be required to pay the City 100% of the last reimbursement received.
  - An employee who voluntarily leaves City employment one year and one day to two years shall be required to pay the City 50% of the last reimbursement received.
8. No reimbursement shall be required from employees who are terminated involuntarily from City employment or who voluntarily leave City employment beyond two years from the last tuition reimbursement payment.
9. Employees may not attend classes during regular working hours and there is no overtime pay or comp time allowed for attending classes. The City of Gainesville will follow IRS and State guidelines regarding the taxability issues associated with tuition reimbursement.



**4.02 EMPLOYEES' COMMUNITY TRUST FUND**

The City of Gainesville has established one money-raising effort to reduce the number of solicitations City employees receive from local charities. One fund raising campaign is conducted each year supporting a number of charities, including the Employee Assistance Fund.

1. City employees shall be given the opportunity to support various charities, which are selected and voted on by the Community Trust Fund Committee. In the past these have included: United Way, American Heart Association, American Cancer Society, Meals on Wheels, Hall County Humane Society, and the Employee Assistance Fund or as approved by the Committee.
2. All contributions are tax-deductible except for ones made to the Employee Assistance Fund.
3. All pledges are made through the Employees' Community Trust Fund and are managed by the City's Finance Department. Community Trust Fund representatives are appointed by City Department Directors.
4. Pledges may be made as a one-time donation, or made through payroll deductions collected beginning with the first pay period in the new calendar year following the campaign.

**4.03 EMPLOYEE ASSISTANCE FUND**

The Employee Assistance Fund has been established to provide a resource for employees. Employees who encounter hardships may apply for financial assistance by completing an application and submitting it to the Committee for review. The Committee shall determine if the event qualifies under the established guidelines and if the requested amount can be honored.

1. The Employee Assistance Fund Committee is compiled of City employees who are nominated and elected by fellow employees.
2. Due to limited funds, the Committee will limit assistance to aid employees only in the event of a catastrophic event, a medical hardship, or severe financial obligation resulting from a death in the employee's immediate family.
3. To be eligible for assistance, the applicant must be a full-time, permanent City employee. Refer to the by-laws established by the Committee for additional information and eligibility criteria.
4. For additional information, contact a City Human Resources representative.

## 5.00 WORKERS' COMPENSATION

The safety of each individual employee and general safe working conditions are primary concerns of the City in every phase of its operations. Operating methods and procedures taught during training periods were developed with maximum safety considerations. The City believes that safety is every supervisor's and every employee's responsibility. In the event of an accident that occurs on the job, employees will be covered through workers' compensation insurance. Standard safety procedures as established by the City and its departments shall be adhered to at all times.

1. Any employee who sustains an injury on the job must, at the time of the injury or as soon as possible thereafter, notify his/her supervisor.
2. The supervisor shall promptly file the first report of injury and other related documentation with Risk Management.
3. If the injury necessitates the employee's absence from work, the employee shall receive his/her regular rate of pay via payroll for the first seven (7) calendar days (or if intermittent a maximum of 40 hours). This pay may include initial time lost, as well as time used for doctor visits, therapy, or other authorized, related treatment.
4. If the nature of the injury necessitates an absence longer than seven workdays, the City's workers' compensation carrier shall determine if the employee is eligible for further compensation. An employee receiving workers' compensation payments may use PTO or sick leave to supplement the workers' compensation pay.
5. Once **(a)** an employee is returned to work (either with or without restrictions) by his/her treating physician, and **(b)** has exceeded the 40 hours listed in Item 3 above, follow-up visits, therapy, etc., will be treated as any other absence. Payment for time missed due to such visits will be charged as sick or PTO (if available) or the time will be unpaid leave for payroll purposes. Alternatively, employees may choose to accept unpaid leave and submit a request to the insurance carrier for reimbursement of lost wages. The decision regarding eligibility for such a reimbursement will be made by the insurer alone, but employees should be aware that any reimbursement is subject to the percentage restrictions and the weekly benefit maximums set by State law. In no case will an employee collect PTO and be paid by the insurer for the same time period.
6. Filing a fraudulent claim is grounds for disciplinary action up to and including termination of employment and criminal prosecution from the State.
7. Under Georgia State Law, employees are required to use the posted panel of physicians to accommodate the workers' compensation medical treatment. The names, addresses, and phone numbers of the panel physicians are available to each employee and are posted on official City bulletin boards.

8. Violation of City safety regulations such as performing work in an unsafe manner or failure to use required safety equipment is grounds for discipline and termination of employment.
9. The provisions of this policy are intended to be consistent with Georgia's Workers' Compensation Act, and if inconsistent at anytime, the provisions of the Act will control.

## 5.01 ACCIDENT/INCIDENT RESPONSE

The City of Gainesville encourages prompt response to and accurate reporting of all accidents and incidents. Such response should be in accordance with the procedures outlined below, in order to obtain help for injured persons, mitigate damages, and minimize the negative effects of such incidents. With any serious accident, the City's Director of Human Resources or Risk Manager should be notified by telephone immediately.

### Workers' Compensation Claims Procedures

See the City of Gainesville Personnel Policy and Procedures Manual Policy 5.0 "Workers' Compensation".

### Auto Accident Procedures

In the event of an auto accident, employees should stop the vehicle immediately, taking steps to avoid further accidents, if necessary. In addition, employees should:

1. Check for injuries.
2. Call 9-1-1 and notify the operator about whether there are injuries on the scene. Ask for an officer to be sent to the scene for an investigation, whether or not anyone is injured.
3. Call your supervisor.
4. Do not accept or deny any liability or make any statements that imply the acceptance or denial of liability.
5. Stay on the scene until the police arrive and you are told that you may leave.
6. If your vehicle was parked and hit by an unknown driver, call your supervisor and the police and remain at the scene until the investigation is complete.
7. Return to your department and work with your supervisor to complete the appropriate reports as soon as possible after the accident.
8. Do not discuss the accident with anyone except the police, your supervisor, the City's Risk Manager, the Director of Human Resources, or representatives of the City's insurance carrier.

Third Party Incident Procedures (Non-Auto)

In the event of other types of property damage or bodily injury to another party, the following steps must be taken:

1. Ensure that injured parties, if any, receive prompt medical attention.
2. Call your supervisor immediately.
3. Do not accept liability.
4. In conjunction with your supervisor, get as much information from the other party as possible, and document all details of the incident.
5. Complete all required documentation for prompt forwarding to the Director of Human Resources.
6. Do not discuss the accident with anyone except the police, your supervisor, the City's Risk Manager, the Director of Human Resources, or representatives of the City's insurance carrier.

## 5.02 VEHICLE USE

The City of Gainesville purchases and maintains vehicles that are assigned to Departments for the express purpose of carrying out City business. City of Gainesville vehicles are highly visible and are intended to serve the public. Therefore, it is important that City employees use these vehicles only for their intended purpose and observe the following guidelines.

This policy is designed to enhance the safety of the employees who drive or ride in City vehicles. This policy defines the City's safe driving procedures, vehicle maintenance expectations and personnel policies. Vehicle accidents can result in employee injuries, damaged vehicles and property, and a variety of additional costs. It is the driver's responsibility to operate the vehicle in a safe and courteous manner, following all motor vehicle regulations that apply to that vehicle. It is also the driver's responsibility to make sure that the vehicle is maintained in good condition by reporting any problems to the maintenance staff.

While this policy is intended to address those employees who drive City or personal vehicles on City business over public streets, this policy may also be used for drivers of off-road (construction) equipment. Specifically, off-road equipment operators are not exempt from the portions of this policy relating to license, qualifications, maintenance, and all safe operation and accident items. Exemptions may be made for an off-road equipment operator with the approval of the City Manager.

### RESPONSIBILITY

**Supervisor** - will ensure that all drivers have a valid Georgia drivers' license before placing the employee in a position requiring operation of a City vehicle. Supervisors will also ensure that employees are fully familiar with the vehicle being driven before allowing the employee to leave City property.

**Authorized Driver** – must meet all requirements of this policy and have been given permission by his/her Department to operate a City vehicle (or to operate his/her personal vehicle on City business). They must obey all motor vehicle laws and City of Gainesville safety rules, maintain the vehicle properly at all times, and otherwise follow all procedures listed in these guidelines.

**Department Director** - upon notification, will ensure that employees not meeting required "Driver Standards" will not be allowed to drive City vehicles (or personal vehicles on City business).

**The following guidelines are necessary to ensure the safety of City employees and citizens and the proper use and care of City vehicles:**

### **Motor Vehicle Report**

City of Gainesville Human Resources and/or Risk Manager will review MVRs on all post-offer applicants. MVRs will also be requested annually on employees who regularly drive City vehicles. This review will be to ensure driver's meet the below listed Driver Standards.

### **Driver's License**

Employees driving City vehicles must have a valid Georgia driver's license for the class of the vehicle being operated, and must be trained to drive the vehicle. In general, license acquisition and renewal is a personal expense and will not be paid or reimbursed by the City. However, the acquisition of Commercial Drivers' Licenses (CDL) is handled according to the departmental procedure.

### **Driver Standards**

All drivers of City vehicles must meet the following criteria:

- Must be at least 18 years of age;
- Must be an authorized driver for the City;
- Must meet licensing requirements.
- Must not be disqualified due to driving/criminal history (see "Driver Disqualifications" below).

### **Driver Disqualifications**

Applicants for a position that requires driving a City vehicle may not be hired or transferred into a position requiring driving a City vehicle if one or more of the following have occurred within the prior 36 months. Any exception to this policy must be approved by the Director of Human Resources.

- Conviction of a felony of any type;
- Conviction of the sale, handling or use of drugs;
- Conviction of an alcohol or drug-related offense while driving (includes Driving Under the Influence, Driving While Intoxicated, etc.);
- Conviction of three or more speeding violations or of one or more other serious violations;
- Notice from the City's insurance carrier that driver is being excluded from insurance coverage;
- Involvement in three or more preventable accidents.



**Driving by Unauthorized Persons**

Except in case of emergency, a driver shall not allow a vehicle assigned to him/her to be driven by any person not authorized to drive City vehicles.

**Intoxicants**

Drivers shall not use, store, transport, or be under the influence of alcohol, drugs, or other intoxicants in City vehicles at any time (unless being stored or transported in conjunction with law enforcement duties). (See also City of Gainesville Personnel Policy & Procedures Manual, Policy 3.12, "Drug-Free Workplace".)

**Loan of City Vehicles**

Loan of City vehicles to outside agencies is discouraged. If a City vehicle is loaned for goodwill purposes, the City vehicle must be operated at all times by a City employee who is an authorized driver with experience in the type of vehicle being loaned.

**Loss of Drivers' License**

Revocation or suspension of a driver's license for any reason and for any period of time must be reported to the employee's immediate supervisor or Department Director within one working day of receipt of notice that the license is being suspended or revoked.

Employees will not be allowed to operate City of Gainesville vehicles while their license is suspended. Employees are not allowed to operate City of Gainesville vehicles while in possession of a temporary driving permit for the purpose of driving to and from work. Employees required to drive as a primary job function and whose license have been suspended may be subject to disciplinary action up to and including termination for loss of job qualifications. Employees who operate City of Gainesville vehicles, who have a suspended license and neglect to report the suspension, will be subject to termination for their failure to advise the City of Gainesville of their invalid license status.

**Maintenance of Vehicles**

Vehicles should not be operated with any noticeable defect that would inhibit safe operation during current and foreseeable weather and light conditions. Preventive maintenance, such as regular oil changes, lubrication, and tire pressure and fluid checks determine to a large extent whether employees will have a reliable, safe vehicle to drive and support City work activities. Employees should have preventive maintenance completed on their assigned City vehicle as required in the owners' manual or as scheduled by the departmental maintenance shop.

**Non-Employee Passengers**

A driver will not transport persons other than on-duty City employees in a City vehicle unless the person(s) is/are being transported in connection with official City business, law enforcement matters, or for other reasons specifically authorized by the Department Director or City Manager.

**Personal Use of City Vehicles**

City vehicles shall be used by authorized employees for official City business, only. Minimal personal use exceptions for lunch or running errands on the way to and from work are acceptable with prior approval by the Department Director or his/her designee. Drivers must remember that these vehicles are highly visible and that they should never be used in a manner that would discredit the City or its staff members.

**Personal Vehicles Used for City Business**

Certain circumstances may warrant a City employee's use of his/her personal vehicle to conduct City business. Typically, this occurs when the employee's department cannot provide a vehicle for running City errands, traveling to and from work-related training and/or conferences, etc. When this occurs:

- Prior approval must be obtained from the employee's Department Director or his/her designee;
- The appropriate travel reimbursement form must be completed (if appropriate);
- Mileage reimbursement will be paid according to IRS published standard mileage rates in effect at the time of the City business travel and Finance Department procedure.

The City does not assume any liability for bodily injuries or property damage that the employee may be personally obligated to pay arising out of an accident during the operation of his/her own car on City business. The travel/mileage reimbursement to the employee for the operation of his/her car on City business includes the allowance for the expense of automobile insurance. Employees using personal vehicles on City business are required to have at least the minimum liability limits of insurance required by Georgia law. The City does not specify and assumes no responsibility for types and limits of coverage on employee vehicles, since this is a matter of individual preference.

If an employee (in his/her personal vehicle) is involved in an accident in which another party is at fault, the City will not become involved in the reporting and settlement of any insurance claim that results against the at-fault party. However, if an employee's vehicle is damaged by an uninsured motorist, the employee should contact the City's Risk Manager as soon as possible after the accident for assistance. The City will reimburse the employee's insurance deductible up to \$500 (limit of once per 12-month period) if:

- the uninsured motorist caused the accident;
  - the employee’s actions did not contribute to the accident;
  - the employee did not receive a citation;
  - the accident was deemed “non-preventable”; and
  - the employee followed all provisions of this Vehicle Use Policy.

### **Seat Belt Use**

All drivers and passengers in City vehicles shall wear seat belts at all times while the vehicle is in operation.

### **Take-Home Vehicle Assignment**

The City Manager may authorize certain personnel to drive City vehicles to their residences following normal duty hours. Vehicles so assigned should be used for official business only, and never used in such a manner as to bring discredit upon the City.

As a general guideline, employees eligible to be considered for take-home vehicle assignment are as follows:

1. City Manager and Assistant City Manager;
2. Department Directors;
3. Police Department employees that are assigned vehicles in accordance with police department policy;
4. Division Managers, Supervisors, and other City employees who are on emergency call after normal working hours;
5. Other City employees who are assigned a vehicle during normal working hours and who frequently perform City work-related tasks going to or from their residence.

Assignment of a take-home vehicle is a privilege, not a right, and is subject to removal at any time and for any reason. This program is for the benefit of the City and will be evaluated periodically for determination of appropriate changes to assignment. Take-home vehicle assignment is at the discretion of the Department Director and is subject to approval by the City Manager.

### **No Right of Privacy**

City vehicles are the property of the City of Gainesville and as such are subject to inspection, audit, search and monitoring by City officials. The City reserves the right without advance notice to, at any time, inspect, audit and search City vehicles as well as monitor City vehicles whereabouts. This includes the right to place tracking devices on City vehicles and monitor their whereabouts without notice to employees. The City Manager shall designate persons authorized to conduct inspections, audits, searches and monitoring.

**Theft**

In the event of theft of a City vehicle, the police department should be contacted immediately. The City is not responsible for loss or theft of personal items left in City vehicles.

**Smoke-Free Policy**

It is the policy of the City to prohibit the smoking of any tobacco product, the use of oral tobacco products or “spit” tobacco (smokeless tobacco) and the use of e-cigarettes (vaping) in any City vehicle.

**Training Requirements - Defensive Driving Course**

All authorized drivers (except Public Safety employees with EVOC training) are required to attend a City sponsored Defensive Driving Course as soon as possible after hire, then a refresher once every three years.

**Traffic Violations**

Citations, fines or other actions taken by any law enforcement jurisdiction against any employee while driving a City vehicle shall be the responsibility of the employee. Each driver is required to report all moving violations occurring on City time to their supervisor within one working day. This requirement applies to violations involving the use of any City vehicle.

Any employee receiving a drug or alcohol related citation from any law enforcement jurisdiction while on duty will be subject to the City of Gainesville’s Drug and Alcohol Policy. Any employee receiving a drug or alcohol citation while on personal time may be subject to immediate disciplinary action up to and including possible termination.

**Vehicle Appearance**

City-owned vehicles are costly, highly visible tools which assist us in providing services to our taxpayers, and as such should be kept clean and tidy. Litter should not be allowed to accumulate inside the passenger compartments, nor in the beds of these vehicles. City vehicles are a direct reflection on the City and should portray a professional appearance.

**OTHER REQUIREMENTS****15-Passenger Van Operation**

Due to recent studies involving 15-passenger vans, the City has placed restrictions on the operation of these vehicles. To enhance safety, the following operational rules apply to 15-passenger vans:

- Vehicles should be loaded “front-to-back”, with the lightest load behind the rear axle;
- When practical, the number of passengers should be limited to fewer than 10, seated toward the front of the vehicle;
- Under no circumstances shall greater than 15 people (including the driver) be transported in a 15-passenger van;
- It is the driver’s responsibility to ensure that the seat-belt policy is strictly enforced;
- Nothing shall be towed behind nor carried on top of these vehicles;
- Drivers must not use cell phones or radios at any time while the vehicle is in operation;
- No one under 18 years of age will be allowed to drive these vehicles;
- No employee will be allowed to drive these vehicles without specific authorization from his/her Department Director;
- Drivers shall practice safe driving habits, with attention to speed, following distances, and road and weather conditions, and must drive in a manner so as to avoid abrupt steering or braking.

Additional information on the operation and maintenance of 15-passenger vans may be obtained from Risk Management upon request.

### **Commercial Vehicle Guidelines**

Drivers of commercial vehicles (CDL holders) are subject to additional policies and procedures as promulgated by the Federal Department of Transportation and other applicable agencies.

### **Vehicle Use Policy Violations**

Violations of any portion of this “Vehicle Use Policy” will result in appropriate disciplinary action, from removal of driving privileges up to and including termination of employment, in accordance with the City of Gainesville’s Policies and Procedures.