

CITY OF CANTON

PERSONNEL POLICIES AND PROCEDURES

Adopted by Mayor and Council on: 06/17/2010

CITY OF CANTON PERSONNEL POLICIES AND PROCEDURES

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PURPOSE AND DISCLAIMER

Purpose: To outline the reason for these policies, assert a disclaimer, and provide for the general organization of the City of Canton Personnel Policies.

Statement of Policy

The Personnel Policies and Procedures are enacted by the City of Canton in order to further the following goals:

1. To provide a uniform system of personnel administration throughout the City.
2. To ensure that training, recruitment, selection, placement, promotion, discipline, retention, and separation of City employees are based upon an employee's qualifications and fitness, and are in compliance with Federal and State Laws.
3. To assist managers in the management of personnel practices and procedures.
4. To ensure effective and consistent use of human resources throughout the City.
5. To ensure, protect and clarify the rights and responsibilities of employees.

The Personnel Policies and Procedures applies to all City employees except elected officials, the city attorney, city manager, city auditor, municipal court judge, city solicitor, public defender and independent contractors unless otherwise specifically stated. In the event of conflict between this policy and any City ordinance, state law, or employment contract, the provision of the ordinance, law, or contract shall prevail. In all other cases, these policies shall apply.

Every attempt has been made to create the Personnel Policies and Procedures consistent with federal and state law. If an inconsistency arises, the policy(ices) will be enforced consistent with the applicable law. In the event of the

amendment of any ordinance or law incorporated in this document or upon which these provisions rely, this policy shall be deemed amended in conformance with those changes. The official Personnel Policies and Procedures Manual and all amendments will be maintained in the Human Resources office.

NO PERSONNEL POLICIES AND PROCEDURES MANUAL CAN ANTICIPATE EVERY CIRCUMSTANCE OR QUESTION ABOUT POLICY. THE CITY SPECIFICALLY RESERVES THE RIGHT TO REPEAL, MODIFY OR AMEND THESE POLICIES AT ANY TIME, WITH OR WITHOUT NOTICE. NONE OF THESE PROVISIONS SHALL LIMIT THE AUTHORITY OF THE CITY COUNCIL TO REPEAL OR MODIFY THESE RULES. FOR THE PURPOSE OF THIS POLICY THE TERM "HIS" SHALL INCLUDE BOTH THE MALE AND FEMALE GENDER.

ADMINISTRATIVE ORGANIZATION

Except for the purpose of inquiries or investigations authorized by a majority vote of council, neither the mayor nor the city council or its members shall direct or give orders to city officers or employees who are subject to the direction and supervision of the city manager.

ETHICS: CONFLICTS OF INTEREST

Purpose: To establish a policy to avoid the reality or appearance of conflicts of interest.

Definition: For the purpose of this section of this policy the term “immediate family” shall be defined as including spouse, mother, father, siblings, children, father-in-law, mother-in-law, sister-in-law, brother-in-law, grandparents, grandchildren, step-parents and step-children.

Statement of Policy

1. Conflicts of interest – No appointed officer or employee of the City shall knowingly:
 - a. engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge and performance of his official duties;
 - b. engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his judgment or action in the performance of his official duties;
 - c. disclose confidential information concerning the property, government, governmental actions, governmental activity or affairs of the city

- without proper legal authorization or use such information to advance the financial or other private interest of himself or others;
- d. solicit, accept, or agree to accept gifts, loans, gratuities, discounts, favors, hospitality, or services from any person, association, or corporation under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the performance of the member's official duties;
 - e. represent other private interests in any action or proceeding adversarial to the City of Canton; or
 - f. participate in the negotiation or in the making of any decision or contract with any business or entity in which he has a financial interest.
2. Disclosure – Any employee who shall have any private financial interest, directly or indirectly, in any entity, any contract or matter pending before or within any department of the City shall clearly disclose such private interest to the City Manager.
 3. Contracts voidable or rescindable – Any employee who is found to have violated this section which occurs with the knowledge, express or implied, of a party to a contract or sale may render said contract or sale voidable at the option of the City.
 4. Political activities of employees – Employees are encouraged to vote and participate as private citizens in our system of elected government. City employees shall not run for or hold an elective office in the City government while in the employment of the City. City employees should not solicit any contributions, assessments, or services, nor publicly endorse any candidate for any City elective office.
 5. Outside employment – employees must receive prior written consent from the City Manager or Department Head before accepting outside employment. Approval of each job assignment and/or location of job assignment must be in writing. Employees may not conduct business or be “on call” for outside employment during their assigned working hours.

6. Nepotism - Immediate family members will not be employed in any positions where:
- a. One relative would have the authority to supervise, appoint, remove, discipline, or evaluate the performance of the other.
 - b. One relative would be responsible for auditing the work of the other.
 - c. Other circumstances exist which would place the relatives in a situation of actual or reasonably foreseeable conflict between the City's interest and their own.

An employee becoming an immediate family member of his supervisor or Department Head must either resign or request a transfer to another department. If a transfer is not practical or not desired by another Department Head or supervisor, the city has no obligation to allow the employee to transfer, thereby mandating that the employee resign. The City Manager may waive this provision in cases of extenuating circumstances.

STANDARDS OF CONDUCT

Purpose: To establish the City of Canton standards of conduct.

Statement of Policy

The following causes relating to failure in performance of duties are meant to be representative and not exhaustive, and to represent examples of actions considered adequate grounds for discipline or termination.

1. Chronic tardiness or absenteeism.
2. Inefficiency, negligence, incompetence or insubordination.
3. Violation of or failure to obey any lawful or official regulations or order.
4. Misconduct.
5. Conviction of a felony or a misdemeanor of moral turpitude or DUI conviction.
6. Conduct or behavior reflecting discredit on the City of Canton.

7. Political activity that is prohibited in the Ethics Section above.
8. Interference with the work of another employee.
9. Abuse, possession, use, purchase, sale, consumption, or solicitation for the purpose of sale, personal possession or purchase of narcotics, controlled substances, drugs or alcohol while in the performance of an employee's duties, or under circumstances which would reflect discredit on the City of Canton.
10. Fighting or threatening violence.
11. Horseplay or reckless conduct in the workplace.
12. Failure to practice and maintain proper safety procedures or practices.
13. Willful abuse or negligent use of government property or equipment.
14. Fraud or misrepresentation in securing employment.
15. Acceptance of money or other things of value in consideration for work related favors.
16. Loss of certification required to perform necessary duties.
17. Falsification of records.
18. Gambling at work.
19. Insubordination or other disrespectful conduct.
20. Smoking in restricted areas.

EQUAL EMPLOYMENT OPPORTUNITY

Purpose: To establish guidelines regarding the City's Equal Employment Opportunity Guidelines

Statement of Policy

There shall be no discrimination based on race, national origin, color, religion, creed, age, disability, sex, or political affiliation or military status with respect to the recruiting and examination of applicants, the hiring of employees, (which

includes training and promotion), disciplinary actions and all other conditions of employment.

The following guidelines have been established for the City's Equal Opportunity program:

1. The City of Canton will recruit, hire, and promote qualified individuals without discrimination based on race, national origin, color, disability, religion, creed, age, sex, military status, or political affiliation.
2. The City of Canton will ensure that all other human resource actions such as compensation, benefits, transfers, layoff, return from layoffs, City sponsored training, education, tuition assistance, and social and recreational programs will be administered without discrimination against an employee on the account of race, national origin, disability, color, religion, creed, age, sex, military status or political affiliation.
3. The City Manager or his designee is designated as the Equal Employment Coordinator of the City of Canton. The City Manager or his designee has direct responsibility to monitor all equal employment activity and the responsibility for assuring attainment of the City of Canton's stated objective of full compliance with the national policy of non-discrimination in employment.

AMERICANS WITH DISABILITIES ACT

Purpose: To establish the City of Canton's intention to comply with the requirements of the Americans with Disabilities Act.

Statement of Policy

The City of Canton is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunities in employment for all

qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis.

The City of Canton is committed to equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws and does not discriminate based on race, national origin, color, religion, creed, age, disability, sex, political affiliation or military status.

IMMIGRATION LAW COMPLIANCE

Purpose: To establish the City's compliance with the Immigration Reform and Control Act of 1986.

Statement of Policy

The City of Canton is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility.

TYPES OF EMPLOYMENT AND ELIGIBILITY FOR BENEFITS

Purpose: The City of Canton is an "at will" employer.

Statement of Policy

The City of Canton recognizes the doctrine of employment at will. Employment at will means that in the absence of a written contract of employment for a defined duration, an employer can terminate an employee for good cause, bad cause or no cause at all, so long as it is not an illegal cause.

Employment with the City of Canton is that of an employee-at-will. Job status does not guarantee employment for any specific length of time. Employment with the City of Canton is entered into voluntarily and both employee and the City of Canton are free to end the employment relationship at any time. The types of employment are

- a) Full-time Regular – a full-time regular employee shall be one hired for a position to work not less than forty (40) hours per week on a continuing (indefinite) basis and receiving full benefits.
- b) Part-time Regular – a part-time regular employee shall be one hired for a position to work at least eight but less than thirty hours per week on a continuing (indefinite) basis and receiving no benefits
- c) Seasonal – an employee who will be laid off at the end of the season or period for which he has been appointed. This appointment shall receive no benefits. Appointments shall not exceed a nine-month period. Seasonal employees may be hired to work full-time or part-time hours. This appointment shall not receive any benefits.
- d) Emergency – an employee appointed to prevent a stoppage of public business or service to the public. This appointment may not receive any benefits.
- e) Interns – an employee who agrees to provide services to the City of Canton for a specific length of time. Individuals in this type of employment shall receive no benefits but may qualify for pay.

PAYDAYS AND WORK PERIODS

Purpose: To establish procedures for the City's paydays and work periods

Statement of Policy

All employees are paid bi-weekly on every other Monday. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

Employee pay shall be directly deposited into employee's bank accounts. The City of Canton Finance Department maintains the Direct Deposit Forms and any employee needing to change his bank account must do so in writing at least one week prior to the end of the pay period. Employees will receive a statement of wages from the City of Canton each pay period.

The work period for any 24-hour shift firefighter shall be 28 days. All Firefighters shall work a schedule of 24 hours on and 48 hours off for an average of 212 hours per 28 day period.

The work period for any sworn law enforcement personnel shall be a 43 hour work week.

The work period for all other city employees shall be seven (7) days. This work period begins at 12:01 a.m. and ends seven (7) days later at 12:00 (midnight). Overtime shall be applicable for hourly employees only after the employee has worked 40 hours. The minimum work week for full time employees is thirty (30) hours.

Work periods may be changed as necessary and will follow established Fair Labor Standards Act guidelines.

PERFORMANCE EVALUATIONS

Purpose: To establish the basic requirements for a performance based evaluation system.

Statement of Policy

It is the policy of the City of Canton to fairly evaluate employees' performance within a specified interval of time.

Each employee should be evaluated at the completion of his initial six (6) month employment and thereafter at least once per year during the month of his anniversary date.

The anniversary date shall be the date the employee begins employment with the city. The evaluation shall involve the following steps:

1. The supervisor completes the performance evaluation. The employee and supervisor may consult each other during the process.
2. When the supervisor has completed the evaluation, the employee and the supervisor will discuss the evaluation.
3. The employee and supervisor shall sign the evaluation, which is then sent to the City Manager or his designee. No change in employment status or change in pay will be processed without the signature of the City Manager.
4. If funds are budgeted and available a merit increase may be awarded based on performance. Merit increases, if awarded, shall be based on work performance or special achievements which exceed generally acceptable job performance within the period of evaluation.
5. If an employee is evaluated beyond his anniversary date, then the employee's merit increase (if any) shall be retroactive to his anniversary date.

TYPES OF SEPARATION

Purpose: To establish policies and procedures regarding employee termination from the City of Canton.

Statement of Policy

1. Resignation – an employee leaving the City of Canton in good standing must file with his Department Head a written resignation providing at least a two-week notice of his intention to resign (unless the Department Head consents otherwise). An employee satisfactorily working a two week notice will be paid for unused vacation leave not exceeding the maximum of 320 hours.
2. Abandonment of Job – an employee who is absent from work for two (2) working days or more without directly notifying his supervisor of the reasons for his absence and obtaining permission to remain absent from work shall be considered as having resigned without notice and not in good standing.
3. Death – Separation date shall be the same as the date of death of any employee. All money due shall be paid to the designated beneficiary, or estate of the employee, except such compensation that by law must be paid to the surviving spouse.

Compensation may include:

- a. payment for time worked;
- b. payment for any accrued vacation
- c. payment for unused Floating Holiday

Dismissal – Disciplinary action need not precede dismissal. In the event of a dismissal, the Department Head shall compose a summary of the investigation that includes the charges and facts leading to the dismissal. The Department Head shall deliver a copy of the charges and the letter of dismissal to the employee. A copy of each shall be forwarded to the City Manager. An employee who has been dismissed will not receive any other benefit with the exception of unused annual leave.

PERSONAL APPEARANCE

Purpose: To establish appearance and grooming standards for non-uniformed and uniformed staff.

Statement of Policy

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image the City of Canton presents to the community. Whether or not job responsibilities place employees in direct contact with City or State officials, legislators or the public, employees represent the City with their appearance as well as their actions. During business hours or when representing the City, employees are expected to present a clean, neat appearance. Uniformed police and fire personnel shall comply with the standard operating procedures (SOP) which apply to their respective departments.

If a supervisor feels that an employee's personal appearance is inappropriate, the employee may be asked to leave the workplace without pay until the employee is properly dressed or groomed. Under such circumstances, the employee will not be compensated for the time away from work.

Employees who are provided uniforms are to wear the uniforms only as issued without any individualizing or customization, including caps, baseball hats and printed T-shirts. All uniforms, including hats, caps, printed T-shirts, monogrammed shirts and jackets are the property of the City of Canton and are to be returned to the City upon termination of employment. The cost for uniforms and accessories not returned or that have been altered to the extent that they can not be used will be deducted from the employee's final paycheck.

Special exceptions to the dress code policy may be allowed when health conditions, job duties, or accommodations require modifications. Exceptions to the dress code policy will require supervisor approval.

SEXUAL AND OTHER UNLAWFUL HARASSMENT

Purpose:

1. To establish a policy prohibiting all forms of harassment.
2. To define the procedure for reporting harassment.
3. To establish guidelines for administration of discipline.

Statement of Policy

The City of Canton is committed to providing a work environment that is free from conduct that can be considered harassing, coercive, or disruptive, including sexual harassment. Actions, words, jokes, or comments based on an individual's sex, race, color, national origin, age, religion, disability, sexual orientation, or any other legally protected characteristic will not be tolerated.

It is illegal and against the policy of the City of Canton for any person to harass, threaten or intimidate another employee on the basis of his sex, race, religion, disability, national origin, or age. An employee who has been the subject of or has witnessed such harassment shall report such conduct immediately to his supervisor, Department Head or City Manager. The Department Head will immediately investigate any complaint. If the Department Head is the alleged harasser then the City Manager will conduct the investigation. Sexual harassment may be reported by any employee to the Mayor or any member of City Council should the alleged harasser be the City Manager. Sexual harassment may be reported by any employee to the City Attorney should the Mayor or any member of City Council be the alleged harasser.

Unlawful harassment in violation of this policy includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a

sexual nature when (1) submission to such conduct is made directly or indirectly a term or condition of a person's employment or (2) submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person. Unlawful harassment also includes creating an intimidating, hostile, or offensive working environment for another on the basis of one's sex, race, religion, national origin, disability or age.

Supervisors are strictly prohibited from making any employment decision, directly or indirectly, based upon submission to, or rejection of, a request for a sexual favor. It is the responsibility of each supervisor and Department Head to maintain a workplace free of sexual and other unlawful harassment. This duty includes discussing the policy with all employees and assuring them that they are not to endure insulting, degrading, or exploitative treatment and to report perceived violations of this policy to their supervisor, Department Head, or the City Manager.

No employee who in good faith exercises his or her right to make a complaint about sexual or other unlawful harassment will be subject to any retaliatory act or incur any penalty or adverse consequences. Any supervisor or employee who retaliates against an individual for exercising his or her right to report sexual or other unlawful harassment shall be subject to severe disciplinary action up to and including discharge.

The City encourages any employee to raise questions he may have regarding discrimination, retaliation or harassment with a Department Head or the City Manager.

Harassment does not include the conduct or actions of supervisors intended to provide employee discipline, such as deficiency notices, performance evaluations, oral or written warnings, reprimands or other supervisory actions intended to promote positive performance.

SMOKING POLICY

Purpose: To establish a policy that prohibits smoking in city buildings and city vehicles.

Statement of Policy

Smoking is prohibited in all City buildings and City vehicles.

City Department Heads may designate smoking areas outside of City buildings, not less than 15 feet from an entrance, where smoking may be permitted.

ANNUAL LEAVE

Purpose:

1. To establish eligibility and the accumulation rate for annual leave.
2. To establish the procedure for using annual leave.
3. To establish the guidelines associated with annual leave.

Statement of Policy:

General: All regular full-time employees shall be entitled to annual leave as follows:

A regular full-time employee shall not be entitled to annual leave until after he shall have been employed continuously for at least six (6) months. After successful completion of the first six (6) months of employment and with a satisfactory evaluation the employee shall be entitled to 1.925% of his annual hours as annual leave.

Annual leave shall accrue biweekly as follows:

Regular 2080 hours per year Employees

1-5 years 3.85 % or 3.08 hours per pay period

6-10 years	5.77%	or	4.62 hours per pay period
11-15 years	6.93%	or	5.54 hours per pay period
16-20 years	7.69%	or	6.15 hours per pay period
21-24 years	8.46%	or	6.77 hours per pay period
25+ years	9.62%	or	7.69 hours per pay period

Regular 2236 hours per year Employees (Police Officers)

1-5 years	3.85 %	or	3.31 hours per pay period
6-10 years	5.77%	or	4.96 hours per pay period
11-15 years	6.93%	or	5.96 hours per pay period
16-20 years	7.69%	or	6.61 hours per pay period
21-24 years	8.46%	or	7.28 hours per pay period
25+ years	9.62%	or	7.67 hours per pay period

Regular 2834 hours per year Employees (Fire Fighters)

1-5 years	3.85 %	or	4.20 hours per pay period
6-10 years	5.77%	or	6.29 hours per pay period
11-15 years	6.93%	or	7.55 hours per pay period
16-20 years	7.69%	or	8.38 hours per pay period
21-24 years	8.46%	or	9.22 hours per pay period
25+ years	9.62%	or	10.49 hour per pay period

In the event any person having accrued annual leave ceases to be employed by the City and is thereafter re-employed, the accrued annual leave of the employee shall not be reinstated and the employee shall thereafter accrue and use annual leave in the same manner as if a new employee.

An employee may accumulate (accrue) a maximum of 320 hours of annual leave. As provided hereafter, employees will be compensated for a maximum of 320 hours of annual leave at the time of separation.

Annual leave shall not accrue during leaves of absence without pay.

SICK LEAVE

Purpose: To establish applicable guidelines for sick leave.

Statement of Policy: Sick leave shall accrue up to a maximum total accumulation of the equivalent of one thousand and forty (1,040) hours. Sick leave shall be canceled upon termination of employment. In the event any person having accrued sick leave ceases to be employed by the City and is thereafter re-employed, the accrued sick leave of the employee shall not be reinstated, and the employee shall thereafter accrue and use sick leave in the same manner as if a new employee.

General: All regular full-time employees shall be entitled to sick leave as follows:

A regular full-time employee shall not be entitled to sick leave until he shall have been employed continuously for at least six months. After successful completion of the first six (6) months of employment and with a satisfactory evaluation the employee shall be entitled to 1.925% of his annual hours as sick leave.

Sick leave shall accrue as follows:

Regular 2080 hours per year Employees

3.85% or 3.08 hours per pay period

Regular 2236 hours per year Employees (Police Officers)

3.85% or 3.31 hours per pay period

Regular 2834 hours per year Employees (Fire Fighters)

3.85% or 4.20 hours per pay period

Employees may utilize sick leave for personal illness or physical incapacity, sickness of an immediate family member or death in the immediate family of such employee.

Sick leave benefits shall apply to bona fide cases of sickness, non-job related accident, doctor or dental appointments, physical therapy, maternity leave, and requests for the employee's presence by the immediate family, doctor or clergy due to family illness or emergency.

Sick leave shall not accrue during leaves of absence without pay.

When an employee goes on Sick Leave, he must notify his Department Head or designated supervisor immediately. Notification should be within 60 minutes after the beginning of the scheduled work day. Failure to do so may result in denial of such leave pay. The employee should also inform his supervisor of when he expects to return to work.

An employee on disability or extended sick leave shall keep his supervisor advised on a weekly basis as to his condition and the expected date of return to duty. If requested, the employee shall file with the Department Head or City Manager a doctor's certificate stating the cause of the absence and the nature of the illness before sick leave payment is authorized.

Temporary employees are not eligible for sick leave payment.

An employee may utilize annual time when sick leave has been exhausted.

Each Department Head or designated supervisor shall ensure the provisions of this policy are observed.

SICK LEAVE BANK

The purpose of the Sick Leave Bank is to provide sick leave to contributors after all accumulated leave, both annual and sick, has been exhausted. For the purpose of this section “family” is limited to spouse and dependent children.

Definitions

Catastrophic Illness – A serious illness, disease, or injury, which results in a detrimental effect on an employee’s pursuit of his vocation. In order to be considered catastrophic an illness, disease or injury must affect the employee’s physical or mental health as described above for a period of not less than twenty (20) consecutive days.

Membership – Any City of Canton full-time employee may join the Sick Leave Bank on his one (1) year anniversary provided that he has accumulated the equivalent of no less than five (5) days of sick leave. The employee must donate at least one (1) day of sick leave to the bank during each year of employment. This donation has to be deposited in writing on the Sick Leave Bank Donation Form.

Administration of the Sick Leave Bank – The City Manager shall have discretion of awarding members sick leave based upon the criteria herein established.

General Administration – The City Manager shall receive all requests of withdrawal from the Sick Leave Bank. Any employee who requests a withdrawal should do so through his Department Head in writing.

Procedures for Application/Request for Withdrawal:

1. Requests for sick leave bank withdrawal shall include evidence that the member has missed at least ten (10) days out of the prior twenty (20) consecutive working days.
2. Requests shall include evidence that the member has exhausted all of his accumulated annual and sick leave.
3. Requests shall include the employee's attendance record for the previous year(s).
4. Requests shall be accompanied with a physician's statement verifying catastrophic or severe illness and attesting to the individual's incapacity to perform assigned duties. Should the request be due to a family member, supporting documentation from the family member's physician must state that the employee is medically needed for the assistance of the family member due to their inability to care for themselves.
5. Requests may be made by following the above listed procedures with a maximum of sixty (60) days in any one twelve month period.

Employees will be eligible to draw days from the sick leave bank only after written approval from the City Manager. Employees must submit a doctor's statement verifying the employee's incapacity and estimating the length of time that employee may be fully incapacitated. Each application to the sick leave bank will be considered on a case-by-case basis.

Any employee, upon voluntary termination of employment, may donate a maximum of 40 hours of unused sick leave to the sick leave bank. No benefits will be paid from the bank for a work-related injury or for a sickness in which an

employee is entitled to Workers' Compensation or leave for illness or injury in line of duty.

HOLIDAYS

Purpose: The City shall recognize the following holidays with pay for full-time employees.

New Years Day (January 1)

Martin Luther King, Jr. Day (Third Monday in January)

National Memorial Day (Last Monday in May)

Independence Day (July 4)

Labor Day (First Monday in September)

Veterans Day (November 11)

Thanksgiving Day (Last Thursday in November)

Day after Thanksgiving Day

Christmas Eve (December 24)

Christmas Day (December 25)

Floating Holiday (Any approved requested day in the Calendar Year)

1. Employees may be required by their supervisors to work during the above holidays in the event of unusual or extenuating circumstances.
2. In the event a holiday falls on a Sunday, the following Monday shall be deemed to be the legal holiday. In the event the legal holiday falls on a Saturday, the preceding Friday shall be deemed to be the legal holiday.
3. To receive pay for an official holiday, the employee must either: 1) work the days immediately before and after the holiday, or 2) be on approved paid leave on those days.
4. Non-exempt Firefighters and uniformed sworn law enforcement personnel and other non-exempt employees authorized to work during any holiday as defined above shall be paid at the rate of one and one-half times the normal

hourly rate for hours worked on the holiday, plus holiday pay equal to twelve hours for firefighters and eight hours for all other workers.

5. Employees will accrue a Floating Holiday in the month of January following the completion of the first six (6) months of employment and each January thereafter. Floating Holidays must be used during the calendar year in which accrued. Any unused Floating Holiday will be forfeited at the end of the calendar year.

JURY/COURT LEAVE

Purpose: To establish a policy for jury leave for City employees.

Statement of Policy:

Any regular full-time employee who is required to serve on a jury, or as a result of official City of Canton duties is required to appear before a court, legislative committee or quasi-judicial body as a witness in response to a subpoena or other directive, shall be allowed authorized leave with pay less any amount received for such service. An employee who receives notice of jury duty or witness service must notify his supervisor immediately. The City reserves the right to request that an employee who is called for jury duty be excused if his absence would create a hardship on the operational effectiveness of the department to which he is assigned.

The employee shall tender jury or witness fees to the Finance Department within three (3) business days of receipt of same.

Time away for jury duty will not affect annual, sick or personal leave accruals. Employees who appear in court as the plaintiff or defendant in any action not related to their official duties shall not be paid for time away from work unless that time is accrued annual or sick leave.

Employees who are released from jury duty shall complete their regularly scheduled number of hours.

BEREAVEMENT LEAVE

Purpose: To establish guidelines for the use of bereavement leave due to death in the employee's immediate family.

Statement of Policy

A regular full-time employee who has a member of his immediate family taken by death shall receive up to three consecutive business days off with pay.

Additional time if necessary shall be taken as annual or unpaid leave with advance authorization by the appropriate Department Head.

The employee must inform his supervisor as soon as practicable of any request for bereavement leave.

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

LEAVE OF ABSENCES

Purpose: To establish the types of leave allowed.

Statement of Policy

1. General Leave of Absence – Employees may be eligible for a leave of absence without pay in the event of temporary disability or a personal hardship or emergency. Such leave requires approval by the City Manager. A leave of absence may prevent a break in service, but no benefits such as annual or sick leave or time towards retirement shall accrue during a leave of absence.

2. Military Leave – Federal and Georgia laws require that paid leave be granted to members of the Reserves and National Guard under certain conditions, and leave of absence is required under the following conditions:
 - a. Ordered Duty- Employees ordered to military duty shall be placed on military duty leave and shall be eligible for compensation and benefits in accordance with applicable State and Federal law.
 - b. Declared Emergencies- In the event the Governor declares an emergency and orders any employees to State active duty as a member of the National Guard, the employee shall be compensated in a manner consistent with the Official Code of Georgia Annotated Section 38-2-279.
3. Leave of Absence While Attending Service Schools – Any voluntary member of the Reserves or National Guard shall be entitled to unpaid leave while in attendance at any service school conducted by the Armed Forces of the United States for a period not exceeding a total of six (6) months during any four (4) year period.

FAMILY AND MEDICAL LEAVE OF ABSENCE

Purpose: To Comply with the Family and Medical Leave Act

Statement of Policy

The City of Canton will administer FMLA in accordance with the guidelines set forth by applicable Federal and State law. Federal provisions for leave under FMLA are as follows.

Employees who are eligible for family and medical leave may take up to twelve (12) weeks of unpaid leave in any 12 month period and be restored to the same or an equivalent position upon an employee's return from leave. The following are reasons an individual can take FMLA leave:

1. the birth of a son or daughter and to care for such son or daughter;

2. the placement of a child with the employee for adoption or foster care and to care for the newly placed child;
3. to care for a spouse, son, daughter, or parent with a serious health condition; or
4. when the employee has a serious health condition which renders the employee unable to perform the functions of his job.

An employee on approved family or medical leave who accepts other employment without the City's approval may be terminated.

Eligibility:

1. To be eligible, an employee must have been employed by the city for at least twelve (12) months and must have worked a minimum of 1,250 hours during the previous 12-month period.

Procedures:

If the leave is foreseeable the employee must provide the City with notice as soon as possible. Notice must be given to the City Manager or his designee by completing the "Family and Medical Leave Request Form." An employee requesting leave for his own or a family member's serious health condition must provide the City with proper medical certification.

While on Leave:

An employee taking leave due to a serious health condition or to care for a covered relative must contact his supervisor weekly regarding the status of the condition and the employee's intention to return to work.

Medical Certification:

Certification for an employee's serious medical condition must include a statement that the employee is unable to perform the functions of his position.

Certification for leave to care for a family member with a serious medical condition must include an estimate of the amount of time needed to care for that family member. Both types of certification must include (a) the date on which the serious health condition commenced; (b) the probable duration of the condition; and (c) the appropriate medical facts within the knowledge of the health care provider about the condition.

Unpaid Leave:

FMLA Leave is unpaid leave.

FMLA leave runs concurrent with any other applicable paid or unpaid leave. Using available sick time, vacation time, short-term disability or workers' compensation will not extend employees leave time beyond the maximum time allowed of 12 weeks of FMLA leave per 12 month period.

Benefits:

Employees will not lose any employment benefits or seniority accrued before the date on which leave commenced. Employees who take family or medical leave will generally be restored to the same or an equivalent position upon their return to work. Employees who take family or medical leave are responsible for paying their portion of health insurance premiums. Failure to make timely payments may result in a cancellation of the insurance coverage.

WORKERS' COMPENSATION INSURANCE

Purpose: To establish a policy for the City's Workers' Compensation Insurance.

Statement of Policy

All employees are covered by State Worker's Compensation, a program of industrial insurance to protect workers, their families and dependents from loss

due to an injury caused by an accident arising out of and in the course of employment. The program provides for payment of medical and hospital bills, physical and vocational rehabilitation and financial compensation for permanent partial disability and assures death benefits and compensation to the worker's family or dependents in the event the injury is fatal.

The City may pay salary continuation for the first seven (7) calendar days of incapacity resulting from an injury, including the day of the injury.

Compensation – Generally, the average weekly wage over a thirteen (13) week period immediately preceding the injury shall be taken as the basis upon which to compute compensation. The City shall pay or cause to be paid a weekly benefit equal to two-thirds of the employee's average weekly wage but not more than maximum amount set by Worker's Compensation law.

Effect on Leave - Time spent on worker's compensation shall not be considered "hours worked" for purposes of leave accrual.

CONSOLIDATED OMNIBUS BUDGET RECONCILIATION (COBRA)

Purpose: To establish a policy for the extension of the City's health insurance under COBRA.

Statement of Policy

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City of Canton's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce

or legal separation; and a dependent child no longer meeting eligibility requirements.

Employees or dependents may elect to continue medical coverage beyond the date that it would otherwise terminate by doing one of the following:

- A. Convert the group medical coverage to an individual policy provided directly by the insurance carrier. Employees will be sent benefit information and rates regarding conversion options directly from the insurance company.
- B. Continue to participate in the group medical coverage plan under the criteria outlined below:
 1. Rights of Employee. Employees presently covered by the insurance plan or health maintenance organization may continue this coverage for up to 18 months from the date that employment terminates or status changed to a nonparticipating employment status provided that the employee pay the full cost of premium and any administrative fee that may be imposed.
 2. Rights of a Spouse of Employee. The spouse of an employee covered by the medical plan or sponsored HMO has the right to continue coverage if the employee was terminated or changed to non-participating employment status, or if a divorce or legal court – decreed separation from the employee took place. Coverage under these circumstances may continue for a period up to 36 months provided that the spouse pay the premium in full and any administrative fee that may be imposed.
 3. Rights of Child(ren). Dependent children of an employee covered by the medical plan or a sponsored HMO have the right to continue coverage if group health coverage under the medical plan is lost because of termination resulting from a parents' divorce or legal court-decreed separation; the dependent ceases to be a "dependent child" under the medical plan. Coverage under these

circumstances may continue for a period up to 36 months provided that the employee or spouse pay the premium in full and any administrative fee that may be imposed.

A child born to or placed for adoption with the Member who is on COBRA is defined as a qualified person. As a qualified person, the child:

- A. May be eligible for independent election rights.
- B. May be eligible for an additional 18 months of COBRA continuation if a second qualifying event occurs during the member's original 18-month continuation period.
- C. May qualify for an 11-month extension due to Disability

If a dependent is added, premiums will be adjusted accordingly. Dependent coverage must be elected within the plan's normal enrollment period.

If an employee or eligible spouse or dependent does not elect to continue coverage, group health insurance will end as scheduled under the plan.

If an employee elects to continue group medical coverage, the employee or eligible spouse or dependent is responsible for paying the entire cost (both employer and employee share). This cost will be subject to periodic rate changes. Employees are not required to show that they are insurable (by taking a medical exam) to continue the coverage.

Continued coverage may be terminated earlier than the 18 or 36 month period if group medical plans for all other employees are terminated, or if the employee or eligible spouse or dependent:

- A. Fails to remit the required monthly payments within 31 days of the due date;
- B. Becomes eligible under any other group medical plan;

- C. Remarries and becomes eligible to be covered under a group medical plan and has satisfied the pre-existing exclusion provision under the new plan;
- D. Becomes eligible for Medicare;

An employee or Dependent may extend COBRA continuation if determined by the Social Security Administration (SSA) to be disabled before a qualifying event or within 60 days after a qualifying event.

To request an 11-month extension due to Disability, an employee must submit a copy of the Social Security Disability determination notice to the City within 60 days after the date the notice is received. The request must be made within the 18-month COBRA continuation period.

DISCIPLINE

Purpose: To establish policies and procedures related to disciplinary action for City employees.

Statement of Policy

It is not possible to anticipate the circumstances under which every conceivable employee infraction could take place. Discipline is determined on a case-by-case basis. Employment with the City of Canton is for an indefinite term and strictly on an “at will” basis. Any disciplinary action taken will ultimately be within the sole discretion of the City of Canton and will depend on the degrees and circumstances of the conduct at issue.

Employees may request that the City Manager review disciplinary actions. The City Manager is authorized to make final personnel decisions and is the final level of administrative appeal.

Any decision by the City Manager which could result in the termination of an employee may be subject to review by the City Attorney in order to assure full compliance with City policy and prevailing State and Federal laws.

Safety Policy

Purpose: To establish guidelines to promote safety in the work place.

Statement of Policy:

The City of Canton is committed to providing a safe working environment for its employees and citizens. To promote this policy, the City provides a separate Safety Policy detailing safety requirements and reporting procedures for all City employees.

Computer and Email Usage Policies

Purpose: To establish guidelines to promote appropriate use of city computer systems in the work place.

Statement of Policy:

The City is committed to preventing the occurrence of inappropriate, unethical or unlawful behavior by any of the users of its computing systems and telecommunications networks. These responsibilities are not only mandated by the facility's business interest but by legal and ethical obligations concerning the welfare and privacy of its customers and business partners. The Internet and Email Policies and its strict enforcement are an important and necessary part of the overall usage strategy. To promote these policies, the City provides a separate Computer and Email Usage Policy detailing the requirements of the appropriate types of usage.

PERSONAL TELEPHONE CALLS

Purpose: To provide for control of incoming and outgoing personal telephone calls.

Statement of Policy:

City phones are to be used for City business and may be used for personal business on a limited basis only.

Telephone calls received during business hours must be held to both a minimum number and time limit and must not interfere with the employee's work.

Personal toll (long distance) calls are not allowed, except in extreme emergencies and in which case the call must be billed to the employee's personal number or collect.

It is the employee's responsibility to ensure that no cost to the City results from his personal telephone calls.

DRUG-FREE WORKPLACE

Purpose:

As part of the City's commitment to promoting the safety, welfare and property of its citizens with the highest quality service possible, to maintain a drug-free workplace, as well as providing City employees with a safe and healthy place in which to work, this policy establishes the City's position on the use of alcohol and the misuse or abuse of drugs or other psychoactive substances by City employees.

Statement of Policy:

The City shall conduct random drug and alcohol testing for all City employees.

Tests will be conducted on a random, unannounced basis from a roster consisting of all City employees. Test selection and collection is conducted by the testing laboratory utilized by the City. A computer based random number generator will be used to select employees, thereby allowing each employee an equal chance of being tested randomly. An employee's name will remain on the roster after being selected so that every employee will have an equal chance of being tested each time selections are made. Therefore, it is possible that an

employee who is randomly selected for testing may be randomly selected again during the same year.

Any positive drug screen may be cause for termination.

Reasonable suspicion:

In the event of reasonable cause to believe that an employee's job performance may be impaired by drugs or alcohol, the employee's supervisor shall question the employee with regard to the behavior. Indications of impaired behavior include but are not limited to the following: staggering or irregular gait, the odor of alcohol on the breath, slurred speech, dilated or constricted pupils, inattentiveness, listlessness, hyperactivity, performance problems, illogical speech and thought process, poor judgment, or unusual or abnormal behavior. If there is reasonable cause to believe that drug or alcohol use is involved, the employee must immediately submit to a drug and/or alcohol test. Failure of the employee to take the test may be cause for termination.

Positive results of a drug or alcohol test may be cause for termination.

Post Accident:

All employees involved in an on the job accident requiring any type of professional medical treatment that requires the proper filing with the State Board of Workers Compensation (WC-1), will be required to submit to a drug test as soon as practical after the injury.

Any employees that are involved in an accident while operating any motorized vehicle or equipment, regardless of who is at fault, whether the vehicle or equipment is gasoline or electric, and including cars, trucks, tractors, lawn mowers, graders, back-hoes, golf carts, motorcycles, weed-eaters, blowers, etc. may be required to submit to a drug screen whether injured or not.