



City of Hogansville

City Council

Regular Meeting Agenda

Monday, March 4, 2024 – 7:00 pm

Meeting will be held at Hogansville City Hall,

111 High Street, Hogansville, GA 30230

Mayor: Jake Ayers	2025	City Manager: Lisa E. Kelly
Council Post 1: Michael Taylor, Jr *	2025	Assistant City Manager: Niles Ford
Council Post 2: Matthew Morgan	2025	City Attorney: Alex Dixon
Council Post 3: Mandy Neese	2027	Chief of Police: Jeffrey Sheppard
Council Post 4: Mark Ayers	2027	City Clerk: LeAnn Lehigh
Council Post 5: Kandis Strickland	2027	* Mayor Pro-Tem

Regular Meeting – 7:00 pm

1. Call to Order – Mayor Pro-Tem Michael Taylor
2. Invocation & Pledge

Consent Agenda

All items listed under the Consent Agenda are considered to be routine in nature and will be approved by one blanket motion.

1. Approval of Agenda: Regular Meeting March 4, 2024
2. Approval of Minutes: Regular Meeting February 19, 2024
3. Approval of Minutes: Work Session Meeting February 19, 2024

Presentation

1. Certificate of Recognition – Mayor Pro-Tem Michael Taylor
2. Hogansville Basketball Champions – 11-13 Year Old Hogansville Bucks
3. Callaway Wrestling State Champion – Jojo Shuman

New Business

1. Ordinance - 1st Reading – Rezoning 228 Acres on E. Main Street ESR to CRMX
2. Ordinance – 1st Reading – Text Amendments UDO – Planning Commission Terms
3. Ordinance – 1st Reading – Text Amendment UDO – Vinyl Siding
4. Resolution – Authorization to Apply – 2024 CDBG
5. Adoption of Connection Fees
6. Financial Services – Davenport & Company
7. Approval to Purchase and Install Playground at Strozier Park
8. HR Policy Adoption

City Manager's Report

Chief of Police Report

Council Member Reports

1. Council Member Taylor
2. Council Member Morgan
3. Council Member Neese
4. Council Member Ayers
5. Council Member Strickland

Mayor's Report

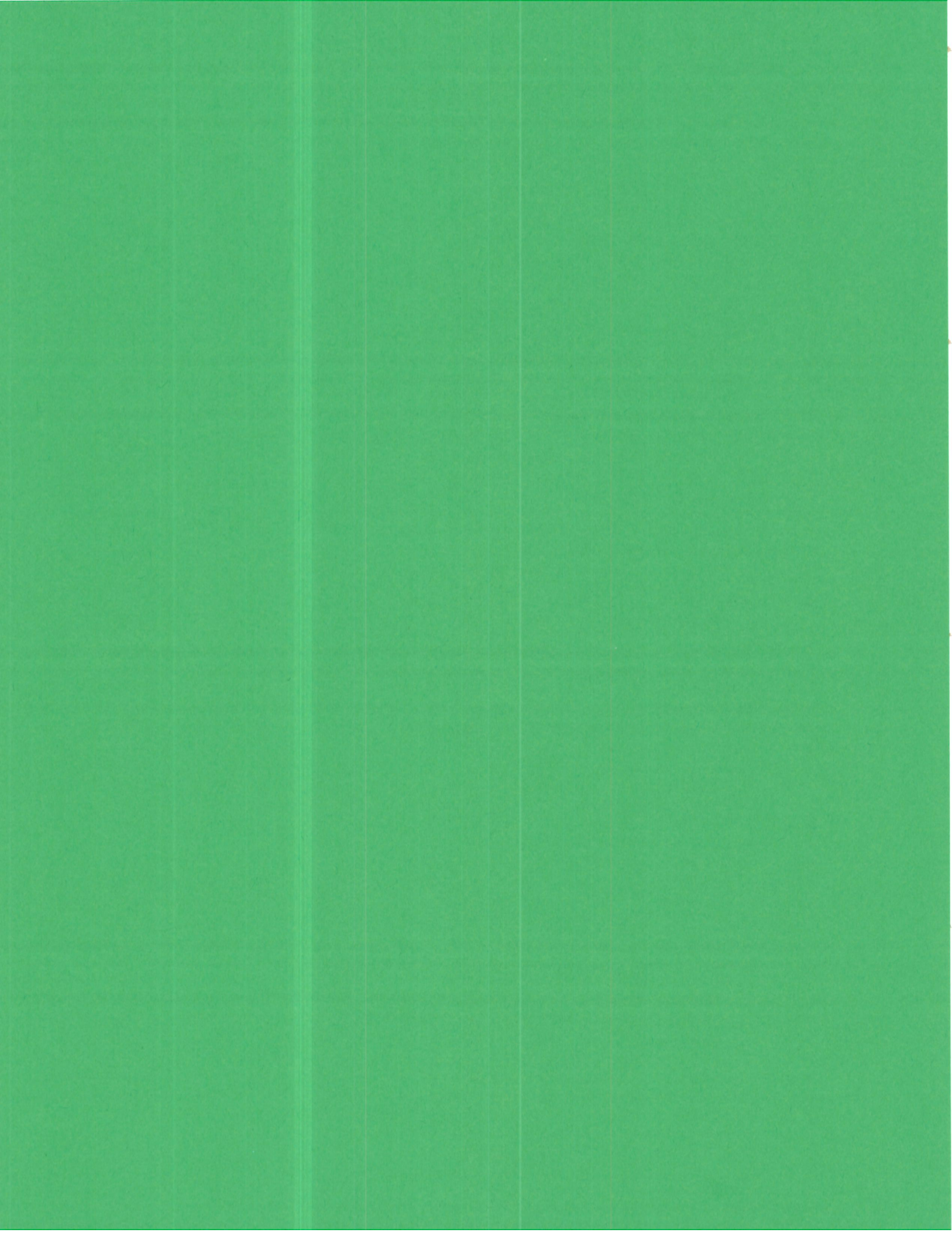
Executive Session

Adjourn

Upcoming Dates & Events

- March 18, 2024 – 7:00 pm | Regular Meeting of the Mayor and Council at Hogansville City Hall
- March 19, 2024 – 6:30 pm | Meeting of the Hogansville Historic Preservation Commission at Hogansville City Hall
- March 21, 2024 – 6:00 pm | Meeting of the Planning & Zoning Commission at Hogansville City Hall
- March 23, 2024 – 10:00 am | HPD Easter Egg Hunt at Hogansville Elementary School
- March 26, 2024 – 6:30 pm | Meeting of the Downtown Development Authority at Hogansville City Hall
- April 21-27 – Georgia Cities Week

Meeting to be held at Hogansville City Hall, 111 High Street, Hogansville Ga. 30230





02/19//2024

Meeting held at Hogansville City Hall, 111 High Street, Hogansville GA 30230

Regular Meeting

Call to Order: Mayor Jake Ayers called the Regular Meeting to order at 7:03 pm. Present were Council Member Michael Taylor, Jr., Council Member Matthew Morgan, Council Member Mandy Neese, Council Member Mark Ayers, and Council Member Kandis Strickland. Also present were City Manager Lisa Kelly, Assistant City Manager Niles Ford, City Attorney Alex Dixon, Police Chief Jeff Sheppard, and City Clerk LeAnn Lehigh.

Mayor Ayers gave an invocation and led the Pledge of Allegiance.

CONSENT AGENDA

Motion: Council Member Taylor moved to approve the Consent Agenda. The motion was seconded by Council Member Strickland.

Motion Carries 5-0

PRESENTATION

1. Employee Recognition – LeAnn Lehigh – Georgia Certified Clerk

City Manager Lisa Kelly acknowledged City Clerk LeAnn Lehigh for receiving her Georgia Municipal Clerk's Certification.

NEW BUSINESS

1. Lake Jimmy Jackson – LCWF Grant Funding

Motion: A motion was made by Council Member Neese to withdraw from the current LCWF Grant with a plan to reapply for the Grant with Council approval next year. The motion was seconded by Council Member Ayers.

Discussion: None.

Motion Passes – 5-0

2. Royal Theater Change Order – Balcony Restrooms

Motion: A motion was made by Council Member Neese to approve the change order in the amount of \$13,643 for renovations to the balcony restrooms in the Royal Theater. The motion was seconded by Council Member Ayers.

Discussion: None.

Motion Passes – 5-0

3. Royal Theater Change Order – Water Mitigation

Motion: A motion was made by Council Member Neese to approve the not-to-exceed amount of \$7,500 from Williamson & Associates to find the water leaks in the roof of the Royal Theater. The motion was seconded by Council Member Morgan.

Discussion: None.

Motion Passes – 5-0

EXECUTIVE SESSION

Motion: A motion was made by Council Member Neese to enter into Executive Session under the Real Estate Exemption at 7:33 pm. The motion was seconded by Council Member Taylor.

Motion Passes – 5-0

The Regular Meeting was reconvened at 8:38 pm.

4. Hogansville Development Authority - IGA

Motion: A motion was made by Council Member Neese to approve the Intergovernmental Agreement between the City and the Hogansville Development Authority for an economic development opportunity. The motion was seconded by Council Member Ayers.

Discussion: None.

Motion Passes – 5-0

ADJOURNMENT

On a motion made by Council Member Neese and duly seconded, Mayor Ayers adjourned the meeting at 8:38 pm.

Respectfully,



LeAnn Lehigh
City Clerk



02/19/2024

Meeting held at Hogansville City Hall, 111 High Street, Hogansville GA 30230

Work Session Meeting

Call to Order: Mayor Jake Ayers called the Work Session to order at 5:34 pm. Present were Mayor Jake Ayers, Council Member Michael Taylor, Council Member Matthew Morgan, Council Member Mandy Neese, Council Member Mark Ayers, and Council Member Kandis Strickland. Also present were City Manager Lisa Kelly, Assistant City Manager Niles Ford, City Attorney Alex Dixon, Police Chief Jeff Sheppard and City Clerk LeAnn Lehigh.

ORDER OF BUSINESS

1. Royal Theater Change Orders

a) Balcony Restrooms

A change order is needed for the Royal Theater renovation for the upstairs restrooms. The existing tiles in both upstairs restrooms were not able to be reused. The change order would completely renovate both restrooms with brand new tiles. The amount of the change order is \$13,643 for both restrooms. Council is asked to take action at tonight's regular meeting.

b) Water Mitigation

During the last heavy rainstorm, certain areas of the Royal Theater indicated water leaks. The exact areas of the leaks are not known but seem to be affected at and around the projection room. There is concern that if not fixed correctly the renovations being done would be damaged. The City is requesting a change order in a not-to-exceed amount of \$7,500 for the consulting firm, Williamson & Associates, to conduct a leak evaluation of the building exterior in order to find the leaks. Council is asked to take action at tonight's regular meeting on this item.

2. Lake Jimmy Jackson – LCWF Grant

The City currently has funding through Land & Water Conservation Grant in the amount of \$87,500, with a \$87,500 match that must be completed by December 31, 2024. The December 31 deadline is the second extension requested by the City. Due to deficiencies found at Lake Jimmy Jackson by NRCS and Safe Dams involving the spillway, the timeframe to complete the processes of fixing the issues found is not possible. Dirt that was removed from the beach area years ago affected part of the spillway. The dirt has to be removed and a berm has to be replaced. Completion of phase II construction and the Engineering plans must be approved by NRCS, which will take time. Staff is asking Council to withdraw from the existing grant of \$87,500 (with a match of \$87,500) and reapply for the grant next year, being able to then ask for additional funding to complete phase II of the project.

3. AMR – Local Housing Location

Chief Sheppard has been approached by AMR, who would possibly like to move one of their stations to the basement of the Hogansville Police Department. This would give a dedicated 24-hour station in Hogansville and would greatly reduce response times. It would not hinder space at the Police Department. AMR could rent four rooms downstairs in the basement in the amount of \$1200-\$1500/month, with utilities included. The extra space comes with the Court Clerk and her staff moving to the annex building at the end of March 2024. If Council is in agreement, AMR would take the request to their corporate office for approval. Council agrees with moving forward with the request.

4. Town Hall Meeting Scheduling

Council would like to hold quarterly purpose-driven Town Hall meetings in different areas of the City, beginning with a first quarter meeting possibly at the Active Life Center. They could be called something other than Town Halls. Possibly Chats with Council? Other locations could include the Greenpatch, local churches, Lake Jimmy Jackson, etc and use them as a public education/outreach that also gives residents the ability to express concerns about various issues.

ADJOURNMENT

Mayor Jake Ayers adjourned the Work Session at 6:58 pm.

Respectfully,



LeAnn Lehigh

City Clerk

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF HOGANSVILLE TO AMEND THE CODE OF THE CITY; TO AMEND THE ZONING MAP AND ORDINANCES OF THE CITY SO AS TO CLASSIFY THE USE ZONE OF REAL ESTATE WITHIN THE CITY LOCATED OFF OF EAST MAIN STREET AND OWNED BY EAST MAIN TROUP, LLC AND BLUE CREEK TROUP, LLC FROM ESTATE SINGLE FAMILY RESIDENTIAL (ES-R) TO CORRIDOR MIXED USE (CR-MX); TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE COUNCIL OF THE CITY OF HOGANSVILLE HEREBY ORDAINS:

SECTION 1:

That the zoning map and ordinances of the City of Hogansville be amended so as to classify as CR-MX - Corridor Mixed Use the following described real estate which is located within the corporate limits of the City of Hogansville, to wit:

All that tract or parcel of land located in Land Lots 94, 99 and 126 of the 11th Land District, Troup County, Georgia, containing 228.378 acres, more or less, identified as Tax Parcel ID Numbers 0211 000068 (125 Acres), and 0214 0000018 (95 Acres) (for a total of approximately 228 Acres, more or less) located off of and between East Main Street and Lake Jimmy Jackson, Hogansville, Troup County, GA 30230, and being more particularly described in the legal description set forth in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 2:

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3:

Pursuant to Official Code of Georgia Annotated Section 36-66-4(d)(4), this ordinance, after adoption by the Council and upon approval by the Mayor, shall become effective upon the latter of the following dates: (1) the date the zoning is approved by the Mayor and Council; or, if applicable, (2) the date that the annexation of the above-referenced property becomes effective pursuant to Official Code of Georgia Annotated 36-36-2, as amended.

INTRODUCED AND FIRST READING _____

SECOND READING AND ADOPTED/REJECTED _____

SUBMITTED TO MAYOR AND APPROVED/DISAPPROVED _____

BY: _____
Mayor

ATTEST: _____
Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 94, 99, and 126 of the 11th District, Troup County, Georgia, containing 228.378 Acres, and being more particularly described as follows:

Beginning at a nail in a concrete monument at the common corner of Land Lots 94, 95, 98, and 99;
Thence N 01°07'53" E a distance of 2582.51' to a point;
Thence S 89°02'50" E a distance of 2086.85' to a point;
Thence S 00°31'25" W a distance of 2601.69' to a 1" crimp top pipe;
Thence S 89°45'40" W a distance of 285.02' to a 1" crimp top pipe;
Thence S 00°21'51" E a distance of 619.86' to a 1" crimp top pipe;
Thence S 06°44'16" W a distance of 2599.10' to a 1/2" rebar on the right-of-way of Georgia Highway 54;
Thence along said right-of-way with a curve to the left with an arc length of 979.69', with a radius of 1939.65', with a chord bearing of N 87°18'47" W, with a chord length of 969.31', to a point;
Thence S 79°04'41" W a distance of 302.00' to a 1/2" rebar;
Thence leaving said right-of-way N 01°07'06" E a distance of 3272.62' to a 1/2" rebar;
Thence S 89°20'33" W a distance of 326.87' to a nail in a concrete monument;
which is the Point of Beginning.

Tax Parcel ID Numbers 0211 000068 and 0211 000068

**CITY OF HOGANSVILLE
REZONING AND VARIANCE REQUEST
STAFF ANALYSIS AND REPORT**

DATE: 3/4/2024
TO: Hogansville City Council
FROM: Lynne Miller, Planning and Development Director *LSM*
RE: **Rezoning and Variance Request**
East Main Street
Tax Map Nos. 0214000001 and 0211000068
WGS LLC

REQUEST:

The applicant and owner, WSG LLC, is requesting rezoning of approximately 228 vacant acres located on the north side of East Main Street in Hogansville, Troup County, Tax Map Nos. 0214000001 and 0211000068. The requested zoning is from ES-R – Estate Single Family Residential – to CR-MX – Corridor Mixed Use – for a future 399-unit development with a mix of single-family residences and townhomes. The applicant is also requesting a front yard setback variance for the 60-foot wide, one acre lots from 25 ft to 20 ft.

LOCATION:

The two lots are located on the north side of East Main Street, just north of Russell Road, City of Hogansville, Troup County.

SITE:

The two sites are stacked rectangles, extending from East Main Street to Lake Jimmy Jackson. The site is wooded and undeveloped.

ZONING:

Both properties are currently zoned ES-R – Estate Single Family Residential.

COMPREHENSIVE PLAN:

The City of Hogansville’s adopted 2021-2041 Comprehensive Plan and the Plan’s Character Area (Future Land Use) map place this site within the City’s Residential character area, described in the plan: “This character area includes 20th and 21st century housing not included in the Crosstown, Village, Interstate or Public areas. This character area includes four subdivision – Hummingbird Estates, Huntcliff, Mallard Lake and Shallow Creek – that were platted around year 2000, roughly ¼ built out when the 2008 Recession hit, halted at the point and then resumed construction around 2015...”.

EXISTING LAND USES:

Adjacent uses consist of the following:

- NORTH: Lake Jimmy Jackson and the City line.
- SOUTH: CR-MX – Corridor Mixed Use
- EAST: CR-MX – Corridor Mixed Use and CR-MR – Corridor Medium Density Residential
- WEST: ES-R – Estate Single Family Residential, undeveloped.

UNIQUE CHARACTERISTICS:

The subject site has steep topography on its north (top end). Also here, a small piece of Lake Jimmy Jackson and the dam’s inundation zone, which restricts development.

PREVIOUS RELATED ACTIONS: On February 15, 2024, the City of Hogansville Planning Commission recommended both the rezoning and the requested 5-foot front yard setback variance for the single-family lots.

FINDINGS:

- Finding 1.** The site is currently unoccupied.
- Finding 2.** The proposed use is suitable in view of the zoning and use of properties to the east and south.
- Finding 3.** The north edge of this site has steep topography and a small piece of Lake Jimmy Jackson with federally protected inundation area.
- Finding 4.** The proposed use would require vegetative buffers on its west side, between its proposed CR-MX zoning and the less intensive ES-R single family residential zoning to the immediate west.

ZONING STANDARDS:

STANDARD 1. Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?

Yes. This proposed residential use is suitable in view of the residential zoning to the immediate west and mixed residential and commercial uses to the east.

STANDARD 2. Will the proposed use adversely affect the existing use or usability of adjacent or nearby property?

No. The use should have no adverse impact on adjacent properties.

STANDARD 3. Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?

Yes. The City's 2021-2041 Comprehensive Plan plan designates this part of the City's 20th Century and 21st Century Residential inventory, and the proposed use is compatible with that designation.

STANDARD 4. Are there substantial reasons why the property cannot or should not be used as currently zoned? No.

STANDARD 5. Will the proposed use cause an excessive or burdensome use of public utilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection? No.

STANDARD 6. Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties? No.

STANDARD 7. Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

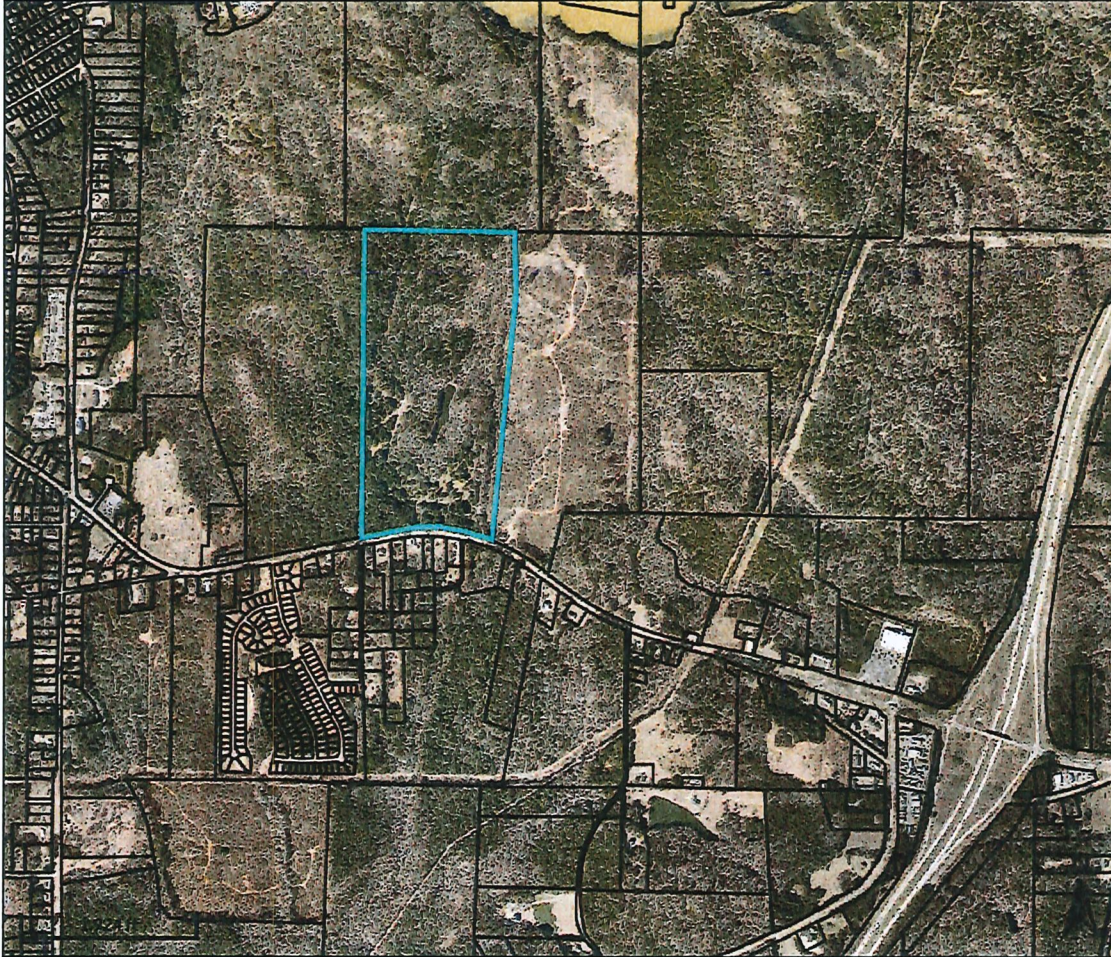
Yes. If properly managed and if environmentally sensitive areas on the property's northern edge are protected.

STAFF RECOMMENDATION:

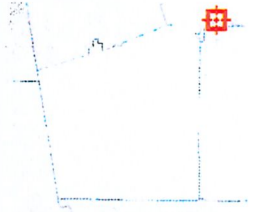
Staff recommends **approval** of the proposed re-zoning on March 18, 2024, after first reading on March 4, 2024 and second reading and public hearing on March 18, 2024.

Staff also recommends **approval** on March 18, 2024 of the proposed 5-foot front yard variance for the planned 60-foot lots, from 25 feet to 20 feet.

The recommendations made herein are the opinions of the City of Hogansville staff and do not constitute a final decision. The Hogansville City Council makes the final decision on all Rezoning/Annexation/Special Use Applications at their regularly scheduled meetings.



Overview



Legend

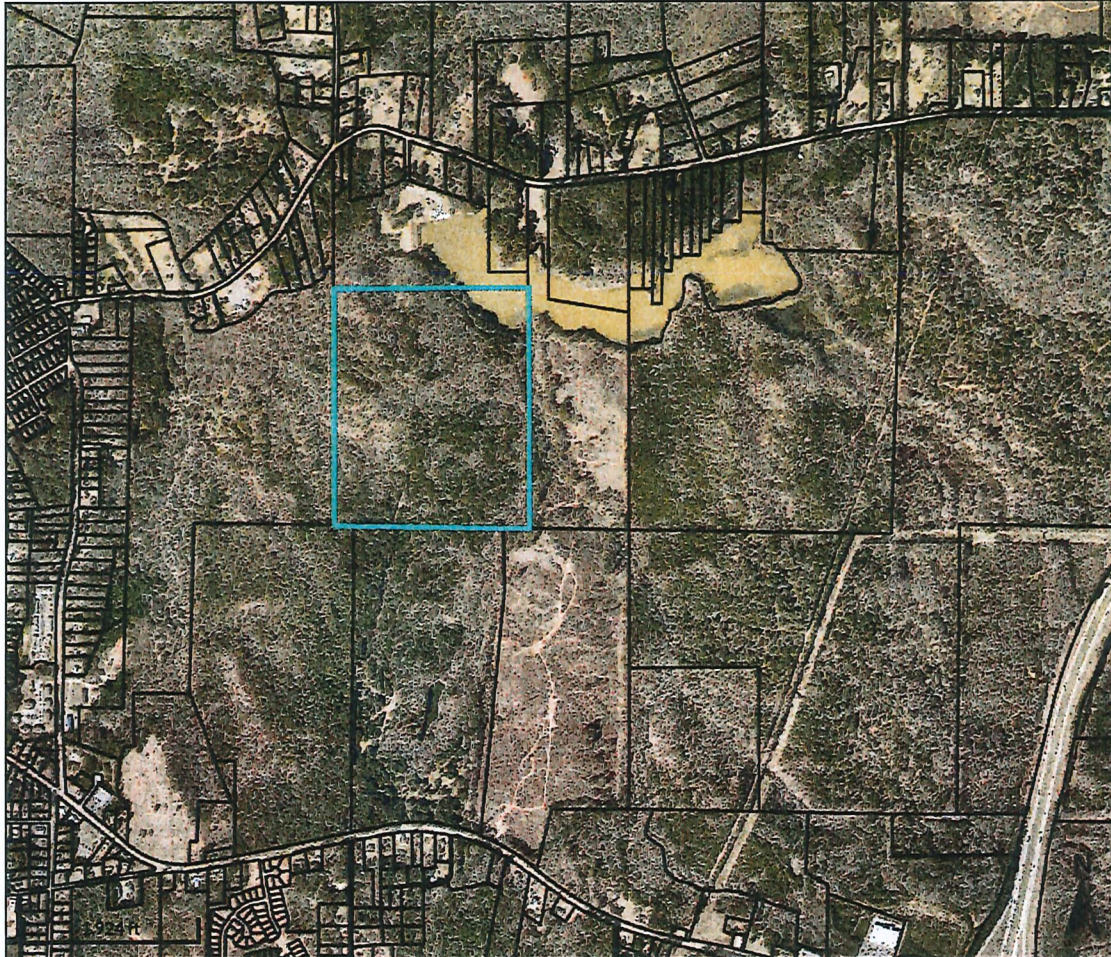
-  Parcels
-  Roads

Parcel ID	0214 000001	Owner	EAST MAIN TROUP LLC	Last 2 Sales			
Class Code	Consv Use		707 HWY 314	Date	Price	Reason	Qual
Taxing District	18 - HOGANSVILLE		FAYETTEVILLE, GA 30214	12/14/2011		N	U
City	HOGANSVILLE	Physical Address	E MAIN ST	12/14/2011		N	U
Acres	95.0	Assessed Value	Value \$921100				
		Land Value	Value \$921100				
		Improvement Value					
		Accessory Value					

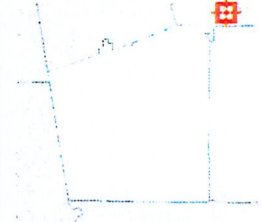
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Developed by  Schneider
GEOSPATIAL



Overview



Legend

- Parcels
- Roads

Parcel ID	0211 000068	Owner	BLUE CREEK TROUP LLC	Last 2 Sales			
Class Code	Consv Use		707 HWY 314	Date	Price	Reason	Qual
Taxing District	18 - HOGANSVILLE		FAYETTEVILLE, GA 30214	12/14/2011		N	U
City	HOGANSVILLE	Physical Address	BLUE CREEK RD	12/14/2011		N	U
Acres	125.0	Assessed Value	Value \$518900				
		Land Value	Value \$518900				
		Improvement Value					
		Accessory Value					

(Note: Not to be used on legal documents)

Date created: 2/8/2024
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Developed by  **Schneider**
GEOSPATIAL

WGS, LLC
270 North Jeff Davis
Fayetteville, Georgia 30214

December 12, 2023

Ms. Lisa Kelly
City Manager, Hogansville
111 High Street
Hogansville, GA 30230

Re: Rezoning and Variance Applications
228.378 acres on Georgia Highway 54 (Parcel #s 0214 000001 & 0211 00068)

We are pleased to bring forward this rezoning request which is evidence of our desire to continue doing business in the great city of Hogansville. We have engaged Ridge Planning and Engineering to complete the rezoning plan that is included in this application.

As a part of this application, we have included the following:

- Rezoning Application
- Narrative describing the Rezoning and the Variance Request
- Conceptual Site Plan
- Boundary Survey
- Owner's Authorization
- Owner and Applicant Disclosure Statements

We appreciate the opportunity to bring this rezoning to the City of Hogansville and look forward to working with you on this matter.

Sincerely,

Daniel Fields

Narrative and Site Plan Submission:
Rezoning Application

Concurrent Variance Application

City of Hogansville

Applicant:

WGS, LLC

Property Owners:

East Main Troup, LLC

Blue Creek Troup, LLC

Property:

228.378 acres on Georgia Highway 54

(Land Lots 94, 99, & 126, 11th District, Troup County, Georgia)

Parcel ID 0214 000001

Parcel ID 0211 00068

I. INTRODUCTION

WGS, LLC (“Applicant”) respectfully requests the rezoning of two parcels on Highway 54 West to develop a 399-unit, residential neighborhood combining different types of residential uses including townhomes and various single-family detached lot sizes. The Applicant following feedback from Staff has also tried to incorporate various passive amenities such as a trail system that could further the City’s existing trail system.

The subject property is approximately 228 acres of land located on Highway 54 with the nearest intersection being Russell Road (“Property”). The Property consists of two (2) separate parcels, including Parcel ID 0214 000001 and Parcel ID 0211 00068. The Property is currently zoned R-1 (Single Family Residential). The Applicant seeks to construct a residential neighborhood, containing 222 60’ wide single-family lots, 36 1-acre single family lots, and 141 townhome pads. In order to develop the proposed plan, the Applicant has submitted a rezoning application with the City of Hogansville, seeking to rezone the Property to Corridor Mixed Use (CR-MX). The requested rezoning district will allow the Applicant to develop a residential development that intends provide different housing needs, with a gross density of approximately 1.75 units per acre.

In addition to this rezoning request, the Applicant also submits a concurrent variance application, requesting the following variance (1) variance from the City’s code:

- 1) Variance from Sec. 102-B-4-1., to reduce the front yard setback from 25 ft. to 20 ft. on the 60’ wide lots.

The Applicant is requesting the proposed rezoning and concurrent variances to build a high-quality, residential development. The proposed development will greatly benefit the City by providing an additional supply of diverse housing options in a market in which housing affordability is at its lowest level in decades. The Applicant’s proposed residential neighborhood will provide a flexible housing option for City residents who wish to downsize to a townhome with limited maintenance or even a 1-acre lot but remain in close proximity to downtown. Additionally, the proposed neighborhood is suitable for its location on the Property, as the development will preserve the single-family character of adjacent properties.

II. REZONING & VARIANCE ANALYSIS

As demonstrated below, the Applicant satisfies all standards for rezoning as described in the Hogansville Zoning Ordinance, Sec. 102-B-12-4.7.:

Applicant's proposed rezoning to CR-MX is consistent with the City's Comprehensive Plan noted desire to "support new land uses that enhance housing options in our Community." The proposed development will provide additional housing options for its citizens. The City's Character Area Map designation of Residential does correspond to the requested zoning district of CR-MX as no commercial uses are being requested. This rezoning achieves the recommended development patterns of seeking distribution of affordably priced homes throughout the City and providing new residential development that mixes housing types and styles and enhances pedestrian infrastructure. The Applicant's proposed neighborhood will be consistent with the density of more recent residential developments on nearby properties. In summary, this use would be suitable considering surrounding properties.

Its current use and the requested use do not conflict. The Property currently exists primarily as open, undeveloped land zoning R-1. The surrounding land uses include residential and City owned property. Applicant's proposed rezoning will complement and enhance the current mixture of uses surrounding the Property. The Property's current R-1 zoning devalues the Property due to its location directly adjacent to a higher density residential neighborhood to the east and City owned property to the west. The devaluation of the Property by its current zoning is not a threat to the public health, safety, morals, or general welfare of the public, yet there is no gain to the public for this property to continue to remain vacant and undeveloped.

Based on its size and location, the Property is suitable for various residential product types that complement the surrounding land uses. The City's current infrastructure is equipped to handle any increased demand caused by any population growth accompanying the proposed development. The Applicant will also work with the City if infrastructure upgrades are determined to be necessary both from a traffic and water and sewer service perspective.

The requested rezoning will not decrease the value of surrounding properties. Rather, the development of a new high-quality residential neighborhood will have a positive impact and benefit upon surrounding properties and their values. The Applicant imagines that the architecture will include brick, stone, and hardy exteriors with quality trim work and front entry garages creating a traditional, yet modern, feel for the overall neighborhood. In addition, to the homes themselves, the Applicant has provided green space for a potential park and potential dedication of certain property around the Lake Jimmy Jackson area for trail system improvements. Overall, the Applicant's proposed neighborhood will contribute positively to the City and establish a thriving, vibrant community east of the downtown corridor.

Furthermore, the Applicant also satisfies all standards for variance requests as described in the Hogansville Zoning Ordinance, Sec. 102-B-12-9.:

Regarding the variance requests for this development, the Applicant seeks one setback variance for the front yards on the 60 ft. wide lots from 25 ft. to 20 ft. Applicant does not request, nor does the development require, a rear yard setback variance. Applicant seeks the setback variance in order to design and develop home plans that fit within the said zoning.

The front yard setback variance on the single family is requested to achieve a standard home setback from the curb. The requested variance will not cause any detriment to the public or surrounding property owners, as the setback variances will not allow new homes to encroach upon current residences on adjacent properties.

III. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the City of Hogansville approve the rezoning and grant the variances as requested by the Applicant. If there are any questions about this application, you may contact me at 404-539-2124 or dfields@brentholdings.net.

Sincerely,

WGS, LLC

Daniel Fields

Exhibit A

REQUIRED CONSTITUTIONAL AND ANTE LITEM NOTICE

Georgia law and the procedures of the City of Hogansville require us to raise Federal and State constitutional objections during the public hearing application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, we are required to raise the following constitutional objections at this time:

The portions of the Hogansville Zoning Ordinance, facially and as applied to the Property, which restrict the Property to any uses, land use designations, conditions, development standards, or to any zoning districts other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

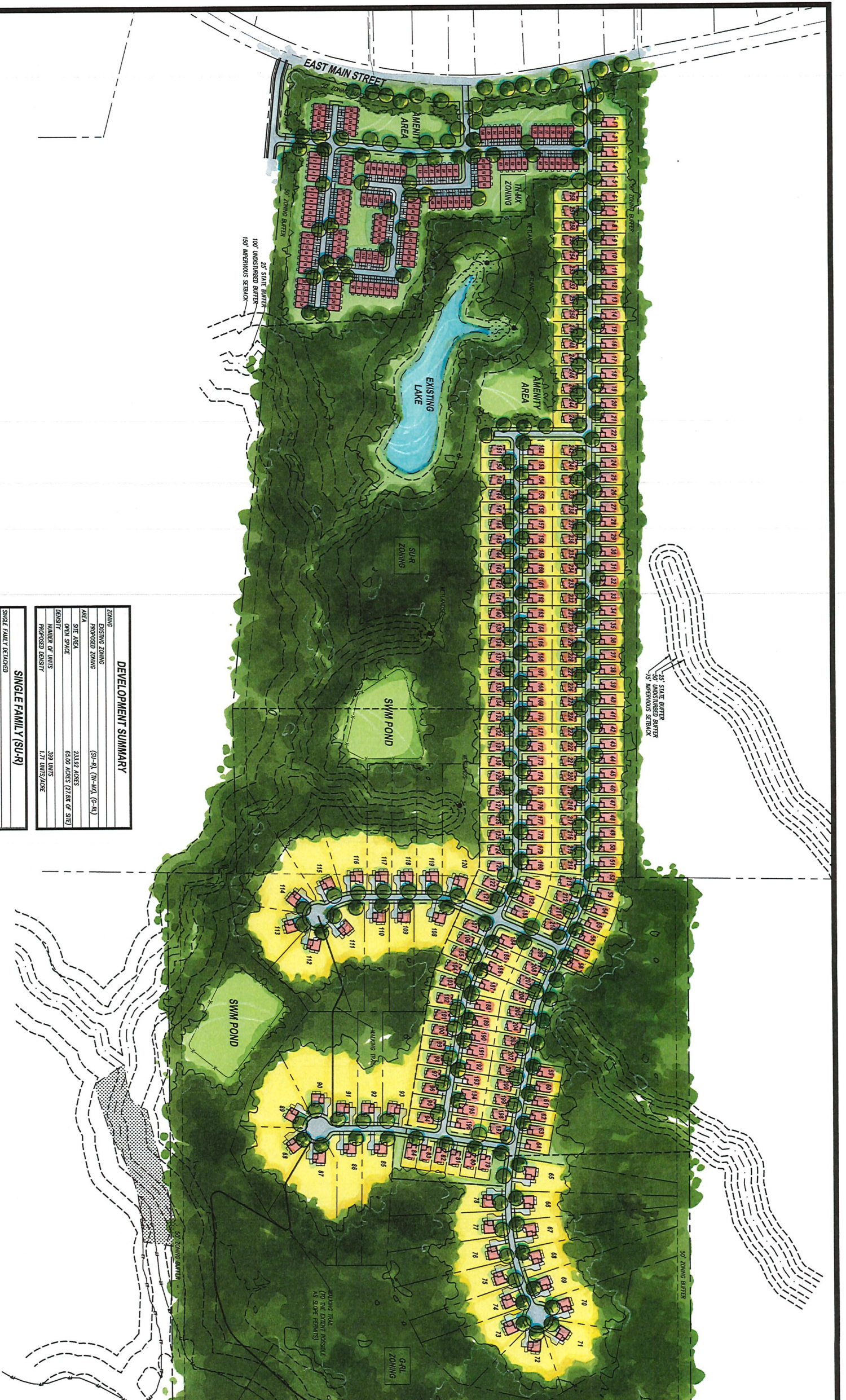
The application of the Hogansville Zoning Ordinance, facially and as applied to the Property, which restrict the Property to any uses, conditions, land use designations, development standards, or to any zoning classifications other than in accordance with the application as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking and inverse condemnation of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would be unconstitutional under the Takings Clause of the Fifth Amendment to the Constitution of the United States and the Just Compensation Clause of Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983. A refusal by the City of Hogansville to grant the application as requested would constitute a taking of the Applicant's property and inverse condemnation. Because of this unconstitutional taking, the City of Hogansville would be required to pay just compensation to the Applicant.

A denial of this Application would constitute an arbitrary and capricious act by the Hogansville Planning and Zoning Commission, and/or City Council, without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. A refusal to grant the requested rezoning and/or variances would lack objective justification and would result only from neighborhood opposition, which would constitute an unlawful delegation of the zoning power to non-legislative bodies in violation of the Georgia Constitution, Article IX, Section II, Paragraph 4.

A refusal by Hogansville Planning and Zoning Commission, and/or City Council, to grant the requested rezoning and/or variances in accordance with the criteria requirements as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of the Application, subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to a unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A denial of the requested rezoning and/or variances would be unconstitutional. This notice is being given to comply with the provisions of O.C.G.A. § 36-33-5 to afford the City an opportunity to approve the variances as requested by the Applicant. If action is not taken by the City to approve the rezoning and/or variances within a reasonable time, a claim will be filed in the Superior Court of Troup County demanding just and adequate compensation under Georgia law for the taking of the Property, inverse condemnation, diminution of value of the Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.



DEVELOPMENT SUMMARY

ZONING	SU-R
EXISTING ZONING	(SU-R), (TM-40), (G-R)
PROPOSED ZONING	(SU-R)
AREA	233.9 ACRES
SITE AREA	630 ACRES (22.6% OF SITE)
OPEN SPACE	1.71 UNITS/ACRE
REAR	1.71 UNITS/ACRE
NUMBER OF UNITS	1.71 UNITS/ACRE
PROPOSED DENSITY	1.71 UNITS/ACRE

SINGLE FAMILY (SU-R)

SINGLE FAMILY DETACHED	222 LOTS
NUMBER OF LOTS (60' X 120')	103.71 ACRES
AREA	20 FEET
STREETS	10 FEET
FRONT	10 FEET
SIDE	10 FEET
REAR	10 FEET
SETBACK	10 FEET

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF HOGANSVILLE TO AMEND THE CODE OF THE CITY; TO AMEND THE CODE TO MODIFY CERTAIN PORTIONS OF THE HOGANSVILLE UNIFIED DEVELOPMENT ORDINANCE (THE “UDO”); TO MODIFY SEC. 102-B-12-3(1)(b) and (c) CONCERNING THE MEMBERSHIP OF THE CITY PLANNING COMMISSION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE SEPARABILITY; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE MAYOR AND COUNCIL OF THE CITY OF HOGANSVILLE, GEORGIA HEREBY ORDAIN AS FOLLOWS:

SECTION 1:

That the Code of the City of Hogansville is hereby amended by modifying Sec. 102-B-12-3(1)(b) and (c) of the Hogansville Uniform Development Ordinance, to delete the current language in such sub-sections in its entirety and inserting in lieu thereof the following language:

“(b) Members of the Planning Commission shall be appointed by the City Council.

The Planning Commission shall consist of up to seven (7) members who are citizens of or own property within the City and who shall be appointed for two (2) year terms, beginning on January 5 through January 4 of each year, or until their successors shall be appointed. No member shall hold any elective public office within the City. Unexpired terms shall be filled by the City Council. Members are removeable for cause by the City Council upon written charges and after a public hearing.

(c) The Planning Commission shall elect a chair and vice-chair (who shall be acting chair in the absence of the chair) on an annual basis.”

SECTION 2:

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3:

This ordinance, after adoption by the Council and upon approval by the Mayor, shall become effective immediately.

INTRODUCED AND FIRST READING _____

SECOND READING AND ADOPTED/REJECTED _____

SUBMITTED TO MAYOR AND APPROVED/DISAPPROVED _____

BY: _____
Mayor

ATTEST: _____
Clerk

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF HOGANSVILLE, GEORGIA TO AMEND THE CODE OF THE CITY; TO AMEND THE CODE TO MODIFY CERTAIN PORTIONS OF THE HOGANSVILLE UNIFIED DEVELOPMENT ORDINANCE (THE “UDO”); TO MODIFY SEC. 102-B-5-3(1)(a) CONCERNING VINYL SIDING ON AN EXISTING STRUCTURE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE SEPARABILITY; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE MAYOR AND COUNCIL OF THE CITY OF HOGANSVILLE, GEORGIA HEREBY ORDAIN AS FOLLOWS:

SECTION 1:

That the Code of the City of Hogansville is hereby amended by modifying Sec. 102-B-5-3(1)(a) of the Hogansville Uniform Development Ordinance, to delete the current language in such sub-sections in its entirety and inserting in lieu thereof the following language:

“(1) For all uses.

(a) Exterior building materials, excluding architectural accents or metal split seam roofing, shall be primarily brick, glass, wood, hardy plank, stucco, textured concrete masonry, cementitious fiberboard, or stone for all building facades, the sides of buildings perpendicular to the building facade, and for all portions of buildings viewable from a public right-of-way. Vinyl siding may be used as an exterior building material for maintenance, repair and/or replacement of existing vinyl siding legally installed on an existing structure.”

SECTION 2:

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3:

This ordinance, after adoption by the Council and upon approval by the Mayor, shall become effective immediately.

INTRODUCED AND FIRST READING _____

SECOND READING AND ADOPTED/REJECTED _____

SUBMITTED TO MAYOR AND APPROVED/DISAPPROVED _____

BY: _____
Mayor

ATTEST: _____
Clerk

**CITY OF HOGANSVILLE
FY2024 CDBG APPLICATION
RESOLUTION**

WHEREAS, the Georgia Department of Community Affairs has established the Community Development Block Grant program to assist cities and counties with improvements to public facilities, economic development, and housing in Georgia, and

WHEREAS, there exists in the City of Hogansville a need to provide multi-infrastructure improvements in the City's FY2024 CDBG Target Areas,

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council that the City of Hogansville supports the application for FY2024 CDBG funds and that the City will apply for these funds for multi-infrastructure improvements in the City of Hogansville's FY2024 CDBG Target Areas. The City commits to the required cash match for the project, \$1,000 cash for the required audits and all additional cash and/or in-kind services needed to complete the project over the grant amount.

BE IT FURTHER RESOLVED that Mayor is authorized and directed to act as the official representative of the City of Hogansville, to act in connection with the application, to be responsible for compliance with the applicable state and federal requirements of the program, and to provide such additional information as may be required;

BE IT FURTHER RESOLVED that Mayor is authorized to enter into an agreement for engineering and grant administration services relating to the application and subsequent grant (if funded) and to execute the application and other required documents on behalf of the City including the grant award package (if funded);

BE IT FURTHER RESOLVED that the City of Hogansville commits to own, operate, and maintain all proposed improvements;

BE IT FURTHER RESOLVED that the City of Hogansville hereby adopts the Citizen Participation Plan of the Georgia Department of Community Affairs to ensure public involvement in the CDBG process;

BE IT FURTHER RESOLVED that the City hereby acknowledges that the proposed project is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3) and in accordance with the Georgia Department of Community Affairs' Section 3 Compliance Plan will to the greatest extent feasible, comply with all Section 3 requirements;

BE IT FURTHER RESOLVED that the City hereby acknowledges that the proposed project is subject to the requirements of Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, Section 104(b)(2) of the Housing and Community Development Act of 1974, as amended, and Section 105(b)(3) of the National Affordable Housing Act of 1990 (NAHA). The City hereby commits to Affirmatively Furthering Fair Housing to the greatest extent feasible.

BE IT FURTHER RESOLVED that the City hereby acknowledges that the proposed project is subject to the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, Title II of the Americans with Disabilities Act of 1990 (ADA), and the Architectural Barriers Act of 1968. The City hereby commits to comply with all Section 504 requirements to the greatest extent feasible.

BE IT FURTHER RESOLVED that the proposed activities are in conformance with the City of Hogansville's Comprehensive Plan and are not inconsistent with the City's Service Delivery Strategy;

BE IT FURTHER RESOLVED that a true and dedicated commitment has been made to the project for the successful completion of the above improvements for the citizens, especially the City's low-to-moderate income citizens;

BE IT RESOLVED this ___ day of _____, 2024

Jake Ayers, Mayor

CERTIFICATION

I do hereby certify that the foregoing is a true and correct copy of the Resolution duly adopted by the City of Hogansville on the date so stated in said Resolution. I further certify that I am the City Clerk and that said Resolution has full force and effect the ___ day of _____, 2024.

ATTEST:

(SEAL)

LeAnn Lehigh, City Clerk

Lynne Miller

From: Hannah Smith <hannah@allensmithconsulting.com>
Sent: Thursday, February 22, 2024 12:59 PM
To: Lynne Miller; Lisa Kelly
Subject: City of Hogansville 2024 CDBG - Application Resolution
Attachments: Hogansville 2024 CDBG Resolution.doc

Good afternoon Lynne and Lisa!

Please see the attached Application Resolution for the City's 2024 CDBG! Please have this resolution signed at your next City Council meeting.

There are a few more forms that we will need signed for the application that I will be getting to you soon!

Please let me know if you have any questions!
Hannah

HANNAH SMITH · PROJECT MANAGER

OFFICE HOURS: MONDAY-THURSDAY 9-5

405 NUNNALLY FARM ROAD | MONROE, GEORGIA 30655

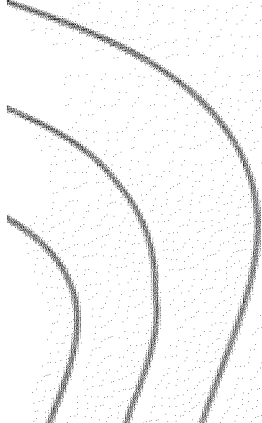
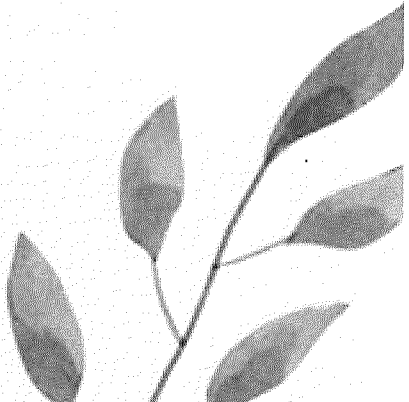
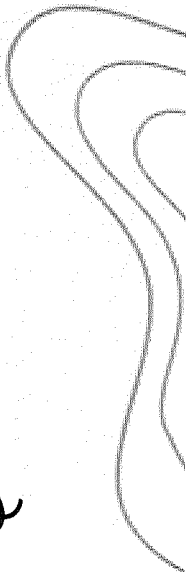
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HOGANSVILLE
— GEORGIA —

*Human Resources
Policies and Procedures
Manual*



Human Resources Policies and Procedures Manual


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Chapter 1

INTRODUCTIONS

Section 1-1. Purpose.

The purpose of this document is to set forth the policies and procedures to be followed by the City of Hogansville in the administration of its personnel system. These policies and procedures are intended to provide a workable and responsive system of personnel management based upon merit principles and equal employment laws. Contained within this document are provisions governing the appointment, promotion, transfer, layoff, dismissal, discipline, and other conditions of employment. The policies and procedures are designed to inform employees and to guide management and supervisors in administering a responsive, consistent, and impartial program of personnel administration. This manual contains only general information and guidelines. It is not intended to be comprehensive or to address all the possible applications or exceptions to the general policies and procedures described. For that reason, any questions concerning the application of a policy or practice, should be addressed to the City Clerk.

Section 1-2. Availability of policies and procedures.

These policies and procedures shall be always readily accessible to each employee through the office of the City Clerk. Since it is the responsibility of all employees to be familiar with and operate within these policies and procedures, the City Clerk shall at the time of initial employment give each new employee a copy of said policies and procedures. If these policies and procedures are amended by the City of Hogansville, notice of such amendments shall be distributed to each employee to be placed with his or her handbook with acknowledgement of having received this document.

Section 1-3. Reservations.

The City of Hogansville reserves the right to modify, revoke, suspend, interpret, terminate, or change any or all such plans, policies or procedures in whole or in

part at any time, with or without prior notice. Neither this handbook nor any other city document confers any contractual right, either expressed or implied, to remain in the city's employment. Nor does it guarantee any fixed terms and conditions of employment. Employment with the City of Hogansville is not for any specific time and may terminate at will, with or without cause and without prior notice, by the city, or the employee may resign for any reason at any time. No supervisor or other representative of the City of Hogansville has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above. Employees are employed at will.

Section 1-4. Construction of terms.

Throughout these policies and procedures an attempt was made to use neutral pronouns unless the context clearly indicates otherwise.

Section 1-5. Authority.

The Mayor and City Council of Hogansville have read and duly adopted these personnel policies and procedures.

Section 1-6. Establishment.

These personnel policies have been adopted by the Mayor and City Council of Hogansville to promote the best practices in the management of human resource.

Section 1-7. Administration.

The City Clerk is responsible for administering and interpreting these policies on a day-to-day basis. If the City Clerk discovers that any department head is not operating within these policies and procedures, the City Clerk shall prepare a written report detailing said violation(s) of these policies and procedures for the affected department head, the direct supervisor, and the City Manager.

Section 1-8. Hierarchy of Authority.

1. *City Manager.* The City Manager shall serve as Chief Personnel Officer for the City and shall be responsible for enforcing the City Personnel Ordinance. The City Manager shall have sole authority for:
 - a. To approve policies and procedures by which the city shall administer its personnel system.
 - b. To make addendums and changes to these polies as needed to respect best practices in human resource management and/or the most effective utilization of the city's resources.
 - c. Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment;
 - d. Providing equitable and adequate compensation;
 - e. Training employees, as needed, to assure quality performance;
 - f. Retaining employees on the basis of the adequacy of their performance, correcting employees as a result of inadequate performance, and separating employees whose inadequate performance cannot be corrected;
 - g. Assuring a fair treatment of applications and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, religious creed, age or handicap and with proper regard for privacy and constitutional rights as citizens; and
 - h. Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official position for personal gain or for the purpose of interfering with or affecting the result of an election or a nomination for office.
 - i. The City Manager may establish, abolish, merge, or consolidate offices, positions of employment, departments, and agencies of the city, as it shall deem necessary for the proper administration of the affairs and government of the city.
 - j. The city operations and responsibilities of each department shall be distributed among such divisions or bureaus as directed by the City Manager.

- k. Appoint and, when necessary for the good of the service, suspend or remove officers and employees.
- l. all promotions and demotions, except disciplinary demotions to an unfilled position or to a new position created by the City Manager for this purpose;
- m. approval and amendment of job descriptions;
- n. all employee transfers other than those where an employee interviews for and wins an open and publicized position other than his own;
- o. creation, abolition and reclassification of positions;
- p. any pay raises or reductions for individual employees; and
- q. Final determination of appeals and grievances.

All job description or position changes shall be authorized by the City Manager's signature and effective date on official authorizing forms, and by maintaining a pay schedule consistent with the City budget for this purpose, all of which shall be recorded and maintained by the City Clerk. Additionally, the City Clerk shall place into each employee file a personnel action form as an unofficial record of any such change.

Nothing in this subsection shall prevent the City Manager with approval from the Mayor & Council from creating, abolishing, consolidating, altering, or modifying departments.

2. *City Clerk.* The City Clerk shall serve as custodian of all personnel records regarding city employees and shall maintain a comprehensive system of position, job descriptions, names, and numbers of positions in each department, names of incumbents in each position, and the approved pay and benefits for each employee. No organization charts shall be required to be maintained other than the current overall city organization chart approved by the Mayor & Council. The City Clerk shall maintain a personnel file folder for each employee, which shall include, at a minimum, all required tax documents and personnel action forms reflecting each change in the employee's job description, position, pay, contact information and emergency contact information. The City Clerk shall be responsible for the investigation of allegations and may conduct interviews with employees as necessary in the review of appeals, grievances, and unlawful discrimination or harassment

complaints reported to the City pursuant to the Personnel Policies and Procedures. Only in the event the City Clerk is the subject of a complaint, the assistant city manager shall have the authority and responsibility to investigate the allegations and conduct interviews with employees as necessary. In the event the mayor, city councilmember(s), city manager or assistant city manager is the subject of the complaint the investigation will be facilitated or delegated to an outside agency by the city attorney.

3. *Department heads.* Hiring and dismissals of non-appointed individuals shall be done by department heads. Department heads shall maintain a departmental disciplinary file on each employee. No department head may transfer any employee except upon the approval of the city manager. No department head may demote any employee except a disciplinary demotion to an unfilled position or to a new position created by the City Manager and approved by the Mayor & Council for this purpose. No department head may diminish or expand the services performed or offered by his city department except upon approval of the City Manager.

Chapter 2 DEFINITIONS

[Section 2-1. Definitions.]

For the purpose of these policies and procedures the following terms shall have the meanings respectively ascribed to them below, unless another meaning is specifically indicated:

1. *Appeal* means the right of an employee to be heard on matters disciplinary actions including demotion, suspension, fine or termination, or interpretations or applications of this section which have adversely affected the employee.
2. *Appointed Employee* means a city employee who is appointed by the City Manager and serves subject to termination without cause, and whose appointment function is their primary job duty.
3. *Catastrophic Leave Bank (CLB)*: means a pool of accrued annual and sick leave voluntarily donated by employees which may be approved for use by employees who meet the eligibility requirements for medical emergency due to illness/injury and/or for maternity purposes.
4. *Class or pay grade* means a group of positions requiring similar levels of skill, effort, responsibilities, and working conditions.
5. *Continuous service* means employment with the city that is uninterrupted except for authorized leaves of absence, suspension, or separation of less than six months due to reduction in work force.
6. *Cost of Living Increase* means increases in pay recommended by the City Manager, approved by Mayor and City Council to help keep employees' pay on par with the rise of prices related to living (inflation).
7. *Council Appointed Employee* is an employee appointed by the Mayor and City Council. These positions are the City Manager, City Clerk and City Attorney.
8. *Demotion* means a change in the rank of an employee from a position in one class to a position in another class having a lower minimum pay rate

or with less discretion or authority regardless of whether the employee's pay is reduced.

9. *Dismissal* means the termination of an employee for just cause; in the case of appointed employees, termination may be with or without cause.
10. *Employee* means a person hired for a position in the city government for which he is compensated on a full-time or part-time basis.
11. *Furlough* means a temporary involuntary cessation or reduction of pay and work instituted by the City due primarily to emergency, economic reasons, lack of work, reorganization of the department, or similar reasons other than misconduct of the employee(s); furloughed employees receive City benefits during any period of furlough in the same manner as active non-furloughed employees.
12. *Grievance* means any dispute concerning the interpretation of these personnel policies and procedures (other than any decision relative to any disciplinary action) that has adversely affected the aggrieved employee or the threat of which has adversely affected the aggrieved employee.
13. *Job description* means a document providing a job title and a description of the major duties for any job for City employment.
14. *Job title* means the official name for any job having a job description.
15. *Lay-off* means a permanent involuntary separation from employment instituted by the City due primarily to emergency, economic reasons, lack of work, elimination of the position or department, material changes in the duties or organization, or similar reasons other than misconduct of the employee(s).
16. *Merit increase* means an increase in pay for an employee based on the employee's job performance as approved by the Mayor and City Council.
17. *Oral reprimand* means an oral communication to an employee warning that a problem exists with their job performance and that such problem must be corrected immediately, or further action may be taken. Each department head shall keep a record of all oral reprimands given.
18. *Organization chart* means a document showing the hierarchy of job titles within City employment as a whole.

19. *Overtime* means time worked that is in excess of the regular work schedule for the position in accordance with the Fair Labor Standards Act.
20. *Part-time employee*. An employee who works on a continuing basis, but is scheduled to work 30 hours or less per week.
21. *Pay schedule* means a document assigning positions to classes and to an appropriate pay grade based on skill, effort, responsibilities, working conditions and similarities of positions.
22. *Performance evaluation* means a written method of evaluating each employee's job performance on a periodic basis.
23. *Personnel Advisory Board (PAB)* shall consist of three (3) members. One (1) member shall be appointed by the City Council. All employees of the City except for Department Heads and employees appointed by the City Council shall elect one (1) member. The third member shall be selected by the appointed and elected members. Each Member shall serve a three-year term unless removed by the City Council.
24. *Position* means a job for one individual, having a job description and assigned to a specified department in the Position Control Plan; positions may be vacant or filled.
25. *Promotion* means a change in the rank of an employee from a position in one class to a position in another class having a higher minimum pay rate and carrying a greater scope of discretion and responsibility, or reclassification of an employee's position to a pay class having a higher minimum pay rate and carrying a greater scope of discretion and responsibility.
26. *Provisional appointment* means a current employee appointed to an open position without competition on a temporary basis until applications for the position may be taken. The employee may compete for the position with other applicants.
27. *Probationary employee* means an employee still in the first six months of his or her appointment, promotion, reemployment, or reinstatement to any continuous full-time position. Exception: The probationary period for any newly employed certified police officer position shall be 12 months.

28. *Reclassification* means a change for a position to a pay class having a higher or lower minimum pay rate in the pay schedule.
29. *Regular employee* means an employee who has completed the probationary period in a satisfactory manner.
30. *Regular employment* means the work of all positions with the City except those specifically excluded in this personnel ordinance.
31. *Regular hourly employee* means a full-time employee paid at an hourly rate.
32. *Reprimand* means an oral or written communication to an employee warning that a problem exists with his *or her* job performance and such problem must be corrected immediately, or further action may be taken.
33. *Resignation* means the termination of the employee at the employee's request.
34. *Retire or retirement* means voluntary or involuntary separation from employment for a pension-eligible employee, where the employee elects to begin receiving their pension benefit immediately after separation.
35. *Safety Sensitive Positions* include, but are not limited to, law enforcement officers, drivers of City vehicles that carry passengers, and wastewater and sewage treatment plant, as well as water plant employees. Additional positions may be regarded as safety sensitive positions subject to the provisions of the policy in the discretion of the City Manager with or without notice.
36. *Salaried employee* means a full-time employee paid on a salary basis, rather than on an hourly basis, including, but not limited to the following: City Manager, Assistant City Manager, Police Chief, City Clerk and department heads.
37. *Suspension* means an enforced leave of absence of an employee with or without pay for either disciplinary purposes or a pending investigation of charges against an employee.

38. *Temporary or seasonal employee* means an employee hired for a temporary or seasonal position with the City whose length of employment does not exceed 12 months.
39. *Unlawful discrimination or unlawful harassment* means any charge of unlawful discrimination or unlawful harassment based on sex, age, race, color, national origin, religion, disability, or other group affiliations protected by federal law.
40. *Work cycle* means the period of days used as a basis to calculate overtime for hourly employees or required work hours for salaried employees; for employees other than hourly certified police officers, the work cycle is the seven-day period from Sunday at midnight to the following Monday at midnight; for certified police officers, the work cycle is the 14-day period from a designated Sunday at midnight to the Monday at midnight 14 days later.
41. *Work period* means a period of continuous compensable time when an hourly employee works their job, including any paid break time, but excluding any unpaid mealtime, and excluding any time on paid or unpaid leave; most regular hourly employees have one morning work period and one afternoon work period per day.
42. *Working days* means, for purposes of time limits in the grievance and disciplinary process, the days of Monday, Tuesday, Wednesday, Thursday, and Friday, except that any such day or days shall be excluded when they fall on one of the city recognized holidays.

Chapter 3

PAY SCHEDULE

Section 3-1. Generally.

1. The Pay Schedule is the official or approved system of grouping positions into appropriate classes (pay grades). The Pay Schedule, including the number of job slots within the City and within any City department, and all amendments to the Pay Schedule are approved by the Mayor and Council.
2. Job descriptions, job titles and any amendments to either are approved by the City Manager.

Section 3-2. Responsibility for administration.

The City Clerk shall be responsible for administering the Pay Schedule. The City Clerk may request other officials or employees to assist in this capacity.

Section 3-3. Allocation of positions; creation of employment classes.

The department head shall provide the City Clerk with information on any requested new positions. The City Clerk and the department head shall complete a job analysis questionnaire and job description covering the duties and responsibilities of the requested new position and shall recommend allocation of the new position in a class in the pay schedule. If a suitable class does not exist, the City Clerk shall request establishment of a new class. The City Manager shall act on these requests. As recommended by the City Manager and approved by the Mayor & Council, the City Clerk shall allocate said new position in a current class or in a new class in the pay schedule.

Section 3-4. Maintenance of the plan.

1. Each time a department, division, or position under a department head is substantially reorganized, it shall be the duty of the department head to submit to the City Clerk proposed new job descriptions for all affected positions.
2. The City Clerk may require departments or employees to submit job descriptions on a periodic basis, or at any time the City Clerk has reason to believe that there has been a change in the duties and responsibilities of one or more positions.

3. Each time a new class is established by the City Manager and approved by the Mayor & Council, the City Clerk shall be responsible for incorporating it within the existing Pay Schedule. The class title shall be added to the schematic list of titles. Likewise, an abolished class title shall be deleted from the Pay Schedule by removing the class title from the schematic list of titles.
4. Changes in the Pay Schedule shall be approved by the Mayor and Council.
5. Periodically, after the adoption of these policies and procedures, the City Clerk shall conduct or have conducted a review of the Pay Schedule.

Section 3-5. Interpretation of job descriptions.

The job descriptions for positions are descriptive and not restrictive or exhaustive. The use of a particular description as to duties, qualifications or other factors shall not be held to exclude others of similar kind or quality.

Section 3-6. Official copy of the schedule.

The City Clerk shall be responsible for maintaining an official copy of the Pay Schedule. The official copy shall include a schematic list of class pay grades and job titles. A copy of the official Pay Schedule shall be available for inspection by the public. The Pay Schedule and any amendment thereto, is incorporated herein by reference and shall be considered a part of this section as if fully set out and shall have the same force and effect as these personnel policies and procedures.

Chapter 4

APPLICATIONS, EXAMINATIONS, FILLING OF VACANCY

Section 4-1. Request to fill vacancies.

When a department head determines that a vacancy exists in their department, a written request shall be made to the City Clerk to state that an opening does exist, to advertise the vacancy, to accept applications, to conduct application, screening, and/or interview if necessary, and to certify which applicants are eligible under the provisions of this section. If a new class or job description is required for a vacancy, the department head shall make such request so as to allow sufficient time to amend the Position Classification and Pay Plan.

Section 4-2. Method of filling vacancies.

1. *Applications from current employees.* The policy of the City is to fill a regular service vacancy through promotion or voluntary transfer of a current regular service employee, whenever one or more suitable and interested candidates can be found within the existing workforce, and whenever this is in the best interest of the City. The City of Hogansville retains the discretion to reject or defer judgment on any or all applications from qualified and unqualified employee applicants, and to open the application process to non-employees, after receiving regular service employee applications.

The City Clerk shall internally publicize the vacant position by posting announcements on the official bulletin board in each department or in other places and by such other means as the City Clerk deems advisable. The posted notice shall include the classification name, department, pay schedule.

2. *Applications from others.* A position not filled by promotion or transfer shall be filled by recruitments from outside the regular service and shall be open to the public. The City Clerk shall publicize the position by posting announcements on city's web site, in each department, and in other places and by such other means as the City Clerk deems advisable. The notice shall include the classification name, department, pay schedule, and the final date applications will be accepted, not less than three calendar days from the date of publishing the announcement.

Section 4-3. Application forms.

Applications shall be made on forms provided by the City Clerk. Such forms shall require information covering training, experience, education, and other pertinent information. The applicant shall supply all information requested in the application and shall sign the application personally. The applicant shall clearly indicate on the application the position or positions for which the applicant is applying. Applications will only be accepted for positions in which there is a vacancy.

Section 4-4. Position requirements.

All regular service positions shall be filled by persons who meet the requirements listed on the published announcement of the opening. Such requirements may include but shall not be limited to the following factors: experience, education, training, and physical condition. If a particular level of education is required per the position's job description, a transcript (official or unofficial) must be submitted in addition to the application form.

Section 4-5. Rejection of applications; criminal background checks; credit checks.

- A. The City Clerk upon consultation with the department head may reject an application which is incomplete, or which indicates that the applicant is deficient in any or all of the requirements specified in the position announcement. An applicant may also be rejected for the practice or attempted practice of fraud or deception in the completing of his or her application, or if his or her past record of employment is determined to be unsatisfactory by the City Clerk. Additionally, an applicant may be rejected for failure to pass or submit to a required work fitness physical examination or test.
- B. *Scope.* For purposes of this section, "applicant" or "candidate" means: (a) a non-City-employed individual applying to become employed by the City, or (b) a City employee who is not employed in a security cleared position, and is applying or requesting to be promoted or transferred to a security cleared position, even if that individual has previously held a security cleared position as a City employee; or (c) a City employee who is not employed in a finance sensitive position, and is applying or requesting to be promoted or transferred to a

finance sensitive position, even if that individual has previously held a finance sensitive position as a City employee.

C. *Criminal background checks for job applicants.*

1. "Security cleared positions" means the city manager; the assistant city manager; all department directors; all employees of the following departments: police, human resources, finance, court services, community development, legal, and City Clerk; all code enforcement officers; all employees who supervise prisoners; all employees who handle cash or financial transfers; and all employees who handle records that include any of the following: social security numbers, financial account numbers, medical records, tax information other than income amounts for city employees or elected officials, criminal histories of individuals, or juvenile court records.
2. All candidates for City jobs who complete a City application shall be checked for criminal background, for both felony and misdemeanor convictions, before proceeding to the interview phase, and shall be informed of this fact on the application form.
3. "Conviction" excludes: (a) any sentence based on an accepted plea of nolo contendere, (b) any completed sentence successfully served pursuant the First Offender Act, (c) any conviction which has been expunged from public record, and (d) any adjudication for a juvenile offense. Further, these excluded events shall not be used in any way to determine hiring matters.
4. Applicants who apply for a security cleared position shall be fingerprinted and checked in the criminal data base for Georgia, for any state of current or prior residence, and in the national crime database. Additionally, the City Clerk or an individual designated shall search the internet for information indicating that the applicant may have a criminal conviction in any other state or foreign country and shall obtain a criminal background search in any other databases indicated. At a minimum, the internet search shall include a query on the applicant's name in all commonly used search engines and social media sites. The sole purpose of the social media search shall be to discover any criminal actions for the applicant.

D. *Credit checks for job applicants.* "Finance sensitive positions" includes but are not limited to the City Manager, the Assistant City Manager, all employees of

the finance department, and all employees who regularly handle City cash, City credit cards, City purchasing cards or City financial transfers.

For all finance sensitive positions, all applicants shall submit to a pre-interview credit check by a private firm chosen by the City for this purpose, and the credit information obtained shall be made available to the hiring department prior to the applicant's interview. If such credit information is used as a factor in the decision to not hire the individual, the HR department shall so inform the applicant after the interview.

Section 4-6. Exempt positions generally.

The City Clerk is authorized to exempt some positions from all or part of the application, certification and appointment provisions of these Policies and Procedures if, in the opinion of the City Manager it is impractical to follow the terms hereof because of the position's seasonal characteristics, traditionally high turn-over rate, lack of substantial skills and/or abilities or such other circumstances and conditions which make it difficult to maintain adequate employees in a given area due to the nature of the work and/or the delay caused under these regulations. The City Clerk shall maintain a list, as a part of these rules and regulations, of those exempted positions and the nature and extent of their exemption.

Section 4-7. Types of exempt positions.

In addition to those positions designated by the City Manager and City Clerk as exempt from all or part of the application, certification and appointment provisions of these policies and procedures, the following types of positions shall be exempt from the application, certification and appointment provisions of these policies and procedures:

1. Council Appointed and Administrative *Appointed employees*. This category includes, but is not limited to the City Manager, Assistant City Manager, Police Chief, Director of Public Works, Gas Superintendent, Customer Service Manager, Wastewater Superintendent, City Clerk, Finance Director, and the City Attorney. This category also includes adjunct appointees with regard to their appointed titles.
2. *Provisional appointments*. A provisional appointment may be made only in the absence of a qualified applicant when there is a vacancy need. No provisional appointment filled by a current employee shall be continued

for more than six months from the date of appointment, unless due to extenuating circumstances the City Clerk approves an additional 60 days, and the employee agrees to continue in the provisional appointment.

An employee hired specifically for a provisional appointment shall be told at the time of appointment that the appointment is for a period not to exceed six months and the provisional appointment shall not obtain regular employment status contemplated by the provisions of this chapter while serving in a provisional appointment.

After the expiration of any provisional appointment, and the expiration of any extended appointment time by the City Clerk, the provisional appointment shall terminate, and the employee shall be dismissed unless otherwise employed by the City.

3. *Temporary employees.* Temporary appointments may be made to fill positions that are authorized and established for a specified period of time, when the work of a department requires the services of one or more employees on a seasonal or intermittent basis, or in cases of emergency. Temporary appointments may be made without the use of applicant examination procedures, if, in the opinion of the City Manager and City Clerk it is impractical to use such procedures. The term of such appointments shall not exceed 12 months unless an extension is approved by the City Manager. Temporary employment shall not work to vest any employee with rights to regular employment. Temporary employees shall have no rights to health insurance, life insurance, pension or other benefits conferred by this ordinance or by other local law as a result of their temporary employment.
4. *Part-time employees.* The City Manager may at their discretion, authorize the filling of part-time positions without regard to the certification provisions included in this ordinance. Persons employed on a part-time basis shall have no employee rights to health insurance, life insurance, pension or other benefits conferred by this ordinance or by other local law as a result of their part-time employment.

Section 4-8. Interpretation.

The City Clerk is authorized to make any necessary administrative interpretations concerning certification and appointment matters not inconsistent with these personnel regulations.

Section 4-9. Pre-employment examinations.

1. After an initial offer of employment has been made and depending on the job specifications, the applicant may be required to obtain a pre-employment work fitness physical examination, including a drug screen, at the cost of the City of Hogansville with a doctor of the City's choosing. If the applicant fails the pre-employment physical examination, the applicant may be rejected for failure to pass the physical examination. Police Officer applicants shall be additionally required to pass a psychological and polygraph examination. In addition to Police Officer applicants, certain other Police Department applicants for positions other than Police Officer may be required to pass a polygraph examination. Any candidate hired for a position that requires a valid driver's license shall consent in verifying the status of their driver's license; any such candidate who is found to have a suspension or revocation of their driver's license or is cited for any offense which may impact their ability to drive may be ineligible for hire for that position.
2. Re-employment: Any applicant who is being re-hired may be required to take a pre-employment physical and drug screen if the break in service has exceeded six months. Any candidate who is being re-hired for a position that requires a valid driver's license shall consent in verifying the status of their driver's license if the break in service has exceeded six months; any such candidate who is found to have a suspension or revocation of their driver's license or is cited for any offense which may impact his or her ability to drive be ineligible for hire for that position. Re-employed persons will not be eligible for re-instatement of benefits provided by the City.

Section 4-10. Political or partisan endorsement prohibited.

No consideration shall be given to political or partisan endorsement for hiring or promotions to positions in the regular service; only merit and fitness shall be considered.

Chapter 5

WAGE ADMINISTRATION

Generally, new employees shall be paid the minimum rate of pay for their employment class, subject to the following exceptions, which require the prior written approval of the City Manager.

1. If a job candidate to a particular position does not meet the minimum qualifications stated in the job description or if certain classes of work require a formalized training period which is of an unusual duration, and the needs of the City can best be met by placing that person in that training capacity, then the City Clerk and City Manager *may* designate such a position as a "trainee" position below the minimum class rate of pay.
2. If a job candidate exceeds the minimum qualifications as stated in the job description and will not accept the appointment at the minimum rate of the class, the job candidate may be hired at a higher rate if circumstances warrant. Each such appointment shall be thoroughly reviewed against objective qualification standards and shall be approved in writing by the City Manager. Consideration shall be given to the current salaries pay rate of employees whose present salaries pay rates are below the proposed salary pay rate of the job candidate.
3. Upon the hiring of any new employee, the City Clerk shall authorize a form with the necessary information to approve employment status, job title and pay rate of such employee.

Section 5-1. Promotions.

An employee is promoted when the employee is transferred to a position with a higher minimum pay rate or the employee's position is reclassified to a pay class having a higher minimum pay rate. Promotions may occur within a department or between departments. See Section 5-12 concerning limits on merit increases for newly promoted employees. See Section 5-13 concerning compensation increases due to promotions.

Section 5-2. Intra-departmental transfers.

The appropriate department head may, at any time, request the City Manager to transfer an employee in the regular service under their jurisdiction from one position to another in the same class in the same department and within the same pay range. If approved in writing, the City Clerk shall be notified of such changes in assignment. The transferred employee shall continue at the same rate of pay as before the transfer and shall be eligible for pay increases provided herein.

Section 5-3. Inter-departmental transfers.

A transfer of an employee from one department to another shall require the written approval of the City Manager. The transfer must be to an open position within the same class and pay range as the position currently held by the employee. The supervisors or directors of each department must concur with the transfer. Any request for such a transfer shall state how the employee meets the qualification requirements of the position to which the transfer is proposed. The transferred employee shall continue at the same rate of pay as before the transfer and shall be eligible for pay increases provided herein.

Section 5-4. Voluntary demotion.

An employee may be demoted upon his or her own written request to a vacant position in a lower class by written recommendation of the department head and subject to the approval of the City Manager by written notification to the City Clerk. An employee who is voluntarily demoted may have their pay reduced to reflect reduced responsibilities as determined by the City Manager. The pay rate shall not exceed the maximum rate for their new class, except as provided for in Sections 5-11 and 5-12.

Section 5-5. Demotions due to disciplinary action.

When an employee is demoted to a lower classification position due to disciplinary action taken by the City, the employee shall be paid at a rate within the approved range for the lower classified position. The new rate of pay within the lower classification shall be set by the City Manager in consultation with the City Clerk and the department head taking into consideration the circumstances surrounding and the reasons for the demotion.

Section 5-6. Re-Allocated Employees.

When an employee's position is reallocated (by reason other than general service-wide reductions) to a lower classification and the employee's present pay rate is above the maximum for the lower classification, the employee shall be permitted to remain at the present pay rate, as long as the employee remains continuously employed by the City and the employee's job performance remains satisfactory, but the employee shall not be entitled to a pay increase.

Section 5-7. Part-time and temporary employment.

The rate of pay for part-time and temporary employment in a position shall be equivalent to the rate of pay for regular full-time employment in the same or substantially the same positions. Part-time and temporary employees shall have no employee rights to health insurance, life insurance, pension or other benefits conferred by this ordinance or by other local law as a result of their part-time or temporary employment.

Section 5-8. Overtime.

1. *Identification.* Overtime is work beyond the scheduled work cycle as provided by the Federal Fair Labor Standards Act. Leave time used by an employee shall not be included in calculating the number of hours worked for purposes of determining overtime compensation. Excluded leave time means, without limitation, holiday leave, annual (vacation) leave, sick leave, donated sick leave, advanced sick leave, bereavement leave, leave of absence without pay, time on suspension, family and medical leave, civil leave, worker's compensation leave, military leave, trading days, and absence without leave.
2. *Eligibility.* All Regular Hourly Employees shall be eligible to be compensated for overtime.
3. *Qualification for overtime.* An hourly employee, other than an hourly certified Police officer, qualifies for overtime pay when he works more than 40 hours during the seven-day work cycle from Sunday at midnight to the following Sunday at midnight. Salaried employees do not qualify for overtime.
4. *Approval of overtime.* No employee shall work overtime without approval by that employee's immediate supervisor. Except for emergency or unusual situations, authorized overtime shall be approved by the supervisor in advance.

When the Supervisor verifies the compensation time record for any employee who worked overtime, the supervisor shall note in writing in the time record why the overtime was justified or needed by the City for that pay period, or in the alternative shall note that the overtime was unauthorized. Payment for overtime worked shall not, alone, constitute supervisor authorization for the employee to have incurred the overtime.

4. *Compensation.* When a Regular Hourly Employee works overtime, the employee shall be paid for overtime in their next payroll check.

Section 5-9. Cost of living pay increases.

All cost of living pay increases shall become effective when approved by resolution of the Mayor and City Council. It shall be in the sole discretion of the Mayor and Council to award or not to award a general service-wide cost of living increase and to set the rate of increase if one is approved. Such an increase shall be considered periodically and if awarded by the Mayor and Council, it shall become effective as specified by the Mayor and Council.

All regular full-time and part-time employees shall receive the cost of living pay increases, notwithstanding whether or not an employee otherwise is receiving the maximum pay rate for their class in the classification plan.

Section 5-10. Merit pay increases.

Employees will be compensated at rates of pay as determined July 1st of each year. When increases are determined they will be based on merit. The amount of funds allocated shall be determined during the annual budget process and is strictly dependent on the availability of funds and the employee's performance.

Section 5-11. Other compensation increases.

1. *Discretionary increases.* In the sole discretion of the City Manager, raises in compensation may be granted from time to time to individual employees. Any such increase shall not exceed the maximum for the pay range for employee's job description.
2. *Designated duty increases.* Certain optional and continuing designated duties for fulltime employees require additional training or entail additional physical risk for the employee, or additional duties for a salaried employee; therefore, it is

appropriate to pay additional compensation to the employees performing any of these tasks.

- a. *Additional hours.* Police employees who work as canine officers shall be paid for off-duty time spent feeding, grooming, bonding with and caring for their assigned canine. Once the employee has ceased to serve as a canine officer, the designated duty pay increase for that duty shall cease.
3. *Promotions to a position in a higher class.*
 - a. *Promotion to an open position.* Where an employee is to be promoted to a vacant position in a higher class with a higher pay range, the department head may promote an employee to the open position with the approval of the City Manager.
 - b. *Creation of a position with an existing job description.* Where an employee is to be promoted to a position with an existing job description in a higher class for which there is no current vacancy, the new position must first be approved by the mayor & council by recommendation of the City Manager. Thereafter, the new rate of pay for that individual shall be set. If the new position is a salaried position, then the new rate of pay shall be at least the minimum amount for the class of the new position, and the pay rate may be higher upon approval of the department head and the City Manager.
 - c. *Exception for council appointment to City Manager.* As an exception to subparagraphs a. and b. above, whenever any employee is promoted to the position of City Manager, the new salary for that individual shall be set by the Mayor and City Council through negotiations with the City Manager candidate. The council appointment and setting of the pay rate shall be formalized by processing a form to the City Clerk.

Section 5-12. Payroll changes.

For every properly authorized change of pay rate or employee status change, the City Clerk authorization shall be provided by the City Manager on an approved Personnel Change Form.

Section 5-13. Payroll adjustments.

1. *Adjustments other than hours discrepancies.* Except as provided in subsection 2, each department head shall be responsible for immediately notifying the City

Clerk of any occurrences or actions taken which require any adjustment in the wages of any employee under the supervision of such department head, and for obtaining the approval of the City Manager. Upon receipt of such notice, the City Clerk shall make such payroll adjustments for such employee as may be required. Payroll adjustments for voluntary deductions approved by the employee do not require a personnel action.

Whenever a director learns that any employee in their department is within six weeks of separating from City employment, the department head shall notify the City Clerk of the anticipated date and type of separation.

2. *Hours discrepancies.* Each employee shall review their pay for accuracy. Employees shall promptly notify the City Clerk of any inaccuracies concerning pay, use of leave time, or leave accumulation so that these may be corrected expeditiously.

Section 5-14. Recovery of wages improperly paid.

Employees, officials, and others may be held liable for the return of wages improperly or illegally paid in accordance with the provisions of the Personnel Ordinance, these regulations and pertinent City and State statutes concerning improperly and/or illegal expenditures of public funds.

Section 5-15. Voluntary deductions.

Upon the written request of any employee, the City Clerk may provide for automatic payroll deductions for such employee, in such amount as the employee shall specify, for the purpose of contributing to personal savings plans, pensions or other personal financial investment plans in which the City in its sole discretion decides to participate.

Section 5-16. Bonus pay.

In the sole discretion of the Mayor and Council, bonus compensation may be awarded from time to time, seasonally or in accordance with programs established and approved by resolution of the Mayor and Council. Bonuses, if any, are not a condition of employment; the City reserves the right to modify, revoke, suspend interpret, terminate or change any or all bonus resolutions, plans, policies or procedures in whole or in part at any time, with or without prior notice.

Chapter 6

PROBATIONARY EMPLOYEES

Section 6-1. Objective.

The probationary period shall be an integral part of the selection process and shall be utilized for closely observing the employee's performance, to allow effective adjustment to a new position and for releasing a new employee or demoting a promoted employee whose work is not satisfactory in the new position.

Section 6-2. Conflict with other provisions.

Whenever the provisions of this chapter are in conflict with other provisions of these policies and procedures regarding probationary employees, the provisions of this chapter shall prevail.

Section 6-3. Duration.

Except for non-certified employees in positions requiring the certification by the Peace Officer Standards and Training Council ("P.O.S.T."), the probationary period shall be regarded as the initial six months of employment with the City and the initial six months in a new position when a current employee is promoted or demoted. This probationary period may be extended upon written notice to the employee from his immediate supervisor detailing the reasons for such extension.

The probationary period for newly hired P.O.S.T.-certified police officers for positions requiring P.O.S.T. certification shall be 12 months from the hire date. The probationary period for newly hired non-certified police officers for positions requiring P.O.S.T. certification shall be 18 months from the hire date. The probationary period for certified Police Officers may be extended for cause. The probationary period for employees promoted within the Police Department shall be six months, unless the employee is being promoted from a non-certified position to a P.O.S.T. certified position.

Section 6-4. Dismissal during probationary period.

1. If at any time during the probationary period a new employee's work is unsatisfactory or the employee's work habits and dependability do not merit continued employment then he or she may be dismissed and he or she will not

be entitled to appeal such dismissal to the City Manager. Upon such removal, a written report shall be sent to the City Clerk and to the employee stating the reasons for the removal.

2. If an employee has committed an offense that is considered cause for disciplinary action under the provisions of these regulations, he may be dismissed without prior notice and shall not be entitled to appeal such dismissal to the City Manager. Upon such removal, a written report shall be sent to the City Clerk and to the employee stating the reasons for the removal.
3. If an employee is found to have been appointed through fraud or error, the employee shall be removed within five calendar days of notification to the department head of the problem.
4. If at any time during employment with the City of Hogansville it is determined that an employee does not have the necessary educational degree or certification required for the position classification requirements, the employee may be dismissed.
5. A department head may, subject to the approval of the City Manager demote an employee to a lower-class position during the probationary period.
6. A promoted appointee may be demoted back to a position in the previous pay classification during the probationary period for unsatisfactory work. The reasons for such dismissal or demotion shall be filed with the City Clerk and shall be placed in the employee's file within three working days of such dismissal or demotion.

Chapter 7

EMPLOYEE PERFORMANCE EVALUATIONS

Section 7-1. Evaluations; objective.

The City Clerk shall prepare or cause to be prepared a system for evaluating the work performance of all full-time and part-time regular employees. The purpose of the employee performance evaluation shall be primarily to inform employees of how well they are performing their work and how they can improve their work performance. The performance evaluation is a required annual process and may be used as a factor in determining order of lay-off, as a basis for training, promotion, demotion, transfer or dismissal, merit increases, and for such other purposes as set forth in these regulations.

Section 7-2. Periodic evaluations.

Employees in the probationary period of employment or following a promotion shall be evaluated at the completion of six months of service in the new position. Thereafter, employees shall be evaluated periodically. No employee shall be eligible for any merit pay increase until the performance evaluation form has been completely processed.

Section 7-3. Evaluation; processing.

Evaluations shall be prepared by the immediate supervisor of each employee and reviewed by the appropriate department head and City Clerk. Administrative appointed employees shall be evaluated by the City Manager, with a report on said evaluations to be made to the Mayor and City Council. The City Manager shall be evaluated by the Mayor, with a report of said evaluation to the City Council as defined by the agreed upon City Manager contractual agreement.

An employee who has served in a supervisory position and is leaving that position may be required to submit performance evaluations on all employees under his supervision who have not been evaluated during the previous six months.

Section 7-4. Review with employee.

The evaluator shall discuss each performance evaluation with the employee being evaluated, except for evaluations prepared at the time of separation of an employee from service with the City. If an employee disagrees with any statement in an evaluation, he may submit within ten working days following the conference with the evaluator, a written statement to the City Clerk, which shall be attached to the evaluation form. The City Clerk shall forward a copy of any written employee statements to the evaluator. Upon written request from the employee to the City Clerk, an official copy of the employee performance evaluation form shall be given to the employee.

Section 7-5. Changes in evaluation.

If for any reason an evaluator shall request an alteration of the performance evaluation form after it has been officially submitted to the City Clerk, such request shall be in writing and shall set forth fully the reasons for the request. The amended evaluation, when approved by the City Clerk, shall become the official performance evaluation. The employee shall be notified of any such changes that occur after the employee review conference and shall be given an opportunity within ten working days to file any written statements as to the amended evaluation.

Chapter 8

DISCIPLINARY ACTIONS/PERSONNEL APPEALS

Section 8-1. Intent.

Effective supervision and good employee relations should reduce instances necessitating disciplinary action. The establishment of rules and regulations and the imposition of disciplinary action for the violation thereof are to insure the rights of all employees and for the cooperation by all employees of the City. The severity of the disciplinary action imposed should be related to the gravity of the offense, the employee's disciplinary record, and disciplinary action taken in similar cases. Any disciplinary action shall be for just cause (except as relating to actions of the Mayor and Council against appointed employees). The City shall not allow unlawful discrimination against any employee because of race, color, religion, sex, sexual orientation, age, national origin, physical handicap, or political affiliation.

Section 8-2. Appointed employees.

Appointed employees may be disciplined by the City Manager.

Section 8-3. Conduct subject to disciplinary action.

The following actions may constitute just cause for disciplinary action referred to in this chapter, but the imposition of disciplinary action shall not be limited to the offenses set forth:

1. Absenteeism, (See Section 8-4) including, but not limited to:
 - a. Absence from scheduled work without leave or permission;
 - b. Failure to report after the expiration of an authorized leave;
 - c. Leaving the worksite without permission or other excuse.
2. Tardiness. (See Section 8-5)
3. Abuse of sick leave or other leave for a prescribed purpose, excused or unexcused
4. Inefficiency or incompetence, including, but not limited to:
 - a. Working slower than necessary or customary;

- b. Failure to exercise safe procedures and the skill ordinarily required for the employee's position;
 - c. Failure to exercise good judgement in performing work duties;
 - d. Causing avoidable damage to City property or vehicles;
 - e. Using City equipment or vehicles without permission.
5. Sleeping or the appearance of sleeping on duty, except for paid on-call duty.
 6. Intentional or unintentional failure to complete assigned work or follow the lawful instructions of a supervisor.
 7. The loss of job requirements, such as the loss of a necessary license or certification required by the employee's job description.
 8. The willful making of a false statement to a supervisor, official, the public, any board or other individual during the performance of duties.
 9. Falsification, concealment, unauthorized destruction or unauthorized alteration of existing records.
 10. Creating or filing false vouchers, reports, time records and leave records.
 11. Making a false statement or omission on the employee's City job application or in connection with an actual or potential promotion.
 12. Abuse or theft of City property.
 13. Retention or removal of City equipment or property from its proper place, including allowing another person improperly to retain or remove City property.
 14. The consumption, sale, or possession of open alcoholic beverages and/or illegal substances while at work.
 15. Under the influence of intoxicants on the job.
 16. The refusal, when so directed, to be examined by a licensed physician or other licensed health care professional designated by the City in connection with fitness for duty.
 17. Refusal to submit to urinalysis, polygraph, intoximeter, blood test, examination by a licensed professional, when a department head has

determined that individual cause exists for such a test to be given to a particular employee.

18. Violation of the City's Alcohol and Controlled Substance Policy.
19. Commission of a felony or misdemeanor involving moral turpitude, involving conduct occurring on City property or within a City vehicle, or involving conduct occurring while on the job for the City, or directly affecting the employee's ability to perform his job; provided however, no employee shall be disciplined for any crime committed prior to beginning employment with the City and truthfully disclosed in connection with hiring by the City.
20. Insubordination, including, but not limited to:
 - a. Intentional refusal to comply with the lawful work-related instructions of a supervisor;
 - b. Shouting, the use of sarcasm, personal insults or threatening conduct or demeanor toward a supervisor.
21. Engaging in lewd conduct on duty, use of profane language or images on duty, or unnecessary insulting language or conduct toward the public, elected officials or other employees.
22. Violation of the City's Unlawful Harassment Policy.
23. The violation of City ordinances, policies, administrative regulations or departmental rules.
24. Political activity during working hours.
25. Violation of the City's adopted Purchasing Policy.
26. Section 8-4. Absence without leave.

Failure to report for duty, including any failure immediately following the expiration of authorized leave, will be grounds for discipline. Failure to report for three consecutive workdays shall be grounds for termination, even though the employee may have had no previous disciplinary incidents.

Section 8-4. Tardiness.

An hourly employee who is late in reporting for work without a reasonable excuse is tardy. Reasonableness of any excuse shall be determined by the

employee's supervisor in his or her sound discretion. A supervisor may require any reasonable excuse for lateness to work to be submitted in writing and signed by the employee. Lateness in reporting for work without a reasonable excuse (tardiness) shall be punished as follows:

- a. *Oral reprimand for tardiness.* Tardiness shall be punished by discipline not more severe than an oral reprimand for any violation when the employee has had no other tardies within the last 60 days, and no other disciplinary incident during the last six months for which the employee has received discipline more severe than an oral reprimand.
- b. *Written reprimand for tardiness.* The following instances of tardiness shall be punished by discipline not more severe than a written reprimand:
 - i. A second tardy violation within any 60-day period, if the employee has had no other disciplinary incident during the last six months for which the employee has received discipline more severe than an oral reprimand; or
 - ii. A single tardy violation within six months after a disciplinary incident for which the employee has received discipline more severe than an oral reprimand.
- c. *Other discipline for tardiness.* Discipline more severe than a written reprimand, including but not limited to suspension or termination, may be given for tardy violations other than those described above, including but not limited to the following conduct:
 - i. A third or subsequent tardy within any 60-day period; or
 - ii. A second or subsequent tardy, both (or all) within six months after a disciplinary incident for which the employee has received discipline more severe than an oral reprimand.

Other employee tardiness and repeated disregard for established work schedules shall be punished in a progressively severe manner within the sound discretion of the employee's supervisor, taking into account the number of tardy incidents, the length of the time period over which the tardy incidents have occurred, and the general disciplinary history of the employee.

Section 8-5. Types of disciplinary actions.

A department head, subject to the appeal rights of the employee stated herein, shall have the following alternatives for disciplinary action for non-appointed employees, and the City Manager shall have these alternatives for disciplinary action for appointed employees:

1. *Reprimands.* Note: All reprimands must be on approved Employee Warning Form.
 - a. *Oral reprimands.* An oral reprimand is a progressive discipline measure that may be issued for an incident, action or behavior that does not warrant more severe disciplinary action. In the oral reprimand, the supervisor will verbally explain to the employee that he is being reprimanded, describe the problem, and indicate what must be done to correct the problem.
 - b. *Written reprimands.* Where the incident, action or behavior of the employee is such as not to warrant an initially more severe type of disciplinary action, in the determination of the supervisor, a written reprimand may be issued. The written reprimand may be issued for but not limited to the following offenses: following an oral reprimand upon the failure of an employee to correct a problem, unauthorized absence from duty for less than three days, abuse of sick leave privileges, frequent unexcused tardiness, inattention to duty, insubordination, improper conduct, loss or destruction of City property. Written reprimands shall be issued by the department head to the affected employee and a copy given to the City Clerk to be placed in the employee's personnel file. The department head shall discuss the reprimand with the employee and provide in the written reprimand a description of the offense committed, action necessary to correct problem, and provide the employee with an opportunity to provide a written response to be placed with the reprimand in the employee's personnel file.
2. *Suspension.* A department head may with the approval of the City Manager, for disciplinary purposes, suspend an employee with or without pay for a length of time as he considers appropriate, not to exceed 20 working days. A written statement specifically setting forth the reasons for such

suspension and the length of such suspension shall be furnished to the affected employee and a copy of same shall be sent to the City Clerk and filed in the personnel file of such employee within three working days of the effective date of such action.

3. *Demotion.* With the prior approval of the City Manager, a department head may reduce the salary of an employee for cause to a lower grade. A written statement of the reasons for such action shall be furnished to the affected employee and a copy of same forwarded to the City Clerk to be placed in the employee's personnel file at least three working days prior to the effective date.
4. *Dismissals.* A department head with approval from the City Manager may dismiss an employee for just cause, which may include, but is not limited to, dismissals for delinquency, misconduct, inefficiency, and inability to perform the work of the position satisfactorily. The department head shall discuss with the employee the reason for the offense for which dismissal is contemplated and provide the affected employee an opportunity to explain his actions. If the department head is not satisfied with the explanation given, the employee may be dismissed. A written statement specifically setting forth the reasons for such dismissal shall be furnished by the department head to the affected employee and a copy of same shall be sent to the City Clerk and filed in the personnel file of such employee within three working days of the effective date of such action.

Section 8-6. Notification of proposed discipline to non-appointed employees and the right to appeal.

No non-appointed employee shall be subjected to discipline unless the employee has been found to have willfully or negligently violated: (a) some policy of this section, (b) the lawful work-related instructions of his superior, or (c) some reasonable customary work practice or standard of work within his department or division. Every employee subjected to discipline shall have the right to receive prior written notice of the cause for such proposed disciplinary action from their supervisor or the department head and shall have the right to be heard in response, prior to imposition of any discipline. Any written notice submitted to a non-appointed employee who is being subjected to disciplinary action more severe

than a verbal reprimand shall set forth the right of the employee to appeal such action in the manner set forth in Section 8-8.

Section 8-7. Disciplinary appeals for non-appointed employees.

1. Any non-appointed employee receiving discipline other than a mere verbal reprimand, has the right to appeal such matter directly to the department head over his department. If the department head is the individual who issued the disciplines to be appealed, then the employee's appeal shall serve as a request for reconsideration and shall not be considered futile and shall not be dispensed with on such basis. Any appeal to the department head shall be initiated by the employee's filing of a written notice of appeal to the department head with the City Clerk; all notices of appeals from employee discipline shall be filed with the City Clerk not later than five working days after the employee's receipt of written notice of imposition of the discipline; failure to file an appeal within the five-day limit shall constitute waiver of the employee's appeal rights. The exclusive methods for delivering a written appeal to the City Clerk at any stage of any appeal under this section shall be:
 - a. An e-mail correctly addressed and sent to the City Clerk by 5:00 p.m. on the fifth working day; or
 - b. A written letter delivered by anyone in person to the City Clerk's office by 5:00 p.m. on the fifth working day; or
 - c. By certified mail correctly addressed to the City Clerk and post marked not later than the fifth working day.

A decision on such matter shall be made by the department head and furnished in writing to the City Clerk and to the employee within seven working days after the date of filing of the employee's appeal. If the employee is not satisfied with the decision of the department head, within five working days of receiving a written notice of the decision the employee may request a final appeal to the City Manager by submitting a written request to the City Clerk. Failure to file a final appeal within the five-day time limit shall constitute waiver of the employee's right to further appeal.

2. The employee's case for final appeal from the decision of the department head shall be heard by the City Manager, who shall meet with the employee and the department head, separately or together, to discuss the disciplinary matter.

Although the employee may have a representative present at his meeting with the City Manager, the City Manager is not required to allow the representative to speak or participate in the discussion. If the employee declines to meet with the City Manager when requested to do so, the right to such meeting shall be considered forfeited by the employee, and the City Manager may decide the appeal without meeting with the employee. The City Manager's meeting with the department head may be conducted by telephone. All such appeal meetings with the City Manager shall be conducted informally, and technical rules of evidence shall not apply.

The appeals process is not intended to guarantee the employee the right to confront any evidence against them, the right to present witnesses, nor the right to due process, but is intended merely to assure that there is some factual basis to support any discipline against an employee.

The City Manager shall give the employee a written decision on any disciplinary matter within 16 working days of meeting with the appealing employee, as set forth in this subsection. The City Manager's decision shall make findings on the following issues:

- a. The conduct complained of in the notice is (or is not) a valid basis for discipline pursuant to this section as stated in Section 8-7; and

If the city manager fails to find that the conduct complained of in the notice is a valid basis for discipline pursuant to this section as stated in Section 8-7, the notice shall stand dismissed, the discipline previously imposed shall be reversed, and no further finding shall be required for the appeal.

Based on information provided to or known to the city manager, and accepting the information as truthful facts, it is (or is not) more likely than not that the employee committed the prohibited conduct stated in the notice; and

- (i) If the city manager fails to find that it is more likely than not that the employee committed the prohibited conduct stated in the notice, then the notice shall stand dismissed, the discipline previously imposed shall be reversed, and no further finding shall be required for the appeal; or
- (ii) If the city manager affirms that the discipline imposed or confirmed by the department head is appropriate, then such discipline shall stand; or

- (iii) If the city manager determines that the discipline imposed is too harsh or too lenient, such discipline shall be modified to be as stated in the city manager's decision; or
 - (iv) If the city manager finds that no discipline is appropriate and none shall be imposed, then the discipline previously imposed shall be reversed; or
 - (v) The employee and the city manager have reached an agreement for alternative resolution of the matter which shall be reduced to writing, signed by both parties, such agreed upon alternative resolution shall become a condition of the employee's continued employment.
3. The employee shall be promptly notified in writing by the City Clerk of the final determination of the City Manager with respect to the disciplinary appeal. The decision of the City Manager shall be final.
 4. The failure of the employee to follow the steps outlined above may result in the dismissal of the appeal at any step. Should the employee file a written dismissal of any appeal previously requested, the appeal may not be later revived.
 5. No punitive, discriminatory or adverse action shall be taken against any employee on account of the filing of a grievance or an appeal.
 6. All time limits prescribed in this Section 8-8, other than those for filing of appeals by the employee, are merely directory, and a failure of City staff (other than the employee) to meet them shall not work to entitle the employee to any advantage concerning the merits of the appeal decision. Upon request and for good cause, the City Manager may extend the time for processing any appeal in advance of any processing deadline, until and including the time for issuance of his own decision in the matter.
 7. Appointed personnel are not covered by the grievance and appeal provisions of this Section 8-8 and have no right of appeal from discipline.

Section 8-8. Grievances.

1. Grievance process. Any employee may file with the City Clerk a written grievance alleging misinterpretation or misapplication of these personnel policies and procedures (other than any decision relative to any disciplinary action) that has adversely affected the aggrieved employee or the threat of which has adversely

affected the aggrieved employee. The City Clerk shall conduct a preliminary review of the grievance within three working days of receipt to confirm that the basis of the grievance is not a charge of unlawful discrimination or unlawful harassment. Additionally, if, on its face, the written grievance contains allegations related to sex, age, race, color, national origin, religion, disability or other group affiliations protected by federal law, the City Clerk may refer the written grievance to the city attorney to confirm the complaint category. The city attorney shall respond to the City Clerk with her determination within three working days of the referral. If the City Clerk determines that the basis of the grievance asserts allegations of unlawful discrimination or unlawful harassment, the City Clerk shall contact the employee immediately and direct the employee to the correct procedures. For procedures for filing any charge of unlawful discrimination or unlawful harassment with the City, see Chapter 17 of the Personnel Procedures and Policies.

2. Requirements of a written grievance. An employee's written grievance shall state with specificity each and every issue for which the employee seeks redress and the remedy proposed by the employee and shall provide the relevant section number and any paragraph number of this section. If the subject matter of the grievance fails to allege facts or issues regarding interpretation or application of this section, the City Clerk shall notify the employee of the insufficiencies in the written grievance. If the employee does not respond to the City Clerk within five working days of such notification, the City Clerk may dismiss the grievance without need for further proceedings and notify the employee of such dismissal. The dismissal in this regard is not appealable, as the employee shall be deemed to have forfeited his complaint by his unresponsiveness.
3. Decision by City Clerk; Right to appeal. The City Clerk shall consider a properly filed written grievance on the merits and communicate to the employee written decision regarding the proper interpretation and application of the subject matter for the grievance. Such written decision of the City Clerk shall be communicated in writing to the employee not later than 20 business days of receipt of the written grievance. If the employee is not satisfied with the decision of the City Clerk, within five working days of receiving a written notice of the decision, the employee may request an appeal to the City Manager by

submitting a written request to the City Clerk. Failure to file an appeal within the five-day time limit shall constitute waiver of the employee's right to further appeal.

4. Grievance appeals process. On appeal of a grievance decision of the City Clerk, the City Manager shall meet with the appealing employee; the City Manager may additionally meet with the City Clerk, and any other department head or employee, separately or together, to discuss the matter and gain an understanding of the relevant issue(s). Within 16 working days of the receipt of the appeal, the City Manager shall issue a final written decision addressing the issues. The city manager may request the city's staff attorney to make a written recommendation, in light of the information provided in the written grievance, and may adopt the city's attorney's recommendation in making the final written determination. The city manager may implement an equitable remedy, so long as such remedy does not contradict established law or exceed the lawful authority of the City Manager. Additionally, the City Manager may seek the authority of the Mayor and City Council to provide a more comprehensive solution in his or her sole discretion. The decision of the City Manager on appeal of a grievance decision is final and not appealable.
5. The employee shall be promptly notified in writing by the City Clerk of the final determination of the City Manager with respect to the grievance.
6. The failure of the employee to follow the steps outlined above may result in the dismissal of the grievance at any step. Should the employee file a written dismissal of any grievance previously filed, the grievance may not be later revived.
7. No punitive, discriminatory or adverse action shall be taken against any employee on account of the filing of a grievance or an appeal.
8. All time limits prescribed in this Section 8-9, other than those for filing of appeals by the employee, are merely directory, and a failure of City staff (other than the employee) to meet them shall not work to entitle the employee to any advantage concerning the merits of the appealed decision. Upon request and for good cause, the City Manager may extend the time for processing any appeal in advance of any processing deadline, until and including the time for issuance of his own decision in the matter.

Section 8-9. Appeal of City Manager decision for non-appointed employees.

An appeal to the City Manager's decision is only available to employees who:

- a. Have their pay reduced.
- b. Have had their employment terminated.
- c. Alleged harassment, retaliation, coercion, discrimination, or any other unlawful acts.

Cases of harassment, retaliation, coercion, discrimination, or any other unlawful acts may be appealed without first filing a grievance.

1. An appeal must be filed in writing with the City Clerk within one (1) week of being notified of the City Manager's decision or sixty (60) days of the alleged allegation harassment, retaliation, coercion, discrimination, or any other unlawful acts.
2. If the City Clerk finds the act is not appealable the City Clerk will notify the employee.
3. If the act is appealable the City Clerk will notify the Personnel Advisory Board within one (1) week.
4. The Personnel Advisory Board will conduct a hearing within thirty (30) days.
5. At the hearing the City Manager or his/her designee will represent the City and the employee, or the employee's designee will represent the employee.
6. Both the City and the employee have the right to present evidence and call witnesses
7. The Personnel Advisory Board shall render a non-binding recommendation within fifteen (15) days of the hearing and notify both the City Manager and the employee in writing.
8. The employee may appeal to the City Council of Hogansville within five (5) days of receiving the decision of the Personnel Advisory Board.
9. The City Council shall review the decision of the Board at its next regularly scheduled meeting in "Executive Session".
10. The City Council's review shall be limited to the record before the Personnel Advisory Board.

The City Clerk shall keep and maintain records as required.

Chapter 9

TRAINING AND OTHER UPGRADING

Section 9-1. Employee development.

It shall be the responsibility of the City Clerk to cooperate with the department heads, employees and others to foster and promote training programs for the City and in-service training of employees for the purposes of improving the quality of employee services rendered to the City and to aid employees in equipping themselves for advancement.

Section 9-2. Administration of employee development program.

The City Clerk shall:

1. Recommend to department heads, as appropriate, standards for training programs and recommend programs that meet such standards;
2. See that training is carried out as approved and have prepared certificates or other forms of recognition for employees who satisfactorily complete approved courses and programs;
3. Assist department heads in developing and conducting training to meet specific needs of their departments and in developing and utilizing other techniques for improving employee efficiency;
4. Develop and conduct supervisory and management training and other types of training and employee development programs common to all departments;
5. Assist department heads in establishing standards of performance and procedures for evaluating employee efficiency;
6. Make available information concerning job requirements and training opportunities in order to assist employees in increasing their efficiency in their present positions and in preparing themselves for promotions to higher positions in the City service;
7. Keep a record of all approved training programs and courses and a record of employees who successfully complete such courses and programs.

Section 9-3. In-service training.

In-service training is education conducted primarily for employees of the City of Hogansville. The City Clerk shall cooperate with department heads, employees and others to promote measures directed toward more sanitary, safe and healthful working conditions; toward affording better facilities for recreation; toward greater security and economic advantage, including the development of group insurance and credit union facilities; and toward any other means of bettering the conditions and improving the morale of City employees.

Section 9-4. Outside employee training classified.

Outside employee training, for which the City pays any costs and is conducted by and for individuals other than City employees, is classified and defined as follows:

- a. *Required Training* means any course or class of courses that an employee is required to attend in order to maintain an educational certificate, license, or professional degree, if the certificate, license (excluding driver's license class 1 and 2), or professional degree is a requirement of the position, regardless of cost. City payment for required training shall include registration, tuition, materials, travel, lodging, parking, and per diem expenses for meals at rates established by the mayor and council from time to time, plus pay for attendance time and transportation time; Required training should be requested and budgeted appropriately to meet the needs of the department.
- b. *Optional Training* means any course other than Required Training, where the course of training is not conducted by a college or university for college course credit.

Section 9-5. Request for required training.

All employee required training shall be initiated by the completion of a written Travel Expense Report to the department head, detailing the location, institution, estimated cost to the City. If approved by the department head, the request shall be submitted to the City Manager for approval; no department shall incur costs for training without prior approval of the City Manager.

Chapter 10

RECORDS AND REPORTS

Section 10-1. Personnel transactions.

1. All appointments, separations, and other personnel transactions shall be recorded by the City Clerk. A personnel file folder shall be prepared and maintained for each employee and shall contain the original or a copy of all pertinent documents.
2. All medical and beneficiary related information will be maintained in a separate file in the City Clerk.
3. Each employee is responsible for communicating in a timely manner changes in their contact and/or demographic information by notifying the City Clerk or their department head.

Section 10-2. Public inspection, confidentiality.

Information relative to employees and former employees shall be available for public inspection at reasonable times and in accordance with such procedures as the City Clerk shall prescribe and in compliance with such requirements mandated by federal or state law. To the extent that disclosure is not required by law, all personnel records of employees covered under these regulations and all other records and materials relating to the administration of the regular service personnel system shall be considered confidential. Confidential information, which is obtained in the course of official duties, shall not be released by an employee or elected official, unless mandated by Federal or state law.

Section 10-3. Destruction of records.

Employee service records shall be kept in accordance with state and federal regulations after termination of employment. Such lists may be kept in their original form or in any other duplicate form as the City Clerk deems appropriate. All other records, including correspondence, applications, and examinations may be destroyed as allowed by federal and state law.

Section 10-4. Attendance records.

Each department head shall be responsible for recording the attendance of all employees in his department for timely processing and the City Clerk shall keep the permanent attendance records including vacation, sick leave, overtime, etc.

Section 10-5. Maintenance of leave records.

The City Clerk shall maintain the official record of any and all accrued leave time for each employee. Each department director shall be responsible for providing all leave information to the City Clerk in a routine, consistent, and timely manner.

Chapter 11

HOURS OF WORK, LEAVE AND OTHER BENEFITS

Section 11-1. Hours of work.

1. *Regular work schedule.*

- a. Except as provided in subsection 2, each Regular Hourly Employee shall have an established regular 40-hour work schedule for the workweek or work cycle, established by the department director. Insofar as possible, the schedule shall be uniform within occupational groups and shall be determined in accordance with the needs of the City and the reasonable needs of the public doing business with various City departments. To the extent possible, each hourly employee shall utilize the time clock provided by the City to record his work hours by personally "punching" the time clock at the beginning and at the end of each work period; City Clerk is authorized to correct the time records for mistakes, occasional failures of employees to utilize the time clock, recording of work periods which begin or end off-site or at locations where a time clock is not accessible, and for other such meritorious non-routine reasons.
- b. On occasions, a Regular Hourly Employee may be required or authorized to deviate from his or her regular work schedule, for temporary special exceptions such as off-site training and temporary special projects, with the result of working different hours or additional hours on a particular day or days. Whenever an employee works additional hours as requested, his or her supervisor shall adjust that employee's work schedule during the remainder of the work week or work cycle, to prevent work in excess of the total number of hours included in that employee's regular work schedule for the workweek or work cycle. Any additional hours of work shall be allowed only at the direction of the employee's supervisor. City departments differ in their needs for overtime work and the need for overtime work within a department may vary as to season; department directors may institute differing policies for authorizing overtime to effectively manage their departments' workloads and budgets.

2. *Standing exception for certain hourly positions.*
 - a. Specified Regular Hourly employees in the Police Department have a 44-hour work week, these are Patrolmen, Patrol Sergeants, and Receptionists/Data Entry Operators. Due to the emergent nature of Police Department work, Police supervisors may give limited blanket approval for employees to incur overtime, to the extent allowed by the Police Department budget, and Police supervisors are not required to note the reasons for overtime authorization within the compensation time record.
3. *Working hours for salaried employees.* Salaried employees are not required to work a specific hourly schedule on a daily basis, nor to record their work time on the City's time clock system. But salaried employees must work at least: (a) 40 hours (less any holiday time, used leave time or other legally required allowance) during each seven-day work cycle for all salaried employees other than certified Police officers, or (b) 80 hours (less any holiday time, used leave time or other legally required allowance) during each 14-day work cycle for certified Police officers. Generally, except when absent on leave or at training or on an alternative work assignment, salaried employees shall attend scheduled meetings where their attendance is routinely required, and shall work hours reasonably calculated to optimize their management of employees who report to them, to interact personally with coworkers as needed, to be available to outside parties and the public during normal business hours, and to perform the duties of their job description. Every salaried employee shall keep the City Manager or Assistant City Manager reasonably informed of his intended work schedule for any day when the same is expected to differ from the schedule kept by hourly employees of the same department.
4. *Special assignments.* From time to time, department heads may authorize special assignment tasks to be completed by employees within their departments or by employees from another department, for work outside the normal working hours of the employee who performs it. No employee may take leave for the purpose of working a special assignment during his normal work hours. Each such special assignment shall be optional work for any qualified employee, and shall require no more than 72 consecutive hours to complete. Each special assignment shall be recorded in written departmental records, and written notice shall be given to the City Clerk, prior to

performance of any special assignment work; in no instance shall any hour of work time be deemed "special assignment" work after that hour of work has been completed. Whenever an hourly employee works a special assignment, he shall be paid at the hourly rate of pay for their permanent position with the City, and shall be paid at the overtime rate to the extent their total hours worked exceed the overtime threshold established by section 5-10 and the Fair Labor Standards Act. Salaried department heads may earn additional pay for special assignments only when expressly authorized in writing by the City Manager. Salaried employees other than department heads may earn additional pay for special assignments only with the approval of their department heads.

Section 11-2. Lunch period.

Lunch periods will be determined by each department head according to the requirements of the department.

Section 11-3. Employee work breaks.

Supervisors shall allow hourly employees such breaks from work as are necessary to allow employees to attend to their reasonable physical needs, including but not limited to breaks for bathroom use, for taking medications, and for like purposes.

Section 11-4. Holidays.

The following days are designated as regular holidays for employees in the classified service:

- New Years Day
- Martin Luther King, Jr. Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Thanksgiving Day

- Day after Thanksgiving Day
- Christmas Eve
- Christmas Day
- Floating Holiday (to be determined by the City Manager)

Holidays Falling on Saturday will be celebrated on the preceding Friday and Holidays falling on Sunday will be celebrated on the following Monday.

Other days may be declared a holiday by the Mayor and Council at their discretion. Overtime pay shall be granted for work done on a holiday under the same conditions as specified below, provided their regular hours worked exceed the overtime hours defined in section (with the exception of police). The Police Department employees shall receive an additional hour of pay for every hour worked on a holiday. In certain situations, other city employees may be required to work on Holidays. Those employees will be paid for the hours worked plus eight (8) hours.

Section 11-5. Annual leave (vacation).

Vacation leave is for the purpose of rejuvenating both mental and physical faculties and all employees are urged to avail themselves of accumulated vacation leave.

1. All full-time employees in the regular service shall be entitled to earn and accrue vacation leave up to a maximum of fifteen (15) days. Part-time and temporary employees shall not be eligible for annual leave.
2. Vacation time is available as accrued except for first year employees. New employees will not be eligible for vacation until completion of one (1) year of service.
3. Full-time employees begin to accrue annual leave immediately upon employment and annual leave may only be taken after the employee has successfully completed his new hire probationary period. Annual leave shall be accrued weekly at the following rate:

	P.O.S.T. Certified	Others
First Year of Employment	.93 hours per week	.77 hours per week
2 nd through 4 th Year	1.70 hours per week	1.54 hours per week
5 th Year and Greater	2.77 hours per week	2.31 hours per week

Section 11-6. Use of vacation leave

Request for leave. Employees shall request vacation from their Department Head at least two weeks prior to the vacation to be taken. In case of conflicts, seniority shall prevail.

Section 11-7. Payment for unused annual leave.

After one year of employment employees may be paid in lieu of taking vacation leave to a maximum of one (1) week, forty (40) hours per year. All pay in lieu of vacation leave must be approved by the City Manager. Vacation may be accumulated to a maximum of thirty (30) days. Any vacation time accumulate in excess of thirty (30) days will be forfeited.

Section 11-8. Sick leave.

1. *Earned sick leave.*

- a. Sick leave may be used by an employee in case of the employee's actual sickness, injury, or disability, or for purposes of attending a health-related examination or treatment, which cannot be scheduled outside normal working hours. An employee may additionally use sick leave to care for a member of the employee's immediate family. The city reserves the right to request verification of any sick leave requested.
- b. Those employees entitled to earn annual leave shall also be eligible to earn sick leave. Full-time employees begin to earn sick leave immediately upon employment. An employee may accumulate an unlimited amount of sick leave. Every full-time permanent employee earns one (1) hour of sick leave every week.

- c. The employee shall report the illness prior to their scheduled work time if possible.
- d. If approved by the employee's supervisor, an employee may use earned sick leave in his initial probationary period.
- e. In no event will sick leave be granted to an employee who has failed to request sick leave prior to his supervisor turning in time to the City Clerk.
- f. While there is no maximum accumulation of sick leave, an employee will not be paid for accumulated sick leave upon termination of employment no matter the reason.

Section 11-9. Certification by physician.

An acceptable medical certificate signed by a licensed physician will be required of an employee by his department head to substantiate a request for sick leave under the following conditions:

1. When requested by a supervisor.
2. Any period of absence in excess of three consecutive working days.
3. To support a request for sick leave during annual leave.
4. Leave of any kind if absence from duty recurs frequently or habitually, provided the employee has been notified or warned that a certificate will be required.

Section 11-10. Catastrophic Leave Bank (CLB).

The purpose of the CLB is to provide a means of obtaining additional sick leave days to avoid loss of compensation due to a catastrophic illness or injury of the employee sick leave bank member that requires intermittent or continuous absence from work. Catastrophic injury or illness is defined as a life-threatening condition or combination of conditions affecting the mental or physical health of the employee, and includes, but is not limited to, the following: lengthy hospitalizations, necessary surgery requiring a lengthy recovery, an ongoing treatment regimen requiring frequent time off work, or complicated pregnancy requiring bed rest or hospitalization. The catastrophic illness or injury must require the services of a health provider. This benefit is

available to eligible, voluntarily participating employees who have legitimately exhausted all their accumulated sick and vacation leave.

1. Eligibility

- a. The employee must have been employed by the City of Hogansville for at least one (1) year in a regular, full-time position.
- b. Be on an approved unpaid leave of absence due to a catastrophic need of the employee or an immediate family member; and
- c. Employee must have exhausted all accumulated sick, annual, and compensatory leave.
- d. The employee has not received a documented disciplinary action for leave abuse during the past one (1) year period from the date of application. This requirement does not apply for maternity purposes.
- e. The employee has not received a documented significant disciplinary action(s) during the past one (1) year period from the date of application.
- f. An employee is eligible a maximum of 80 hours within a two (2) year period.
- g. The CLB shall not be granted to an employee beyond the return to work date certified by a physician or other appropriate healthcare provider for the employee.
- h. An employee shall not be approved for catastrophic leave for a medical emergency unless that employee has provided an acceptable medical certificate from a physician or other appropriate health care provider supporting the continued absence and setting forth that the employee is and will continue to be unable to perform the employee's duties due to a catastrophic illness/injury of the employee or a qualifying family member. The employee is responsible for providing information regarding his/her assigned job duties to the physician in order to have a more accurate medical certification. This requirement does not apply for maternity purposes.
- i. An employee shall not be approved for catastrophic leave for a maternity purpose unless the employee has provided acceptable proof of the birth or placement. For the birth of an employee's biological child, acceptable proof includes a hospital announcement with the mother's name and/or

the biological child's name, hospital discharge papers with the mother's name and the biological child's name, or a birth certificate of the biological child. For the placement of an adoptive child in an employee's home, acceptable proof includes the following:

- i. Formal document from the placement entity with the mother's name and the child's name or
 - ii. Legal guardianship papers with the mother's name and the child's name.
- j. In the event an employee receiving catastrophic leave for a medical emergency due to illness/injury, returns to work, terminates, retires, or dies prior to expiration of previously approved catastrophic leave, all approved unused catastrophic leave shall be returned to the CLB.
- k. Alleged or suspected abuse, misrepresentation, or fraud of the Catastrophic Leave Bank program shall be investigated and on a finding of wrongdoing, an employee shall repay all of the leave hours awarded from the Catastrophic Leave Bank and shall be subject to disciplinary action up to termination.

2. *Catastrophic Leave Bank Administration*

- a. The Catastrophic Leave Bank will be added to and accumulated in two ways.
 - i. Employees can donate to the bank; or
 - ii. Employees who have reached their ceiling in leave accrual; all addition time will roll into the catastrophic leave bank.
- b. Donations to or applications for catastrophic leave and related forms shall be submitted to the City Clerk and forwarded by confidential methods. The completeness and accuracy of information and supporting documentation is the responsibility of the employee.
- c. The City Clerk shall be responsible for the following:
 - i. Review and record keeping of leave submitted by donors; and
 - ii. Review and record keeping for return of accrued leave and approved unused leave.

- iii. Catastrophic leave is granted or donated in one-hour increments only, not on a monetary basis.
- iv. Catastrophic leave which would result in a negative balance in the CLB shall not be approved.

3. *Catastrophic Leave Request*

- a. Complete the CLB request form and obtain signature from supervisor acknowledging request. In cases where the potential recipient is unable to initiate the process, a family member, or the department head (or designee) may act on the employee's behalf.
- b. Submit the completed CLB form along with the appropriate verification of the injury or illness to the City Clerk. Appropriate verification must include:
 - A brief description and appropriate verification of the illness or injury;
 - Name and relationship of the person incapacitated (if applicable) or other household member;
 - An estimate of the total time needed (beginning date and ending date).
- c. Review of the CLB request form and medical verification, including the applicable paperwork will be facilitated by the CLB review committee.
- d. The CLB review committee will make a recommendation to the City Manager to approve or deny the leave request.
- e. The City Manager shall make the final approval based on recommendations from CLB review committee.

4. *Catastrophic Leave Bank Review Committee*

- a. The CLB review committee will consist of the:
 - i. Assistant City Manager
 - ii. City Clerk; and
 - iii. Employees' Choice on the Personnel Advisory Board

Section 11-11. Other types of leave.

1. *Military leave.*

- a. Generally. Any regular service employee who leaves regular employment with the City to join the military forces of the United States during time of war, other declared national emergency or is inducted by the Selective Service, may, upon written request prior to induction into military service, be placed on military leave without pay. Such leave shall extend through a date 90 days after such service terminates. Such employee on military leave shall be entitled to be restored to the vacated position or a comparable position, provided the employee makes application to the City Clerk within 90 days of the date of discharge under honorable conditions, and the employee is physically and mentally capable of performing the work of the position. Time so served shall be considered as continuous with the City.
- b. In the event a position vacated by a person entering the military service as stated above no longer exists at the time he qualifies to return to work, such person shall be entitled to be re-employed in another position of the same status, class, and pay in the regular service, provided that such position is vacant.
- c. Military Leave for National Guard, Reserves or Organized Militia.
 - (1) Definitions. As used in this subsection (c), the term "Ordered military duty" means:
 - (A) In accordance with O.C.G.A § 38-2-279 (2022) any employee who is a member of the military, organized militia or reserve forces shall be granted leave when performing ordered military duty.
 - (i) Pay for such duty shall be in accordance with O.C.G.A § 38-2-279 .
 - (ii) An absence due to such leave shall not constitute an interruption of continuous service.

2. *Court leave, civil leave or jury duty.* Paid court leave will be granted to an employee who has been subpoenaed for jury duty or as a witness. An

employee so subpoenaed will have the choice of receiving their City pay or the pay/compensation paid by the court, but not both. If the employee chooses to receive their City pay, the employee will turn over to the City Clerk the compensation paid by the court, intact, when received.

3. *Workers' compensation leave.*

- a. Generally. An employee who is temporarily disabled because of an injury or illness sustained directly in the performance of his or her work shall be covered by the provisions of the State Workers' Compensation Act.
- b. Reporting. When an employee is injured while on the job, such injury must be reported to the employee's supervisor immediately. The supervisor shall report the injury to the City Clerk on the day of occurrence.
- c. Leave compensation. If an employee who is injured on the job is unable to perform his essential duties and this is substantiated by a written medical doctor's report, if allowed by law, the employee may draw workers' compensation, up to the limit stipulated by state law, starting on the eighth day of disability. For the first seven working days of workers' compensation disability, the employee may use accumulated sick leave, annual leave and/or trading days to receive up to 40 hours of wages for this period, or the employee may waive use of such leave and receive no wages or workers' compensation benefits for the first seven working days. Beginning on the eighth day of worker's compensation disability, the City shall resume payment to the employee of his normal fulltime wages excluding overtime and shall pay the employee's wages and maintain full benefits for a period of up to six months while the employee remains disabled and entitled to worker's compensation wage benefits under state law. During this period of up to six months, the employee shall reimburse to the City all wage benefits paid to the employee by the State. If the employee continues to be disabled pursuant to worker's compensation law after the six-month period or otherwise fails to return to work, then the City shall discontinue payment of wages and benefits, and while the employee remains employed with the City employee may supplement his worker's compensation disability income benefits by using his accrued sick leave, annual leave and trading day hours but not beyond the amount the employee would earn during a regular average work week excluding

overtime. This provision is not intended to prevent the use or redemption of leave otherwise authorized by this ordinance.

Any continued benefits (medical, etc.) shall be the responsibility of the employee.

4. *[Reserved]*.

5. *Family and medical leave.*

1. *Generally.* The City of Hogansville will comply with the Family and Medical Leave Act. The City Clerk posts and shall maintain the mandatory FMLA Notice, and upon hire, provides all new employees with notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Leave Act in the City Clerk's Office.

The purpose of this subsection is to provide employees with a general description of their FMLA rights. In the event of any conflict between this subsection and the applicable law, employees will be afforded all rights required by law. Any employee questions, concerns, or disputes with this policy should be directed in writing to the City Clerk.

The City of Hogansville will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered military service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this subsection.

2. *Eligibility.* To qualify to take family or medical leave under this subsection, the employee must meet all of the following conditions:
 - a. The employee must have worked for the City of Hogansville for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations.

- b. The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.
3. *Type of leave covered.* To qualify as FMLA leave under this policy, the employee must be taking leave for one of the six reasons listed below:
 - (a) The birth of a child and in order to care for that child.
 - (b) The placement of a child with the employee for adoption or foster care and to care for the newly placed child.
 - (c) To care for a spouse, child or parent with a serious health condition (described below).
 - (d) The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.

This subsection covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about what illnesses are covered under this FMLA subsection or under the City's sick leave policy are encouraged

to consult with the City Clerk. If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the City may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

Any continued benefits (medical, etc.) shall be the responsibility of the employee.

Section 11-12. Notification absence to City Clerk.

When an employee has taken leave of any kind or is absent without leave, his department head shall notify the City Clerk prior to the end of the pay period in which the absence occurs. Such notification may be by notation on a timecard or attendance sheet or by memo, giving specific information covering type of leave, May want to list the requirement to make contact with supervisor or City Clerk weekly. This would also apply to workers comp.

Section 11-13. Termination of employee insurance benefits.

Whenever city-administered insurance terminates for any employee or their dependents, the effective date of termination shall be the earlier of: (a) midnight of the last day of the calendar month after the date of the event causing cessation of benefits, or (b) the date of termination specified by the city's insurance contract with the benefits provider. The employee or his dependents shall continue to pay the insured's portion of the premium through the effective date of termination.

Section 11-14. Bereavement leave.

1. Bereavement leave of up to three working days will be granted with pay for the absence from duty of employees in the event of a death in the immediate family. Immediate family is defined as spouse, child, stepchild, parent, parent-in-law, stepparent, sibling, sibling-in-law, daughter or son-in-law, grandparent or grandparent-in-law, grandchild. Bereavement leave may also be taken for any person domiciled in the employee's household.

2. In no event, will bereavement leave be granted to an employee who has failed to request bereavement leave prior to his supervisor turning in time sheets.

Section 11-15. Peace Officers' Annuity and Benefit Fund.

Upon an eligible officer's confirmation of voluntary enrollment to the City Clerk's Office for the membership of the Peace Officers' Annuity and Benefits fund established by the State of Georgia ("POAB") at that officer's cost, the City shall pay for the officer's payroll deduction for the monthly dues to maintain the officer's membership for the duration of the officer's employment with the City. The term "eligible officer" shall have the meaning prescribed by the POAB, and all rules and regulations set by the POAB and under O.C.G.A. § 47-17-1 et seq. shall apply. It shall be the officer's responsibility to promptly notify the City Clerk's Office of their confirmation of enrollment, and the City shall not be required to pay for coverage retroactively. The City reserves the right to amend, limit, suspend, terminate, or significantly alter the terms of the program set forth under this Section 11-19, at any time, at the discretion of the Mayor and Council. Does not apply for part-time or temporary employees.

Chapter 12

SEPARATIONS

Section 12-1. Types of separation from regular service.

Separations and/or terminations from positions in the regular service shall be designated as one of the following:

1. Resignation.
2. (Reserved).
3. Lay-off or reduction in force.
4. Disability.
5. Loss of job requirements.
6. Dismissal or discharge.
7. Retirement.
8. Death.

Section 12-2. Resignation.

To resign in good standing, an employee should give at least 14 calendar days prior written notice to his department head and work the scheduled hours during the resignation period. Immediately upon receipt of such notice of resignation, the department shall forward the same to the City Clerk. If an employee fails to provide 14 days written advance notice of resignation and fails to work scheduled hours during the resignation period, then the City Clerk may reduce the employee's accumulated annual leave one day for each day notice was not given and/or scheduled work not performed. Failure to comply with this rule shall be grounds for denial of reemployment rights. However, the department head may with the written approval of the City Clerk exempt from any or all of these penalties an employee who has given and worked less than the required notice under exceptional circumstances warranting such exemption in the judgment of the department head and the City Clerk.

Section 12-3. Lay-offs and furloughs.

1. *Generally.* With approval of Mayor and City Council the City Manager shall have authority to order lay-offs and furloughs for City employees, due to emergency conditions, economic reasons, lack of work, elimination of positions, elimination of departments, material changes in the duties or organization, or similar reasons.
2. *Furloughs.* Furloughs are defined in Section 2-1, and are further described here. Furloughs shall last no longer than six months per furlough order. Furloughs may be partial (a reduction in work hours) or complete (no work). Furloughed employees will receive City benefits and continue to earn leave during any period of furlough in the same manner as active non-furloughed employees but must pay the employee portion of any insurance or other benefits they carry during the furlough period. Completely furloughed employees may not use paid leave during furlough; partially furloughed employees may not use leave during furlough to supplement their pay beyond that due for their newly reduced work schedule. At or before the end of any furlough order, the City shall give the employee written notice of one of the following:
 - a. Full termination of employment;
 - b. A further partial or complete furlough; or
 - c. Recall to full employment.

Notice of lay-off or furlough. The City Manager through the City Clerk shall give written notice of any lay-off or furlough to the affected employees at least ten (10) working days prior to the effective date of any lay-off or furlough order. Any employee given an order may appeal the order by giving written notice to the City Clerk not later than three calendar days after notice is sent, stating the reasons for appeal. Any appeal shall be decided by the City Manager based on records and the written appeal and shall not require an in-person meeting with the appealing employee. Appeals may be granted, and orders reversed based only on mistake of fact or misapplication of law. Decisions of the City Manager shall be given in writing within 60 days of the appeal, and the City Clerk's Office shall forward any decision to the appealing employee. Appeals decisions of the City Manager are final.

Recall. Any furloughed employee who is recalled to employment shall report to work not later than one calendar week after the effective date of recall, and shall

not use annual leave or trading days until at least two weeks after having reported for recall. Failure to report for recalled duty without excuse may result in termination of the employee.

3. *Duties to be reassigned.* In the event of any lay-off or furlough, the duties previously performed by any affected employee may be reassigned to other employees holding positions in appropriate classes.
4. Leave not equivalent to separation. An employee absent from work on approved leave shall not be considered as laid-off or on furloughed due to this status, and his job slot shall not be considered open. However, an employee may be given a lay-off or furlough order while on leave.
5. *Leave cannot delay lay-off or furlough.* No employee ordered to lay-off or furlough may use leave to extend the period of his employment or supplement his pay. No employee ordered to lay-off or furlough may be paid for unused leave except as provided in Sections 11-7 and 12-7 if the employee is also retiring.
6. *Transfers.* In the discretion of the City Manager, any employee subject to a lay-off or furlough order may be offered a voluntary transfer to any available open position, in lieu of accepting the order.

Section 12-4. Disability.

A department head, with the approval of the City Manager, shall have the right to direct any employee within such department to be examined by a physician designated by the City. When a disability of any kind is discovered which impairs the effectiveness of an employee or makes his continuance on the job a danger to himself or others, the following action shall be taken:

1. If the disability is correctable, the employee shall be allowed a specified time as determined by the City Manager to have it corrected. If the employee fails to take substantial steps to have the disability corrected within this specified time or fails to have the disability corrected, the employee may be subject to disciplinary action or lay-off. The City Clerk and department head shall review the employee's progress every 90 days to determine if the employee is correcting the disability and if the position may remain unfilled.

2. If in the opinion of the examining physician, the disability cannot be corrected, the department head, subject to the approval of the City Clerk, shall:
 - a. attempt to place the employee in another position that he can perform satisfactorily, if that can be accomplished successfully; or
 - b. take steps to separate the employee from the City service through retirement or lay-off.

Section 12-5. Loss of job requirements.

Any employee who is unable to do his job adequately because of loss of a necessary license or other requirement, may be separated by lay-off and may be reappointed at the time such license or requirement is re-obtained, unless the loss was due to fraud or misrepresentation in application with the City or in obtaining the license or other requirement, then such employee may be separated by dismissal. The employee is responsible to report any loss of required license or certification necessary to perform his job to the employee's immediate supervisor within 48 hours of such loss. Failure of an employee to report such loss of necessary license or certification may be grounds for immediate termination.

Section 12-6. Dismissals.

Dismissals are discharges or separations for delinquency, misconduct, inefficiency, inability to perform the work of the position satisfactorily or just cause, and shall be governed by these policies and procedures as hereinafter set forth. Appointed employees are not protected under the provisions of this section and may be dismissed with or without cause.

Section 12-7. Retirement.

The retirement of an employee shall consist of the voluntary separation of an employee who has met the requirements of age and length of service under the policies governing any benefit provided to employees by the City of Hogansville as may be amended in the discretion of the Mayor and Council. Current age and service requirements for retirement are as follows:

1. *Pension.* The City's retirement plan for pension benefits is contained within its Ordinance (the "GMEBS Retirement Plan") approved November 15, 1971, as amended, establishing a retirement plan for the employees of the

City of Hogansville, Georgia, and setting forth the joint trust agreement and that contract for the administration of said plan by the City and the Georgia Municipal Employees Benefit System, a copy of which is maintained in the office of the City Clerk and is incorporated herein by reference. Where the terms of these policies and procedures conflict with those of the GMEBS Retirement Plan, the terms of the GMEBS Retirement Plan prevail.

2. *Disability retirement.* Any employee who qualifies and applies timely for disability retirement under the guidelines set by the GMEBS Retirement Plan or any subsequent retirement pension benefit provider of the City then in effect, may take disability retirement at any age and with any number of years of service, and receive pension benefits without regard to whether benefits have vested pursuant to Section 12-7.1. The amount of disability retirement benefits for an employee who has less than five years of service will be calculated as provided in the Plan.
3. *Retirement.* Payment for accumulated sick leave. Sick leave accumulated by any retiring employee, up to 600 hours, shall be paid as additional compensation to the employee on the date of his retirement, provided the employee has reached the age of 55 and has at least ten years of service with the City at the time of his separation from City employment.
4. *City's right to change.* The City of Hogansville reserves the right to amend, limit or significantly alter insurance coverage or premiums payments provided for employees and retirees at the discretion of the Mayor and Council.

Section 12-8. Death.

Separation shall be effective as of the date of the death of the employee. All compensation, including annual leave pay up to 240 hours, due to such an employee shall be paid to the beneficiary of the employee, the surviving spouse of such employee or to the estate of such an employee, as may be determined by the law or by the applicable executed documents in the personnel file of such employee.

Where an individual dies while employed by the City and while having dependent health insurance for dependent(s), and where the dependents have no other available private or public health insurance (such as Medicare, Medicaid, or private insurance), the dependents shall have the option to the cost of coverage to

maintain COBRA health insurance benefits for the dependents for a maximum of 12 months immediately subsequent to the death of the employee. Any such election shall be made in writing to the City Clerk in the manner and within the time period required for other COBRA elections. Any such elected period of paid COBRA coverage shall count against the dependents' time period for COBRA provided under law, and shall not be provided in addition to the self-paid COBRA coverage period. Any dependent receiving City-paid COBRA coverage shall be subject to any and all health plan rules governing self-paid COBRA coverage. This Section 12-8 shall not apply to employees initially hired by the City on or after January 1, 2016. Go to Section 12:10 COBRA continuum rights.

Section 12-9. Severance for appointed employees.

Any appointed employee, who is involuntarily separated from employment other than for cause, may be entitled to receive, in addition to any other separation benefits otherwise due, the following benefit:

1. For employees who have served as appointed employees less than five years, a benefit of 30 days gross pay; or
2. For employees who have served as appointed employees five years but less than ten years, a benefit of 60 days gross pay; or
3. For employees who have served as appointed employees ten years or more, a benefit of 90 days gross pay.

Benefits under this section shall be payable whether or not the employee makes use of his right to appeal termination. Benefits under this section shall not be payable in cases of resignation or other voluntary separation, or appointment or transfer to an alternate position.

Section 12-10. COBRA continuation rights.

1. Upon their termination, all provided health care coverage shall cease for employees who leave the service of the City before meeting the requirements for retirement or do not qualify for disability retirement. Upon termination, continuation of health coverage will be offered to all eligible employees and their dependents covered at the time of the employee's termination, in accordance with the Consolidated Omnibus Budget Reconciliation Act (COBRA).

2. Employees and dependents who choose to exercise their COBRA option for continuation of their health insurance coverage will be assessed the full cost of the health insurance premium. The cost of the insurance premium, the health care insurance provider and the COBRA administrator are determined annually and may change from year to year. Eligible former employees or their dependents may initiate COBRA benefits by contacting the City's COBRA administrator promptly after the employee's separation from City employment and following the instructions of the administrator. The City Clerk can provide contact information for the COBRA administrator.
3. Failure to pay a premium, as required by the insurance provider and by COBRA regulations, will result in termination of the individual's coverage.

Chapter 13

OUTSIDE EMPLOYMENT

Section 13-1. Outside employment.

Outside employment is any paid employment performed by an employee in addition to his or her employment with the City of Hogansville City Clerk:

1. Outside employment shall not interfere with the efficient performance of the employee's duties;
2. Outside employment shall not involve a conflict of interest as determined by the City Manager, or conflict with the employee's duties to the City;
3. Outside employment shall not occur during the employee's regular or assigned working hours unless the employee is on either annual leave or authorized leave without pay;
4. Any employee accepting outside employment shall make arrangements with the outside employer to be relieved of his or her outside duties if and when called upon for emergency service by the City.

Chapter 14

INCLEMENT WEATHER POLICY

Section 14-1. Inclement weather policy

1. *Purpose.* This Policy is to set out the procedures to be followed by City employees during times of inclement weather which may include such weather occurrences as ice or snowstorms or other weather events where the conditions may warrant the closing of some or all of the City's departments, not including Police Services.
 - a. The City Manager or his/her designee shall notify the Mayor and City Council
 - b. The City Manager or his/her designee shall notify the Department Directors

Chapter 15

ALCOHOL AND CONTROLLED SUBSTANCE POLICY

Section 15-1. Policy statement.

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

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

Section 15-2. Definitions.

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

Controlled substance shall have the meaning and include the substances defined as "controlled substances" in the Georgia Controlled Substances Act, O.C.G.A. 16-13-20 and 16-12-21(4) as said Act shall appear from time to time.

For purposes of this policy, the terms "drug" and "alcohol" means substances listed in O.C.G.A. § 34-9-411. The term "otherwise legal but illicitly used substance" means prescription drugs, over-the-counter drugs, or other products not being used for their intended purposes or in accord with the terms of the prescription by the person to whom the prescription is written and the misuse of other products, such as inhaling or sniffing products like adhesives and aerosols.

Safety sensitive positions shall be those positions where inattention to duty or errors in judgment by the employee or applicant while on duty will have the potential for significant risk of physical harm to the employee, other employees or the general public. Such positions include but are not limited to the following: all certified police officers, all employees who drive City-owned vehicles in the regular course of employment, employment involving natural gas, carry weapons, make arrests, or use physical force.

Confirmed positive result. Whenever an initial test for drugs or alcohol is found to be positive, the laboratory will carry out additional tests pursuant to laboratory testing guidelines to confirm that the initial positive indication was correct. If the second procedure also indicates the presence of drugs or alcohol, the test result will be considered a confirmed positive result.

Medical review officer shall mean a properly licensed physician who reviews and interprets the results of drug tests and evaluates those results together with medical history and any other relevant biomedical information to confirm positive results.

Section 15-3 Prohibited conducts

The following conduct is strictly prohibited and constitutes a violation of this policy for which employees may be subject to disciplinary action, up to and including termination of employment:

1. Use, manufacture, possession, sale, purchase, trade (or offer to purchase, sell, or trade) drugs, alcohol, or any otherwise legal, but illicitly used, substance on or in City property or at any time while an employee is on duty or performing any work for the City.
2. Hindering, obstructing, or refusing to cooperate or participate in any investigation involving suspected violations of this policy. This includes, but is not limited to, providing false, misleading, or incomplete information in response to any inquiry from a supervisor related to a suspected violation of this policy. It also includes refusing to undergo a lawfully required drug or alcohol test(s)
3. Hindering, delaying, or obstructing a lawfully required drug or alcohol test(s), including but not limited to, tampering with a sample or interfering in any way

with the chain of custody.

4. Reporting to work or engaging in any work activity whatsoever on behalf of the City under the influence of drugs, alcohol, or an otherwise legal, but illicitly used, substance.
5. Abusing or misusing prescription drugs or over the counter medication or misusing other products, such as inhaling or sniffing products like adhesives and aerosols. This includes, but is not limited to, the use, possession, sale or solicitation for the purpose of purchase or sale any prescription medication for which the employee lacks a valid prescription. However, nothing in this policy precludes the appropriate use of legally prescribed medications.

Section 15-4. When Testing is Required.

1. Pre-Employment: All individuals who are offered employment by the City are required to undergo testing for the presence of drugs and alcohol as a condition of employment. The City will test such employees for the presence of alcohol and drugs listed in O.C.G.A. § 34-9-411 using urinalysis or hair samples. If the results of such test indicate the presence of illegal drugs or alcohol in the applicant, the City may deny employment to the applicant.
2. Random Testing: Employees holding a safety sensitive position may be subject to unannounced testing for the presence of drugs or alcohol based on random selection and conducted by urinalysis or hair samples. To ensure that the selection process is random, employees covered by this policy will be placed in a common pool and employee names will be drawn from the pool of all names. Refusal to submit to a random drug screening within 24 hours of notification will result in disciplinary action up to and including termination of employment.

A. Pools of Employees Include:

1. Natural Gas Employees: Natural Gas Employees include any employee who answers a call for service or complaint relating to natural gas service, any responders to such calls, or those who physically make repairs or improvements to the natural gas pipeline or individual's natural gas connections within the City. This policy strictly follows the PHMSA required drug and alcohol policy as approved by the PSC. (See exhibit "A" for the complete policy as set forth by PHMSA in the City of Hogansville Natural Gas Drug & Alcohol Misuse Prevention Plan). Random selections from this pool are defined within the guidelines of the Hogansville Natural Gas Drug & Alcohol Misuse Prevention Plan.
2. Safety Sensitive Positions: Random selection process for this pool require that 25% of all employees are tested annually and will be performed on a quarterly basis. The number of employees tested will be based on total number of employees within the pool. The selection process will be performed by a third-party agency.
3. Reasonable Suspicion: The City may require an employee to submit to testing for presence of drugs or alcohol when there is reasonable suspicion to believe the employee is under the influence of drugs, alcohol, or an otherwise legal but illicitly used substance or controlled substance, or when the City is required by law, regulation, or contract. Such testing may be conducted by urinalysis, hair samples, or the most reasonable method. Circumstances that may cause reasonable suspicion may include, but are not limited to:
 - a) Observed use of drugs or alcohol;
 - b) Personal observation of the employee's job performance, appearance, behavior, speech, or odor creating reasonable suspicion that the employee has used drugs or alcohol in violation of this policy or is impaired by drugs or alcohol;
 - c) The observance of drugs, drug paraphernalia, alcohol, or containers

indicating the presence of drugs or alcohol in an area where the employee had primary control or access, including but not limited to, desks, lockers, equipment, machines or vehicles;

- d) Involvement in accidents, including motor vehicle accidents, or other actions that provide reasonable suspicion to believe the employee may be under the influence of drugs or alcohol; or
- e) Facts indicating that the employee diluted, tainted, tampered or interfered with any breath, blood or urine sample, or any test(s) required under this policy, or that the employee attempted to do the same.

The City reserves the right under all applicable laws to test any employee for alcohol and illegal drugs if the employee shows cause. Management, supervisors, and lead personnel are trained to identify symptoms of being under the influence of illegal drugs or alcohol with once annual training provided by the City's Employee Assistance Program (EAP). If a manager, supervisor, or lead person identifies a problem, they will ask another manager/supervisor/lead person to confirm the reasonable cause. Both persons will then individually fill out a Reasonable Suspicion Report. After filling out the report and it is jointly decided that reasonable suspicion still exists and the employee is unfit to perform his or her duties, the employee will be asked to go for testing. They will then be transported by the City of Hogansville to the designated clinic.

- 4. Safety Sensitive Positions: For purposes of this policy, safety sensitive positions include, but are not limited to, law enforcement officers, drivers of City vehicles that carry passengers, and wastewater and sewage treatment plant, as well as water plant employees. Additional positions may be regarded as safety sensitive positions subject to the provisions of the policy in the discretion of the City with or without notice.
- 5. Commercial Motor Vehicle Operators: Employees who drive commercial motor

vehicles and/or require a commercial driver's license for their jobs with the City may be subject to additional requirements regarding drug and alcohol use, and may be subject to testing under additional circumstances.

6. **Post-Accident Testing:** Every employee who is directly involved in, or whose actions contributed to, an accident on the job must submit to a drug and/or alcohol test immediately or as soon as possible after the accident occurs. Accidents include all recordable accidents, actions or omissions that result in near miss accidents, and accidents involving injury requiring first aid or off-site medical attention. Accidents also include property damage caused by human error. All accidents or injuries must be reported to the applicable supervisor immediately.

Section 15-5. Employee assistance

The City will attempt to assist employees who voluntarily report substance abuse problems prior to a positive test in finding effective treatment. For more detailed information regarding providers of employee assistance, including drug and alcohol abuse, mental health providers, and other persons, entities, or organizations available to assist employees with personal or behavioral problems, any employee may contact the City Clerk. The City maintains an Employee Assistance Program (EAP) to help with such providers, which will be available upon request to the City Clerk. All employees are welcome to make use of the services provided by the EAP.

Section 15-6. Consumption of alcohol while off duty at city events.

There may be occasions where alcohol is available at events that are organized or sponsored by the City. Employees who are working at or during these events may not consume alcohol while they are on duty. Employees who are off duty may consume alcohol so long as doing so would not otherwise violate the terms of this policy, but must do so responsibly and conduct themselves professionally at all times during the event. Employees who drink excessively and/or act inappropriately may be subject to disciplinary action, up to and including termination from employment.

Section 15-7. Positive test result.

Positive test results will be reported by the clinic to the Medical Review Officer (MRO), who will then disclose such results to the City of Hogansville City Clerk. At that point the City of Hogansville reserves the right to terminate the employee's position immediately.

Section 15-8. Necessary forms.

All specimens collected for drug and/or alcohol testing will be processed using the employees' social security number as identification to ensure confidentiality. Specimens will be tracked using a Custody and Control Form from the point of submission through destruction. Employees submitting specimens will be required to sign Chain of Custody Forms. If an employee does not sign these forms, retests will be requested. An employee who refuses to sign after it is requested of him or her will be considered having refused testing and shall be viewed as having positive test results.

Section 15-9. Appeal process.

In situations where an employee disagrees with the outcome of drug and/or alcohol testing reserves the right to appeal. Sections 8.7 and 8.8. of the Human Resources Manual outlines the steps and procedures for appeals and grievances.

Section 15-10. Custody of records.

The City Clerk or his/her designee will be responsible for the custody of all drug and alcohol testing records. Results of all drug/alcohol testing will be kept separate from employee's personnel files and treated as confidential information. Negative results will be retained for a period of one year, while positive results will be retained for a period of five years.

Section 15-11 Employees rights to records.

Any drug and/or alcohol donor has the right to his or her own records through a written request submitted to the City Clerk.

Section 15-12 Prescription drugs

Nothing in this policy prohibits the appropriate use of prescription medication as legally prescribed by a licensed physician. If an employee is taking prescription medication with potential side effects that may infringe on the safety of the employee or others, he or she must notify the City of Hogansville City Clerk. Failure to do so may result in disciplinary action, up to and including termination.

Chapter 16

SAFETY POLICY

Section 16-1. Purpose.

It is the policy of the City of Hogansville to provide a safe place of employment for every employee and to abide by accident prevention regulations set forth by federal and state government.

Section 16-2. Safety rules.

Maintenance of a safe and healthful working environment is of the utmost importance for the successful operation of the City. Each employee must be alert constantly to his personal obligation to observe safe operating procedures. All employees shall adhere to the following safety rules:

1. All employees who are not department heads should report all accidents with injuries or with significant damage to a supervisor or department head on the same day of the occurrence and obtain proper first aid to prevent further injury. All department heads shall report all such accidents or damage to the City Clerk within 24 hours of occurrence. Reference section 16-3
2. Report obviously unsafe conditions or defective equipment as soon as possible to your immediate supervisor.
3. Supervisors shall keep fire exits and walkways clear and accessible at all times. No employee shall obstruct any fire exit.
4. Do not work on any electrical equipment unless the power is turned off.
5. Use ladders properly; never use the top two steps. Use only ladders in good condition as determined by the Maintenance Supervisor or the immediate supervisor.
6. Never move furniture or heavy objects unless authorized to do so; use proper personal protection equipment and other staff assistance.
7. Do not engage in horseplay.
8. Never obstruct a breaker panel (three feet clearance is required all around).

9. Use safety glasses or personal protection equipment when cutting grass, wood or welding.
10. Obey all warning signs.
11. Wear protective gloves when administering first aid.
12. Use caution when lifting heavy loads. Lift with the legs instead of with the back.
13. Use caution when walking or working on wet or slick surfaces.
14. Report immediately any defective or unsafe electrical equipment or appliances.
15. Exercise caution at all times.
16. Regarding any operation of a City-owned vehicle, and regarding operation of any other vehicle while being used for City business:
 - a. Do not drive while impaired by drugs, alcohol or other intoxicants; do not drive when impaired by illness, fatigue, injury, or prescription medication.
 - b. Do not permit non-employees or unauthorized employees to drive.
 - c. Use special caution when backing up; use a "spotter" when visibility is limited.
 - d. In the event of an emergency stop or a stop due to a disabled vehicle, move the vehicle completely off the road when possible, avoiding curves, hills, or other places where the view may be obstructed; set the parking brake when stopped on a hill to avoid vehicle movement; use four-way flashers to warn approaching traffic.
 - e. Do not smoke or allow smoking within the vehicle.
 - f. Do not use a radar detector with the vehicle.
 - g. Keep the vehicle secure after parking by locking the doors and taking the key.
 - h. Comply with State law concerning operation of communication devices while driving.
 - i. Drivers and all passengers must wear seatbelts.
 - j. Turn on headlights after dark or during rain.
 - k. Obey the speed limit.
 - l. Use turn signals when turning or changing lanes.

m. Obey all State and local laws.

Section 16-3. Injury reporting requirements.

The following procedures should be followed to ensure compliance with the City's Safety Policy and Worker's Compensation regulations.

1. Every employee should immediately notify his immediate supervisor of any injury.
2. The immediate supervisor should assess the injury and make the determination if the injury requires first aid, treatment by a physician or clinic posted or transport to an area hospital. Under State Law, the City is NOT responsible for treatment rendered by the employee's choice of physician when the employee has knowledge and has been advised to seek treatment from a physician on the posted panel.
3. All incidents requiring medical services requires the department head to follow-up with the injured employee to determine work availability of the employee.
4. All initial and subsequent medical reports or information that are made available to an immediate supervisor should be immediately forwarded to the City Clerk.
5. Employees shall obtain a form from the treating physician's office listing their work restrictions, next appointment date, time and date of the current appointment and the physician's name and phone number. The employee is responsible for getting this form or a copy of it to the immediate supervisor.
6. If an employee misses any full day of scheduled work time due to injury on the job, the department head shall notify the City Clerk immediately and shall ensure that the injured employee's time sheet is correctly coded for workers' compensation leave.
8. An employee who is absent from work due to workers' compensation leave shall maintain contact with his or her Department Head and the City Clerk regarding his work availability and injury status. Department Head shall inform the City Clerk whenever an employee fails to comply with this policy.

Section 16-4. Instructions to drivers in case of accident.

These instructions shall apply to non-police employees driving a City of Hogansville vehicle involved in any collision.

Call the Georgia State Patrol and then report the accident to the City Clerk or the Department Head.

Section 16-5. Driver license check, driver background check, defensive driving training.

Every employee whose job description requires a valid driver's license shall consent and cooperate to assist the City Clerk in verifying annually the status of the employee's driver's license; any such employee who suffers the suspension or revocation of his driver's license, or is cited for any offense which may impact his ability to drive shall immediately thereafter inform his supervisor.

Section 16-6. Fitness for duty.

1. *Generally.* All employees shall be fit for duty to perform the tasks required by their respective job descriptions. Whenever an employee's performance of any essential function in his or her job description has become substantially impaired, his supervisor may require the employee to submit to a fitness examination to determine whether there is a health-related cause, as a condition of continued employment. When warranted, an employee in non-safety-sensitive position may be required to submit to a physical fitness examination; when warranted, an employee in safety-sensitive position may be required to submit to a physical and/or mental fitness examination.
2. *Voluntary exams, options after exam.* In addition to fitness examinations mandated due to failure to perform, where relevant, voluntary fitness examinations may be utilized as a condition in settlement of an employee disciplinary matter. Whenever loss of fitness is confirmed or substantiated by an examination by a physician or other professional health care provider, either temporarily or permanently, appropriate employment options may include: use of leave, reasonable accommodation of a disability, reassignment transfer/demotion where alternate work is available, disability retirement, or discharge.

3. *Notice.* In order to require an employee to submit to fitness examination, the supervisor shall first consult with the City Clerk, and coordinate preparation of a written notice to the affected employee. No examination shall be required unless:
 - (a) The employee's work performance has suffered; or
 - (b) The employee has exhibited continuing behavior (or admitted a health problem) which could endanger the safety of others if left uninvestigated.

The notice shall state:

- (a) The employee's job position;
- (b) Any task(s) or ability in his job description which the employee has substantially failed to perform;
- (c) How and approximately when that failure was manifested in the employee's behavior, or expressed verbally;
- (d) The fact that an examination will be required, that the employee must consent to release of this information to the supervisor and other administrative personnel, and any other relevant matters;
- (e) The date, time and place of the evaluation;
- (f) The name of the medical doctor, psychiatrist or psychologist conducting the evaluation;
- (g) A directive to cooperate with the medical doctor, psychiatrist, or psychologist and/or his staff, and completely and honestly answer any questions posed by the evaluator or their staff;
- (h) Notice to the employee and the evaluator that the evaluation is being conducted for use by the City;
- (i) Notice that the evaluation is confidential between the employee and the evaluator to the extent required by law which allows the evaluator to release limited information with the permission of the employee to the City as necessary to determine if the employee is fit for duty;
- (j) Notice that if the employee declines to provide access to information provided by the evaluator to be provided to the City, the department will

take the appropriate action which may include disciplinary action up to termination.

The evaluation shall be conducted to provide the City with sufficient information to make a determination of the employee's fitness for duty. The evaluator will be designated by the City and must meet the requirements of law for licensing of medical doctors, psychiatrists, and/or psychologists. The evaluator shall be instructed by the City to only release that information as allowed by the employee or as otherwise authorized by law.

The evaluation shall be paid by, ordered by and conducted for the City.

Section 16-7. Weapons prohibited on city property.

The Chief of Police shall maintain a policy, applicable to employees of the City Police Department, regulating the carrying of weapons in City buildings and on City property. All other employees are prohibited from carrying or bringing weapons, including but not limited to firearms, into City buildings and on City property.

Section 16-8. Workplace violence.

The City is committed to providing a safe workplace for its employees. To ensure a safe workplace, the City will not tolerate any work-related threat or act of physical violence by any employee. City employees shall not:

- (a) Intentionally cause physical injury or unwanted touching to any other person while on duty, or to any City elected official or any City employee at any time; or
- (b) Verbally, in writing, or by gesture express a desire to physically harm any other person while on duty, or to harm any City elected official or any City employee at any time; or
- (c) Intentionally cause or threaten to harm to City property.

Exceptionally, it is not a violation of this policy for an employee to defend themselves from physical violence initiated by another person, nor to defend another person from violence initiated by a third party. It is not a violation of this policy for an employee to express thoughts of violence about a third person to a professional counselor nor to any employee of the City Clerk in the course of requesting an EAP referral for counselling.

Violence or the threat of violence, by or against any City employee or any other person will result serious disciplinary action, up to and including termination.

All employees are expected to immediately report any potentially dangerous situation to a supervisor or the City Clerk. When an employee observes or becomes aware of an act of violence in the workplace which has resulted in physical injury of any person and where medical attention is needed, the employee shall call Hogansville Police Department and request medical assistance.

Chapter 17

OTHER POLICIES

Section 17-1. Equal opportunity and non-discrimination policy.

All applicants for positions and employees of the City of Hogansville shall be ensured of fair and equitable treatment in all aspects of personnel administration, including hiring, training, promotion, and disciplinary action without regard to political affiliation, handicap, race, color, national origin, sex, age, or religious creed and with proper regard for their privacy and constitutional rights as citizens.

The City Clerk shall see that information about job opportunities and the equal employment policy of the City of Hogansville are readily available to all citizens of the City and especially to all potential job applicants.

Any applicant or employee who believes that they have been subject to unlawful discrimination or unlawful harassment shall have the right to counsel with the City Clerk. The City Clerk shall take immediate steps to correct any violation of this policy. Any complaint against the City Clerk of unlawful discrimination or unlawful harassment shall be taken to the City Manager. Any complaints against the Mayor, City Council, City Manager or Assistant City Manager of unlawful discrimination or unlawful harassment shall be reported to the City Attorney.

Section 17-2. Unlawful discrimination and unlawful harassment policy.

1. It is the policy of the City of Hogansville to prohibit discrimination and harassment of its employees based on sex, age, race, color, national origin, religion or disability. This prohibition applies to management employees, non-management employees and even outsiders and vendors. It is not the purpose of this policy to intrude upon the personal lives of City employees or to interfere with social relationships, which are not otherwise regulated or prohibited by departmental rules or the City's policy prohibiting nepotism within a single department. Nevertheless, unlawful discrimination or unlawful harassment has no place at the City of Hogansville and will not be permitted.
2. Sexual harassment includes: not only unwelcome or offensive sexual advances, and requests for personal favors, but also other verbal or physical conduct of a sexual nature, such as uninvited touching or sexually related comments of any kind.

3. Other types of unlawful harassment include derogatory comments, jokes, or other offensive speech or conduct regarding individuals or groups based on the gender, sexual orientation, age, race, color, national origin, religion or disability of these persons.
4. Reports of unlawful discrimination or unlawful harassment are separate and not subject to the procedures set forth in Chapter 8.
5. To whom reports should be made. Any employee who believes that they have witnessed, is being subjected to or has been subjected to unlawful discrimination or harassment by anyone connected with their work is required to report the matter immediately to their supervisor or the City Clerk. In the case that the employee notifies their supervisor, the supervisor is then required to report the complaint to the City Clerk. If the employee's direct supervisor is the alleged perpetrator of unlawful discrimination or harassment the employee should notify the City Clerk. If the City Manager, is the alleged perpetrator of unlawful discrimination or harassment, or if the alleged perpetrator's direct supervisor is the City Manager, then the employee is required to report the matter immediately to the City Attorney. If the City Clerk is the alleged perpetrator of unlawful discrimination or harassment, then the employee is required to report the matter immediately to the City Manager.
6. Investigation responsibility. The investigation responsibility lies with the City Clerk and/or their designees, and they shall investigate and dispose of the matter appropriately, culminating in a written report of the matter. In instances where the City Clerk is the alleged perpetrator of unlawful discrimination or unlawful harassment, the City Manager shall assign the responsibility of investigation to the Assistant City Manager, and the Assistant City Manager shall make a written report to document their findings. The City Clerk may refer the written reports of investigation to the City Manager as appropriate. In incidents where actual unlawful discrimination or unlawful harassment has been found to exist, appropriate remedial action shall take place. Violation of this policy by any employee who discriminates or harasses another can result in discipline up to and including immediate discharge.

Any supervisor, who has reason to believe that an employee in their department has unlawfully harassed another employee, should take appropriate disciplinary action, whether or not the harassed victim requests assistance, if the harassment includes any of the following:

1. Threats of violence or reprisals;
2. Non-consensual physical contact;
3. Repeated harassment after any warning from a supervisor regarding prior harassment; or
4. Offers to trade work-related favors for sexual favors.

Other types of unlawful discrimination or unlawful harassment shall be dealt with appropriately by the supervisors or the City Clerk, as the situation dictates.

No employee who has made any truthful report of unlawful harassment shall be allowed to suffer any sanction or retaliatory action as a result of such report. No employee should assume that the City is aware of a problem, and reporting the alleged unlawful discrimination or unlawful harassment to an elected official shall not create a presumption that the City is aware. Complaints and concerns must be brought to the attention of the City through the procedures set forth herein so that the City can take steps to correct any problem.

Section 17-3. State and federal legislation; condition of employment.

- (1) These policies shall reflect, and be superseded by any changes mandated by state or federal legislation.
- (2) Except as provided in the City of Hogansville reserved the right to modify, revoke, suspend, interpret, terminate or change any or all such plans, policies or procedures in whole or in part at any time, with or without prior notice. The language used in any city plan, policy or procedure is not intended to create, nor shall it be construed to constitute, a contract between the city and any one or all its employees. Employees are employed at will.

Section 17-4. Conflicts of interest.

1. *Conflict of interest.* No City employee shall knowingly:
 - a. Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of that employee's official duties or which would tend to impair the independence of that person's judgment or action in the performance of that employee's official duties; or

- b. Disclose confidential information, including information obtained at meetings which are closed pursuant to O.C.G.A. tit. 50, ch. 14, concerning the property, government, or affairs of the governmental body by which that person is engaged without proper legal authorization or use such information to advance the financial or other private interest of that person or others; or
 - c. Represent other private interests in any action or proceeding against this City or any portion of its government.
2. *Disclosure.* Any employee who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within any department of the City shall disclose such interest to his supervisor and the City Manager and refrain from participating in any decision or action as an employee relating thereto.

Section 17-5. Dress code.

1. *General requirements.* Each department is different and may have different dress code requirements. In the absence of such departmental distinctions, generally City employees shall adhere to the following requirements for clothing and dress while on duty:
 - a. No clothing that reveals any uncovered undergarment, except shirts which reveal not more than five inches in length of the top of a camisole or undershirt directly below the neck. Layered shirts which reveal a shirt other than a traditional undergarment may be worn without limitation.
 - b. No midriff tops or other clothing that reveals any portion of the body below the top of the curvature of the breast and above a point two inches above the top of the kneecap.
 - c. No tank tops, sleeveless tops, dresses, or other shirts which reveal more than half of the top of either shoulder.
 - d. No shorts or pants for which the bottom sits higher than three inches below the bottom of the knee cap when the employee is standing.
 - e. No clothing with cut-off or frayed ends; no clothing with holes, rips, stains or paint spatters.

- f. No skirts, kilts or dresses with a bottom hem falling higher than two inches above the top of the kneecap when the employee is standing; no skirts, kilts or dresses with slits which reveal any portion of the upper leg higher than five inches above the top of the kneecap when the wearer is standing or kneeling.
 - g. No clothing which is substantially transparent to skin on private parts of the body.
 - h. No piercing jewelry worn on any visible part of the body other than the ears; no ear-piercing jewelry which fills a flesh piercing larger than ½ inch in diameter; no jewelry which could pose physical danger or inhibit the wearer's physical ability to perform work; no jewelry which bears text or a symbol which is demeaning or offensively directed toward any specific individual or specific group of individuals.
 - i. All employees shall wear appropriate undergarments adequate to support private areas of the body, and to complete the opaque body covering for any partly transparent outer garments.
 - j. No excessive body odor or excessive cologne or perfume.
 - k. When tights or hose are worn, they must be covered by pants, a dress, a skirt or another looser garment from the top of the hips to a point not higher than two inches above the knee.
2. *Exceptions.* The following exceptions to subsection 1. shall apply:
- a. POST-certified Police employees may instead wear a uniform or training clothing prescribed by the Police Chief or the Police Department Standard Operating Procedure, when it is appropriate to do so.
 - b. Public works employees may wear alternate clothing as prescribed by written objective gender-neutral departmental rules made by the Director of Public Works.
 - c. Maintenance and Sanitation employees other than office clerks shall wear alternate clothing as prescribed by written objective gender-neutral departmental rules made by the Director of Maintenance and Sanitation.
 - e. Any employee may dress within the bounds of good taste but outside the requirements of subsection 1:

- i. When performing special assignments, such as retreat events or conferences, even if the employee is there as a result of City employment.
- ii. Whenever the City Manager gives express permission for a special occasion.
- iii. Whenever approved on a continuing basis by the City Manager as an accommodation to an individual's special health or religious needs.

Section 17-6. Policy on signing city contracts.

1. *Authorized signers.* No City employee other than the City Manager or the City Clerk may sign any contract on behalf of the City.
2. *Document as contract.* A contract is any document which purports to obligate or bind the City to any terms, or to release or waive or assign any rights or responsibilities of the City, regardless of whether the document is entitled "contract", and regardless of whether the document requires payment of any funds. "Contract" includes agreements, memoranda of understanding, amendments to contracts or agreements, change orders, assignments, waivers, releases, contracts, and other documents. "Contract" can include an application if the application states that the City will or may be bound to the terms without further action by the City. Any City employee who is in doubt about whether a document may constitute a City contract should contact the City's attorney and seek guidance.
3. *Processing contracts for signature.* Whenever a City employee or vendor requires a signature for the City on a new contract document, the employee should present the document initially to the City's staff attorney or to the City Clerk's office, as prescribed by the Standard Operating Procedure for Contracts on file with the City staff attorney. Absent a public safety emergency, no employee should initially present any contract for signature directly to the City Manager or to the Mayor, prior to presenting it to the City Clerk.
4. *Unauthorized Signing by employee prohibited; mandatory minimum penalty.* City employees are prohibited from signing any contract on behalf of the City. Any employee who commits a second or subsequent violation of this paragraph within any 36-month period shall be disciplined with punishment not less stringent than a three-day suspension without pay.

Section 17-7 City credit card policy.

1. *Purpose.* The City's credit card is a purchase card system, benefiting the City's departments through prompt payment to suppliers for low value purchases. Use of a City credit card benefits City employees by saving labor and time.
2. *Generally.* The City Manager may approve use of City credit cards by selected City department heads and other City employees (other than any employee of the Finance Department) to facilitate expeditious purchases for travel related expenses and for materials and services unrelated to travel.
3. *Authorized employees.*
 - a. The City Manager may authorize use of a City credit card, for intermittent use or continuing use, for any City employee who consents to use of the credit card and for whom the employee's department head consents to use by that employee. No City employee shall be required to use a City credit card. Any City employee who consents to use a City credit card shall first sign an employee consent statement, the provisions for which shall include the employee's pledge to use the credit card for business purposes only, authorization for the City to the amount of deduct any unauthorized purchases from the employee's wages, and the employee's acknowledgement of the applicable credit limit on the employee's use of the card. If City issued credit cards are used for personal use or any stated violation in this section, the cost of such purchase(s) will be considered an advance of future wages payable to the employee who made the purchase, and will be recovered in full from the employee's wages until the wage advance is fully repaid. Such wage deductions may result in receipt of wages by the employee below minimum wage for the pay period(s) subject to deduction.
4. *Authorized purchase purposes.* Authorized employees may use City issued credit cards only for official business purchases of materials and services and for business travel expenses. The City's credit card serves as a means of payment only, and use of the card does not eliminate the need for employee compliance

with other regulations concerning purchasing, budgeting and pre-authorization for travel.

5. *Prohibited purchases.* The City credit card may not be used to charge personal purchases; food may not be purchased with the City credit card except food incident to approved business travel and purchases pursuant to express permission from the City Manager. Prohibited uses of the City credit card include but are not limited to:
 - a. purchase of items substantially for personal use;
 - b. purchase of items in violation of the travel policy;
 - c. use of credit card for cash advances; and
 - d. unauthorized food purchases.

Section 17-8. Nepotism.

It is hereby declared to be the policy of the City of Hogansville that no department head shall employ nor supervise any person in a full-time regular service position who is a member of his immediate or extended family. Nor shall any member of an employee's immediate or extended family work in the same department with another member of his immediate family. For purposes of this section "immediate or extended family" shall be deemed to include spouses, parents, grandparents, children, grandchildren, brothers, sisters, and the same such members of the spouse's family. Extended family shall also include a person of the opposite sex who resides on a permanent basis with an employee.

Section 17-9. Acceptance of gifts or gratuities.

An employee shall not accept gifts, gratuities or loans from organizations, business concerns, or individuals with whom he has official relationships on business of the City government. These limitations are not intended to prohibit the acceptance of articles of negligible value that are distributed generally, nor to prohibit employees from accepting social courtesies, which promote good public relations, nor to prohibit employees from obtaining loans from regular lending institutions. If any employee is in doubt about whether the acceptance of a particular gift is of negligible value, he should confer with his department head and the City Clerk before acceptance. Any violation of this provision may subject the employee to disciplinary action including termination.

An employee is allowed to accept gifts for immediate consumption (i.e. food, beverage, snack).

Section 17-10. Mayor & Council appointed employees, general appointed employees, non-appointed employees, adjunct appointees.

The following named positions shall be Mayor & Council appointed employee positions: City Manager, City Attorney, and City Clerk.

The following named positions shall be general appointed positions as appointed by the City Manager: Assistant City Manager, Police Chief, Public Works Director, Gas Superintendent, Wastewater Superintendent.

All other employee positions of City employment shall be non-appointed positions, although some non-appointed employees may be adjunct appointees, as defined by the City Charter.

Section 17-11. Lost or stolen City equipment reporting procedures.

For the purpose of this section, "City equipment" means any equipment owned by the City of Hogansville or issued to employees by the City of Hogansville, including, but not limited to, City laptops, City computers, City cell phones, and employee ID badges.

- A. *Stolen equipment.* In the event that any City equipment is stolen, the city employee must take the following actions:
 1. Contact the police department that has jurisdiction of the place of the theft to file a police report. The police department will conduct a formal investigation and take a statement for the report with a case number.
 2. Contact the city employee's immediate supervisor after filing a police report, to inform them of the stolen equipment within 24 hours of the event; and,
 3. Email the City Manager as soon as possible, a brief description of the stolen equipment and incident and the police report, if available, and copy the city employee's immediate supervisor on this email.

- B. *Lost equipment.* In the event that any City equipment is lost, the city employee must do the following:

1. Contact the city employee's immediate supervisor to inform them of the lost equipment within 24 hours of the event; and,
2. Email the Department Head as soon as possible, a brief description of the lost City equipment, and a copy of the email is to be forwarded to the City Manager.

Section 17-12. City gift card policy.

1. *Purpose.* From time to time, the City may determine that it is appropriate to purchase and distribute gift cards to City employees for the purposes of employee retention and recognition.
2. *Generally.* The City Manager shall have the authority to approve the purchase and distribution of gift cards by the City for distribution to City employees. Full-time and part-time City employees shall be eligible to receive gift cards under the procedure established herein.
3. *Procedure.*
 - a. The department head of the City department desiring to purchase and distribute gift cards to employees email a request to the City Manager stating the reason for the gift card distribution and the quantity and value of the requested gift card(s).
 - b. Prior to any approval, the City Manager shall ensure that the City department desiring to purchase and distribute gift cards to employees has made such an expense is within the budget for the fiscal year in which the request to purchase and distribute gift cards is made.
 - c. All gift card purchases and distributions shall be administered through the City Clerk for purposes including but not limited to oversight and record-keeping.

Chapter 18

EMPLOYEE USE OF COMPUTERS AND OTHER COMMUNICATIONS

Section 18-1. Public communications on behalf of the City.

1. *Paid promotions.* The City Manager will approve in advance and edit all paid promotion for the City and for its corporations and authorities, including but not limited to print promotions, broadcast, internet, billboard, and radio. This does not include paid advertising of legal notices or notices utilized for hiring. The City will not advertise programs, services or events for which neither the City nor its corporations nor authorities serves as a sponsor.
2. *Photo usage.* No employees will post or publicize photographs or videos for which the City does not possess the copyright or the owner's written permission for use. The City will not provide photo credit in its publications or postings.
3. *Cultural identity.* Except when necessary for official or legal purposes, in signing official communications employees will refrain from use of their department's name in favor of using "City of Hogansville " or the name of the City corporation or authority for which they work. Should a department have a specific need for utilizing the department's name for advertising or branding purposes, the employee shall consult the City Manager prior to such use. Employees may use their job titles without special permission in all official communications.
4. *City seal.* The city seal logo will be reserved for official city business and may be used by the City Clerk to seal official documents, but no employee shall use the City seal for any other purpose.
5. *Press releases and press statements.* The City Manager will be the final approval for all press releases from the city.
6. *Media inquiries and interviews.* A media inquiry is a request for information, other than a request for records, made by a member of the press. Employees will promptly refer all media inquiries and media requests for interviews to the City Manager and assist with formulating a response.
7. *Presentations and publications for the public.* The City creates and distributes a variety of communication documents for the general public including, but not

limited to, press releases, media advisories, brochures, PowerPoint presentations, annual reports, staff reports, newsletters, advertisements, posters, postcards, and flyers. All presentations, publications and items purchased with City funds should bear the City of Hogansville logo and web site address. Externally distributed publications must be reviewed by the City Manager or designee to guarantee that all publications representing the City reflect a consistent message and image and to ensure that branding guidelines have been met.

Section 18-2. Confidentiality and other limits on access to City records.

1. *Custodians of records.* For purposes of this chapter only, the "custodian" of any City record is the person or persons who created, sent or received the record. For all other legal and official purposes, the City Clerk is the custodian of all records owned and maintained by the City.
2. *Confidential records.* Unredacted City records which contain legally confidential information may be released to members of the public and other governmental entities only as allowed by law; handling of such records by City employees (and City elected officials) other than the official custodian shall be limited to those individuals who have a bona fide City-business need for the records. City employees shall not make personal use of confidential City records.
3. *Access to other records.*
 - a. *Purpose to limit access.* City employees may make limited personal use of City-owned computers and communication devices. Therefore, some stored non-confidential records, such as personal emails and text messages, have little usefulness for City business. While no employee should have an expectation of personal privacy for any electronic information stored on City devices or on the City computer server nor for information stored otherwise on City property, unlimited access to the personal messages of other employees tends to reduce employee morale. Further, when City records are examined out of context by non-owners and third-party employees, it can be difficult to determine their meaning and their status as either confidential or not, and confidential records can be released by mistake. Consequently, it is prudent for the City to limit

employee access to all records taken directly from the City electronic network.

Section 18-3. Computers generally.

1. Computer technologies, including computer files, the internet, cell phones telecommunications equipment, and electronic mail (i.e., email) are designed to enable and enhance the performance of official duties. Computer hardware and software should be used for legitimate City business to serve a significant City purpose. Every employee has a duty to protect and conserve government property, and shall not use such property, or allow its use, for other than authorized purposes or in violation of any law. Most computerized records and communications are subject to the Georgia Open Records Act, and are considered public information. Most computerized records are subject to the City's records retention schedule.
2. Employees shall use reasonable judgment in the performance of their duties including use of computer technologies, and employees who abuse computer hardware, software and other technology resources are subject to disciplinary action. Sending and consent to receipt of fraudulent, harassing or lewd sexual messages by employees is prohibited, except where job performance requires the employee to quote or paraphrase the message of another speaker. No messages, websites, or other communications with derogatory or inflammatory remarks about an individual's or group's race, age, sex, religion, national origin, physical attributes, disability or sexual orientation should be transmitted or willingly received on City computers, except where job performance requires the employee to quote or paraphrase the message of another speaker. Likewise employees shall not attempt or consent to access such materials. No email or other computer technology shall be created or sent that might constitute discriminatory, harassing, intimidating, hostile or offensive communications on the basis of gender, race, color, national origin, sexual orientation, disability, or other grounds.
3. Internet access other than email shall be primarily for business purposes. Due to limited bandwidth, internet audio and streaming capabilities shall be used for City business purposes only, and personal use is prohibited. All other City internet capabilities may be used for the same purposes as for email and telephone.

Section 18-4. System safety.

City computer equipment and software is owned by the City of Hogansville and shall not be treated as private property. Employees shall refrain from any practices that might jeopardize the operating system of City computers and/or data files, including but not limited to modifications to the operating system, installing applications, and work on system hardware. To prevent computer viruses from being transmitted through the system, employees shall refrain from downloading unauthorized software. Any questions about the safety of a downloaded file or email should be directed to the city's contracted IT vendor.

Section 18-5. Email.

1. Email should be used primarily for City business. Its purpose is to provide expeditious communication for employees for business purposes. It may be used for any business purpose including but not limited to routine matters such as scheduling meetings and conference calls, policy notices, request for information or directives to complete tasks, and notification of employees' whereabouts. Incidental purposes may include announcing work-related social events or contacting others about work-related transportation or work hours.
2. No employee should send any email communication that would be socially inappropriate if communicated face-to-face or over the telephone, or if seen by a staff member, an elected official or a consultant, other than the intended receiver. While email is intended for official purposes, brief, incidental and occasional personal use of email is authorized. Short personal messages to individuals or to small groups are acceptable, but email users must exercise common sense, good judgment, and propriety in the use of this resource.

Section 18-6. Social media.

1. *Purpose.* The purpose and intent of this section is to establish guidelines for employees who engage in social media activity as defined herein. This policy is not intended to prohibit any employee's personal expression in general or through social media activity in particular; however, because such activity can adversely affect the efficiency and effectiveness of City operations, as well as undermine public trust and confidence, a certain amount of regulation is necessary and appropriate. This policy therefore attempts to strike a

reasonable balance between the employees' interest in engaging in social media activity and the City's interest in preventing unnecessary disruption to or interference with its operations and relationship to the public it serves.

2. *Definitions.*

- a. For purposes of this chapter, the term "*social media*" is defined as the online technologies through which employees and other individuals engage in "social media activity" as defined below. In most cases, the term refers to internet-based websites such as MySpace®, Facebook®, Twitter®, LinkedIn®, Instagram®, YouTube®, Tumblr®, NextDoor®, and Blogger®. Online social media technologies covered by this policy also include, but are not limited to, such applications as web logs/blogs, video logs/vlogs, message boards, podcasts, and wikis.
- b. For purposes of this chapter, the term, "*social media activity*" is defined as the act of sharing information or otherwise communicating through social media, including, but not limited to, the posting, uploading, reviewing, downloading, and/or forwarding of text, audio recordings, video recordings, photographs/images, symbols, or hyperlinks.

3. *Scope.*

- a. This policy applies to all employees of the City without regard to whether their social media activity is conducted in or outside the workplace, while on or off-duty, or anonymously or through the use of pseudonyms.
- b. This policy applies to all employees of the City without regard to job title, position or rank; however, with the approval of the City Manager, the Police Department and any other department or affiliated agency of the City having special or unique concerns pertaining to its employees' social media activity may adopt and implement more restrictive SOP's or other internal rules narrowly designed to address such concerns.

4. *Prohibitions on social media activity.*

- a. All employees of the City should remain mindful that, as public servants, they are generally held to higher standards than the general public with regard to their on-duty and off-duty conduct, professionalism, and ethics. As a result, certain social media activity that may be tolerated or even acceptable in the private sector may nevertheless constitute a violation of this policy.
 - b. Each employee of the City who engages in social media activity must take personal responsibility for ensuring that such activity is consistent with all policies of the City, including, but not limited to, those pertaining to making false or misleading statements, promoting or endorsing violence or illegal activity, promoting or endorsing the abuse of alcohol or drugs, disparaging individuals or groups based on race, ethnicity, national origin, gender, sexual orientation, religion, disability, or other characteristics protected by law, or otherwise engaging in conduct unbecoming an employee of the City, bringing discredit to the City, or interfering with or detrimental to the mission or function of the City.
 - c. Employees must refrain from engaging in any social media activity which disqualifies them from performing, or in any way reasonably calls into question their ability to objectively perform, any essential function of their jobs. Examples of such functions include, but are not limited to, testifying, making hiring or promotion decisions or recommendations, conducting performance evaluations, and determining eligibility for City programs.
 - d. While any employee, at his discretion, may engage in social media activity with any other employee(s) consistent with the prohibitions, limitations and restrictions, and guidelines of this policy, no employee may be required or otherwise compelled to engage in such activity with another employee.
 - e. No employee, whether for purposes of engaging in social media activity or otherwise, may disclose or otherwise reveal any privileged or confidential information of the City, any other current or former employee of the City, or any applicant for employment with the City.
5. *Limitations and restrictions on social media activity.*
- a. Employees are strongly discouraged from disclosing or otherwise revealing their status as employees of the City through social media and, except as

otherwise authorized in advance by the City Manager, are strictly prohibited from directly or indirectly representing themselves to be speaking on behalf of the City. Similarly, in the absence of prior approval, employees' social media activity should not reveal or depict the City's adopted logos, seals, symbols, uniforms, patches, badges, or similar items identified with the City.

- b. Except as otherwise authorized in advance by the City Manager, if an employee's status as an employee of the City is disclosed, revealed, or otherwise made apparent in connection with his social media activity, his social media activity must include a prominently displayed disclaimer to the effect that the activity reflects only the employee's personal views or opinions and not those of the City; provided, however, that no disclaimer will shield an employee from the imposition of appropriate corrective and/or disciplinary action for social media activity which otherwise violates this policy. Employees should recognize that social media activity is generally more likely to violate this policy and other policies of the City if their status as City employees is disclosed or revealed in connection therewith.
- c. Except as otherwise authorized in advance by the City Manager, no employee may make excessive personal use City computers or equipment for purposes of engaging in social media activity but may make occasional brief use for this purpose.
- d. Except as otherwise authorized in advance by the City Manager, no employee, whether for purposes of engaging in social media activity or otherwise, may post or upload any information, audio recordings, video recordings, photographs/images, etc. from City computers or equipment.
- e. To preserve the continuity of the City's message, ensure accuracy, and avoid unnecessary confusion in the community, except as otherwise authorized in advance by the City Manager, employees should refrain from engaging in any social media activity that purports or serves to announce or explain the details of City programs, projects, activities, initiatives, or events.
- f. Exceptions to the above-stated limitations and restrictions may be authorized by the City Manager; provided, however, that any request for

such an exception represents a promise by the employee that, if approved, the disclosure of information, photographs, audio, video, etc. via social media activity will be fully consistent with the letter and spirit of this and all other policies of the City, any internal SOP's or rules adopted by his/her department director, as well as any laws pertaining to copyrights, trademarks, trade secrets, patents, and privacy and reputational rights.

- g. The City reserves the right to require any employee to remove immediately any posted or uploaded text, audio recordings, video recordings, photographs/images, etc. (even if previously approved) if such posted material constitutes a violation of this policy or other City policies.
7. *Application to other policies.* All personnel policies of the City relating to employee conduct apply equally to conduct that occurs through social media. This includes, but is not limited to, policies relating to discrimination, harassment, retaliation, workplace violence, conflicts of interest, and political activity. Any conflicts or inconsistencies between this policy and any one or more other policies shall be resolved by the City Clerk.
 8. *Duty to report.* All employees have an ongoing duty to report any violations of this policy by any other employee. The City considers this duty to report to be a critical component of its efforts to enforce this policy, and thereby ensure the safety, well-being, morale, and efficiency of its employees, preserve its reputation and goodwill in the community, and avoid or minimize unnecessary disruptions to or interference with its operations and service to the public.
 9. *No Expectation of privacy in social media activity.*
 - a. City employees should be aware that social media activity is not secure or private, even if active steps are taken to restrict access. Once information has been posted or exchanged via social media, it is generally trackable, traceable, and accessible indefinitely. For this reason, and consistent with this chapter, employees should have no expectation of privacy in any social media activity conducted in the workplace or on-duty or in any social media activity which otherwise directly or indirectly relates to or affects the City, any of its departments, or its employees.
 - b. The City reserves the right to inspect or monitor any social media activity engaged in by its employees using City-owned computers or other electronic equipment or devices. In addition, employees may be required

to provide access to any social media websites or other applications in which they participate upon a determination by the City that there is reasonable suspicion to believe that such access will reveal evidence of a violation of this policy or any other City policy.

10. *Workplace and on-duty usage.* Because it recognizes that social media is an emerging form of communication, the City permits employees to engage in limited social media activity in the workplace and while on duty, similar to receiving a personal text message or a telephone call of limited duration. Employees choosing to do so, however, are expected and required to use proper judgment and discretion, recognizing that even very brief periods of social media activity can collectively amount to significant periods of time. Supervisors are authorized to restrict or prohibit workplace and on-duty social media activity, as appropriate.
11. *Corrective and disciplinary action; other potential consequences.*
 - a. Employees engaging in social media activity in violation of this policy will be held accountable, and corrective and disciplinary action, up to and including termination of employment, may be taken in accordance with the City's disciplinary policies procedures.
 - b. If an employee is sued in part due to his social media activity under circumstances where the City would ordinarily provide a defense or indemnify the employee, the City reserves the right to withhold or withdraw such defense or indemnification in the event any such activity is found to violate this policy or any other policy of the City.
12. *Interpretation and application.*
 - a. Nothing in this policy is intended to or will be applied in a manner that violates any employee's constitutional rights, including rights to freedom of speech, expression, and association, or federal or state rights to engage in any statutorily-protected activity.
 - b. Any employee unsure about the application of this policy to any particular social media activity should seek guidance from the City Clerk before engaging in such activity.

- c. This policy is intended for internal use of the City only and should not be construed as establishing a higher duty or standard of care for purposes of any third-party civil claims against the City or its employees. A violation of this policy by an employee provides only a basis for corrective and disciplinary action against such employee by the City.