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## **City of West Point Personnel Policies**

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## City of West Point Personnel Policies

### SECTION 1: GENERAL PERSONNEL POLICIES

#### 1.0 PURPOSE

These policies are enacted by the City of West Point in order to further the following goals:

- a. Provide a uniform system of Human Resources administration.
- b. Ensure that recruitment, selection, placement, promotion, retention and separation of City employees are based upon employee's qualifications and ability to perform job assignments, and are in compliance with federal and state laws.
- c. Assist Supervisors and Directors in the development of sound management practices and procedures, and to ensure effective and consistent use of human resources throughout the City.
- d. Promote communication between directors, supervisors, and employees.
- e. Ensure, protect and clarify the rights and responsibilities of employees.

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

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

**The City specifically reserves the right to repeal, modify or amend these policies at any time, with or without notice. None of these provisions shall be deemed to create a vested contractual right or to limit the power of the City Manager or Council to repeal or modify these rules. The policies are not to be interpreted as promises of specific treatment.**

#### 1.1 DISCRIMINATION

- 1.1.1 The City does not discriminate on the basis of race, color, national origin, sex, religion, age, marital status, or disability in employment or the provision of services. It is the intent of the City to provide equal



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employment opportunity to disabled applicants and provide disabled employees a bias free work environment. The City, upon request, may provide reasonable accommodation in compliance with the *Americans With Disabilities Act (ADA)*.

- 1.1.2 The City has a commitment to ensure equal opportunities for disabled City employees. Every reasonable effort will be made to provide an accessible work environment and additional accommodations, including auxiliary aids and services to perform the essential functions of the job. Employment practices (hiring, training, transfer, promotion, compensation, benefits, termination, etc.) will be administered in such a manner as to not promote discrimination of disabled employees.
- 1.1.3 Recruitment and selection processes will grant equal opportunity for employment to qualified applicants and will not discriminate on the basis of disability. Reasonable accommodation may be provided upon request during an application/interview process.

## **1.2 EMPLOYEE PERSONNEL RECORDS**

- 1.2.1 The City Manager or his or her designee is responsible for establishing and maintaining the official personnel file for each employee of the City.
- 1.2.2 Directors are responsible for the forwarding of documents for inclusion in the personnel files of those employees assigned to their department.
- 1.2.3 Information retained in the personnel file (throughout the association of an employee with the City):
  - a. Employment application
  - b. Job description and specification information
  - c. Job performance information
  - d. Education/training information
  - e. Personnel action forms
  - f. Administrative correspondence relating to leave/vacation requests
  - g. Letters of appreciation, commendation, or discipline



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- h. Other appropriate information for personnel administration purposes
- 1.2.4 All information in an employee's file shall be considered confidential. Employee records may be opened for review under the following instances:
- a. The employee or his or her authorized agent may examine all portions of his or her personnel record. Any agent acting on behalf of the employee must be authorized in writing.
  - b. A licensed physician designated in writing by the employee may examine the employee's medical record.
  - c. The employee's Department Director may examine all material in the personnel file.
  - d. Any person authorized by court order may examine specified material in an employee's personnel file.
  - e. An official agent of the State or Federal government may inspect personnel records to accomplish a proper governmental function; the City Manager or his or her designee shall determine what information is required for such investigations. Written documentation of such agent's authority shall be placed in the employees personnel file.
- 1.2.5 Anyone requesting access to a personnel record shall provide satisfactory proof of identity.
- 1.2.6 The City Manager or his or her designee shall maintain a record of each individual who reviews an employee's record, the date and purpose of the review. This record need not reflect disclosures to the employee or his supervisor.
- 1.2.7 Policies related to personnel files and access to the records shall apply to former employees as they apply to current employees.
- 1.2.8 An employee who objects to material in his file may place a statement in his file about that which he considers to be inaccurate or misleading.
- 1.2.9 Any employee who willfully allows unauthorized access to personnel records shall be subject to disciplinary action. Any employee who



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examines a personnel file without proper authorization shall be subject to disciplinary action.

## SECTION 2: DEFINITIONS

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

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

**Adverse Action:** An action taken by the City Manager or his or her designee, that results in a suspension without pay, salary reduction, demotion, or dismissal.

**Anniversary Date:** The date the employee began his employment in the most recent position.

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

**Department Director:** An employee who serves as the director of the day to day operation of a particular department.

**Discharge/Dismissal:** Termination of an employee by the City.

**Doctor:** A doctor of medicine or osteopathy, dentist or dental surgeon currently holding an active state license.

**Exempt:** Employees exempted from the minimum wage and overtime provisions of the *Fair Labor Standards Act (FLSA)*.

**Grievance:** A specific disciplinary action thought to be unjust by an employee and grounds for a formal complaint.

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

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

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



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

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

**Non-Exempt:** Employees covered by the *Fair Labor Standards Act*.

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

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

**Probation:** A period during which a new employee or an employee who has been transferred, promoted, or demoted is being assessed on job capability and performance. The probation period shall conclude only upon written notification from Human Resources that requirements for successful completion of the period have been met.

**Probationary Employee:** An employee on a trial status during a period of employment. (A) All newly hired City employees are on a probationary status that generally extends for six (6) months from the date of hire or the date of certification for firefighters, water/wastewater operators and sworn personnel. Probationary periods may be extended under special circumstances. (B) Working assessment period of 12 months after certification in specific departments is required.

**Probationary Termination:** Discharge of an employee during the established probationary period, usually but not necessarily for the inability to meet position/department requirements.

**Reasonable Accommodation:** Any change in work environment or in the way things are customarily done that enables an individual with a recognized disability to perform the essential functions of the job, provided such accommodation does not create an "undue hardship" on the City of West Point. Reasonable accommodations are intended to comply with the Americans with Disabilities Act and Title VII of the Civil Rights Act of 1964.



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**Regular Full-Time Employee:** An employee who has successfully completed the probationary period, is assigned to a position that is expected to continue for an indefinite duration, and works a shift schedule that will total no less than 2080 hours per year.

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

**Service Retirement:** Voluntary termination after having satisfied the age and length of employment requirements.

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

**Temporary Employee:** An employee who is assigned to a position of specific duration with no expectation of continued employment.

**Voluntary Termination:** Employee initiated resignation for any reason other than formal retirement.

## SECTION 3: EMPLOYMENT

### 3.0 EQUAL EMPLOYMENT OPPORTUNITY

3.0.1 The City will ensure equal employment opportunity for all employees. This commitment includes equal employment opportunity based on qualifications and ability to perform job assignments to all persons regardless of race, religion, color, creed, national origin, sex, marital status, age, or the presence of any sensory, mental, or physical disability unless such disability effectively prevents the performance of the essential duties required of the position and which are bona fide occupational qualifications which cannot be accommodated without undue hardship.

3.0.2 The City of West Point will promote equal opportunity to applicants without regard to race, religion, creed, color, national origin, age, sex, marital status, or the presence of any sensory, mental, or physical disability unless such a disability effectively prevents the performance of essential duties required by the position and which are bona fide occupational qualifications and which cannot be accommodated without undue hardship. The City shall operate within the principles of equal employment opportunity guidelines set forth in Federal, State and local laws and regulations.





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- 3.0.3 All activities relating to employment including recruitment, testing, selection, promotion, training and termination shall be conducted in a non-discriminatory manner.

## **3.1 HOURS OF WORK**

- 3.1.1 Normal working hours for employees shall be as scheduled by the various Directors, with such schedule to be established so that the needs of the department to deliver services to the citizens are met. Such schedule shall be approved by the Director with the concurrence of the City Manager. Employees are expected to be at their work location and ready to begin work at the beginning of their work schedule.
- 3.1.2 Standardization of working hours is necessary to provide:
- a. Continuity in access by and service to the citizenry.
  - b. Facilitation of teamwork.
  - c. Facilitation of supervisory assistance.
- 3.1.3 Occasions may arise when service to the citizens can be improved through the adjustment of an employee's work hours. The Director shall approve any adjustment in work hours.
- 3.1.4 Individual requests for adjustments of working hours for personal reasons must be evaluated in light of the effect on the criteria enumerated in items (a) – (c) above.
- 3.1.5 Advance notice of anticipated tardiness is expected; notice of unavoidable tardiness is expected when possible. Failure to do so will be construed as an unexcused absence, and the portion of the day missed will not be paid. Tardiness must be made up during the pay period in which it occurs.
- 3.1.6 Notification by another employee, friend, or relative is not considered proper notice except in an emergency situation where the employee is physically unable to make the notification.
- 3.1.7 Daily attendance records will be maintained by each department, including time keeping records as required by the FLSA for all non-exempt employees. Attendance shall be a consideration in determining



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promotions, transfers, satisfactory completion of probationary periods, and continued employment with the City. Frequent tardiness or other attendance irregularities shall be cause for disciplinary action.

- 3.1.8 Hours for part-time and certain other employees may vary from the normal office hours noted above due to the nature of assigned duties and will be determined by the appropriate Director, with concurrence of the City Manager.

### **3.2 WORK PERIODS**

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

- 3.2.1 The work period for any 24-hour shift firefighter shall be twenty-eight (28) days. All firefighters shall work a schedule of 24 hours on and 48 hours off for an average of 216 hours per 28-day period or some other schedule that may be required to comply with the FLSA from time to time.
- 3.2.2 The work period for any sworn police officer shall be twenty-eight (28) days. All sworn officers will be scheduled for 12 hours shifts with 4 shifts on and 3 shifts off or some other schedule that may be required to comply with the FLSA from time to time.
- 3.2.3 The work period for all other City employees shall be a seven (7) day period beginning on Monday at 12:01 a.m. and continuing to Sunday at 12:00 a.m. (midnight). The minimum workweek for full time employees shall be forty (40) hours.

### **3.3 NEPOTISM**

- 3.3.1 It is the City's policy that immediate family will not be employed in regular full-time or part-time positions where:
- a. One relative would have the authority to supervise, appoint, remove, discipline or evaluate the performance of the other.
  - b. One relative would be responsible for auditing the work of the other.



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- 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.
- d. Employees will not be eligible to transfer or be promoted into a position that will place them in a job that conflicts with 3.3.1 a b or c.

### **3.4 PROBATION PERIOD**

- 3.4.1 All employees placed in new full-time and part-time positions must serve a six-month period of probation. This applies to new hires, promotions and transfers. The probation period for non-certified fire department personnel, water/wastewater operators, sworn personnel and other positions requiring certification shall commence upon attainment of certification and may be longer than 6 months in duration depending on the type of certification required to perform the job.
- 3.4.2 The probation period is designed to give the employee time to learn the duties of the position and to give the supervisor time to evaluate the employee's potential and performance. During the established probationary period, the City reserves the right to terminate the probationary employee's service on the basis of unsatisfactory performance or on the basis of other reasons deemed sufficient by the City.
- 3.4.3 If an employee is unable to perform the work, he will be terminated as soon as this determination is made. Terminated probationary employees shall be notified of such action in writing by the Director and a copy of said notification shall be retained in the personnel file.
- 3.4.4 It is expected that informal evaluations will be conducted during the course of the probation period to assess performance and to advise employees of expectations regarding performance. Significant job deficiency(ies) shall be documented in the employee's personnel file. These evaluations provide the necessary justification for retention as a regular employee.
- 3.4.5 In extenuating circumstances, the probation period may be extended. This action will be taken only after an evaluation of the situation, the employee's abilities, and demonstrated potential. Probation extension must be recommended by the supervisor and Director and approved by the City Manager or his or her designee.



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- 3.4.6 If the employee successfully completes the probation period, the appropriate Director shall so notify the City Manager or his or her designee and the employee in writing. Until the employee receives such notification, he shall not be deemed to have completed the probationary period.
- 3.4.7 If an emergency arises during an employee's initial probation period that requires a leave of absence, such time off, if granted, will not be considered as time worked.
- 3.4.8 Discharge during the initial probationary period is not an action subject to the grievance procedure outlined in Section 9. An employee so discharged shall have no grievance or appeal rights.

### **3.5 REEMPLOYMENT**

- 3.5.1 Any former regular employee who resigned from the City in good standing is eligible for reemployment.
- 3.5.2 Individuals interested in reemployment should file a completed City employment application form with the City Manager or his or her designee and will then proceed through the regular hiring procedures with other applicants.
- 3.5.3 The employee's previous personnel file will be reactivated once reemployed by the City provided reemployment is within seven years after the original resignation.
- 3.5.4 All individuals reemployed by the City must complete a new probationary period.

### **3.6 HIRING PROCESS**

The City Manager or his or her designee will administer and coordinate the hiring process for all position vacancies to ensure compliance with legal, equal opportunity and other requirements. All hiring efforts are conducted in the spirit of equal opportunity.

### **3.7 TESTING**



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- 3.7.1 Examinations may be developed for certain positions based on the position's responsibilities, the qualifications required, and resources available.
- 3.7.2 The examination may consist of an oral interview/application review, a structured questionnaire, practical tests, written tests, in-basket exercise or assessment center, etc. In all cases, the testing will be job related and designed to determine the candidate's knowledge, skills and abilities for the position.
- 3.7.3 Examination contents are developed by the affected department in coordination with the City Manager or his or her designee. Examination contents are confidential and unauthorized disclosure to any candidate is grounds for discipline. In certain situations, outside consultants may be contracted to assist with test development.
- 3.7.4 The City Manager or his or her designee shall ensure that all testing is based on bona fide occupational qualifications.
- 3.7.5 The City Manager or his or her designee shall ensure that reasonable accommodations are made in test procedures to assure that persons with disabilities may be tested in an appropriate manner.
- 3.7.6 All job applicants being considered for employment shall be required to pass a drug and alcohol screening test prior to being hired. All job applicants shall be informed in advance that such testing will be required.

### **3.8 AT-WILL EMPLOYMENT**

Employment with the City of West Point creates an "At Will" employment relationship between the City of West Point and its employees. Nothing contained herein shall be construed to establish or to confer a contractual right of employment.

## **SECTION 4: COMPENSATION**

### **4.0 GENERAL**



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- 4.0.1 It is the policy of the City and the purpose of the Pay Classification Plan to establish a compensation system that will allow the City to effectively compete for qualified personnel and to ensure that salaries are equitable and commensurate with the duties performed by each employee.
- 4.0.2 The City's pay range schedules include the minimum and maximum pay allowed by grade. The pay range schedule for general, police and fire employees shall be adopted by the City Council.
- 4.0.3 Cost-of-living adjustments may be granted by the City Council upon recommendation of the City Manager. If granted, they generally coincide with the effective date of the annual budget.
- 4.0.4 In the event that the salary of any position is re-evaluated by the City Manager or his or her designee and results in an increased salary range for the position, the employee shall retain his current salary within the range or assume the entry level of the new range, whichever is greater.
- 4.0.5 The City Manager or his or her designee shall be responsible for the continuous maintenance and administration of the City's Compensation Plan. This will include an analysis of prevailing rates of pay for similar positions in comparable labor markets and/or organizations, cost-of-living factors, budgetary considerations, and other related factors. On the basis of this information, the City Manager shall recommend to the City Council changes to keep the plan current, uniform and equitable. Such changes shall generally be submitted with the annual budget to the City Council.
- 4.0.6 The rate of pay for all new employees will ordinarily be the minimum rate in the appropriate salary range. The rate of pay for positions requiring certification or licensing may exceed the base rate to reflect prior certification.
- 4.0.7 Employees with stand-by duty shall receive compensation according to the following schedule:

Saturday Stand-by	2 hours
Sunday Stand-by	2 hours
Holiday Stand-by	4 hours

Stand-by hours shall be paid at the regular hourly rate of pay.



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### 4.1 OVERTIME

- 4.1.1 This policy shall not disregard the provisions of the federal *Fair Labor Standards Act (FLSA)* pertaining to the minimum rate of compensation for employment in excess of an established work period for non-exempt positions.
- 4.1.2 To be eligible for overtime pay, an employee must have actually been present at work for the specified number of hours. Vacation, sick, holiday or other types of leave will not count as hours worked for calculating overtime pay.
- 4.1.3 The City will compensate overtime at the rate of one and one-half times the base hourly rate for hours worked in excess of the number of hours allowed per work period as defined below and in accordance with the *Fair Labor Standards Act*.
  - a. Non-exempt employees will be paid at the rate of one and one-half for hours worked in excess of forty (40) hours per week.
  - b. Sworn officers will be paid at the rate of one and one-half for hours worked in excess of eighty six hours (86) hours in a 14-day work period.
  - c. Firefighters will be paid at the rate of one and one-half for hours worked in excess of two hundred twelve (212) hours in a 28-day work period.

### 4.2 DATE OF HIRE/ANNIVERSARY DATE

- 4.2.1 Date of hire shall mean the effective date of the individual's employment with the City.
- 4.2.2 Anniversary date shall mean the date the employee began his employment in the most recent position.
- 4.2.3 A regular employee who is promoted, demoted or transferred will have his anniversary date changed to the effective date of the promotion, demotion or transfer.



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- 4.2.4 A regular employee returning from a leave of absence without pay will have his anniversary date extended by the same length of time he was on leave without pay.
- 4.2.5 There will be no change in an employee's anniversary date as a result of the reallocation of his position to a new classification title when there have been no recent, abrupt and/or significant changes in assigned tasks and responsibilities.
- 4.2.6 An employee reinstated to the same position or a position in the same class following layoff from the City will have his anniversary date extended by the same length of time as the duration of the layoff.

### **4.3 DEMOTIONS**

- 4.3.1 An employee reassigned to a position in a lower classification, regardless of the reason (disciplinary, in lieu of layoff, for reasons of disability or incapacity, department reorganization, etc.), will receive a reduction in pay commensurate with the nature of the demotion as determined by the Director in consultation with the City Manager or his or her designee.
- 4.3.2 Demotions do not affect the date of hire; however, the anniversary date for future salary increases changes to the effective date of the demotion.
- 4.3.3 No employee shall be demoted to a position for which he or she does not possess the minimum qualifications.
- 4.3.4 An employee being demoted shall be notified two weeks prior to demotion except in emergency situations.
- 4.3.5 Any demotion to prevent layoffs may be revised if the employee's previous position is reopened.
- 4.3.6 Employees demoted to a new classification not previously held will be subject to the standard probation period for the new classification.
- 4.3.7 Employees in classifications that are downgraded in salary to reflect changes in market conditions will retain their existing anniversary date for future salary increases.

### **4.4 PROMOTIONS**





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- 4.4.1 The City shall attempt to fill all vacant positions with qualified City employees before advertising to the general public, following a policy of upward mobility whenever possible.
- 4.4.2 Generally, employees are expected to serve in their current position for at least six months before being considered for a promotion or transfer.
- 4.4.3 Selection of an employee for a promotion (or lateral transfer) is based on past work record, education, knowledge of the job duties, as well as time in service.
- 4.4.4 When considering the promotion (or lateral transfer) of City employees having the same or similar qualifications, the position will be filled after considering the factors listed above.
- 4.4.5 In cases where only one employee applies for a position and his abilities and qualifications are known to the hiring department, the formal selection process may be dispensed with upon concurrence of the City Manager or his or her designee.
- 4.4.6 No offer of promotion may be made to any employee prior to completion of the recruitment and selection process. Temporary assignments may be made by the Director for a specified time or assignment as necessary. Such appointments are made on an "acting" basis and the employee returns to his regular position upon completion of the assignment. The actual salary for "acting" appointments is set by the Director in consultation with the City Manager.
- 4.4.7 Whenever an employee is promoted to a higher-level position, or whenever an employee's position is upgraded, the employee will enter the new grade/position at the entry level. In the event the entry level of the new or upgraded position does not provide a salary increase of 5% or more, the employee shall enter at a level that provides a salary increase of 5% or more. Provided, however, that the new pay rate upon promotion shall not exceed the maximum of the new pay range.
- 4.4.8 Promotions do not change the date of hire. However, the anniversary date for future pay increases will be revised to coincide with the promotion date.
- 4.4.9 Employees so promoted will be subject to the standard probation period for the new position, unless specifically waived by the City Manager.



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Those who fail the probationary period may reassume any appointment held prior to the promotion unless the prior position has been filled.

- 4.4.10 Employees in position classifications that are upgraded in salary to reflect changes in market conditions will retain their existing anniversary date for future salary increases.

## **4.5 TRANSFERS**

- 4.5.1 Any current employee interested in applying for a transfer must file a completed employment application form with the City Manager or his or her designee.
- 4.5.2 If the employee meets the stated requirements for the position he will proceed through the regular hiring procedures with all other applicants. Transfers are made only when the City's service will benefit. All else being equal, current City employees will be given priority for open positions.
- 4.5.3 Transfer employees will serve a probation period in the new position. If the position to which an employee transfers carries benefits different from those of the previous position, the benefits of the new position apply immediately.
- 4.5.4 Transfers do not change the date of hire. However, the anniversary date for future salary increases will be revised to coincide with the transfer date.
- 4.5.5 Transfers may be initiated by the City in instances where the City's best interests may be served.
- 4.5.6 The salary offered to the transferring employee must be consistent with the salary and requirements of the new position. Thus, an employee who meets only the minimum requirements for the position will be started at the entry level of the salary range regardless of the employee's current salary. Employees who exceed the minimum requirements for the position may be offered a salary consistent with the employee's level of skills,



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experience, and knowledge; but, in no case, shall the salary be more than 10% above the entry level pay for the position.

#### **4.6 POSITION DESCRIPTIONS**

- 4.6.1 Position descriptions and job specifications shall be maintained by the City Manager or his or her designee for all fulltime positions.
- 4.6.2 The position descriptions may include: Class Title, Grade Number, Department, General Purpose, Supervision Received, Supervision Exercised, Examples of Duties, Minimum Qualifications, Special Requirements, and Selection Guidelines.
- 4.6.3 The position description does not constitute an employment agreement between the City and the employee, and is subject to change as the needs of the City and the requirements of the job change.
- 4.6.4 Examples of duties listed in the position description are intended only as illustrations of the various types of work performed. The omission of specific statements of duties does not exclude them from the position if the work is similarly related or a logical assignment to the position.
- 4.6.5 Each employee's position description is maintained as part of his personnel file. Additional copies of position descriptions may be requested through the Director.
- 4.6.6 Revision of position descriptions and reallocations within the classification plan shall be made as often as is necessary to provide current information on positions and classes.

#### **SECTION 5: BENEFITS**

Benefits provided to employees may be altered or canceled due to factors such as economic conditions, rising cost of benefits or other issues that are not within the control of the City.

#### **5.0 GROUP HEALTH PLAN**

- 5.0.1 The City offers group health insurance coverage to all its regular full-time employees and their eligible dependents.

#### **5.1 LIFE INSURANCE**



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The City provides life insurance coverage for all its regular full-time employees. The insurance limits are based on employee classification.

### **5.2 GROUP DENTAL PLAN**

- 5.2.1 The City offers group dental insurance to all its regular full-time employees and their eligible dependents.
- 5.2.2 The premium for employees with single coverage is paid by the City. Employees with family health coverage or those opting for family dental benefits may participate at their own expense.

### **5.3 DEFERRED COMPENSATION**

- 5.3.1 Any eligible employee may invest a portion of his present earnings in an approved deferred compensation plan. This is an arrangement where an employee may designate a certain dollar amount to be withheld from his paycheck and invested for payment at a later date, usually upon retirement. Under this arrangement, neither the deferred amount nor earnings on the investments are subject to current Federal income taxes until such time as the employee receives payment from the plan.
- 5.3.2 The City-approved 457B program is open to any individual who has achieved "regular" employee status with the City. Contributions to the program are financed solely by the employee, either through direct deposit or payroll deduction.
- 5.3.3 Benefits received through this program are in addition to any Social Security or City Retirement Program benefits for which the participating employee would be eligible.

### **5.4 RETIREMENT PROGRAM**

Benefits provided to employees may be altered or canceled due to factors such as economic conditions, rising cost of benefits or other issues that are not within the control of the City.

- 5.4.1 The City provides a defined retirement benefit program for all regular full-time employees. It is mandatory for all full-time employees to participate in the defined retirement benefit plan. The plan may be partially funded by



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the City. Employees presently pay five (5) percent of their earnings tax deferred.

- 5.4.2 Regular full-time employees are enrolled in the City's Retirement Program the first day of employment.
- 5.4.3 Upon retirement on his or her early or normal retirement date, a participant who meets the requirements of the City's Retirement Program, receives a monthly retirement benefit. Payments commence on the first day of the month coinciding with the normal retirement date and are payable on the first day of each month thereafter during the participant's lifetime. The amount of the monthly retirement benefit shall be in accordance with the City's Retirement Program.
- 5.4.4 A former full-time employee and participant in the City's Retirement Program who is reemployed shall not be deemed to have broken continuity of service and may resume participation on the first day of the month immediately following or coinciding with his reemployment. Employee's contributions shall commence as of the first payroll period following the Employee's rehire date.

## **5.5 SOCIAL SECURITY**

This section will automatically be amended to follow any changes in Federal, State or local law.

- 5.5.1 All employees are automatically included as participants in the Social Security System (FICA) which provides workers with the following benefits: retirement insurance, survivor's insurance, disability insurance, Medicare for the disabled and the aged and supplemental security income. These benefits are in addition to the City's Retirement Program benefits for which the employee may be eligible.
- 5.5.2 FICA contributions are made by employee payroll deduction and through a match paid by the City. The exact percentage to be contributed is based on eligible wages. Employee contributions stop once the annual maximum amount designated by the Federal government has been met. The salary limit and percentage contribution are subject to change at the beginning of each year according to Federal guidelines.

## **5.6 UNEMPLOYMENT COMPENSATION**



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This section will automatically be amended to follow any changes in Federal, State or local law.

The City is a covered employer under the State Unemployment Compensation program. The basic objective of the program is to provide a partial replacement of wages for employees during short periods of involuntary unemployment. The program contributions are financed completely by the City.

#### **5.7 WORKERS' COMPENSATION**

This section will automatically be amended to follow any changes in Federal, State or local law. The employee has 24 hours after the injury to file.

- 5.7.1 All employees are covered by State Workers' 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 while the worker is disabled – either temporarily or permanently – and is unable to work. It also provides for compensation for permanent partial disability such as the loss of a finger, eye, foot, etc. and assures death benefits and compensation to the worker's family or dependents in the event the injury is fatal.
- 5.7.1 No compensation shall be allowed for the first seven (7) calendar days of incapacity resulting from an injury, including the day of the injury, except benefits provided for in Georgia Code Section 34-9-200; provided however, that if an employee is incapacitated for 21 consecutive days following an injury, compensation shall be paid for the first seven (7) calendar days of incapacity.
- 5.7.2 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 approximately two-thirds of the employee's average weekly wage but not more than that provided by Georgia Code Section 34-9-262.
- 5.7.3 Time spent on workers' compensation leave shall not be considered "hours worked" for purposes of leave accrual.



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- 5.7.4 Pending a settlement or a judicial determination of an employee's workers' compensation claim, the City will provide coverage under a group health insurance plan under the same conditions as coverage would have been provided if the employee was actively at work. Upon settlement of the workers' compensation claim, such coverage shall terminate except as provided in Section 5.8.

### **5.8 CONTINUANCE OF MEDICAL COVERAGE (COBRA)**

This section will automatically be amended to follow any changes in Federal, State or local law.

- 5.8.1 Employee and/or dependent medical coverage under the current plan may cease as a result of one of the following events:

- a. Termination of employment
- b. Change to nonparticipating employment status
- c. Divorce or legal separation
- d. Dependent child becomes ineligible

- 5.8.2 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. Right of Employee. Employees presently covered by the insurance plan or health maintenance organization (HMO) may continue this coverage for up to 18 months from the date that employment terminates or status changed to a nonparticipating (non-insured) employment status provided that the employee pays the full cost of the premium and any administrative fee (up to 2%) that may be imposed.





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2. **Rights of a Spouse of Employee.** The spouse of an employee covered by the medical plan or a sponsored HMO has the right to continue coverage if the employee was terminated or changed to nonparticipating 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 pays the premium in full and any administrative fee (up to 2%) that may be imposed.
3. **Rights of Children.** 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 of a parent's employment or change to nonparticipating employment status; parents' divorce or legal court-decreed separation; or 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 premium is paid in full along with any administrative fee (up to 2%) that may be imposed.

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

5.8.4 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.

5.8.5 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. a covered spouse remarries and becomes eligible to be covered under a group medical plan; or





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- d. becomes eligible for Medicare.

## 5.9 VEHICLES

- 5.9.1 The City of West Point may provide employees with city vehicles or vehicle allowances to assist them in carrying out their job efficiently and effectively. Use of a city vehicle is neither a right nor a privilege; rather, it is a trust conferred to facilitate necessary performance of job duties. Use of a city vehicle should always lead to positive perceptions by citizens. Use of a City vehicle for commuting must be authorized by the City Manager for one of the following reasons:
  - a. The employee responds to emergency or after hours calls and the cost of providing the vehicle is less than the expense of mileage reimbursements for using a personal vehicle on City business; or
  - b. The vehicle carries special equipment or personnel to respond to an emergency and delays in getting this equipment or personnel to the scene of the emergency would result in increased danger to the public.
- 5.9.2 The City may provide a city vehicle or an allowance for the use of a personal vehicle as an additional fringe benefit for selected personnel.
- 5.9.3 Classifications for take home vehicles.
  - a. Take home vehicles are divided into three classes
    - 1. Class A – City Manager, Administrative Staff or Contract Employee
    - 2. Class B – Department Directors
    - 3. Class C – On Call Staff
  - b. Class A vehicles are covered by an employment agreement between the city and the employee. The employment agreement determines the use of the vehicle.
  - c. Class B vehicles are for use by department directors. Vehicles should be used for city business with the exception of incidental stops while in the city or traveling to and from work.
  - d. Class C vehicles are for on call employees and are for business use only.
  - e. Class B and C vehicles have no limit on mileage to travel home with approval of city manager.
  - f. If a vehicle is to be parked at an offsite location it must be at a government agency and written permission must be obtained.



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- 5.9.4 Employees may not use a city vehicle for any personal use other than authorized commuting to and from work to include the transport of any person not engaged in city business.
- 5.9.5 Employees will wear seat belts when operating or while a passenger in a city vehicle.
- 5.9.6 City employees may utilize a city vehicle for meal purposes and authorized breaks within the general locality where the employee is performing duties or reporting for assignments.
- 5.9.7 City and/or personal vehicles operated for city business shall be operated in a safe and courteous manner and comply with all laws and ordinances concerning operation of a motor vehicle.
- 5.9.8 Maximum, economical and efficient use shall be made of all city vehicles. Unnecessary driving will not be permitted or tolerated. Employees will take the most direct route to, from or between job assignments.
- 5.9.9 Assigned take home vehicles shall not be used to travel to a part time job.
- 5.9.10 An employee who operates an assigned vehicle or private vehicle for city business must have the appropriate valid driver's license. Any traffic citation received while operating a city vehicle or a private vehicle for city business in the responsibility of the driver.
- 5.9.11 The employee will insure that the assigned vehicle is properly maintained and safe to operate, clean interior and exterior and secured when parked.

### **5.10 OTHER BENEFITS**

- 5.10.1 Uniforms: The City provides uniforms to all employees who are required to wear uniforms. When supplied with uniforms or a uniform allowance, an employee will be required to arrive at work for each work shift with a clean and presentable uniform. Uniforms are to be worn solely for work purposes except that employees may wear official City uniforms while attending an activity organized as a fund raiser for payment of living or medical expenses for the employee, family members or colleagues of other City or County departments or their family members.



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### **SECTION 6: LEAVE**

This section will automatically be amended to follow any changes in Federal, State or local law.

#### **6.0 FAMILY LEAVE – FAMILY AND MEDICAL LEAVE ACT**

- 6.0.1 The City complies with the provisions of the Family and Medical Leave Act (FMLA) and will provide employees with up to twelve (12) weeks of unpaid family and medical leave during any twelve-month period for the following reasons:
  - a. Birth, adoption or placement of a child for foster care.
  - b. To care for a spouse, child or parent with a serious health condition or due to the disabling illness of the employee.
- 6.0.2 To be eligible for leave, an employee must have been employed with the City for at least twelve (12) months and for a minimum of 1,250 hours during the previous year.
- 6.0.3 Employees who take leave will be entitled to return to their positions, or positions with equivalent benefits, pay and other terms and conditions of employment.
- 6.0.4 The City may deny leave to employees who are among the highest paid ten (10) percent of the employees where the denial is necessary to prevent substantial and grievous economic injury to the operations of the City.
- 6.0.5 Employees will not accrue any seniority or employment benefits during any period of leave.
- 6.0.6 The City will provide coverage under its group health insurance plan for employees who are on leave under the same conditions as coverage would have been provided if no leave had been taken.
- 6.0.7 Employees are required to provide at least 30 days notice before beginning leave. Leave resulting from the birth of a child or the placement of a child for adoption or foster care cannot be taken intermittently or on a



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reduced leave schedule unless approved by the Director and City Manager or his or her designee.

- 6.0.8 Leave resulting from the serious illness of a child, spouse, parent or the employee can be taken intermittently or on a reduced leave schedule when medically necessary.
- 6.0.9 The City may require that any accrued paid vacation or sick leave be substituted for all or part of the leave.
- 6.0.10 When leave is requested as a result of a serious health condition, the City may require that the employee provide a certification issued by a health care provider. Where there is doubt as to the validity of the certification provided by the employee, the City may require an opinion from a second health care provider, which will be paid for by the City. If there is a conflict between the two opinions, the City may pay for an opinion by a third health care provider. The opinion of the third health care provider will be binding upon both the City and employee.
- 6.0.11 Employee out on unpaid leave will be required to contact their supervisors, at least every 4 weeks, to report on their status and intention to return to work.
- 6.0.12 Benefits based on an accrual basis, vacation and sick leave will not accrue during unpaid leave.
- 6.0.13 An employee on leave for his/her own serious health condition, will be required to provide certification from a health care provider that the employee is able to return to work and perform all of the functions of the job to which the employee is returning.
- 6.0.14 After the 12 week FMLA requirements are met the city will evaluate the employee's status and may separate the employee if the employee cannot provide a medical certification that the employee will return to work in a timely manner to be determined by the city.

## **6.1 BEREAVEMENT LEAVE**

- 6.1.1 A regular full-time employee who has a member of his immediate family taken by death shall receive up to 24 hours off with pay as bereavement leave to arrange and/or attend funeral activities. Bereavement leave shall be charged to sick leave.



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- 6.1.2 If additional time is necessary, it shall be taken as vacation leave, or unpaid leave if vacation has been exhausted, with advance authorization by the appropriate Director. Leave for attendance to the funeral of other than immediate family members may be granted as vacation leave, leave without pay or made up within the same pay period.
- 6.1.3 An employee must notify his/her immediate supervisor to request time off from work.
- 6.1.4 Employees who fail to return to work following an approved leave are subject to disciplinary action up to and including dismissal.

## 6.2 HOLIDAYS

- 6.2.1 The City celebrates the following holidays as time off with pay for full-time employees:

New Year's Day	January 1
Martin Luther King Jr. Birthday	3 <sup>rd</sup> Monday in January
Memorial Day	Last Monday in May
Juneteeth Day	19 <sup>th</sup> of June
Independence Day	July 4
Labor Day	1 <sup>st</sup> Monday in September
Thanksgiving Day	4 <sup>th</sup> Thursday in November
Friday after Thanksgiving	4 <sup>th</sup> Friday in November
Christmas Eve	December 24
Christmas Day	December 25

- 6.2.2 In the event a holiday falls on a Sunday, the following Monday shall be deemed to be the legal holiday. In the event the holiday falls on a Saturday, the preceding Friday shall be deemed to be the legal holiday.
- 6.2.3 To receive pay for an official holiday, the employee must either: 1) work the days immediately before and after the holiday; or 2) be on approved paid leave on those days.
- 6.2.4 An employee whose regularly scheduled day off falls on a holiday shall be paid 8-hours of holiday pay.
- 6.2.5 If an employee must work on a holiday the employee shall be paid 8-hours holiday pay in addition to the hours worked.



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- 6.2.6 All firefighters (except those in 40-hour positions) shall receive 24-hours holiday pay for each holiday.

### **6.3 JURY/COURT LEAVE**

- 6.3.1 Any employee who is required to serve on a jury, or as a result of official City 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. A probationary employee called for jury or court duty will have his probationary period extended by the same amount of time as required for such duty. An employee who receives notice of jury duty or witness service must notify his supervisor immediately in order that arrangements may be made to insure adequate staffing. 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.
- 6.3.2 Time spent on jury or court leave will not affect sick leave accruals.
- 6.3.3 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 accrued vacation or personal leave is used to cover that time.
- 6.3.4 Employees may retain any fees or other court payment for services performed on a regularly scheduled workday or while on vacation or personal leave.
- 6.3.5 Employees must return to work immediately upon completion of jury duty; however, no more than the regularly scheduled number of hours including both jury duty and work shall be required. If excused as a juror on any given day, the employee is expected to contact his supervisor and to report to work as instructed.

### **6.4 LEAVE OF ABSENCE WITHOUT PAY**

Requests for a leave of absence without pay shall be made in writing to the Director and shall state specifically the reasons for the request, the date desired to begin the leave, and the date of return. The Director shall grant, modify, or deny the request based upon the best interests of the City, giving due consideration to the reasons given by the employee, and the requirements of any applicable State and Federal laws.



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#### 6.5 **MILITARY LEAVE**

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

6.5.2 Employer's responsibilities:

- a. The City is obligated to release employees for service with the Armed Forces when the employee participates in:
  1. Annual Training
  2. Inactive Duty Training Assemblies (Weekend drills)
  3. Involuntary call-up
- b. Ordered military duty shall result in no loss of seniority status or benefits that would have normally accrued if the employee had not been absent for such purposes.
- c. The City is obligated to grant Military Leave with pay to the employee for absences not exceeding 80 hours per calendar year. The City will not require the employee to use normal vacation leave (accrued vacation) for such purposes. The employee may, however, request the use of vacation or leave without pay to supplement absences exceeding those covered by the 80 hour Military Leave allowance.

6.5.3 Employee's Responsibilities:

- a. The employee is responsible for providing the Director with copies of all military orders that result in a leave of absence for military duty. Orders must specify the dates of absence, promulgation authority, letter order number and signature of issuing authority. Employees are required to notify their supervisors at the earliest possible date upon learning of scheduled military duty.
- b. Employees who fail to return to work on the date specified in the leave request, without receiving an extension in advance, are subject to disciplinary action up to and including dismissal.





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- c. Inactive duty training dates (weekend drills) should be provided to the Director as soon as available if the dates conflict with scheduled employment with the City.
- d. Extended leave of absence (exceeding the 18 calendar day allowance) may be granted pursuant to the policy on Leave of Absence Without Pay.

#### **6.6 SICK LEAVE**

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

- 6.6.1 A full-time employee shall be entitled to use accrued sick leave from the date of employment. Sick leave shall be granted at the rate of one (1) day, which is (8) hours, for each calendar month of service.
- 6.6.2 Sick leave shall accrue and have a total carryover of up to twelve (12) days or (96) hours for all hours not used in a calendar year.
- 6.6.3 Sick leave is not to be considered a right which an employee may use at their discretion, but a privilege not to be abused. Department Directors who feel an employee is abusing the sick leave privilege may require the employee to furnish a doctors certificate for each absence. Fire Department employees shall be charged two days sick leave for every 24-hour shift missed.
- 6.6.4 Sick leave may be approved for absences due to personal illness or physical incapacity not job-connected, sickness of an immediate family member, involuntary or enforced quarantine, pregnancy or a pregnancy-related condition or death in the immediate family. Sick leave granted due to a death in the immediate family shall not exceed three work days or 24 work hours.
- 6.6.5 Sick leave may also be used for doctor or dental appointments.
- 6.6.6 An employee who is on sick leave for a period of three (3) days or longer shall provide medical certification containing a diagnosis of the illness or injury, the length of absence from work and any physical restrictions upon return to work.





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- 6.6.7 An employee who becomes ill while on approved vacation leave may be granted sick leave for the period of illness. This determination shall be made by the City Manager or his or her designee based on a written statement from the employee's doctor.
- 6.6.8 Sick leave shall not accrue during leaves of absence without pay.
- 6.6.9 Sick leave requests are subject to approval by the Director or designated immediate supervisor. If an employee wishes to use sick leave, he must notify his Director or designated supervisor immediately. Notification should be made at least one (1) hour prior to the beginning of the scheduled workday; failure to do so may result in denial of such leave.
- 6.6.10 An employee who is on sick leave shall advise his supervisor daily regarding his condition and expected date of return to duty. If requested, the employee shall provide a doctor's certificate stating the cause of the absence and the nature of the illness before sick leave is authorized.
- 6.6.11 Sick leave shall be rounded to the nearest half hour. When possible, sick leave should be taken in increments of no less than four (4) hours.
- 6.6.12 No sick leave will be granted in excess of the amount earned and available to the employee. An employee may utilize vacation leave when sick leave has been exhausted.
- 6.6.13 An employee's sick leave balance must be exhausted prior to taking an unpaid medical leave of absence.
- 6.6.14 To earn sick leave, an employee must be in a paid status (either working or on paid leave) more than fifty (50) percent of his normal work schedule for the month.
- 6.6.15 Upon normal retirement from the City of West Point, an employee shall count up to twelve (12) months of unused sick leave as credited service as outlined in the City's retirement plan.
- 6.6.16 Upon separation from the City an employee shall not receive payment from accumulated sick leave.

## **6.7 VACATION LEAVE**

- 6.7.1 The City provides vacation leave with pay to regular full-time employees.



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6.7.2 Probationary employees shall accrue vacation leave as of the initial date of hire; however, an employee may not use vacation leave during his first year of employment.

6.7.3 A regular full-time employee working the basic 40-hour workweek shall accrue vacation leave at the following rates:

<b>Years of Service</b>	<b>Hours Earned Each Year</b>
0-1	40
4+	80
14+	120

6.7.4 All firefighters assigned to a 24-hour shift shall accrue vacation leave in proportion to the average number of hours in the work period.

<b>Years of Service</b>	<b>Hours Earned Each Year</b>
0-1	60
4+	120
14+	180

6.7.5 Upon termination, an employee shall be paid for vacation leave earned through the date of separation.

- a. The estate of an employee who dies while employed by the City is entitled to be paid for all accrued and unused vacation leave in the employee's account.
- b. Vacation may not be carried over to a future year unless approved by the City Manager.
- c. Upon resignation or retirement from City employment, an employee who has attained regular status shall be paid at the normal rate of pay for his unused vacation leave. If an employee is prevented by injury or illness from working a full month, he shall nevertheless be entitled to vacation leave payment for that month provided he has accrued sick leave sufficient to cover the remaining days of the month.
- d. An employee who terminates employment prior to completion of his probationary period is not eligible to use accrued vacation time, and is



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therefore not entitled to payment for accrued and unused vacation leave.

- e. An employee who fails to provide two (2) week notice of intent to terminate employment or who is discharged from employment shall forfeit any right to payment for accrued and unused vacation leave.

6.7.6 Vacation leave shall be approved by the Director. Request must be submitted by the employee in writing at least ten days prior to the first day of leave.

6.7.7 Vacation leave shall be used in increments of not less than 4 hours.

6.7.8 Vacation leave shall be scheduled at such times as the Director finds most suitable after considering the wishes of the employee and the requirements of the department.

6.7.9 The date of hire shall be used as the basis for determining vacation leave accrual rates for the first 4 years of employment. After 4 years vacation shall be accrued annually based on the calendar year. Vacation leave earned by an employee cannot be transferred to another employee.

6.7.10 Paid holidays occurring during vacation leave are not charged to leave.

6.7.11 Regular full-time employees with two or more weeks of earned vacation may choose to be paid for 40 hours of the earned vacation annually. Fire Department personnel with two or more weeks of earned vacation may sell 60 hours of earned vacation annually.

### **6.8 EDUCATIONAL LEAVE**

6.8.1 Absence from work while voluntarily pursuing a course of study, whether job related or not, shall be subject to approval by the City Manager or his or her designee. An employee will not be compensated for any such absence during regular work hours. Continued approval of time off to pursue advanced education is contingent upon meeting all job responsibilities.

6.8.2 Employees may, from time to time, be required to attend training when it will benefit the City. Employees assigned to attend courses by the Director will be compensated for classroom time in the same manner as if on the job.



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### SECTION 7: CONDUCT

#### 7.0 PROHIBITED ACTIVITIES

Employees are expected to follow the Laws of the State of Georgia and the ordinances of the City. Additionally, since City employment is a position of public trust, certain activities are specifically prohibited. These activities include, but are not limited to:

- 7.0.1 Political Activities – Neither the position held by an employee nor work on City time shall be used for political activity. Employees may express their political opinions privately. Employees are encouraged to vote for the candidate of their choice. Further political activity should be avoided. No employee may use any City supplies or equipment for political or partisan purposes. Any employee who qualifies as a candidate for a City of West Point, Harris County or Troup County elective office shall forfeit his position with the City.
- 7.0.2 Outside Employment – City employees shall avoid outside employment that might lead to a conflict of interest or have a negative impact on performance of City duties. Any employee engaged in outside employment shall submit a written report of such employment to the Director on a semi-annual basis for continued approval and inclusion in the official personnel file.
- 7.0.3 Gifts and Favors – No employee shall accept significant gifts or services from anyone who might expect to receive anything in return from the City. Gifts or services valued at more than \$100 will be considered significant for purposes of this policy. No employee shall grant any improper favor, service, or object of value in the discharge of his duties.
- 7.0.4 Abuse / Misuse of Equipment – No employee shall abuse City equipment or supplies or use City resources for personal gain.
- 7.0.5 Garnishments – Employee indebtedness is a personal concern, but multiple garnishments of an employee's salary may lead to disciplinary action.
  - a. No employee will be disciplined for a single garnishment or any number of garnishments brought against a single debt.



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- b. No employee will be disciplined for any number of garnishments received within a 10-day period.
- c. If an employee receives more than one garnishment (other than described above) within a 12 month period the employee will be sent home at the end of the working and will not return until the a release form the garnishment has been obtained. If the employee does not obtain a release from the garnishment within 5 working days the employee will be terminated.
- d. A third garnishment within 12-months will be handled the same as the second.
- e. A forth garnishment within 12-months will be automatic termination.

## **7.1 NON-HARASSMENT POLICY**

- 7.1.1 The City is committed to providing a professional work environment that maintains employee equality, dignity and respect. In keeping with this commitment, the City strictly forbids discriminatory practices, including sexual harassment and other forms of harassment, as defined in this policy. Any harassment prohibited by this policy, whether verbal, physical or environmental is unacceptable and will not be tolerated whether it occurs in the workplace or at outside work-sponsored activities.
- 7.1.2 The City prohibits any verbal, physical or visual conduct, which could offend, intimidate or create a hostile working environment for any individual, on the basis of race, color, religion, national origin, gender, age, disability or any other characteristics protected by Federal, State or local law. The City also specifically prohibits sexual harassment, which is defined in this policy as sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature.
- 7.1.3 Conduct prohibited in this policy will not be tolerated under any circumstances, including cases where the conduct is unwelcome, and/or:
  - a. Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
  - b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or
  - c. The conduct has the purpose or effect of unreasonably interfering with the individual's performance or of creating an intimidating, hostile or offensive working environment.



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- 7.1.4 The types of behaviors that may constitute prohibited harassment include, but are not limited to:
- a. derogatory, vulgar, or graphic written or oral statements or jokes regarding race, color, religion, national origin, disability, gender, sexuality, sexual experience or any other characteristics protected by Federal, State or local law;
  - b. unnecessary touching or physical assault;
  - c. sexual compliments, flirtations, advances, propositions, innuendos, suggestions or jokes; or
  - d. the display of offensive or sexually suggestive pictures or objects.
- 7.1.5 This policy applies to all City employees, managers, supervisors and other staff, whether related to conduct engaged in by fellow employees, supervisors, or someone who is not directly related to the City, such as a vendor, consultant, client, customer or other City contact.
- 7.1.6 It shall be the joint responsibility of managers, supervisors and the City Manager or his or her designee to ensure adherence to this policy. All supervisors and managers have the duty of ensuring that no individual or employee is subjected to sexual harassment or any other form of unlawful harassment, and of maintaining a workplace free of such harassment.
- 7.1.7 The City encourages employees to report all perceived incidents of harassment, regardless of the position of the alleged offender. Any employee who has a harassment complaint against a supervisor, co-worker, visitor, customer or other person, must bring the problem to the City's attention.
- a. If you believe that you have been harassed, you should immediately report the incident to the City Manager or his or her designee.
  - b. The complaint will be thoroughly investigated in a professional manner. You will be notified of a decision or of the status of the investigation as soon as possible. There will be no discrimination or retaliation against any individual who files a good-faith harassment complaint, even if the investigation produces insufficient evidence to support the complaint, and even if the charges cannot be proven.



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- c. There will be no discrimination or retaliation against any other individual who participates in the investigation of a harassment complaint. If the investigation substantiates the complaint, appropriate corrective and/or disciplinary action (up to and including dismissal) will be pursued. Disciplinary action (up to and including dismissal) will also be taken against individuals who make false or frivolous accusations, such as those made maliciously or recklessly.
- d. Actions taken internally to investigate and resolve harassment complaints shall be conducted confidentially to the extent practicable and appropriate, and consistent with the Georgia Open Records Act, in order to protect the privacy of persons involved.

7.1.8 Retaliatory action of any kind taken as a result of any individual or any employee seeking redress under this policy is prohibited and shall be regarded as a separate and distinct cause for complaint and discipline under this policy.

## **7.2 DRUG FREE WORKPLACE POLICY**

7.2.1 Substance and alcohol use or abuse by City employees during assigned working hours, in City buildings, on City grounds or otherwise while on City business is prohibited. This shall include the use of illegal substances, the abuse of prescription medications and the use or abuse of alcohol.

7.2.2 Pre-employment Testing. All job applicants being considered for employment shall be required to pass a drug and alcohol screening test prior to being hired. All job applicants shall be informed in advance that such testing shall be required.

7.2.3 All employees working in or related to natural gas shall be drug tested in accordance with the Federal Department of Transportation Pipeline Safety Regulations.

7.2.4 Drug and/or Alcohol Screening Test Based on Reasonable Suspicion

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





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1. An employee is involved in a physical or verbal altercation on the job.
  2. An employee has an excessive number of incidents or accidents on the job.
  3. An employee exhibits unusual behavior such as slurred speech or unsteady walking or movement on the job.
  4. An employee has an odor of alcohol on his person on the job.
  5. An employee is in possession of alcohol or drugs on the job.
- b. An employee shall be required to submit to drug and/or alcohol testing when there is a reasonable suspicion to believe that such employee is under the influence of drugs and/or alcohol during assigned working hours or while otherwise on City duty or in control of City property.
  - c. Supervisors who suspect an employee is under the influence of drugs and/or alcohol shall immediately report the incident to their immediate supervisor or Director.
  - d. The determination of whether reasonable suspicion exists shall be made by the Director or by the highest-ranking supervisor on duty at the time. The facts underlying the determination of reasonable suspicion shall be disclosed to the employee at the time the demand to submit to testing is made.
  - e. Following the determination that reasonable suspicion exists, the employee shall be transported to and from the testing site by the employee's supervisor or designee. Following the testing procedure, the individual transporting the employee shall make appropriate arrangements to transport the employee home.
  - f. The supervisor shall document in writing, within the next working day, the specific facts, symptoms or observations that formed the basis for determining that reasonable suspicion existed to warrant the testing of the employee. All documents created in connection with the determination of reasonable suspicion shall be forwarded to the City Manager or his or her designee.





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- g. The City will provide training to assist supervisory personnel in identifying drug and alcohol use among employees. Such training shall be directed toward helping supervisors recognize the conduct and behavior giving rise to a reasonable suspicion of drug or alcohol use.
- 7.2.5 Testing After Accidents or Injury. All employees involved in a work-related incident causing personal injury or property damage shall be tested promptly for drug and/or alcohol use. Any employee involved in a motor vehicle accident while driving a City vehicle on a public roadway may be tested for drugs and alcohol.
- 7.2.6 An employee may voluntarily admit that he/she may be impaired due to drug or alcohol use. Discipline will not be initiated because an employee self-identifies. The employee will be referred to a substance abuse professional (SAP) for evaluation and testing. An employee will not be permitted to drive until the substance abuse professional (SAP) has released the employee for driving. The employee will be subject to return to work/follow-up testing. An employee involved in rehabilitation may be accommodated within the employee's department by being placed in a non-safety-sensitive position if appropriate and available. If a non-safety-sensitive position is not available, the employee will be placed on leave (paid and unpaid as available) until completion of the rehabilitation program.
- 7.2.7 If an employee will not submit to a drug and or alcohol test after accident or injury or reasonable suspicion the following behaviors constitute refusal to take such required test.
  - a. Failure to appear for scheduled testing or failure to proceed to the testing site within one hour of being notified to report unless documentation of a medical reason is provided to the supervisor.
  - b. Conduct that impedes the testing process including but not limited to tampering with urine, hair specimens or testing devices.
  - c. Failure to provide adequate breath, urine or hair for testing without documentation of a medical reason to the supervisor.
- 7.2.8 Consequences of testing Refusal

New hires during probation period who refuse pre-employment testing, or fail to appear for testing will have the job offer withdrawn unless valid medical



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documentation is presented to the supervisor in advance or no later than one working day following the scheduled test.

Employees, who refuse testing, unless valid medical documentation is presented to the supervisor, will receive disciplinary action up to and including termination. Promotion/transfer - refusal will result in the offer being withdrawn unless medical documentation is provided to the supervisor in advance or within one working day following the scheduled test.

Demotion, reclassification, or change in job description - refusal will result in disciplinary action up to and including termination unless medical documentation is provided to the supervisor.

#### **7.2.9 Consequences of positive breath alcohol content (BAC)**

Employees who have a (BAC) greater than 0.02 but less than 0.04 when tested shall be suspended from performing the employee's duties for a minimum of twenty-four hours. Disciplinary action may be taken and a breath alcohol concentration test will be required before resuming the performance of safety sensitive functions.

Employees who have a (BAC) of 0.04 or greater when tested shall be removed from performing such duties for a minimum of twenty-four hours and disciplinary action may be taken up to and including termination. If it is determined that the employee may return to the safety sensitive position, the following conditions shall apply:

1. Referral within one working day of receipt of positive test results will be made from the city to a substance abuse professional (SAP) for evaluation.
2. Successful completion of an approved rehabilitation program if recommended by a substance abuse professional (SAP) will be required. The city shall assume the cost for the initial evaluation by a substance abuse professional (SAP) to determine if the employee is to be considered for continued employment.
3. Participation in a return to duty alcohol test with a result less than 0.02. Employee is subject to unannounced periodic follow-up tests during the first twelve months following an employee's return to duty. The number and frequency will be determined by the substance abuse professional (SAP). Follow-up testing may be extended for up to sixty months following an employee's return to duty.



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If an employee's behavior suggests alcohol misuse, a reasonable suspicion alcohol test must be conducted.

#### **7.2.10 Consequences of a positive drug test**

An employee who has a positive drug test shall be suspended from performing safety sensitive functions within a minimum of twenty-four hours of receipt of the positive test and disciplinary action may be taken up to and including termination. If it is determined that the employee may return to the safety sensitive position, the following conditions shall apply:

1. Referral and completion of appointment with a substance abuse professional (SAP) for evaluation shall occur within one working day of receipt of a positive drug screen.
2. Successful completion of an approved rehabilitation program if recommended by a substance abuse professional (SAP).  
The city shall assume the cost for the initial evaluation by a substance abuse professional (SAP) to determine if the employee is to be considered for continued employment.
3. Participation in unannounced periodic testing, during the first twelve months following an employee's return to duty. The number and frequency will be determined by the substance abuse professional (SAP). Follow-up testing may be extended for up to sixty months following an employee's return to duty.

If an employee's behavior suggests drug abuse, a "reasonable suspicion" drug screen test must be conducted. The employee will be suspended from performing safety sensitive duties for a minimum of twenty-four hours pending test results.

### **7.3 ELECTRONIC MAIL (E-MAIL) AND INTERNET POLICY**

- 7.3.1 The e-mail system and internet access are to be used exclusively for business purposes. They are not to be used in ways that are disruptive or offensive to others, or in ways that could be harmful to workplace morale. The display or transmission of sexually explicit images, messages or cartoons or any transmission or use of e-mail containing ethnic slurs, racial epithets or anything that may be construed as harassment or disparagement of others is strictly prohibited.



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7.3.2 E-mail created and/or received which defines or establishes policy is considered a public record and must be retained (either electronically or on hard copy) in accordance with State records retention schedules. Further, all e-mail messages are records of the City and may be accessed by supervisory personnel at any time. Employees should not have expectations of privacy as it relates to such messages.

7.3.3 Any violation of this policy will result in appropriate disciplinary action, up to and including dismissal.

### **7.4 USE OF TOBACCO PRODUCTS**

7.4.1 The use of tobacco products inside any city facility or city vehicle is prohibited.

7.4.2 Any violation of this policy will result in appropriate disciplinary action, up to and including dismissal.

### **7.5 STANDARDS OF CONDUCT**

7.5.1 The City has adopted the following standards for performance and conduct. The infractions listed, while not all-inclusive, define violations of City policy that will result in disciplinary action, up to and including dismissal from employment. Nothing herein should be construed as a guarantee of continued employment or an erosion of the at-will employment relationship defined in these policies.

- a. *Absence Without Authorized Leave.* This includes failure to obtain approval prior to any absence from work, except in the case of a proven emergency, and failure to timely notify or call in on the first day of absence.
- b. *Arrest.* Any employee who is charged with a crime (other than a minor traffic offense) shall report being charged with such crime to the Director within 48 hours of the employee becoming aware of such charge.
- c. *Assault/Fighting.* Any physical assault on or fighting with another employee or a member of the public.
- d. *Conduct Unbecoming an Employee.* Conduct, whether on or off the job, which adversely affects the employee's ability to continue to



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perform his/her current job, or which reflects poorly or diminishes public confidence in the City.

- e. *Conviction of Crime.* Any employee who is convicted of a crime (other than a minor traffic offense) shall report being convicted with such crime to the Director within 24 hours of the conviction.
- f. *Violations of Drug Free Workplace Policy.* Includes drinking on the job or reporting to work under the influence of alcohol; possession, sale, or distribution of alcoholic beverages or illegal drugs; or any other violation of the Drug Free Workplace Policy.
- g. *Horseplay.* Actions that, even though intended to be mischievous or prankish, disrupt or have the effect of disrupting the work of the participants or other employees.
- h. *Improper and/or Careless Use or Operation of Property or Equipment.* The improper and/or careless use of City property or equipment (abuse or misuse). This includes failure to observe the established speed limit or other traffic violations while driving on official business.
- i. *Insubordination.* A deliberate and unacceptable refusal to obey a reasonable order that relates to an employee's job function. An unwillingness to submit to authority. Includes both an expressed refusal to obey a proper order as well as a deliberate failure to carry out an order.
- j. *Leaving Work Area or Duty Assignment Without Authorization.* Absence from the work area or duty assignment during a work period without permission of the appropriate supervisor. Includes leaving a work area for a lunch or rest break, or at the end of a work shift, without proper relief where such relief or permission is a specific requirement.
- k. *Loafing.* Continued and deliberate idleness during work periods that results in the employee's failure to perform assigned tasks. This includes, but is not limited to, deliberately wasting time, engaging in idle talk or gossip, or conducting personal business during work hours.
- l. *Negligence.* The failure to use ordinary or reasonable care in, or the omission of or inattention to, the performance of assigned duties and



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responsibilities. Negligence is synonymous with carelessness and signifies lack of care, caution, attention, diligence, or discretion.

- m. *Possession of Unauthorized Weapons and/or Firearms.* The unauthorized possession, use or threatened use of weapons and/or firearms on City property or any other location while on duty.
- n. *Sabotage.* Participation in a willful act of destruction or attempted destruction of City property, equipment or data.
- o. *Violation of Non-harassment Policy.* (See Section 7.1).
- p. *Sleeping on Duty.* The failure of an employee to remain awake while on duty during work hours.
- q. *Theft or Stealing.* The unauthorized taking or use of any property service or privilege, tangible or intangible of the City, any employee, or any other person.
- r. *Use of Threatening and/or Abusive Language.* The use of language that is threatening or abusive, whether directed toward a supervisor, a fellow employee, or a member of the public. This includes any offensive language, whether or not directed toward anyone in particular, regardless of intent.
- s. *Unauthorized Solicitation.* The solicitation of an employee by another employee, including the distribution of material, for any purpose not specifically authorized by the City while either employee is on duty.
- t. *Unauthorized Use of City Property, Equipment or Personnel.* The use of any City property, equipment, or personnel for any purpose other than official City business.
- u. *Excessive Absenteeism and Tardiness.*
  - 1. *Excessive Absence:* An attendance record of recurring absences, even though all or a majority of the absences were necessary and/or excused. This also includes a pattern of absences by an employee, such as consistent absences on the day preceding or following the employee's regular days off or absence on the same day of each week or month.



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2. Excessive Tardiness: The failure to follow established work schedules. This includes reporting late at the beginning of the work shift, leaving early or returning late from lunch or rest breaks, or leaving work early at the end of the work shift, all without approval.
- v. *Unsatisfactory Work Performance.* The failure to satisfactorily meet the minimum performance standards that specifically relate to the employee's duties and responsibilities. An employee's failure to meet established work standards may involve continued inefficiency, inability to perform assigned duties, and/or substandard performance of assigned duties.
- w. *Violation of Safety Practices.* The failure to follow established safety practices. This includes the performance of unsafe acts or failure to wear and/or use safety equipment.
- x. *Willful Falsification of Records.* Includes willful misrepresentation and/or willful falsification or omission of any fact, whether verbal or written, on such records as, but not limited to: time and attendance (leave), employment status, employment application, travel vouchers, and work and production.
- y. *Willful Violation of Law, City Rules, Regulations, or Policies.* The failure to abide by a provision of law or City rules, regulations, or policies.

## SECTION 8: DISCIPLINE

### 8.0 DEFINITION

Progressive discipline is a process in which disciplinary action is taken in degrees of increasing severity. The City shall use a policy of progressive discipline when applicable. An employee who fails to perform assigned duties adequately or who violates City policies will be disciplined. Disciplinary actions taken will depend on the degree of severity and circumstances of the violation.

### 8.1 TYPES OF ACTIONS

Disciplinary actions fall into two general classes:

- 8.1.1 Reprimand – A formal means of advising the employee that a problem or situation exists and must be corrected.





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- a. Oral Reprimand – A verbal explanation of the problem or situation and what corrective action must be taken. The employee should be advised by his Director or other appropriate supervisor that the discussion constitutes an oral reprimand and that failure to correct the problem or further infractions will result in discipline up to and including dismissal.
  - b. Written Reprimand – A written statement of the problem or situation and what corrective action must be taken. The reprimand should be provided by the Director or other appropriate supervisor and advise the employee that failure to correct the problem or further infractions will result in discipline up to and including dismissal.
- 8.1.2 Adverse Action – An action taken by the City Manager or Director that result in a suspension with pay, without pay, salary reduction, demotion, or dismissal.
- a. Suspension With Pay – Forced absence from the job with pay that allows the employee time to reflect on the severity of an infraction or substandard work performance. The length of suspension will be determined by the City Manager or Director.
  - b. Suspension Without Pay – Forced absence from the job without pay or benefits that allows the employee time to reflect on the severity of an infraction or substandard work performance or allow for charges of a legal nature to be resolved. The length of the suspension will be determined by the City Manager or Director or until legal issues are resolved.
  - c. Demotion – Reallocation to a lower level position for disciplinary or other involuntary reasons will be determined by the City Manager or Director. A demotion may take place only if a lower level position is open and the employee is qualified to perform the work at the lower position. A disciplinary demotion must include a decrease in salary.
  - d. Dismissal – Involuntary discharge from employment with the City as a punitive measure or when other actions taken did not resolve an identified problem or situation will be determined by the City Manager or Department Director.





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- 8.1.3 Employees subject to disciplinary action are not required to sign written document(s) of notification; reading the notifying document is adequate. Should an employee refuse to sign a written reprimand or notice of suspension, it shall be sufficient to have a witness sign the form indicating that the document was given to the employee.
- 8.1.4 The City reserves the right to modify disciplinary courses of action as necessitated by individual circumstances.
- 8.1.5 Consideration will be given to the individual circumstances of each disciplinary action and different cases may have different punishments.

## **SECTION 9: GRIEVANCE PROCEDURE**

### **9.0 GRIEVANCE**

The Employee Grievance Procedure is designed to afford a method for the resolution of disputes which may arise between employees and the City. The ability to file a grievance in no way gives an employee a property interest in employment. (For appeals involving a disciplinary suspension of more than forty (40) hours without pay, disciplinary demotion or termination, refer to Section 9.1.10).

9.0.1 The following definitions apply to the grievance procedure:

- a. Day – A department's regularly scheduled work day (excluding weekends and holidays).
- b. Grievance – A complaint or dispute of an employee regarding any condition of employment, or the application, meaning, or interpretation of personnel policies or procedures as they affect the work activity of the employee.
- c. Non-grievable – Includes the following issues:
  - 1. the content or rating of a performance appraisal;
  - 2. work assignments which do not result in a demotion or salary reduction;



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3. budget allocations and expenditures, and organizational structure, including the persons or number of persons assigned to particular jobs or units;
  4. any matter which is outside the jurisdiction or control of the employee's Director.
  5. benefits or discretionary determinations of or about a fellow employee
- 9.0.2 Issues which might relate to illegal discrimination or harassment should be raised by an employee through the complaint procedure described in the Non-harassment Policy. (See Section 7.1).
- 9.0.3 No employee will be penalized, formally or informally, for voicing a complaint in a reasonable, business-like manner or for using the grievance procedure. Decisions regarding a grievance cannot be made that conflict with existing policy.
- 9.0.4 All grievances beyond Step 1 will be reduced to writing and submitted to the appropriate Director with a copy submitted to the City Manager or his or her designee. Throughout the steps of the grievance procedure, either party may request in writing an extension of time from the City Manager or his or her designee, who may grant at his or her discretion one or more extensions for a specific length of time. Failure to process a grievance by the grievant within the time limits, or agreed-upon extensions, will constitute termination of the grievance. The failure of a Director or designee to meet time limits will cause the grievance to move to the next step in the procedure. The steps of the grievance procedure are as follows:
- a. Step 1 - An employee who has a complaint should first discuss the matter with his or her immediate supervisor. If the issue cannot be resolved in the initial discussion, the employee will state the complaint in writing. The written grievance must be hand-delivered to the employee's Director, or designee, within fifteen (15) business days of the occurrence of the problem. In the event that the employee's immediate supervisor is the Director the employee may proceed directly to Step 2 in writing within fifteen (15) business days of the occurrence of the problem.



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- b. Step 2 – The Director or his or her designee will meet with the grievant within fifteen (15) business days following receipt of the grievance. The Director will reply in writing to the grievance within fifteen (15) business days following the Step 2 meeting. A copy will be forwarded to the City Manager or his or her designee.
- c. Step 3 – If the Director's reply is not acceptable to the employee, the employee may request a meeting with the City Manager or his or her designee by submitting the written grievance to the City Manager. The request for a meeting will be made within fifteen (15) business days of receipt of the Director's reply, and the meeting will be held within fifteen (15) business days following receipt of the request. The City Manager or his or her designee will meet with the grievant to review the grievance and receive any pertinent material from the grievant. The City Manager or his or her designee may also interview additional witnesses and gather other information as appropriate. The City Manager or his or her designee will reply in writing to the grievance within fifteen (15) business days following the Step 3 meeting. The decision of the City Manager will be final.

## **9.1 APPEAL**

- 9.1.1 The Appeals Procedure is designed to afford a method for the resolution of disputes which may arise between employees and the City involving any of the following issues:
  - a. Disciplinary suspension of more than forty (40) hours without pay,
  - b. Disciplinary demotion, or
  - c. Termination of employment.
- 9.1.2 The appeals procedure is available for regular full-time employees who have completed the initial probationary period of employment. The ability to file an appeal in no way gives an employee a property interest in employment.
- 9.1.3 The following definitions apply to the appeals procedure:
  - a. Appeal – A complaint or dispute of an employee regarding a suspension, demotion or termination as stated above.
  - b. Day – A department's regularly scheduled work day (excluding week-ends and holidays).



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- 9.1.4 Issues which might relate to illegal discrimination or harassment should be raised by an employee through the complaint procedure described in the Non-harassment Policy. (See Section 7.1).
- 9.1.5 No employee will be penalized, formally or informally, for voicing a complaint in a reasonable, business-like manner or for using the appeals procedure.
- 9.1.6 All appeals will be reduced to writing and submitted to the appropriate Director with a copy submitted to the City Manager or his or her designee. Throughout the steps of the appeals procedure, either party may request in writing an extension of time from the City Manager or his or her designee, who may grant at his or her discretion one or more extensions for a specific length of time. Failure to process an appeal by the appellant within the time limits, or agreed-upon extensions, will constitute termination of the appeal. The failure of a Director or designee to meet time limits will cause the appeal to move to the next step in the procedure.
  - a. Step 1 – The written appeal must be hand-delivered to the employee's Director, or designee, within fifteen (15) days of the occurrence of the action. The Director or his or her designee will hold a meeting with the employee within fifteen (15) days following receipt of the appeal. The Director will reply in writing to the employee within fifteen (15) days following the Step 1 meeting. A copy will be forwarded to the City Manager or his or her designee.
  - b. Step 2 – If the Director's reply is not acceptable to the employee, the employee may request a meeting with the City Manager or his or her designee by submitting the written appeal to the City Manager. The request for a meeting must be delivered to the City Manager within fifteen (15) days of receipt of the Director's reply, and the meeting will be held within fifteen (15) days following receipt of the request. The City Manager or his or her designee will reply in writing to the appeal within fifteen (15) days following the Step 2 meeting.
  - c. Step 3 – In the event the appeal remains unsettled, the employee may submit the appeal to the Hearing Officer. The request for the appeal to the hearing officer must be received by the City Manager or his or her designee within fifteen (15) days of the receipt of the Step 2 reply. The City Manager or his or her designee will schedule the hearing, which will be held as soon as practicable. If the employee expects to present any witness(es) or be represented by another party at the hearing the



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employee must provide names and addresses to the City Manager or his or her designee no later than fifteen (15) days before the date of the hearing. It is the employee's responsibility to ensure that any witness(es) that the employee may call on his or her behalf is notified of the hearing.

- 9.1.7 An employee's appeal will be considered timely if the appeal is mailed via the U.S. Postal Service, return receipt requested, addressed correctly to the appropriate person, and the envelope is postmarked within the specified time limit. A hand-delivered appeal by the employee to the appropriate person will also be considered timely if received within the specified time limit.
- 9.1.8 The City of West Point's response or notice will be considered timely if mailed via the U.S. Postal Service, return receipt requested, to the last known address of the employee, and the envelope is postmarked within the specified time limit. A hand-delivered response or notice to the employee will also be considered timely if received within the specified time limit.
- 9.1.9 A signed return receipt or a date-stamped proof of mailing by return receipt may serve as proof of delivery of a response or notice by the City of West Point.
- 9.1.10 The powers of the Hearing Officer are as follows:
  - a. It will be the function of the Hearing Officer, and they will be empowered, except as the Hearing Officers powers are limited below, to make a decision in cases of disciplinary suspension of more than forty (40) hours without pay, disciplinary demotion, and termination of employment.
  - b. The Hearing Officer will have no power to add to, subtract from, disregard, alter, or modify any of the rules, regulations, and policies of the City of West Point.
  - c. The Hearing Officer will have no power to change any practice, policy, or rule of the City of West Point, or to substitute their judgment for that of the City of West Point as to the reasonableness of any such practice, policy, or rule.



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- d. The Hearing Officer will have no power to decide any question other than disciplinary suspension of more than forty (40) hours without pay, disciplinary demotion, and termination of employment. The Hearing Officer has the authority to uphold, modify, or reverse the decision on disciplinary suspension, disciplinary demotion, or termination of an employee and award back pay. The Hearing Officer may not award back pay in excess of the amount of wages the employee would have earned had he or she not been suspended, demoted, or terminated.
- e. The decision of the majority of the Hearing Officer will be final, if the decision is within the scope of the Hearing Officer's authority, as set forth above. No decision will be made that conflicts with local, state, or federal laws or which is not in compliance with the City of West Point human resource policies. The decision will be filed in writing by the Hearing Officer with the City Manager or his or her designee within fifteen (15) days after the hearing. Copies of the decision will be forwarded to the employee and the Director.

### **Section 10: Personal Appearance and Hygiene**

It shall be the responsibility of all employees to represent the city in a manner that shall be courteous, efficient, and helpful. City employees should always present themselves in business-appropriate attire and groomed in a manner suitable for the public service environment. Good personal hygiene habits should also be maintained while representing the city. Supervisors are required to provide the necessary direction and remedial action if an employee's personal appearance and/or hygiene does not positively reflect the image of the city.

Some departments may require certain employees to be in uniform to project an official image of the position to the public. Uniforms and rules and regulations will be provided to employees by department or division. Uniform clothing may be issued directly by the city or through a uniform allowance. All required uniform clothing is to be kept neat and clean and replaced appropriately.