

# City of Thomaston

106 E. Lee St.  
Thomaston, Ga. 30286



## Personnel Policies

2016

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# City of Thomaston

## Employer Personnel Policies

### Article I

#### General Provisions

##### A. Purpose of City Government:

The purpose of City Government is to provide the best public service attainable for the citizens of this community, tempered only by the availability of allocated resources. The major functional departments at the City of Thomaston are:

1. General Administration/Finance/Human Resources
2. Community Development
3. Public Safety
4. Utility Services; and
5. Public Works/Parks and Public Spaces

There are no unimportant jobs within the City of Thomaston. All employees, whatever their jobs may be, make a vital contribution to providing services to this community. All departments are interrelated and dependent on each other. Therefore, all employees must work together to provide the best possible public service. We commit to maintain:

1. A climate of cooperation among all city employees;
2. A mutual understanding of our purposes and objectives; and
3. A common interpretation of the policies, rules, and regulations that govern our organization.

##### B. Administration of the policies:

The City Manager is responsible for the faithful and impartial administration of the execution of all City policies. The City Manager takes recommendations from and communicates all interpretations to the Human Resources Director for the City of Thomaston or other assigned personnel. All Personnel Policies as they are adopted by the Mayor and Council shall be set forth in these policies and communicated to employees as appropriate.

Department Directors and their subordinate supervisors/leads, are responsible for the day to day uniform implementation of all City of Thomaston Personnel Policies. Exceptions to these policies may not be applied without a Human Resources Director review of facts.

These personnel policies supersede all previous personnel policies. These policies are not all-inclusive and will require future additions, deletions and modifications. The City may make unilateral changes to these policies solely at its discretion. The Human Resources Director shall monitor consistent application of the policies and shall recommend clarifications and changes as needed. All changes must have Council and City Manager approval prior to implementation.

Department Standard Operating Procedures cannot be in conflict with these policies.

C. Application of Policies:

These policies do not remove or change the “at will” status of any employee. Employees are free to quit at any time and the city has the same right to end the employment relationship for any reason. These policies do not create any contractual obligations on the part of the city, its supervisors, or employees.

They are guidelines designed to outline expected behavior of city employees and to ensure the consistent handling of all employees. These policies apply to all employees in all departments under the authority of the City Manager with the following exceptions:

- Elected Officials
- City Manager
- City Clerk

The governing authority of the City of Thomaston shall have the right to make determinations if other positions in the City are considered policy making and to exclude those positions in the coverage of these policies. Any such determinations will be in writing to the Human Resources Director. All other positions in the City will be covered by these policies.

D. Political Activities

No individual shall be appointed, promoted, demoted, favored or discriminated against because of his/her political opinions or affiliations. Employees of the City of Thomaston are encouraged to exercise their right to vote; but no employee shall make use of City time or equipment to aid a political candidate, political party, or political cause or to use his/her City position to persuade, influence, coerce or intimidate any person in the interest of a political candidate, party or cause.

Employees seeking elective office within the City of Thomaston or any other area deemed to present a conflict of interest, real or perceived, and therefore shall, upon declaring candidacy, either resign or submit a request requesting a leave of absence for the duration of the campaign. If elected to office the employee shall immediately resign.

E. Outside Employment

City of Thomaston employees must declare to their Department Head if they are working jobs in addition to their employment with the City of Thomaston. Outside employment will be allowed provided it does not create a conflict of interest or adversely affects the performance of the employee’s city employment. The City of Thomaston is to be considered the employee’s primary employer and work at the City of Thomaston will take priority over any outside employment.

## Article II

### Employment and Recruitment

#### A. Equal Employment Opportunity Policy

It is the policy of the City of Thomaston to select, develop, and promote employees based on individual ability, experience, education, and job performance. It is the policy of the City of Thomaston to provide equal employment opportunities and relations without regards to race, color, creed, religion, gender, national origin, ancestry, age, disability, sexual orientation, genetic factors, or any other classification protected by applicable federal, state or local law. This policy includes, but is not limited to compensation, benefits, terms and conditions of employment, opportunities for promotion, training and development, transfers, layoffs, separations, and all other privileges, terms and conditions of employment. The City of Thomaston shall maintain a working environment free of all forms of harassment, intimidation and retaliation. Furthermore, the City of Thomaston will comply with all applicable local, state, and federal statutes regarding equal employment opportunity.

#### B. Open Door Policy

The city has an open door policy and suggests that employees share their questions, concerns, suggestions or complaints with their supervisor. If you are not comfortable speaking with your supervisor or you are not satisfied with your supervisor's response, you are encouraged to speak with the Department Director. Supervisors and Department Directors are required to report complaints or concerns about suspected ethical and legal violations in writing to the City Manager, who has the responsibility to personally or through Human Resources, investigate all such reported complaints. Employees with concerns or complaints also may submit their concerns in writing directly to their supervisor or to the Director of the department.

#### C. Reports of Discrimination

Employees and others are encouraged to raise serious concerns within the city prior to seeking outside resolution. Any individual who has reason to believe that he/she has been discriminated against in recruitment, employment, training, promotions, demotion, separations, or any other term or condition of employment, should notify the Human Resources Director immediately with the details surrounding the alleged discrimination. Delays in reporting can make investigations more difficult and may impede in the process. All employees are encouraged to cooperate in internal investigations by providing truthful and complete information without fear of retaliation.

Employees requiring religious accommodations are invited to participate in an interactive process to identify and implement appropriate accommodations.

D. Vacancies

Vacancies will be determined by approved department budgets or approval of the governing officials should departmental needs change mid-year. Department Directors will request in writing to the Human Resources Director to a post of a vacancy for at minimum two (2) weeks. The City of Thomaston will accept applications for consideration only during the time frame positions are posted.

Positions will be posted on the bulletin board of City Hall, the City website and any other posting site deemed appropriate. Existing employees of the City of Thomaston are welcome to apply for any positions posted for which they are qualified.

All applications must be submitted on the official application for the City of Thomaston, to the Human Resources Department who will maintain records and ensure applications are sent to appropriate departments weekly. Applications submitted outside of a posting window, will only be considered if no other qualified applicants applied.

The City of Thomaston is an equal opportunity employer.

E. Post Offer Medical Exams/Screens

It is the intent of the City of Thomaston to comply with the *American's With Disabilities Act* and all provisions contained in any amendments thereof. When an offer of employment has been extended to an external applicant, the applicant shall submit to all required post-offer medical screens. Depending on the position with the City this may include physical or psychological screens. All positions hired are required to submit to a drug-screening test. The City selects the medical facility to perform all post-offer medical exams/screens. All exams/screens ordered by the City will be paid by the City. Failure to pass or refusal to submit to these exams/screens shall disqualify the applicant for the position and will result in a withdrawal of the offer for employment.

If, in the opinion of the examining medical facility, there are no medical issues that would impair or hinder in the applicant's ability to satisfactorily perform the essential functions of the job for which he/she has been selected, the examining medical facility shall certify the results to the Human Resources Director for the City of Thomaston, in writing. When the certification is received, the department will make the offer of employment firm and the applicant may begin employment with the City.

All applicants for hire requiring accommodations in order to perform the essential function of the position are invited to participate in an interactive process to identify and implement appropriate accommodations. All reasonable accommodations will be made to applicants in need of accommodations. However, the City reserves the right of final decision on this issue after evaluation and consideration of the essential duties of the position.

F. Employment of Relatives

There shall be no regulation prohibiting the employment of relatives in the City of Thomaston, as long as neither of the related parties is employed in a supervisory role in which they might have either direct or indirect effect on the other individual's progress, performance, or welfare as a City employee.

At no time should any employee be under the supervision of a relative (directly or indirectly). An employee may not be eligible for a promotion where a relative works unless the relative can be transferred to an open budgeted position. Employees already in place will be grandfathered if they are related to someone and there is a supervisory relationship between the relatives. However, Department Director's, must take a more active role in monitoring evaluations, promotions, increases, etc. for these employees.

For purposes of this policy, relatives are defined as spouse, parents, children, brothers, sisters, step-brothers, step-sisters, father-in-law, mother-in-law, sister-in-law (including step), brother-in-law (including step), son-in-law, daughter-in-law, or any relative living in the home with the employee.

G. Workplace Consensual Personal Relationships

The City does not prohibit consensual personal relationships between employees. However, due to the potential for favorable treatment or conflict of interest, whether perceived or real, supervisor/subordinate romantic relationships are not allowed. In cases where two employees wish to have a romantic relationship the City will make every effort to accommodate by moving one employee to a budgeted open position for which that employee is qualified.



## Article III

### ANTI-HARASSMENT AND DISCRIMINATION

#### A. General Anti-Harassment Policy

All employees, agents and representatives of the City of Thomaston shall be required to maintain a working environment free of harassment in all aspects of the employment relationship, allowing employees to devote their full attention and best efforts to the job for which they are assigned. Harassment and discrimination, either intentional or unintentional have no place in the work environment. Prohibited harassing behaviors include, but are not limited to: offensive language, ethnic slurs, derogatory jokes, and any other verbal, graphic or physical conduct relating to someone's race, religion, age, gender, national origin, disability or other characteristics protected by law, which would make a reasonable person experiencing such harassment uncomfortable in the work environment, or which would interfere with a reasonable person's job performance.

Furthermore, this policy also prohibits all forms of sexual harassment as defined by law. Sexual Harassment includes, but is not limited to, physical conduct that is sexual in nature, unwelcome sexual advances, comments or requests for sex or sexual activities regardless whether they are accompanied by promises or threats regarding employment or advancement, sexual displays of publications such as calendars, cartoons or graffiti, inappropriate comments or stares, and sexual jokes or emails.

#### B. Reporting Harassment

The City of Thomaston's policy against harassment and discrimination is designed to protect employees and assist in maintaining a pleasant, respectful working environment where all employees can be productive and successful. All forms of harassment should be reported as soon as possible. If you are experiencing harassment, you should discuss the details with your immediate supervisor unless that individual is involved. If you are more comfortable in doing so, all reports of harassment and discrimination may be reported to the Human Resources Director. Do not wait until the situation becomes severe and do not assume City of Thomaston management is aware of the issue.

The City of Thomaston will investigate all reports of harassment and discrimination confidentially, promptly, thoroughly and impartially. The City will take appropriate remedial steps including disciplinary action up to and including termination, if a violation of this policy is sustained.

#### C. Retaliation

Retaliation for reporting harassment and/or discrimination is strictly prohibited. No employee who in good faith reports a violation of this policy or of state or federal employment law shall suffer retaliation, harassment, intimidation, or adverse employment consequences because of such reporting. Anyone who retaliates or attempts to retaliate against someone who has reported in good faith a potential violation or anyone who interferes or attempts to interfere with an investigation of a complaint of harassment or discrimination is subject to discipline up to and including termination. All employees are encouraged to

report inappropriate behavior and when applicable to participate as a witness in an investigation without fear of retaliation. All issues with retaliation should be promptly reported to the Human Resources Director.

D. Whistleblower Protection

This policy is intended to encourage and enable employees to raise serious concerns internally so that the City can address and correct inappropriate conduct and actions. It is the responsibility of all employees to report concerns about violations of the city's code of ethics or suspected violations of law or regulations that govern the city's operations.

No employee who in good faith lodges a complaint in order to prevent fraud or abuse or misuse of public funds, shall suffer any adverse employment action in the terms or conditions of his or her employment with the city for disclosing a violation of or noncompliance with the law, rule, or regulation to a supervisor or a government agency. An employee who retaliates against someone who has reported a violation in good faith or who, in good faith, has cooperated in the investigation of a potential violation is subject to discipline up to and including termination of employment.

Anyone filing a written complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Reports that are knowingly false, made with malicious intent or with reckless disregard for facts that would disprove the allegations are not good faith reports and may subject the violator to disciplinary action.

## Article IV

### SALARIES AND CLASSIFICATIONS

#### A. Types of Employment

All employees of the City of Thomaston are "At Will" employees. All City of Thomaston Policies contained within are guidelines to assist with the consistent handling of all employees. No information contained within represents a contract to the employee.

Every individual employed by the City of Thomaston shall be classified at the time of employment into one of the following classifications:

- 1) **Regular Full-Time**: These are employees working in the various departments of the City who work 30 hours or more. These employees are entitled to benefits of employment including, holiday, vacation pay, sick pay, funeral leave, as well as health and wellness benefits.
- 2) **Regular Part-Time**: These are employees working in various departments of the City who work less than 30 hours per week. These employees are not entitled to participate in any of the fringe benefits offered at the City of Thomaston. *Note: Part-Time employees hired prior to January 1, 1995 are grandfathered and will have fringe benefits providing they do not have a break in service.*
- 3) **Temporary/Seasonal**: These employees working in various departments of the City may be full-time or part-time, are not continuous in nature. They are employed into positions considered not expected to last longer than six (6) months. Employment extensions for temporary or seasonal hires that goes beyond six (6) months requires review by the Human Resources Director and approval of the City Manager. These employees shall not earn any fringe benefits.
- 4) **Probationary Employee**: All full-time and part-time employees serve a six (6) month probationary period upon hire. Probationary periods can be extended up to an additional six (6) months with approval from the Department Head and Human Resources Director. All extensions must be in writing. During the probationary period, employees will receive periodic reviews so that the city may provide feedback on performance. The probationary period does not change or remove any employee's "at will" employment status. An "at will" employee may be terminated or demoted during the probationary period or after successful completion of the probationary period.
- 5) **Interim Position**: On occasion as deemed appropriate for some positions, employees may be hired or appointed/assigned to perform the duties of a position on an interim basis, until such time that the position can be permanently filled.

#### B. Pay and Compensation Schedule

The City Manager through the Human Resources Director shall be responsible for all reviews, maintenance and revisions of the Pay and Compensation Schedule. The Schedule shall include the job title for all positions and salary range consisting of minimum and maximum rates of pay for each position. The rates of

pay for all city employees shall comply with the provisions of the schedule which is approved by Mayor and Council. Each employee will be paid a rate within the range set forth in the Schedule. Newly created positions not included on the Schedule require a review by the Human Resources Director, and approval of the City Manager, Mayor and Council.

The Pay and Compensation Schedule will be reviewed annually or when deemed appropriate to ensure the City is competitive with the area employment market, so that the City is able to attract and maintain a qualified workforce. All changes to the Schedule will require City Manager, Mayor and Council approval.

Employees in each position will not be hired below the minimum except in unusual circumstances, which must be requested in writing. All such requests must be reviewed by the Human Resources Director and approved by the City Manager. The entry salary for all new employees shall normally be set at the minimum salary rate for the position. However, for managerial/professional or technical positions, the entry rate may be above minimum after a review of qualifications by the Human Resources Director and approval by the City Manager. No salary commitments shall be made to the applicant before obtaining this approval.

Employees will not be granted increases beyond the maximum of each position. If the employee reaches the maximum, his or her pay will freeze until such time that the annual review shows the maximum should increase. Employees reaching the maximum of any position are encouraged to look and apply for available higher paying positions for which they are qualified.

#### C. Probationary Period

The probationary period for all new hires shall be six (6) months of employment (or completion of mandated & formalized training for Police & Fire), with the City. Promotions shall also have a probationary period (See Promotions, Article V, C.) . During probationary periods the employee's direct supervisor will closely monitor the employee's work and development. The employee shall receive verbal feedback regarding his or her progress throughout the entire six (6) months. Any deficiencies that exist that do not improve following a verbal notification should be documented. A written evaluation will be completed for all probationary employees at the end of their probationary period.

Probationary employees will not receive multiple counseling for deficiencies. The probationary period does not change or remove any employee's "at will" employment status. An "at will" employee may be terminated or demoted during the probationary period or after successful completion of the probationary period.

#### D. Pay Cycle and Timesheets

Employees are expected to accurately record their work hours daily on the departments approved timesheet form. All employees must turn in a completed timesheet at the appropriate time in order for pay to be timely. Department supervisors and directors will approve all timesheets to be submitted to the Finance Department. Inaccurate, misleading or false information on the timesheet may result in discipline up to and including separation of employment.

E. Overtime Compensation

The City of Thomaston will comply with the *Fair Labor Standards Act* ("FLSA"). All non-exempt employees, with the exception of fire and police employees, will be compensated at a rate of one and one-half times the employee's regular rate for each hour worked over forty in a one week period. Holidays (as established in Article VII, Section B herein), vacation, sick and any other paid time off will not count toward hours worked for overtime consideration. Overtime should only be worked when approved, in advance, by the immediate supervisor or department director.

Exception: If an employee is on-call during a week that contain a paid Holiday (as established in Article VII, Section B herein), the Holiday WILL be considered hours worked in terms of overtime consideration for that employee. No other paid but not worked hours will count as hours worked, even during on-call weeks.

The Police and Fire Departments will establish work period in accordance with the FLSA.

Compensatory Time: Employees in certain departments, may be offered compensatory time off in lieu of cash overtime payment. Compensatory time off shall be given at a rate of one and one-half hours for each hour of overtime worked. Regular employees may not accrue more than 240 hours of compensatory time during each fiscal year. Law Enforcement and Fire employees may not accrue more than 480 hours of compensatory time during each fiscal year.

Any employee who has accrued compensatory time and who has requested to use the compensatory time shall be permitted by the employee's department to use the requested time in a reasonable period after making the request. Departments should make every effort to schedule the employee who earned compensatory time, use of the time as soon as possible after it is earned. Compensatory time must be used prior to any use of vacation leave even if it means the loss of annual leave at the end of the vacation leave time. Compensatory time will not be carried over between budget years. Unused compensatory time will be paid out during the final pay period of each fiscal year.

Exempt employees are not eligible for compensatory time.

F. On-Call Pay

All on-call compensation will meet *Fair Labor Standards Act* (FLSA) guidelines.

G. Inclement Weather

Adverse weather affects each individual's situation differently. Each employee must evaluate the severity of the circumstances and use his/her best judgment. Annual leave may be used (if earned) for the employee to leave work early, delay arrival or should the employee not report due to adverse/inclement weather. The employee should notify their direct supervisor of the situation should it occur. When the City offices are closed, departments providing essential services will need to maintain adequate services for the public at all times. Essential services are defined by the City Manager (such as Fire, Police, and situational requirements i.e. storms). Essential services are required to work when City offices have officially been closed. Employees scheduled to work, but who do not because City offices have been closed due to adverse/inclement weather will be paid for the hours scheduled to work. If the employee was scheduled to be off, they will only be paid through the already scheduled manner. Essential services employees will not be compensated if they do not report as scheduled. Essential services employees will not be paid additional for working on inclement/adverse days unless the hours extend to overtime work.

## Article V

### General Personnel Actions

#### A. Orientations

Each new employee to a department (both new hire and transfers) shall receive a departmental orientation outlining the tasks to be performed on the job, the expectations of performance, hours of work, breaks, reporting absences, and any other specific requirements of the department.

Employees new to the City will have an orientation with the Human Resources Department. Human Resources will complete I-9 documentation, discuss benefits and answer any other general City questions.

#### B. Assignments

Employee assignments will be based solely upon qualifications for the positions they hold. Supervisors are responsible for providing individual job task assignments. Department Directors are responsible for the overall assignments within their department. Regardless of the specific assignment, position, title, or job function, employees are expected to perform tasks assigned by his/her supervisor/department director.

#### C. Promotional Probation

Employees promoted will serve a promotional probation of six (6) months. Like during the new hire probationary period, the department will use this period to closely monitor promoted employees' performance and provide appropriate feedback. At the close of the probation, the promoted employee will have a written evaluation indicating a recap of his or her overall performance.

In promotional cases if the employee is unable to satisfactorily perform the new duties and his or her previous position has not been filled, the employee may be returned to his or her previous position and forfeit all increases associated with the promotion. If that position has been filled, the department will work closely with the Human Resources Director to determine the best course of action under the circumstances. Care must be taken in promotions. If no other options are available, it is possible the employee could lose employment for unsatisfactory performance.

#### D. Promotions:

- 1) Regular Promotions: All vacancies with the City of Thomaston shall be posted. Incumbent employees will have the right to apply for any job vacancy posted. Individuals selected shall be chosen based on their qualifications and work records and without regard to age, gender, race, color, creed, religion, national origin, disability or other protected status.

Incumbent employees will be paid the minimum of the new job grade or 5% above current rate of pay, whichever is greater.

2) Interim (Temporary) Promotions:

- a) Deputy/Assistant Director and Major (Police) positions are expected to be able to fill in for Directors/Chiefs. Additional compensation will only be paid if the vacancy extends beyond six (6) months. If the period during which a Deputy/Major fills in for a vacant or absent Director/Chief extends beyond six (6) months, a temporary increase of 5% above current rate of pay will be given starting with the seventh (7<sup>th</sup>) month until the higher position is filled.
- b) Incumbent employees asked to perform a higher grade position for longer than four (4) weeks, due to a vacancy, until such time that a regular replacement can be determined, will receive a temporary increase of 5% above current rate of pay. The pay begins at week five (5) and continues until a regular replacement is hired or assigned. In order to receive this increase it must be reviewed by the Human Resources Director and approved by the City Manager. It must be determined that the individual can and will perform 90% or greater of the duties of the vacant position.
- c) Once the higher position is filled, the interim increase will be stopped and the employee will return to his/her previous salary. If a wage adjustment occurred during the interim assignment, the Human Resources Director will determine the wage the employee would have received, if the employee had not served in the interim assignment.
- d) If duties are split between multiple employees, none involved will receive financial compensation for the additional responsibility.

E. Demotions

- 1) Voluntary: Incumbent employees of the City of Thomaston may apply for any vacant position with the City. Any demotion will carry with it a reduction in compensation so that the demoted employee will be in the new pay grade comparable with other employees with the same or similar length of service, work record, and qualifications.
- 2) Non-Voluntary: A department director, with a review by the Human Resources Director and the approval of the City Manager, may demote an incumbent employee for documented instances of inefficient performance of his/her job duties, other disciplinary concerns, failure to pass required tests, loss of required licenses, or other non-discriminatory reasons. When the employee is demoted to a lower position, the employee shall be paid at a rate in the new pay grade comparable with other employees with same or similar length of service, work record, and qualifications. If no lower position exists, employment may be terminated.



## Article VI

### Employee Benefits

The City of Thomaston provides regular full-time employees with benefits as outlined in this section. All benefits are subject to change. The City may amend or terminate any of these employee benefit programs with or without prior notice or may require or increase employee premium contributions toward any of these benefits at its sole discretion.

This policy summarizes some features of the benefit programs available to city employees. Complete descriptions of these programs are contained in master contracts. In the event of any contradictions between the information appearing in these policies and the information that appears in the master plan documents, the master contracts and master plan documents govern in all cases. Benefits such as health and wellness begin the first of the month following 60 days of employment. Vacation, sick and other benefits have different eligibility periods as defined in each section.

#### A. Retirement Plan

The City of Thomaston offers a defined benefit retirement plan to all full-time employees (\*and part-time hired prior to January 1995). Each full-time employee will automatically be enrolled. The City pays 100% of the cost of this benefit. You must be employed with the City of Thomaston one year and then are automatically enrolled in the plan.

Employees with questions about the retirement plan should make an appointment to discuss the details that are applicable to them, with the Human Resources Director.

#### B. Health and Wellness Insurance

Health and Wellness is defined but not limited to medical, dental, life, long-term disability, vision and other voluntary supplemental insurance coverages.

The City of Thomaston may, at its sole discretion, elect to offer group health and wellness insurance coverages to employees and dependents. Information pertaining to all health and wellness coverage such as insurers, rates and costs to employees, and scope of coverage, shall be maintained in the Human Resources Department. Health and wellness insurance is available to all regular full-time city employees. Health and wellness insurance benefits will be based on the current contracts with insurance providers. New employees are eligible for coverage on the first day of the month following sixty (60) days of employment, unless otherwise approved by City Manager, Mayor or Council.

Health and Wellness coverage is not offered at group rates to retirees or separated employees beyond those employees' COBRA period and election. Employees must be enrolled in medical, dental or vision in order to be eligible for COBRA at separation or retirement. Length of time for COBRA coverage is in accordance with all applicable laws. Payments are not made to the city. Payments for COBRA will be made to the carrier for this service directly. Failure to elect coverage during the appropriate time frame, or pay premiums on time can result in loss of eligibility or coverage.

## Article VII

### Hours Worked, Leave and Holiday's

- A. Hours Worked/Attendance: Each department director shall be responsible for setting the schedule of hours worked for employees within the department. Employees are expected to be at work in their assigned areas at the time determined by the department director.

Employees who call in sick, arrive late, or leave work earlier than scheduled are required to notify their department director or supervisor. In cases of calling in sick, employees should report absences no later than 30 minutes before the start of their shift. Employees should call to report absences personally. Family members should make the call for the employee only in cases where the employee is unable to make the call personally.

All employees that establish a pattern of habitual unapproved lateness (tardiness) or early quits (leaving before scheduled end of shift), may be subject to disciplinary action.

Any employee who fails to comply with this policy may be subject to disciplinary action. Additionally, employees who fail to report absences for three consecutive working days, will be considered abandoning their position and their employment may be separated.

- B. Holidays

The City of Thomaston observes eleven (11) Holiday's:

- New Year's Day
- Martin Luther King Jr. Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day and the Friday After Thanksgiving
- Christmas Day and the day before or after Christmas (City Manager determines)

All regular employees (non-shift including Police and Fire Chiefs) will receive eight hours (8) of pay for each holiday. If the holiday falls on a Saturday, typically the observed day will be Friday. If the holiday falls on Sunday, typically the observed day will be Monday. On holidays all non-essential city offices will be closed for business.

Essential services such as Fire and Police shift employees will maintain normal work shifts. If the employee works on a designated holiday, he or she will receive pay for hours worked and also receive pay for the same number of holiday hours. For example, Police officer on duty 12 hours on a holiday will be paid normal work hours and an additional 12 hours for the holiday. Essential services employees who are not scheduled to work on a holiday, will receive eight hours (8) pay for the holiday. All payments for holidays will be made during the payroll week in which the holiday falls.

Any non-essential employees called into work on a holiday will receive pay for the number of hours worked and the same amount for holiday pay similar to essential employees. Exception to this policy is all exempt level employees. Exempt level employees who work on a holiday will be allowed to flex time off at a time mutually agreeable with the City Manager.

C. Annual Leave (Vacation)

- 1) Eligibility: All regular full-time employees, after twelve consecutive calendar months of service accrue two (2) weeks of paid annual leave (vacation). The City Manager has the authority to negotiate annual leave for department heads based on experience at hire, to be put in payroll during the first twelve months. The City Manager has authority to authorize a maximum of 80 hours. All newly hired employees will automatically be given one (1) week of vacation added at hire to take until the employee’s anniversary date accrual. This one week of vacation is NOT payable if the employee separates prior to the employee’s one year anniversary date. Annual leave is accrued on an employee’s anniversary date. All part-time, temporary and seasonal employees are ineligible for this benefit (Existing part-time hired prior to January 1, 1995 are eligible for one (1) week of paid vacation).
  
- 2) Vacation Schedule: (consecutive years of service)

Length of Service	Regular Full-time Hours Earned	Fire Department Employees
1-9 Years	80	2 weeks *
10 – 15	120	3 weeks *
16	128	3 weeks + 12 hours *
17	136	3 weeks + 24 hours *
18	144	3 weeks + 36 hours *
19	152	3 weeks + 48 hours *
20+	160	4 weeks *

\*City payroll determined equivalent

- 3) Vacation Accumulation: Employees of the City of Thomaston are encouraged to take vacation leave following the year in which it is earned. A regular full-time employee (including the Fire & Police Chief & Captain for this policy) working in a department other than the fire department shift employees, may accumulate up to thirty (30) working days (240 hours). Time that is accumulated beyond the days/hours allowed will not be recorded. Fire shift employees may accumulate up to fifteen (15) working days (24 hour days) of vacation time (360 hours). Fire shift time that is accumulated beyond the days/hours allowed will not be recorded. No employee may receive pay in lieu of vacation time not taken except under the following circumstances:
  - a. Upon separation from the city according to the guideline set forth in this policy; or
  - b. If an employee is called in by order of his supervisor to work during a vacation period. In this circumstance, the employee will be paid for the hours worked and allowed to take an additional day of vacation for each day/hour in which he/she is called in.

In cases of business concerns, the City reserves the right with a review by the Human Resources Director and approval of the City Manager, to allow accumulations beyond the maximum provided in this policy. All requests of this nature must be in writing and contain all appropriate supporting documentation. This will only be permitted in cases where staffing would adversely be affected, and time left in the accumulation period would not be sufficient to schedule an alternate day. Department Directors must be mindful of employee accumulations and make every effort to ensure employees are allowed to take accumulated leave before the any time is not lost.

- 4) Requesting Vacation Time: Vacation leave will be granted based on the work load of the department and number of requests received. Department Director's decisions as to when leave may be or may not be granted will be final. All employees should request vacation leave time to the designated staff at least ten (10) working days prior to the date of the requested leave. Exceptions may be honored if work demands allow.
- 5) Transfer of Leave to another Employee: Employees may transfer a maximum of two days, within a two calendar year period, to an employee on medical leave for a major illness. A major illness shall be defined as an illness of a significant nature. It shall not include injury related to worker's compensation.

The accepting employee must have exhausted all accumulated leave time. Once the employee transfers the vacation leave, the employee donating the time shall never receive the time donated back. The receiving employee upon return to active duty shall utilize the remaining days.

D. Sick Leave :

Sick leave is not a right which the employee may use at his/her discretion. It is 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 doctor's certificate for each period of absence in excess of 3 calendar days per year. Employees who take sick leave inappropriately may be disciplined up to and including termination of employment.

- 1) Sick Leave definition: Sick leave is paid leave which may be granted to eligible employees who:
  - a. The employee is ill or injured,
  - b. The employee has a doctor or dentist appointment,
  - c. The employee is quarantined by a physician due to exposure to a contagious disease,
  - d. The employee has a personal emergency of a medical nature,
  - e. Immediate family illness or doctor appointment. Immediate family is defined as spouse, child, parent, or any relative living under the same roof or have legal responsibility of.
- 2) Sick Leave Accrual: Only Regular and shift full-time employees earn sick leave. Regular full-time employees accrue sick leave at a rate of eight (8) hours per month, for a total of twelve (12) 8 hour days per year. The cap of accumulated sick is thirty-six (36) days of sick at any time. Shift Fire employees (exclusive of the Fire Chief who is considered regular full-time), shall accrue sick leave at a rate of six (6) working days per calendar year with a maximum accumulation of eighteen (18) working

days per year. Working day is defined for Shift Fire employees as twenty-four hours (24). Sick leave accrual begins at date of employment, but may not be taken for six (6) months after initial hire date. Sick leave accruals will stop if any employee is on an unpaid leave of absence (non-FMLA).

- 3) Reporting Sick Leave: When employees are absent from work because of illness it is their responsibility to communicate daily with the appropriate supervisor within thirty (30) minutes of their designated start time for the day of the absence. They are expected to keep their supervisor informed on a regular basis. Failure to report absences appropriate may result in discipline for failure to follow instructions.
- 4) Sick Leave at Notice/Termination/Resignation/Retirement: Employees who have given notice of resignation/retirement shall not be paid any sick leave without a medical certification from a licensed medical provider showing the employee was unable to work on the dates missed. No employee upon separation from the City whether a retirement, voluntary resignation or termination shall receive payment for any unused sick leave.

E. Military Leave

It is the intent of the City of Thomaston to conform to the *Uniformed Services Employment and Reemployment Rights Act (USERRA)*. Any employee who participates in service in the uniformed services shall be entitled to a military leave of absence as provided for by USERRA and where applicable by Georgia Law.

When an employee receives orders to report to active military duty or training, the employee should provide his or her supervisor with a copy of the orders. The employee will be paid any hours required by law each federal fiscal year. Any additional hours of military duty will be unpaid. The employee may request, in writing, to receive vacation leave to supplement military pay to their full pay level. Employees may not use accrued sick leave for this purpose.

An employee returning from military service will be reinstated without loss of seniority provided he/she complies with the reemployment guidelines and maximum service guidelines set forth under USERRA and Georgia Law, where applicable.

F. Civil Leave

- 1) Jury Duty: All full-time and part-time employees shall be given necessary time off without loss of scheduled pay when performing jury duty. As soon as possible employees should provide their supervisor with all appropriate notices. The City of Thomaston will not pay for any required attendance on days/hours the employee is not scheduled to work. When serving on days scheduled to work, the City will pay regular salary only for the hours scheduled to work provided jury duty last the entire time. If jury duty ends before the end of the employees shift, the employee should call the supervisor for instructions, or report to duty to work the remainder of their shift. The employee must turn over the court payment to the City of Thomaston for all days the employee is paid by the City.
- 2) Subpoenas: When employees receive a subpoena as a witness, they should immediately notify their immediate supervisor. Only subpoenas for the City of Thomaston related business will be paid as if

worked. Individual non-city related subpoenas the employee will be allowed time off, but the employee must take vacation leave if available or the leave will be unpaid if no vacation leave is accrued.

G. Funeral/Bereavement:

Leave with pay will be granted for full-time employees up to a maximum of three – 8 hour days. A maximum of 24 hours is paid per employee in the event of the death of his/her immediate family. Immediate family in this situation is defined as the employee's spouse, child, step-child, parent, grand-parents, brother, sister, mother in-law, father in-law, grandparent in-law, brother in-law and sister in-law. Additional time, either unpaid or from the employee's vacation leave accrual, will be allowed if needed.

H. Family and Medical Leave:

The Family and Medical Leave Act (FMLA) of 1993 provides certain personal unpaid leave rights for eligible employees. All FMLA leave shall be made under the terms and conditions mandated by the Act, as it currently exists and may hereafter be amended. See Article VIII.

I. Unpaid Leave without Pay:

1. Leave without pay definition: When it is deemed in the best interest of a full-time employee, an unpaid leave for personal reasons, provided the leave is reviewed and has approval for the Department Director, Human Resources Director and the City Manager, may be approved. Part-time and temporary employees are not eligible for leave without pay.
2. Reasons for Leave without Pay: Valid reasons for a leave without pay shall include, but are not limited to, the following:
  - Illness or disability of the employee or a member of the employee's immediate family,
  - Educational or training enrichment that is related to the employee's position (not including City funded training),
  - Military Service.
3. Length of Leave: Leaves without pay will be granted only for the length of time needed and documentation provided for training, military service, or as certified necessary by a medical professional. Department Directors have the authority after a review of the leave request by the Human Resources Director, to approve leaves up to three (3) months in length. Any unpaid leaves (including those for individuals going on Long-Term Disability) longer than three (3) months in length must be reviewed and approved by the City Manager.
4. Procedure for Requesting Leave Without Pay: Employees who qualify for FMLA who do not have paid leave accrued will automatically be considered for leave without pay as soon as the department has knowledge of the illness requiring the leave only for the amount of FMLA protection available to them. Employees requesting leave for any other reason and those who will need time beyond FMLA protection must submit in writing a request for leave. This request

can be in letter form, but must include the reason for the leave and expected return date. A leave without pay will be only considered after the employee exhaust all available earned vacation leave.

5. Rights of Employee on Leave Without Pay:

- a. Reinstatement to former position: Employees granted leave without pay are protected under FMLA to the legal extent of that protection. Nothing in this policy changes an employee's "at will" employment status. The City will make every effort to return the employee to his/her former position and pay. However, the City is not required to do this. Department Directors wanting to fill positions in which employees are on unpaid leave: A) must contact the employee on leave and inform him or her of the need to fill the position and give the employee the opportunity to return to work; B) may fill the position temporarily until the end of the approved unpaid leave or; C) post the job and fill it with a replacement employee. The returning employee will only be allowed to return if a vacancy exists. Outside of the position which the employee held when the leave period began, the employee returning from unpaid leave would be required to apply through the posting procedures and he or she must meet the minimum qualifications for the position in which he or she applies. If no openings exist or the employee on unpaid leave does not return to work when expected at the end of the approved unpaid leave time, the employee will be considered to have voluntarily resigned.
- b. Continuity of Service: Employees granted a leave without pay shall not be considered to have effected a break in service, except as outlined below"
  - If the employee was under a probation status, the probation will be extended by the length of approved unpaid leave.
  - For the purposes of retirement benefits, breaks in service shall affect accumulated years of service for vesting and benefits calculations (Non-FMLA & Military).
  - For unpaid leaves (including W/C, FMLA and Military) the City of Thomaston will continue to pay city premiums for medical and dental in accordance to the current subsidy for eligible full-time employees, while still employed. Voluntary plans premiums elected are the employee's responsibility. All coverages at active rates end when employment ends. Appropriate COBRA will be offered.
  - Employees on approved unpaid leaves (Non-FMLA & Military) will not accrue sick or annual leave, and will not be paid for any Holiday that falls in the period of their unpaid leave.

## Article VIII

### Family and Medical Leave Act (FMLA)

A. Purpose:

The purpose of this policy is to define the City's position with respect to employees who need to miss work due to personal or family medical situations that qualify for Family and Medical Leave Act protections. The City of Thomaston is covered and complies with all aspects of the federal Family and Medical Leave Act of 1993.

B. FMLA Scope of Protection:

FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reason.

C. Eligibility:

Employees who have worked for the City of Thomaston for twelve (12) months (does not have to be consecutive but must be within a specific time period) and who have worked (does not include any paid but not worked periods) a minimum of 1250 hours during the twelve (12) months prior to requesting or needing FMLA protection are eligible for FMLA protection.

D. Entitlement:

Eligible employees may take up to twelve (12) weeks of leave within a twelve (12) month period for one or more of the following reasons (limitations may apply):

- A serious health condition that makes the employee unable to perform the essential functions of his/her position;
- The birth of a child or placement of a child with the employee for adoption or foster care;
- To care for a spouse, son\*, daughter\* (\*age restrictions apply), or parent who has a serious health condition;
- For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or called to cover active duty status;
- Additional time may be available to care for a covered service member with a serious injury or illness when the employee is the spouse, son, daughter, parent, or next of kin to the service member.

The City of Thomaston has elected to run FMLA on a rolling twelve (12) month period measured backwards from the date of the most recent request or need for covered FMLA Leave.

E. Notice Requirements:

Eligible employees requesting or who feel their absence qualifies for FMLA Leave should immediately contact the Human Resources Director to discuss how this leave applies and determine all needed certifications. Where the need for leave is foreseeable, the request must be submitted at least thirty (30) days prior to the desired beginning of the leave of absence.



Failure to give at least thirty (30) days' notice of foreseeable need may delay the start of the leave until this thirty (30) day notice is received by the City.

If the need for FMLA leave is not foreseeable, the employee must provide at least verbal notification to his/her supervisor within three (3) days of learning of the need for FMLA leave. In such an event, the employee must submit a written request for FMLA leave to the Human Resources Director as soon as practicable after giving verbal notice.

When an immediate absence of the employee occurs that could be covered under FMLA, the Human Resources Director will send notice to the employee asking for documentation and certification. The information requested must be returned by the deadline indicated or FMLA protection may be denied. (See bullet point F.)

F. Certification of FMLA Need:

In addition to providing notice of the need for leave, all eligible employees with a potential FMLA Leave need must provide certification of the need as a qualifying FMLA event. Only extremely obvious cases (employee gives birth or Worker's Comp qualifying cases) will Human Resources not request certification that the absence is FMLA qualifying.

Requests for certification must be provided within fifteen (15) days of the date of the request unless it is not practicable under the circumstances. If it is not practicable the employee should call Human Resources and discuss the reasons for the delay and gain approval for an extended time frame. Failure to provide certification may result in the employee's FMLA Leave protection being delayed, denied, or revoked.

The City of Thomaston does reserve the right to request additional medical opinions for the need for the FMLA protected leave. This is done under the provisions of the Family and Medical Leave Act guidelines.

G. Intermittent Leave:

Family and Medical Leave Act leave is intended to be taken in a single block of time. However, certain circumstances to permit FMLA be taken intermittently or on a reduced work schedule basis. In these cases employees should meet with the Human Resources Director to discuss if their circumstance allows this benefit.

H. Paid Time and FMLA:

FMLA by regulation is unpaid time. Under the regulation employers are allowed to require concurrent running of paid benefits, (i.e. Sick and vacation), along with the unpaid FMLA job protection. Employees who are taking FMLA Leave (except for Workers Comp) will be required to take any sick time earned, followed by earned vacation time.

I. Workers Compensation and FMLA:

Unpaid FMLA job protection will run concurrently with all qualified Worker's Compensation injury absences. Employees on Worker Compensation leaves are not required to take paid time benefits such as sick and vacation leave. They may elect to take a small amount of paid time benefits earned to assist in payment of insurance premiums. At no time, can the additional pay

along with the workers compensation pay bring the employees earnings above their normal weekly earnings. Human Resources can assist in making these calculations.

J. Benefits:

The City of Thomaston will continue all benefits for employees while FMLA leave is entitled.

K. Return to Work:

Employees are expected to return to work on the date specified by his/her medical provider in the certification. If he/she is unable, they must provide the City with a new certification. Some positions (i.e. safety sensitive), may require fit for duty certifications prior to returning to active work. In all cases where the employee has been on FMLA leave, the employee should provide their supervisor with a return to work certification by a licensed medical professional.

L. FMLA and Termination/Resignations:

If an employee does not return to work when his/her certified FMLA Leave is exhausted or he/she has exhausted all FMLA entitlement for the twelve (12) week period for which he or she was qualified, the City of Thomaston may terminate employment effective with the first shift scheduled for the employee after the expiration of the FMLA leave certification or entitlement.

Employees may apply for an extended unpaid leave if additional time is required and the City approves the leave. See Article VII to determine steps for requesting this leave. The leave, however, is no longer considered FMLA unless the employee returns to work and has the hours worked to qualify for a new FMLA entitlement.

Employees are responsible for the full cost of all benefits (even those previously paid by the City) after employment ends. Failure to pay elected COBRA premiums on a timely manner will result in loss of coverage.

## Article IX

### Employee Performance

#### A. Purpose

The City of Thomaston is at "At Will" employer. The information in this section is a guide for employees and City Leadership with regards to coaching the best from every employee and making performance expectations known. No information in this section should be considered to give any city employees property rights to their positions, ranks, or any other benefit of employment with the City of Thomaston.

#### B. Unsatisfactory/Unacceptable Actions

City of Thomaston employees are expected to perform the essential duties of the position in which they were hired. It is important that employees communicate freely and frequently with supervisors when issues arise that prevent satisfactory performance. Disciplinary actions will be determined by the circumstances, severity of the issue and past performance of the employee.

Examples of conduct by employees that is considered inappropriate or unsatisfactory includes but is not limited to:

- Incompetence or inefficiency in performance of work related duties;
- Excessive unexcused absenteeism and/or chronic tardiness;
- Insubordination, uncooperative attitude of any official order given by a City of Thomaston director or supervisor;
- Failure to follow appropriate chain of command (Article III exceptions may apply);
- Conviction of a crime involving moral turpitude;
- Abuse or misuse of City property;
- Failure to maintain credentials, certifications, licenses or other requirements necessary to carry out the duties of employment;
- Willfully making false statements on official documents (including but not limited to applications, benefits applications, and other official documents), to directors, supervisors, officials or to the public;
- Any violation of City ordinances, policies, administrative regulations or department rules;
- Inappropriate use or possession of alcoholic beverages or illegal drugs while on duty or on City property;
- Acceptance of cash gifts or non-monetary gifts of more than \$100, from the public, vendors and/or suppliers of the City;
- Refusal to submit to required pre and post screens (including but not limited to random and accident);
- Participation in prohibited political activities;
- Conduct during or outside of duty hours which is incompatible with good public service;
- Discourteous treatment of the public or fellow employees, which includes physical or verbal mistreatment;
- Bullying, as well as, any retaliatory or harassing behavior;

- Fighting or extreme horseplay while on duty or any conduct that may endanger the employee, other city employees, the public, or public or private property;
- Failure to cooperate in an investigation;
- Sleeping on the job (excluding permitted sleep times in the Fire Department);
- Job abandonment (defined as failure to report absences, leaving work early without notifying department supervisor, or being outside assigned work area during work hours without permission from department supervisor);
- Other.

#### C. Disciplinary Actions

Department Directors and supervisors may use any disciplinary action they deem appropriate given the severity of the circumstances, and past performance. Some positions (supervisory) have a high expectation of performance which will define the severity differently than other employees doing the same thing. Employees should communicate freely with department directors and supervisors so expectations are clear, hence providing the best opportunity for success in their performance. All disciplinary action should be taken, as appropriate, as soon as possible after the supervisor has knowledge of the issue. All discipline should be documented as a matter of record in the employee personnel file. The types of disciplinary action that may be imposed includes:

1. Oral Reprimand (Verbal counseling) – Formal and informal conferences between directors, supervisors and the employee outlining the need for improvement.
2. Written Reprimand (Written counseling) - A written notice of unsatisfactory performance or action(s).
3. Suspension with pay - Alleged Infractions where the severity of the infraction leads to the employee being relieved of duty with pay while an investigation into the situation is conducted. Human Resources and the City Manager should be informed of this discipline along with the reasons for this action.
4. Suspension without Pay - Infractions where the severity of the infraction warrants the employee being relieved of duty without pay. The length of the suspension will be determined by the facts of the case. Department directors are required to notify Human Resources and the City Manager prior to imposing this action.
5. Demotion – Infractions of insufficient performance, loss of required licenses, failure to pass required tests or other non-discriminatory reasons.
6. Termination - Infractions where the department director determines the best interest of the City of Thomaston leads to the employee’s employment being terminated based on severity of the misconduct, frequency of the misconduct, etc. Department Directors must obtain a review by the Human Resources Director and approval of the City Manager prior to taking this action.

#### D. Availability of Name-Clearing Hearing

All city employees who are subject to discipline accompanied by the placement of stigmatizing information in their personnel files shall have an opportunity for a name-clearing hearing. Additionally, former employees are entitled to an opportunity to be heard prior to placement of stigmatizing information in their personnel files. Stigmatizing information impairs the employee’s reputation for

honest or morality, such as lying on a report or employment form, theft, taking or selling illegal drugs, prostitution, sexual harassment, accepting kickbacks or favors as a public employee, cheating on a test. This list is not inclusive. "Stigmatizing information" does not include absenteeism, tardiness, horseplay, incompetence, neglect of duty, or disputing supervisory authority.

1. Notice: Before any information is placed in the employee's or former employee's file, the employee's supervisor or other disciplinary authority shall deliver to the employee a written notice describing the information the city proposes to place in the employee's personnel file and informing the employee of the time and place of a meeting at which the employee may respond to the information. The written notice shall be delivered to the employee within a reasonable time prior to the meeting. Except in the case of emergency, the city shall provide a minimum of three business days' notice. The notice shall advise the employee that if he or she fails to attend the meeting, a document outlining the disciplinary action will be placed in the employee's personnel file.
2. Opportunity to Be Heard: The City Manager or his or her designee shall schedule a meeting for the purpose of allowing the employee to present his or her version of the subject events and any mitigating or previously unknown circumstances. Witnesses are not allowed except upon mutual agreement. While the employee is not required to attend the meeting, a document outlining the disciplinary action will be placed in the employee's personnel file if he or she fails to appear.
3. Decision: Subsequent to the scheduled meeting, ideally within ten (10) business days after the meeting date but after an opportunity to fully consider the record, the city representative holding the meeting will respond to the employee, in writing, with the results of the meeting.

E. Employee Evaluations:

Employees shall have formal performance evaluations at minimum annually. Employees should also receive a post probationary evaluation. These evaluations will be completed and covered with employees and are designed to encourage position performance, coach improvement when needed, and inform employees of areas in which they excel and of those where they need improvement. The evaluator will send performance evaluations to the Human Resources Director prior to covering with the employee to ensure consistency. Once reviewed, the department will cover the evaluation with the employee and have the employee sign the evaluation form. This signature does not represent agreement with the contents. Rather, the signature acknowledges the information has been covered with the employee.

## Article X

### Grievances

A. Definition:

In all cases, it is felt best to deal with complaints and issues in an informal manner (Verbally). Employees are encouraged to speak freely to supervisors, department directors, Human Resources and the City Manager about issues in an effort to solve them prior to filing any formal grievance.

A formal grievance may be filed if the informal manner fails. An employee may file a formal grievance regarding a complaint based on an event or condition which affects the circumstances under which the employee works. Such situation may allegedly be caused by misinterpretation, unfair application, or lack of established guidelines pertaining the employment conditions. A grievance, for example, might involve an alleged safety hazard, alleged unjust treatment by co-worker or supervisor, unreasonable work assignments or lack of equipment, or other grievances related to conditions of employment.

Any City employee, full-time, part-time and probationary may file a grievance. Failure to follow steps outlined below will result in a denial or dismissal of the grievance.

B. Procedure

City employees who wish to file a grievance shall follow the procedures set forth herein.

Step One: The employee with a formal grievance shall present the matter in writing to his or her immediate supervisor within ten (10) calendar days of its occurrence or within ten (10) days of the time the employee learns of the issue. The objective is to resolve the issue at this level. The supervisor will meet with the employee, determine the facts necessary to reach an impartial determination and shall respond in writing to the employee within ten (10) calendar days of receiving the grievance. This step may be skipped if the grievance is concerning the alleged discriminatory actions of the supervisor.

Step Two: If the grievance is concerning alleged discriminatory actions of the supervisor or if the supervisor's response is not considered satisfactory by the employee who presented the grievance, or the grievance was not answered in a timely manner, the employee may submit the grievance with in ten (10) calendar days of the supervisors written response or response deadline, in writing, to the department director. The department director shall meet with the employee and perform any necessary investigation needed in order to render a decision on the grievance. The department director shall render a decision as soon as possible (typically within ten (10) days unless work demands prevent meeting this deadline).

Step Three: If the Department Director's decision or response is not satisfactory, or the department director fails to respond or communicate a relay in response within ten (10) days, the employee may submit the grievance, in writing, to the Human Resources Director. The Human Resources Director will do an investigation and will render a decision, in writing, as soon as possible after the grievance is submitted to him/her. The Human Resources Director will inform the City Manager of the grievance and decision prior to publication of a decision. The City Manager will have input into the decision.

## Article XI

### Reduction In Work Force

A. Purpose:

In the event that a reduction in work force becomes necessary, consideration shall be given to the quality of each employee's past performance, organizational needs, and seniority in determining those employees retained.

B. Procedure:

Employees that are laid off because of a reduction in work force shall be given as much notice as possible of the anticipated lay-off. Part-Time or Temporary employees in the same classification will be laid off first prior to any regular full-time lay-offs. The order for lay-off consider in each classification will be:

- Department
- Job Classification
- Part-time or Temporary in each job classification
- Employees with documented performance issues in each job classification
- Seniority (least senior first)

C. Severance Pay:

Any time the City of Thomaston reduces its work force or eliminates a position, the city shall pay the affected employee a severance package equal to two (2) weeks of pay for every whole year of service, with a maximum package of twelve (12) weeks of pay.

A fractional year of service of less than six months shall entitle the employee to one week of pay, and a fractional year of service of six months or more shall entitle the employee to two (2) weeks' pay, subject to the maximum set forth above.

The package shall also include the payment of the individual's health insurance premiums, under COBRA, at the same level that they would have been paid as a city employee. The City of Thomaston will pay one (1) month of the premiums, under COBRA, for every four (4) weeks of severance pay or fraction thereof. For example, an employee that receives six (6) weeks of severance pay shall have two (2) months of COBRA insurance premium paid.

COBRA reimbursement will be paid directly to the employee. Upon signing up for COBRA it is the employee's responsibility to make the appropriate payments to the COBRA carrier. In the event that the employee does not participate in the city's health insurance plan, the employee shall be paid cash sum equivalent to the COBRA payment.

To receive this severance package the employee accepts the terms set forth in the City's general release and waiver of rights agreement. The employee will be asked to sign this agreement at the time of lay off.

## Article XII

### Drug Free Policy

A. Purpose:

The City of Thomaston has zero-tolerance policy for illegal drug use and alcohol abuse in the workplace. The City of Thomaston is committed to protecting the safety, health and well-being of all employees and other individuals in our workplace. The City has established a drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment. As a condition of employment with the City of Thomaston, all employees must adhere to a strict policy regarding the use and possession of drugs and alcohol. This organization encourages employees to voluntarily seek help with drug and alcohol problems

B. Covered Employees:

Any individual who is applying for a position, or is employed by the City of Thomaston, is covered in our drug-free workplace policy. Our policy includes department directors, supervisors, full-time employees, part-time employees, volunteers, interns and applicants under consideration for employment. This policy applies during all working hours including paid on-call.

C. Prohibited Behavior:

It is a violation of our drug-free for any employee to engage in the manufacture, distribution, dispensation, possession, or use any illegal drug or intoxicants while on City property. The possession of prescription drugs with the intent to sell, trade, give or change those drugs is also prohibited.

D. Duty to Report:

Any employee who is cited, arrested, indicted, or convicted of any federal or state criminal or alcohol violation must notify the Human Resources Director within 24 hours or the next business day following the incident.

E. Random Drug Testing:

All safety sensitive positions in the City of Thomaston are subject to random drug testing. Safety Sensitive is defined to include:

- All employees required to be certified by the Georgia Peace Officer Standards and Training Council;
- All employees who drive City cars and trucks (or personal cars/trucks on city business), tractors, backhoes, mowers, or run equipment or work with electrical, water, or paving and street maintenance.

These positions will be entered into a random pool. When an employee's name is selected the employee must immediately (upon notification) report to the designated medical facility and participate in a urine drug screen.



F. Post-Accident Testing:

All employees involved in an accident while on duty, regardless of who was at fault in the accident, will be sent for both a drug and alcohol screen. Involved in an accident means that the employee was in, or in control of the vehicle or piece of equipment, at the time of the accident. Passengers will not be tested unless in the accident investigation it is determined the employee passengers affected the person in control of the vehicle or equipment. Additionally, employees whose equipment or vehicles are involved in an accident while the vehicle or equipment was not occupied, will not be tested unless the Police report shows that the vehicle or equipment left unmanned in its location caused the accident.

In all cases, if a city employee is involved in an accident involving another vehicle, a Police Report should be made. City of Thomaston Police may administer the alcohol screen at the scene and forward those results directly to the Human Resources Director. If the accident involves City of Thomaston Police, Georgia State Patrol or other applicable Policing agency should be called to complete the report.

For means of alcohol testing, "intoxication from alcohol" means any concentration of blood alcohol level of 0.04 or greater as indicated by an alcohol screen test.

Note: Workers Compensation benefits if the injury is determined to have resulted from intoxication from alcohol and/or an illicit controlled substance (including marijuana), may be denied. For that reason, the City reserves the right to test employees seeking medical treatment for any Worker's Compensation injury.

G. Reasonable Suspicion Testing:

The City of Thomaston reserves the right to require an employee submit to a illegal drug and/or alcohol screening for "cause" . "Cause" shall be deemed to mean:

- Unusual behavior, unsteady muscle reactions, the odor of alcohol on or about the employee's breath or person, slow reaction to stimuli, inappropriate behavior, slurred speech;
- A report of substance abuse by a reliable and credible source;
- Evidence that the employee has tampered with or attempted to tamper with any data in order to avoid a drug or alcohol screen;
- Credible evidence that an employee has used, possessed, sold, solicited or transferred illegal drugs while at work, on City property, or while operating city vehicles, machinery or equipment;
- or
- Any other behavior that may reasonably indicate an employee could be under the influence of illegal drugs or alcohol as drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience.

H. Testing:

Employees will be given documentation to take with them to the authorized testing site. In the case of reasonable suspicion, the employee should be driven to the collection site and then placed on administrative leave with pay pending the results. All tests will be conducted according to all applicable guidelines. This will include the involvement of a Medical Review Officer for all non-negative tests, who will give the employee the opportunity to offer a medical explanation for the non-negative results.

I. Consequences:

The drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and drug problems. If, however, an employee violates the policy, the consequences are serious. Any employee that is subject to drug and alcohol testing by virtue of all sections of this policy, who produces a positive drug screen or an alcohol level of 0.04 or greater shall be notified of the confirmed results and shall have their employment with the City of Thomaston terminated. Admission of a problem after the fact, or when the employee believes they are about to be subject to testing, will not stop the testing once it is in process and will not stop the termination of employment.

Any employee who fails to provide the body fluid or otherwise refuses to submit to a required drug or alcohol screen when requested to do so, or who attempts to avoid/evade will be told refusal will be grounds for termination. If they do not test, they will be terminated.

All applicants who test positive for illegal drugs will have the offer of employment withdrawn.

J. Training:

The Human Resources Director will arrange for training for all directors and supervisors on drug-free awareness if this training is not already provided by other agencies (i.e. P.O.S.T. or other training group).

K. Employee Assistance:

Employees who want assistance with a drug or alcohol problem may use the City's Employee Assistance Program or if they elect medical insurance, and the issue is covered, seek assistance from their licensed medical professional.

L. Confidentiality:

To the extent reasonable and possible all information received by the City of Thomaston regarding screen results is confidential communication. Access to this information is limited to those who have a legitimate need to know or as is required by law.

## Article XIII

### Safety

A. Purpose:

To provide a safe working environment that protects the City of Thomaston employee and residents along with city assets.

B. Responsibilities:

All employees are responsible for the safety of themselves and their co-workers. All employees shall:

- Exercise due care in the course of performing assigned duties to prevent injury to themselves, their fellow workers, to the general public and to prevent damage to city and private property.
- Maintain an alert and business like attitude at all times.
- Report all accidents to immediate supervisors as soon as the accident or injury occurs.
- Avoid engaging in horseplay or practical jokes.
- Report all unsafe conditions immediately.
- Obey all laws pertaining to operating vehicles, pedestrian traffic and etc.
- Wear protective equipment as needed.
- Operate only machinery and equipment which they have been trained to operate.
- Use proper tools and equipment for the job that is being performed.
- Learn safe lifting procedures.
- Dress safely and sensibly for the job that is being performed.
- Perform safety checks of vehicles and equipment.
- Wear seat belts when operating moving vehicles or equipment.
- 

C. Fitness For Duty:

The City of Thomaston reserves the right to require a medical or psychological fitness for duty for the following:

- Return from medical leave of more than three (3) days.
- Observed behaviors that could place the employee, other employees, city equipment, or residents at risk.

All tests required by a City directed fitness for duty will be paid for by the City using City authorized licensed medical providers. Should the City authorized licensed medical provider indicate a medical or psychological concern, the employee will be referred to his/her private physician. These referrals will be at the employee's insurance/co-insurance payment and the employee will not be allowed to return to work until a release to duty from the treating licensed medical provider is received by the City.

D. Motor Vehicles:

Regardless of the employee classification or the amount of time a city employee drives a city-owned vehicle, all employees are responsible for the proper care and operation of the assigned vehicle(s). Every employee who drives a city-owned vehicle is responsible for obeying all traffic laws and for compliance with this section of the safety policy.

1. **Licenses**- All drivers of any vehicle for business regardless to the amount of time, must have a valid Georgia Driver's License. Any and all restrictions placed on the employee by the license must be adhered to when driving. Employees must report loss of licenses if position requires driving.
  
2. **Motor Vehicle Record Checks (MVR)** – The City checks a 36 month MVR record at hire. Additionally, the City may at its discretion perform 36 month MVR on any employee who drives a vehicle in connection with their position, regardless whether city or personal, and regardless to the amount of driving performed. The following violations within a 36 month period will disqualify the employee to drive a city vehicle:
  - Has been convicted of a vehicular felony.
  - Has been convicted of an illegal drug-related offense while driving.
  - Has had their driver's license suspended or revoked for a moving violation.
  - Has been convicted of three (3) or more speeding violations or one (1) or more other serious violations (reckless driving, racing, etc.).
  - Has been found at fault in three (3) or more accidents (mitigating circumstance shall be considered in accidents involving emergency vehicles responding to calls).
  - Has been convicted of one (1) DUI offense or has twice pleaded "nolo contendere" to DUI offenses.
  - Is not eligible for coverage under the City's auto liability policy.
  
3. **Seat Belts: Seat belts shall be worn at all times by all drivers and passengers riding in all city vehicles. (This includes off-road, construction vehicles, mowers and any other machinery which is equipped with a seat belt or other restraint).**

E. **Fire Safety & Evacuation**

Each department director should review the exits and procedures for evacuation in case of a fire in the building. Department Directors should be able to inform Fire Services of any missing employees (those who were in the building).

- Stay calm. Do not panic.
- Do not use elevators.
- Exit using the closest exit possible. Know where alternate exits are in case the closest is blocked. Exit quickly as possible.
- Stay low if rooms have smoke in them.
- Have an area all employees are told to meet at outside.
- Stay outside until the all clear is given.

Housekeeping is a big part of Fire prevention:

- Don't store hazardous combustible materials unsafely.
- Report loose and worn wiring.
- Keep trash picked up and in the proper place.
- No smoking in any city buildings.
- Report unusual undetermined smells (smoke, chemical or etc.) in buildings.

F. Tornado Safety:

Department Directors should ensure all employees in their department are aware where the safe area for their building, in case of a tornado warning. If alarms sound indicating a tornado warning, all employees should immediately go to the buildings safe area. Safe areas are typically a basement, interior room or interior hallway. Stay away from windows. If on the road, get out of the vehicle and off machinery and immediately seek shelter in the closest building. If no building is close, lie flat in a nearby ditch or depression and cover your head with your arms. Do not get under an overpass or bridge. After a tornado, once it is safe to move around, be sure to watch for downed power lines, broken glass and any other hazardous condition.

G. Weapons:

The City of Thomaston complies with all state laws regarding weapons. While the City discourages employees (except for Law Enforcement personnel) from possessing a weapon at work provided the employee has the legal right to carry the weapon, it will be permitted.

## Article XIV

### Travel/Take Home Vehicles

A. Purpose

The purpose of this policy is to provide guidelines with respect to travel expenses, allowed take home vehicles, and local business travel of city employees for the City of Thomaston.

B. Travel

Travel is typically for approved travel to training, seminars, conferences, or meetings outside of the boundaries of the City of Thomaston. City Employees who are traveling on business must have approval of the travel and the expenses for such travel must be budgeted. Any unbudgeted travel requires the City Manager's approval before making plans to attend. Travel time to and from locations is not compensated.

Allowed expenses when travel is authorized:

- Air Travel - This should be very rare and only for travel beyond 200 mile trips. It is limited to coach class rates.
- Automobile (Personal) – When City vehicles are not available, personal vehicles mileage will be paid at a rate per mile at the current IRS mileage rate. Auto travelers are expected to keep accurate records of mileage driven.
- Hotel/Motel – The City of Thomaston will pay overnight stay provided the distance of the reason for travel is more than 70 miles from the employees starting and ending origin. Rates at Hotel/Motels used for sponsored events, will be allowed provided the rate does not exceed \$150 per night (unless approved by City Manager). The City of Thomaston is exempt from all taxes when staying in Hotel/Motels in the State of Georgia. Employees are expected to obtain the appropriate tax exempt forms and provide those to Georgia Hotel/Motels. If the employee fails to obtain the exempt form or fails to provide it to the Hotel/Motel, and taxes are charged, the employee is responsible for those charges. Additionally, the employee is responsible for all extra charges (movies, etc..) charged to his/her hotel/motel room.
- Food - Travelers are expected to take advantage of all meals included in the conferences, meetings. Other meals are not expected to exceed:
  - Breakfast - \$10.00
  - Lunch - \$15.00
  - Dinner - \$25.00

At no time will the City reimburse any charges for alcoholic beverages. Receipts are expected. If receipts are not attached, the schedule above is the maximum that will be reimbursed. Employees that repeatedly do not provide receipts will be counselled and may not be allowed to continue business travel. A lost receipt should be an exception. This is not a per diem allowance.

- Miscellaneous Expenses and rules
  - Tips should not exceed 20%
  - The City will not pay for entertainment expenses while traveling
  - In-room movies are not a covered expense
  - Receipts are expected
  - The City is not responsible for losses or damage to the Hotel/Motel Room

- Reasonable parking fees will be paid as necessary
- Employees at conferences are expected to represent the City in a professional manner
- Spouse or others - No expenses for any additional traveler with the employee will be paid. It is permitted that another person may share the Hotel/Motel room with the employee and may travel in the City vehicle, if used, to and from the event. The employee is responsible for all damage caused by this additional individual, if it occurs.
- Advance Funding - Travelers who do not have access to a City credit card, may draw an advance based on expected expenses one week prior to the travel. If the employee does not travel as expected, the entire amount is expected to be repaid to the City immediately.
- Accountability- Employees are required within three (3) business days of return from business travel to submit to the Finance department a full disclosure of expenses and receipts. If the City owes the employee, the Finance department will pay owed funds during the next normal check run. If the employee owes the City, the employee is expected to pay the City when they submit the disclosure of expenses and receipts.

C. Take Home Vehicles

The City Manager has the authority to determine who in the City is permitted take home vehicles. Decisions on who will be allowed a take home vehicle will be based on business reasons. Employees understand they have no property right to the vehicle or employment right to the ability to have a take home vehicle.

If employees are granted take home vehicles, the following guidelines apply:

- The employee must have a valid Georgia driver's license. A loss of license immediately revokes any approval of a take home car and must be disclosed immediately.
- The employee must obey all traffic laws. A DUI or reckless driving charge revokes any approval of a take home car and must be disclosed immediately. Failure to disclose such charge may subject the employee to discipline up to and including termination.
- The car should not be driven for personal reasons. (Some on-call & Police exceptions may apply. Police should refer to Police Standard Operating Procedures).
- No non-employees should be transported without prior approval (such as on business travel situations. Some Police exceptions apply see Police Standard Operating Procedures).
- The employee must keep the vehicle clean.
- The employee must inspect at minimum the lights, brakes, tires, and general operation of the car daily and report all issues immediately.
- The car should not be driven more than 35 miles outside City of Thomaston City limits.
- Gas should be obtained only at City of Thomaston authorized facilities.
- If the employee is granted a take home vehicle for any other reason than business, the employee will have the cost of the fringe benefit added to his/her payroll in accordance with IRS regulation.

## Article XV

### Computer and Communication System Usage

A. Purpose:

Internet, E-mail and phone services are provided by the City of Thomaston to those employees who need it to support the open communication and exchange of information. Although access to information and technology is essential to the mission of the City, the use of such is a revocable privilege. Conformance with acceptable use, as expressed in this section, is required by all employees.

All internet, email and phone services provided by the City of Thomaston are presumed to be work related. While the City understands that on occasion employees may use these services for personal use, that personal use should never interfere with work performance and should be kept to a minimum (breaks and lunch). Additionally, no unacceptable usage whether work related or personal, is allowed (as defined in in this section).

Employees have no property right to any information, searches, data or other contained on all City internet, E-mail, and City issued phone lines. The City reserves the right to inspect computers or phones as determined appropriate.

B. Acceptable Uses of Internet, E-mail and phones

1. Communication and informational exchange directly related to the mission, charter, or work tasks of City of Thomaston departments.
2. Communication and exchange for professional development to maintain current training or education, or to discuss issues related to work related research.
3. Use for advisory, standards, research, and analysis of work related duties.
4. Announcements for new regulations, ordinances, procedures, policies, rules, services, programs, information or city activities.
5. Any other City of Thomaston administrative communication, ensuring confidentiality is maintained.

C. Unacceptable Uses of Internet, E-mail and phones

1. Any use for any purpose that violates any federal, state, or local law.
2. Use for purposes not directly related to the mission, charter, or work tasks of the City of Thomaston
3. Use for private business, including commercial advertising.
4. Use for, access to, or distribution of offensive materials (Police investigations may support this use during the course of an active investigation).
5. Use for games that have no bearing on the mission of the department. Some activities and games are used for training purposes.
6. Any use that interferes with or disrupts other network users, services or equipment.
7. Intentionally to seek out information on, to obtain copies of, or to modify files and other data which is confidential under federal, state, or local law unless specifically authorized.
8. No intentional copying of software, electronic files, programs or data unless you are authorized to do so and all copyrighted materials have permissions granted.



9. Exchanges of user names and passwords (except to the department head or his/her designee, who should maintain this confidential record).
10. Intentionally use to represent themselves electronically as other persons to gain access to programs or files (Active Police investigations may support this use).
11. Use for campaigning activities
12. Any use of that disrupts the performance of the employee.

Disciplinary action may be taken for any improper or inappropriate use of City of Thomaston computers or city issued phone or phone lines. Discipline will be up to and including termination of employment.

D. Facebook/Social Media

The City of Thomaston does not interfere with the personal rights of employees. At no time will the City require employees to provide passwords to Facebook accounts. Employees, however, are strongly discouraged from disclosing their status as a City of Thomaston employee. At no time should employees imply directly or indirectly they represent the City of Thomaston on personal sites. Employees who do identify themselves as City employees (including appearing in uniform) and then participate in activities that are illegal or not in keeping with good public service, post demeaning or disparaging remarks about another employee, management or groups, post racially derogatory or other hateful or disparaging comments, or endorse abuse of alcohol or drugs, will be subject to discipline up to and including termination of employment.

E. Privacy

Employees should be aware that social media activity is not secure or private, even when steps are taken to restrict access. Employees have no expectation of privacy and the City of Thomaston has the right to inspect or monitor any social media activity engaged in by its employees using City-owned computers and other electronic equipment or devices. City employees will be required to cooperate and provide passwords to any equipment and/or devices issued by the City, and to access programs on those devices, when the City leadership determines it desires to perform audits with or without cause.

CITY OF THOMASTON  
MAYOR AND CITY COUNCIL

**RESOLUTION**

*Employee Personnel Policies*

**WHEREAS**, the City of Thomaston Mayor and Council recognizes the need for a Personnel Policy Manual for the purpose of guidance and proper administration of the general rules to be followed by City employees, and to ensure the fair treatment of all City employees; and

**WHEREAS**, the City of Thomaston Mayor and Council acknowledges the current City of Thomaston Personnel Policy Manual was in need of a update; and

**WHEREAS**, the office of the City Manager, in cooperation with the Human Resources Director and Department Directors, and review of City Legal, has assembled a proposed Personnel Policies Manual to replace and supersede any and all previous versions;

**NOW THEREFORE BE IT RESOLVED THAT** the City of Thomaston Mayor and Council are in agreement with the provision made therein, and hereby authorizes the Mayor to sign this Resolution adopting this updated Personnel Policies Manual.

**BE IT FURTHER RESOLVED** this Personnel Policies Manual shall become effective immediately upon adoption.

This, the \_\_\_\_ day of \_\_\_\_\_, 2016.

CITY OF THOMASTON CITY COUNCIL

BY: \_\_\_\_\_  
JD Stallings – Mayor

ATTEST:

\_\_\_\_\_  
Clint Chastain – City Clerk

# City of Thomaston, GA

## Acknowledgement Form

I have received a copy of the Personnel Policy (“Policy”) for the City of Thomaston (“City”) and accept responsibility for reading the Policy and becoming familiar with its contents. I acknowledge that the Policy contains an Equal Employment Opportunity Policy (“EEO Policy”) that prohibits discrimination, harassment, and retaliation in the workplace, and that if I believe I have experienced or witnessed any conduct in violation of that policy, I am to report such conduct using the Complaint Procedure therein. I acknowledge that I am responsible for complying with the expectations and policies in the Policy, and that my violation of any expectation or policy therein may subject me to disciplinary action, up to and including termination of employment.

I understand that the Policy is only intended as an advisory guide to assist with the management of personnel issues for the City, and is not intended to address every situation that may arise or to create specific policy to be applied in every instance. The provisions and guidelines in the Policy are not binding on the City and may be changed, interpreted, modified, revoked, suspended, terminated, or added to by the City at any time, at the City’s sole option, and without prior notice. No past practices or procedures, whether oral or written, form any express or implied agreement to continue such practices or procedures.

I acknowledge that nothing in the Policy is intended to create, comprise, or define, nor should it be construed to constitute, any type of oral or written employment contract, promise, or guarantee, express or implied, between the City and any one or all of its employees. All employees of the City are employed “at will” and may quit or be terminated at any time for any reason. Nothing in the Policy provides me with any assurance of, or property right in, employment or continued employment with the City. In the absence of a specific agreement to the contrary, authorized in writing by the Mayor, my employment with and compensation from the City are for no definite period of time and may be terminated by me or the City at any time, for any reason, with or without cause, and with or without notice. I understand that any written or oral statements or promises to the contrary are hereby expressly disavowed and are not relied upon by me.

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Signature

Witness

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Print name

Print name

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Date

Title