



LOUISVILLE METRO GOVERNMENT

PERSONNEL POLICIES

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Definitions

When used in these rules and regulations, the following words and phrases have the definitions indicated below, unless the context clearly indicates otherwise.

ABSENCE WITHOUT LEAVE/UNAUTHORIZED ABSENCE

An unapproved absence from work.

AGENCY/DEPARTMENT

Any cabinet, department, office, board, commission, or subdivision of Metro Government within Louisville Metro Government service.

AGENCY HEAD/DEPARTMENT EXECUTIVE

The director or administrator in charge of any agency, department, board, or commission.

ALLOCATION

The establishment of the appropriate class and level of funding for a position subject to the availability of approved funding.

ANNUAL INCREASE/GENERAL INCREASE

An across-the-board percentage pay increase authorized by Louisville Metro Government.

APPEAL

A request made to a higher or different authority for a review of a disciplinary action.

APPOINTING AUTHORITY

Any person, officer, board, commission, or other body who has the power of appointment to or removal from a position within Louisville Metro Government service.

APPOINTMENT

The selection or assignment of an eligible applicant to a position.

APPOINTMENT, TEMPORARY

An appointment for a specific and limited period of time to provide Louisville Metro Government with work or a service of a temporary or transitory nature.

CERTIFICATION

The transmittal from the Director of Human Resources or designee to a Department Director of applicant information from an eligibility pool.

CLASS/CLASSIFICATION

One or more positions sufficiently similar with respect to essential functions, duties, responsibilities, qualifications and tests of fitness, such that the same descriptive title may be used to designate each position within the class; and also, the same salary range can be applied to positions within the class.

CLASSIFY

The assignment of positions to a class.

COMPENSATION

Salary or wages and fringe benefits earned by or paid to an employee in a position.

COMPENSATORY TIME

Hours worked by an exempt employee in excess of the assigned work week.

DAY

One-fifth of the employees standard work week.

DEMOTION

Changing an employee, voluntarily or involuntarily, from a position in one class to a position in another class with a lower salary range, lower grade, lower skill requirement and/or level of responsibility than the employee's current position.

DEMOTION, INVOLUNTARY

A demotion initiated by management for disciplinary reasons. It may be initiated by management due to an employee's failure to abide by performance standards, policies, or rules.

DEMOTION, VOLUNTARY

A demotion agreed to by the employee. It may be initiated by the employee or resulting from non-disciplinary action by management such as reorganization of operations or a reduction in force. Since it is agreed to by the employee, the employee does not have the right to challenge or appeal the voluntary demotion.

DISABLED

Any person who has a physical or mental impairment which substantially limits one or more of such person's major life functions, has a record of such impairment, or is perceived as having such an impairment. This definition does not include an individual who is chemically dependent on alcohol or drugs; whose use of alcohol or drugs prevents the individual from performing the duties of the job in question; or who would constitute a direct threat to the safety of self or others. This definition does include individuals having or perceived as having Acquired Immune Deficiency Syndrome (AIDS) or being HIV positive.

DISMISSAL

The termination of an employee's service by the appointing authority.

ELIGIBILITY POOL

An official collection of eligible employees for a particular classification.

ELIGIBILITY POOL, COMPETITIVE

A collection of names of all eligible applicants to be considered for appointment.

ELIGIBILITY POOL, PROMOTIONAL

A collection of names of regular employees who have qualified for consideration for a promotion.

ELIGIBILITY POOL, PREFERRED RE-EMPLOYMENT FROM LAYOFF

A collection of names of regular employees who have been separated from employment with Louisville Metro Government as a result of layoff and eligible to be considered for reemployment.

ELIGIBLE

A person who qualifies for consideration for appointment by meeting the minimum requirements and attaining at least a passing score on any required examination.

EMPLOY

The appointment of a person to a position in Louisville Metro Government.

EMPLOYEE

A person hired by Louisville Metro Government into a position that can be either exempt or non-exempt. The positions may be regular, full-time, part-time, seasonal, or variable hour. Unless expressly stated otherwise or prohibited by law or in a Collective Bargaining Agreement, employment with Louisville Metro Government is voluntary and is subject to termination

by the employee or Louisville Metro Government at will, with or without cause.

EMPLOYEE, EXEMPT

An employee who is not subject to the wage and hour laws regarding minimum wage and overtime based upon their job duties and responsibilities. The employee is not paid overtime. An exempt employee who is not in the managerial pay scale will receive compensatory time for time worked beyond the standard work week. An exempt employee in the managerial pay scale will not receive compensatory time or overtime.

EMPLOYEE, NON-EXEMPT

An employee who is subject to the wage and hour laws regarding minimum wage and payment of overtime based upon their job duties and responsibilities. The employee must be paid overtime when they work over 40 hours in a work week.

EMPLOYEE, REGULAR

An employee in a full or part-time position who has satisfactorily completed the initial employment probationary period since their most recent date of hire. Status as a regular employee does not create any contractual rights to employment. The continued employment of a regular employee of Louisville Metro Government will depend upon the successful performance of all work assigned to the employee, the employee's following of the guidelines of the personnel policies and standard operating procedures, and the further need of the employee's continued employment by Louisville Metro Government.

EMPLOYEE, REHIRE

The reemployment of a former employee who left previously Louisville Metro Government employment in good standing. An employee who is rehired will not receive credit for prior service with the City of Louisville or Jefferson County Fiscal Court, unless the reemployment is the result of a grievance resolution, recall from layoff within one year, or otherwise provided by Collective Bargaining Agreement. A rehired employee must serve a probationary period upon re-hire. Rehired employees do not have a contractual right to employment with Louisville Metro Government.

GRIEVANCE

A union or union member's written complaint concerning disciplinary matters or conditions of employment as defined in their Collective Bargaining Agreement.

HOUSEHOLD

Those persons who share an employee's residence.

IMMEDIATE FAMILY

Unless otherwise defined within and for a specific policy, immediate family shall consist of an employee's parents, spouse and children.

JOB DESCRIPTION

A written statement of the essential functions, duties, responsibilities and qualification requirements that are assigned to a classification.

LAYOFF

The separation of an employee by the appointing authority because of a reduction of force due to decreased work, decreased funds, abolishment of the position or other material change in duties or organization.

LEAVE OF ABSENCE

An approved absence from work which is not separation.

LOUISVILLE METRO GOVERNMENT/METRO GOVERNMENT EMPLOYMENT

Continuous service with Jefferson County Fiscal Court, The City of Louisville, and now Louisville/Jefferson County Metro Government.

MINIMUM QUALIFICATIONS

The minimally-acceptable requirements of education, experience and/or other qualifications as prescribed for a position in a given class.

OVERTIME

Hours worked by a non-exempt employee in excess of 40 hours per week.

POSITION

A group of duties, tasks, and responsibilities assigned by the appointing authority to be performed by one employee. A position may be:

POSITION, FULL-TIME

A position with the standard work week of forty (40) hours. The standard work week is determined by the Director of Human Resources or designee.

POSITION, IRREGULARLY-SCHEDULED

A position with work hours scheduled on an as-needed basis. On average the employee must work less than 25 hours per week. An employee in an irregularly-scheduled position is not eligible for benefits.

POSITION, NEW

The addition to an organization unit of a position which previously did not exist.

POSITION, PART-TIME

A position with regular working hours that are less than the standard work week. The standard work week is determined by the Director of Human Resources or designee.

POSITION, REGULAR

A position intended to be utilized without interruption for an indefinite period of time. A regular position can be full-time or part-time. The designation of a position as regular does not create a contractual right to employment.

POSITION, SEASONAL

Positions which, although temporary in duration, coincide in duration with a particular season or seasons of the year and could recur regularly from year to year, in which case the period of time must not exceed nine months in a fiscal year or calendar year.

POSITION, TEMPORARY

A position allocated for a short specified period of time, not to exceed 6 months.

PROBATIONARY PERIOD

A period of time not normally exceeding six (6) months, which begins on the first day of the employee's appointment to a position or a classification. The probationary period is used to evaluate the employee's adjustment to and performance of the position's duties and responsibilities. An employee who is promoted to a position is expected to complete a six (6) month probationary period in the new classification. Completion of the probationary period or continuing to work after the probationary period does not create a contractual right to employment. The Director of Human Resources or designee may extend the probationary employee upon request by the employee's department director.

PROMOTION

The movement of an employee from a position in one class to a position in another class having a higher salary range.

RANGE CHANGE / SALARY GRADE ADJUSTMENT

The changing of a class to a different salary range.

REASSIGNMENT

Changing an employee from one position to another position in the same department/agency. The employee shall be assigned to the same class or a class having the same salary range.

RECLASSIFICATION

The changing of a position to a different class because of significant changes in the duties and responsibilities of that position.

REQUISITION

A request by a Department Director for new or additional personnel.

RESIGNATION

The voluntary separation of an employee.

SEPARATION

The end of employment.

SUSPENSION

An involuntary leave as a form of discipline or pending investigation.

TRANSFER

Changing an employee from a position in one agency to a position assigned to the same class or a class having the same salary range which is in a different agency.

VACANCY

A position that has been allocated but is not presently occupied by an employee.

WORK WEEK

The work week is a period of 168 hours during seven consecutive 24-hour periods. The work week shall begin at midnight on Saturday night/Sunday morning, unless otherwise established by an agency, with the approval of Human Resources. **The standard work week shall consist of 40 hours per work week.**

1.1 Purpose

- 1.1(1) This manual contains a summary of the personnel rules and regulations that Louisville Metro Government strives to follow. These rules and regulations are intended to implement the concepts and philosophy of current personnel management practice.
- 1.1(2) Unless expressly stated otherwise in a Collective Bargaining Agreement or by applicable law, employment with Metro Government is voluntary and is subject to termination by the employee or Metro Government **AT WILL**, with or without cause, and with or without notice, at any time. Nothing in these policies shall be interpreted to be in conflict with or to eliminate or modify in any way the **EMPLOYMENT-AT-WILL** status of Metro Government employees.
- 1.1(3) This personnel policy manual is a summary of the policies and rules which guide Metro Government in its relationship with its employees. **It is not a contract of employment and should not be construed as such.** The continued employment of any employee of Metro Government will depend upon the successful performance of all work assigned to the employee, and the general following of the guidelines of this policy manual, during a trial period of up to six (6) months and upon the continued successful performance, following of policies, and the further need of the employee's continued employment by Metro Government.

1.2 Scope

- 1.2(1) These rules and regulations are applicable to all employees, unless specifically excluded in the respective eligibility section of each heading. These rules and regulations nullify and replace all previously approved and existing rules related to the matters contained herein. Nothing contained in these rules shall be construed to deprive the Louisville Metro Civil Service Board, the Louisville Metro Merit Board, or the Louisville Metro Police Merit Board of any of its authority or jurisdiction, nor shall any provision of these rules modify, change, or repeal any provision of any collective bargaining agreement between Louisville Metro Government and any collective bargaining unit.
- 1.2(2) The compensation and benefits of employees covered by collective bargaining agreements shall be as specifically provided for in such agreements and shall supersede any provision of these rules. Employees who are members of collective bargaining units shall be eligible only for those benefits specifically provided for in such agreements.
- 1.2(3) The provisions of any rule contained in this manual shall not supersede the provision of any applicable state or federal law. If a conflict exists, the applicable state or federal law shall prevail. Should any part of these rules be found to be illegal and unenforceable, all other parts of the rules shall remain in full force and effect.
- 1.2(4) The policies described herein are not intended to create a contract for permanent or continuous employment. Louisville Metro Government reserves the right, without notice, to change, modify, amend, repeal, or grant an exception to any policy at any time at its discretion.
- 1.2(5) Agency Heads may establish policies and procedures governing the performance of their agency's employees to compliment these policies, but agency policies must comply with the rules and regulations contained in this manual.

1.3 Authority and Responsibility

1.3(1) Director of Human Resources

The Director of Human Resources shall be responsible for developing, administering, and interpreting these rules. The Director of Human Resources, and/or designee, shall be responsible for communicating Louisville Metro Government's personnel rules and regulations to all concerned.

1.3(2) Agency Heads / Department Directors

Agency Heads/Department Directors may establish policies governing the performance of their agency's employees. However, agency/departmental rules/policies shall not conflict with the rules and regulations contained in this manual, and are subject to the review of the Director of Human Resources, or designee.

1.3(3) Employees

All employees are responsible for understanding and adhering to Louisville Metro Government's personnel rules and regulations.

1.4 Equal Employment Opportunity and Affirmative Action

- 1.4(1) Louisville Metro Government is an Equal Opportunity/Affirmative Action Employer. Equal opportunity means treating all persons 7.1 Job Requisitions⁸who are similarly situated the same in terms of employment opportunity and other personnel actions. Affirmative Action is any specific step or program designed to eliminate or overcome present discrimination or the present effects of past discrimination against racial and religious minority group members, women, and all persons who are covered by federal, state and local civil rights antidiscrimination laws.
- 1.4(2) Louisville Metro Government strives to provide equal employment opportunity on the basis of merit and without unlawful discrimination in terms of race, color, religion, national origin, sex, age 40 and older, disability, pregnancy, gender identity, sexual orientation and smoker or nonsmoker status. Louisville Metro Government shall make every reasonable effort to select all staff from applicant pools which are representative of the labor market. Furthermore, Louisville Metro Government shall strive to ensure that other personnel actions such as compensation, benefits, transfer, layoff, terminations, training programs, education, tuition assistance, social and recreational programs and use of Louisville Metro Government facilities will be administered without unlawful discrimination.
- 1.4(3) Louisville Metro Government does not tolerate unlawful discrimination. If an employee has reason to believe that he/ she has been subjected to unlawful discrimination, he or she has the option to bring the matter to the attention of his or her immediate supervisor, manager, director, agency Human Resources representative or the Compliance Division of Human Resources without delay.
- 1.4(4) Louisville Metro Government will not tolerate adverse treatment of any individual because he/she has filed an EEO complaint, or has provided information regarding such complaint. Any employee who engages in retaliation against an individual who has filed a complaint or provided information concerning such complaint shall be subject to discipline, up to and including termination of employment. Any employee who feels he/she has been subjected to such retaliation should report this action to the Compliance Division of Human Resources.

Reference:

15.3 Equal Employment Opportunity Complaints **1.8 Harassment**

1.5 Standards of Ethical Conduct

Louisville-Jefferson County Metro Government represents the collective voice of the community, leading and acting for the common good. Our Core Values – honesty and integrity, leadership and teamwork, responsiveness to citizens, and focus on results – are the principles that guide our behavior. Louisville Metro Government is dedicated to ensuring the proper performance of government business and maintaining the confidence of the community it serves by adhering to the highest standards of honesty, integrity, responsibility, and impartiality by employees and agents throughout its daily operations. The Standards of Ethical Conduct can be found in Personnel Policies 1.5 through 1.7.

Ethics: Responsibility as a Public Employee

- 1.5(1) Employees shall avoid any action which might result in or create the appearance of:
- a) Using their public office or position for private gain;
 - b) Giving preferential treatment to any person;
 - c) Impeding government efficiency or economy;
 - d) Losing independence or impartiality;
 - e) Making a Louisville Metro Government decision outside of official channels; or
 - f) Adversely affecting the confidence of the public in the integrity of the government.
- 1.5(2) An employee may be subject to dismissal if he/she knowingly promotes, encourages or engages in, or publicly endorses, condones, or advocates conduct on or off duty, which involves:
- (a) harassment, intimidation, or terroristic threatening of any person or group, whether by use of force or violence or otherwise, on the basis of race, religion, national origin, sex, gender identity, or sexual orientation, or for any other reason; or
 - (b) the use of force, violence, or other terroristic or paramilitary tactics or methods to achieve social or political ends, or for any purpose in violation of law; or

(c) any other like conduct or activity to that set forth in (a) and/or (b) above which:

- Is inconsistent with the employee's duty and responsibility to Louisville Metro Government and the public;
- Would adversely affect public confidence in the Louisville Metro Government;
- Would result in internal discord, adversely affect employee morale, or impede the efficiency of any public service; or
- Otherwise would interfere with, impair, or prevent Louisville Metro Government from carrying out its duties and responsibilities to the public.

1.5(3) No employee shall knowingly become a member of or otherwise join, affiliate, or associate himself/herself with any individual, group, club, society, or organization or any type whose goals, objectives, aims, or activities involve conduct described in and prohibited by 1.5(1). Any employee who knowingly becomes a member or otherwise joins, affiliates, or associates with such an individual, group, club, society, or organization shall be deemed to have the intention to further the aims and purposes of the individual, group, club, society, or organization and may thereby be subject to dismissal or other appropriate discipline.

1.5(4) Violation of any section of this policy shall constitute grounds for disciplinary action up to and including termination of employment.

Ethics: Principles of Behavior

1.5(5) Louisville Metro Government expects its employees to follow the principles set forth below in their conduct and behavior. Any violation of these principles shall constitute grounds for disciplinary action up to and including termination of employment.

- a) Employees shall deal with co-workers and the public in a respectful and courteous manner.
- b) Employees shall act in a manner consistent with the trust inherent in public employment.
- c) Employees shall perform their work with honesty and integrity.
- d) Employees shall strive to perform their work at a consistently high level of quality and quantity.
- e) Employees shall obey and uphold the laws of the United States, the Commonwealth of Kentucky and political subdivisions and jurisdictions thereof, and Louisville Metro Government.

- f) Employees shall follow and promote general standards of safety and health on the job.
- g) Employees shall follow all the rules and regulations established for the department or agency to which they have been assigned.
- h) Employees shall accurately report their work time whether by timesheets, time clock swipes/punches, biometric time clocks, self-service entry in PeopleSoft or any other approved timekeeping method in accordance with the timekeeping policies.
- i) Employees shall conduct themselves, on and off the job, in a manner that would not cause discredit to Louisville Metro Government.
- j) Employees shall cooperate fully in all hearings and investigations conducted by or authorized by Louisville Metro Government.
- k) An employee whose job classification requires a valid driver's license shall immediately report any suspension or revocations of his/her license to his/her immediate supervisor.
- l) Employees shall conduct the performance of their job duties in the best interests of Louisville Metro Government and the general public, and shall refrain from any activity which is contrary to those interests.

1.5(6) All Louisville Metro Government employees must attend training on this Ethics Policy (1.5 – 1.7) Metro Human Resources' Training division will coordinate all training in conjunction with the Department of Internal Audit.

1.6 Ethics: Conflicts of Interest

1.6(1) All employees shall avoid conflicts of interest, potential conflicts of interest, and situations that give the appearance of a conflict of interest.

1.6(2) **Definitions:** For this Ethics Policy, these terms shall be defined as follows:

- a) "Compensation" means any money, wages, salary, or things of value given to or received by any person(s) in return for work or services performed.
- b) "Conflict of Interest" means any situation in which the employee may be influenced or appear to be influenced in decision-making or business dealings related to their work by any motive or desire for personal advantage other than the success and well-being of Louisville Metro Government. Personal advantage means a financial interest or some other personal interest, whether present or potential, whether direct or indirect, and includes a personal advantage to a family member. This standard applies to both actual and contemplated transactions. When in doubt, the employee is to assume there might be a conflict and should raise the question pursuant to this Ethics Policy by asking for a clarification (see 1.6(16)) or refrain from the action or conduct.
- c) "Economic opportunity" means any purchase, sale, lease, contract, option, transaction or arrangement involving property or services wherein a person may gain an economic benefit.
- d) "Economic interest" means an economic financial interest in the form of stocks, bonds, realty, equity, credit or interests in a corporation, proprietorship, partnership or other entity. The phrase "financial interest" may be used interchangeably with the phrase "Economic Interest."
- e) "Employee" means a person employed in a position with Louisville Metro Government who receives any amount of compensation for their work.
- f) "Family" means any person related to the employee, whether by blood or adoption, and includes the employee's spouse, parents, siblings, spouses of siblings, children, step-children,

grandchildren, the spouses of children, step-children,
grandchildren, and individuals who live in the employee's home.

- g) "Gift" means a payment, advance, deposit of money, services, or anything of value, unless consideration of equal or greater value is received; —gifts do not include gifts from family members, campaign contributions, or door prizes available to the public.

1.6(3)

Gifts and Working Relationship Building – To avoid appearances of impropriety, any gifts, gratuities, special favors, and hospitality to an employee shall not be accepted by any employee from any person or organization that sells, delivers, or receives any goods, materials, or services to or from Louisville Metro Government. This prohibition includes those persons or organizations that desire to enter into such relationships with Louisville Metro Government. Employees shall not accept compensation, other than that provided by law, for the performance of official duties.

Employees shall not accept monetary gifts or gratuities of any amount. Employees shall not solicit, accept or agree to accept, gifts, loans, gratuities, discounts, favors, or services from any person, business or organization under circumstances for which it could reasonably be inferred that the major or significant purpose of the donor is to influence the employee in the performance of their official duties.

This subsection shall not apply to:

- a) Political contributions, including the purchase of tickets to, or advertisements in journals for, political or testimonial dinners, if such contribution is actually received and used for political or public purposes and is not given under circumstances from which it could reasonably be inferred the purpose of the donor is to substantially influence the recipient in the performance of official duties; or
- b) A usual and customary commercial loan made in the ordinary course of business; or
- c) An occasional non-pecuniary award publicly presented by a nonprofit organization in recognition of the performance of a public service; or

- d) Occasional small gifts or meals (such as flowers or foodstuffs) to an individual employee. Employees shall not accept monetary gifts of any amount; or
 - e) Food and refreshments of nominal value when they are part of the employee's participations in a charitable, civic, or community event which bears a relationship to the employee's office and the employee is attending in an official capacity; or
 - f) Tickets for admission to a sporting, artistic, or cultural event if the ticket or admission is paid for by the employee at face value; or
 - g) General discounts authorized by Human Resources and offered to all employees of Louisville Metro Government; or
 - h) Educational or informational meetings or seminars sponsored by vendors if offered to all of the vendor's clients or are included in Louisville Metro Government's contract with the vendor, provided that the sessions are of short duration and out of town travel is not necessary.
- 1.6(4) No one shall use an official position, job, or office to obtain, by taking away from or adverse to the interests of the public at large, an economic opportunity for oneself, a family member or persons with whom he or she maintains a close economic or personal association.
- 1.6(5) No one shall use or attempt to use their official position, job, or office to secure or create privileges, exemptions, advantages, contracts or treatment, for one's self, family members, or others in a manner adverse to the interests of the public at large.
- 1.6(6) No one shall, in order to further one's own economic interests or that of any other person, including, but not limited to family members, disclose or use confidential information acquired in the course of official duties, in derogation of the interests of the public at large. Other considerations dictate the maintenance of confidentiality in the case of information of that nature.
- 1.6(7) No one shall use, in derogation of the public interest, their job, official position or office to receive, directly or indirectly, any interest, profits, or gratuities arising from the use or loan of public funds.

- 1.6(8) No one shall use, in derogation of the public interest, their job, official position or office to obtain for a family member any money, interest, profits, or loan of public funds.
- 1.6(9) No one shall act as officer or agent for Louisville Metro Government or any department of the Louisville Metro Government in the transaction of any business with one's self or any family member, or with any corporation, company, association, firm, or business in which he or she, or his or her spouse has any interest greater than either five percent (5%) or \$1,000 of the total value thereof.
- 1.6(10) No one shall knowingly alone, or with partners, or through any corporation which he or she controls or in which he or she owns or controls more than five percent (5%) of the stock or other form of ownership interest, or by any other person for his or her use or benefit or on his or her account, undertake, execute, hold or enjoy, in whole or in part, any contract for materials, supplies, or equipment, or for contractual services, involving twenty-five dollars (\$25.00) or more, made, entered into, awarded or granted by any Louisville Metro Government agency unless the contract, agreement, sale or purchase was made or let after public notice and competitive bidding in accordance with state, federal and local law.
- 1.6(11) No one shall accept an economic opportunity under circumstances where one knows or should reasonably know that there is a substantial possibility that the opportunity is being offered with the intent to influence one's conduct in the performance of his or her official duties.
- 1.6(12) No one shall charge to or accept from a person known to have an economic interest in some duty that he or she is performing, a price, fee, compensation or extra consideration for sale or lease of any property or the furnishing of services, products or materials which is substantially in excess of that which would be charged in the ordinary course of business.
- 1.6(13) Employees need to be aware of and comply with all applicable local, state, federal, and/or department regulations whenever an employee or their family member applies for a public program administered by Louisville Metro Government.
- 1.6(14) Department Directors should inform their employees of any policies or ethical issues unique to that department, its mission, or its funding sources. Employees are to comply with any such policies.
- 1.6(15) Employees who are not sure if anticipated conduct or actions would violate this policy may seek guidance and request clarification from the

Director of Human Resources or designee. **(NOTE: this is not the same as an advisory opinion by the Ethics Commission under the Louisville Metro Ethics Ordinance. For further information regarding the Ordinance, please see the link to the “Ethics Commission” on the Metro intranet.)**

The request for clarification must be in writing, in the form provided on HR’s webpage, and be signed by the employee. It must be submitted to the Director of Human Resources or designee a minimum of fifteen (15) working days prior to the anticipated action. Anonymous requests for advisory opinions will not be accepted. The director receiving the request shall respond to the employee in writing prior to the date of the anticipated action. If in doubt or if the anticipated action is less than fifteen (15) working days away, the employee should assume the action/conduct is in violation of this policy and refrain from the action or conduct.

- 1.6(16) Violation of any section of this policy may result in disciplinary action up to and including termination.

Duty To Disclose

- 1.6(17) Employees have a duty to report violations of this Ethics Policy, whether the violation is by themselves or by another. Likewise, concerns about the appearance of a violation or the possibility of violations should be reported. Care must always be taken to be factual and objective. Violations shall be reported promptly in writing to the Director of Internal Audit or the Director of Human Resources or designee and may be reported anonymously except where otherwise prohibited by law. Anonymous reports can also be made by calling the Louisville Metro Ethics Tipline at 888-226-2264 or Metrocall at 311. Tipline complaints may also be made online. Anonymous reports of alleged criminal activity may be made by calling 574-LMPD. An anonymous report must include sufficient corroborating evidence to justify initiating an investigation.
- 1.6(18) Louisville Metro Ethics Ordinance: Complaints against —Metro Officersll as defined in LMCO 71-2003 (Chapter 21, sections 21.01 – 21.99) shall be made in writing and signed under oath and submitted as provided in the rules of the Ethics Commission which can be found on MyMetro, the internal Human Resources webpage, or by calling Louisville Metro Human Resources’ Compliance Division.

Process & Resolution

- 1.6(19) The Director of Human Resources, or designee, shall be the

Ethics/Compliance officer for Louisville Metro Government for these Ethics Policies.

- 1.6(20) All reports or complaints filed pursuant to this policy shall be forwarded to the Director of Human Resources or designee. Upon receipt of a report or complaint under this policy, the Director of Human Resources or designee may confer with the Director of Internal Audit, LMPD, the County Attorney's office or others as needed to determine whether an investigation is necessary. Where appropriate, an investigation will be initiated to determine whether a violation has occurred and the investigation will be assigned to Human Resources, Internal Audit or LMPD.

An anonymous report or complaint without sufficient corroborating evidence or where otherwise prohibited by law will not be investigated. Reports or complaints against sworn police officers must comply with KRS 15.520 and will be investigated accordingly. There shall be no retaliation for good faith complaints, reports, for participation in an investigation or for providing truthful information relating to an alleged violation of this Ethics policy. In addition, there will be no retaliation where an employee makes a good faith report of the commission or suspected commission of any criminal offense to a law enforcement officer. Employees are protected even if the allegations are mistaken or unsubstantiated, as long as the employee reasonably believes the reported conduct constitutes a violation of the Ethics policy. One who makes a claim or report in bad faith or knows or has reason to know that such claim or report is false or materially inaccurate may be subject to disciplinary action up to and including termination of employment.

- 1.6(21) Employees shall cooperate fully in any investigation under this policy.
- 1.6(22) Upon conclusion of the investigation, there shall be a determination of whether any section of this policy has been violated. Disciplinary action up to and including termination may follow a finding of a violation.

1.7 Ethics: Fraudulent Activity Prohibited

- 1.7(1) Louisville Metro Government recognizes the importance of protecting the organization, its operations, its employees, and its assets against financial risks, operational breaches and unethical activities. Therefore, the commission or concealment of fraudulent or illegal acts by Louisville Metro Government employees, including those for the benefit of the enterprise, is expressly prohibited.
- 1.7(2) Definitions. Listing all forms of behavior that are considered unacceptable in the workplace is not possible. The following are examples of unacceptable behavior that may result in disciplinary action up to and including termination of employment. The list is not intended to be exhaustive:
- a) Dishonest or fraudulent acts;
 - b) Theft;
 - c) Misappropriation of funds, supplies, or other assets;
 - d) Irregularity in the handling or reporting of money transactions;
 - e) Disappearance of furniture, fixtures, equipment, or any other assets;
 - f) Forgery or altering official documents, including but not limited to, timesheets of other time reporting documents;
 - g) Concealing fraudulent acts;
 - h) Any similar or related wrongdoing or irregularity.
- 1.7(3) Department Directors, managers, and supervisors are responsible for knowing the fraud risks in their area and being alert for signs of wrongdoing or fraudulent activity.
- 1.7(4) Reporting Process:
- a) Louisville Metro employees are responsible for reporting suspected instances of fraudulent activity to their Department supervisor, manager, or director. Any supervisor or manager receiving notice of such a complaint shall report the complaint to the Department Director. If the complaint is regarding the Department Director, the supervisor or manager should report the complaint to the Internal Auditor and the Director of Human Resources or designee.
 - b) Upon discovery of suspected fraudulent activity, the Department Director should immediately provide notification to the Louisville Metro Office of Internal Audit or the Louisville Metro Police Department's Public Integrity Unit. Management should not

confront the employee or attempt to further investigate/substantiate the allegations.

- c) The Office of Internal Audit has primary responsibility for investigating allegations of fraudulent activity. All allegations will be investigated in accordance with the Office of Internal Audit's policies and procedures, regardless of the suspected individual's position, time of service, department, etc. Allegations of fraudulent activity by sworn police officers will be investigated in accordance with KRS 15.520.
- d) The Office of Internal Audit shall notify the Risk Management Division of Finance whenever alleged employee fraudulent activity is deemed probable. Risk Management will coordinate with the Office of Internal Audit to assure that applicable employee bond insurer claim notification requirements are met.
- e) If the result of an investigation concludes that a fraudulent act is probable, the Director of Internal Audit will notify the Louisville Metro Police Department or other appropriate law enforcement agencies.
- f) All employees shall cooperate with the Office of Internal Audit, the Louisville Metro Police Department, and other law enforcement and regulatory authorities. This includes providing support for prosecution efforts.
- g) Louisville Metro employees are subject to protection against reprisal in accordance with Louisville Metro Ordinance 21.07 and KRS 61. 102.
- h) There shall be no retaliation for good faith complaints, reports, for participation in an investigation or for providing truthful information relating to an alleged violation of this fraud policy. In addition, there will be no retaliation where an employee makes a good faith report of the commission or possible commission of any criminal offense to a law enforcement officer. Employees are protected even if the allegations are mistaken or unsubstantiated, as long as the employee reasonably believes the reported conduct constitutes a violation of the Ethics policy. One who makes a claim or report in bad faith or knows or has reason to know that such claim or report is false or materially inaccurate may be subject to disciplinary action up to and including termination of employment.

- 1.7(5) Violation of any section of this policy shall constitute grounds for disciplinary action up to and including termination of employment.

1.8 Harassment

Harassment

- 1.8(1) Louisville Metro Government will make every reasonable effort to ensure that no employee is subjected to harassment. In order to preserve and protect an environment in which all employees and all members of the public are treated with equal courtesy and respect, the Louisville Metro Government will not tolerate verbal or physical abuse, harassment, intimidation, threats, violence or other adverse behavior towards any individual on the basis of race, color, religion, national origin, ancestry, sex, age 40 and older, disability, smoker or nonsmoker status as long as workplace policy is complied with, pregnancy, veteran status, military status, sexual orientation, gender identity or any other protected characteristic as established by law. Louisville Metro Government will not tolerate any behavior intended to intimidate, humiliate, threaten, denigrate or otherwise interfere with the ability of any employee, or any member of the public to perform job functions or conduct business, whether or not such behavior constitutes a violation of individual civil rights within the meaning of federal or Kentucky statutes, Louisville Metro Government ordinances or any other violation of this policy, will result in disciplinary actions up to and including termination of employment.

Sexual Harassment

- 1.8(2) Due to its own philosophy, and in compliance with the U.S. Equal Employment Opportunity Commission's Guidelines, Louisville Metro Government specifically commits to make every reasonable effort to insure that no employee is subjected to sexual harassment or a hostile working environment by co-workers or supervisors, and further prohibits the sexual harassment of members of the public by its employees. Louisville Metro Government will not tolerate any behavior intended to intimidate, humiliate, threaten, denigrate, or otherwise interfere with the ability of any employee or member of the public to perform job functions or conduct business because of the individual's gender, whether or not such behavior legally constitutes sexual harassment. Sexual harassment is a violation of federal and state statutes as well as of Louisville Metro Government policies and procedures. Louisville Metro Government will investigate any and all complaints of sexual harassment received from employees and members of the public. Any employee determined to have violated the prohibitions against sexual harassment shall be subject to

disciplinary action up to and including termination of employment. In carrying out this commitment, Louisville Metro Government considers sexual harassment to consist of any unwelcome sexual advance, request for sexual favors, and other verbal and physical conduct or communication of a sexual nature if:

- (1) submission to such advances, requests or conduct and communication is an explicit or implicit term or condition of obtaining or retaining employment;
- (2) submission to or rejection of such advances, requests or conduct and communication by an employee affects decisions concerning an individual's employment; or
- (3) such conduct or communication has the purpose or effect of unreasonably interfering with the employee's ability to perform his/her job functions or to create a hostile, intimidating or offensive work environment.

Reporting Process

- 1.8(3) An employee should report any violation of this policy as soon as it occurs by using this reporting process. The very nature of harassment or discrimination makes it virtually impossible to detect unless the person being harmed registers his or her discontent with the appropriate Louisville Metro Government representative. Employees should use this process to report offensive conduct or situations immediately.

Any employee who believes that he/she has been harassed should report the incident to their immediate supervisor, manager, department director, agency Human Resources representative or the Compliance Division of Human Resources.

Any supervisor who receives a complaint of harassment must report the complaint to his or her department director or a designated employee, who shall report the complaint to the Compliance Division of Human Resources. Failure to report such complaints promptly is a violation of this policy and may subject the supervisor, manager or department head to disciplinary action up to and including termination of employment.

Louisville Metro Government recognizes the potential conflict between the employee's desire for confidentiality and its duty to investigate such complaints and allegations when the employee informs management about alleged harassment. However, after Louisville Metro Government is notified of harassment and the employee requests that no action be taken, Louisville Metro Government is still obligated to investigate. Inaction in

such circumstances could subject other employees to continued inappropriate and potentially illegal behavior, as well as lead to liability for the employer. Louisville Metro Government must discharge its duty to provide its employees a safe work place by preventing and correcting harassment. Therefore, Human Resources will investigate any and all complaints of harassment. Complaints should be in writing; however, they do not need to follow a prescribed format. The process for investigating complaints is as follows:

- The Director of Human Resources will designate someone to be the investigator.
- Louisville Metro Government recognizes that confidentiality is important and will protect the confidentiality and privacy of individuals reporting or accused of harassment (of any type) to the extent possible. However, Louisville Metro Government cannot guarantee complete confidentiality, because it usually cannot conduct an effective investigation without revealing certain information to the alleged harasser and potential witnesses. Therefore,
 - Information about the allegation of harassment will be shared only with those necessary for Louisville Metro Government to carry out its investigative and operational responsibilities. Records relating to harassment complaints will be maintained in the same manner.
 - Louisville Metro Government cannot maintain confidentiality in circumstances in which it is required by law to disclose information (such as in response to legal processes, grievance procedures, Open Records, etc.) and when disclosure is required by Louisville Metro Government's outweighing interest to protect others.
- The investigator shall exercise the authority to interview the complainant, alleged harasser and any witnesses to the incident or incidents in question.
- The investigator shall exercise the authority to collect documentation and other available information with respect to the incident or incidents in question.
- The investigator shall prepare a written report of the results of the investigation for the Director of Human Resources.

- Human Resources shall determine whether there is sufficient cause to believe that the complainant has been the subject of harassment or intimidation, and shall recommend appropriate disciplinary action to be applied to the Louisville Metro Government employee who is the subject of the complaint.
- At the conclusion of the investigation, Human Resources shall issue a written determination to the director of the employing department.
- At the conclusion of the investigation, Human Resources shall provide a written determination to the person who files the complaint.
- The director of the employing department must take all reasonable measures to ensure that the harasser ceases and desists from any harassment towards the complainant or any other employee or member of the public.

Retaliation

- 1.8(4) Louisville Metro Government will not tolerate adverse treatment of any individual because he or she has filed a harassment complaint, or has provided information concerning such complaint. Any employee who engages in retaliation against an individual who has filed a complaint or provided information concerning such complaint shall be subject to discipline, up to and including termination of employment. Any employee who feels he or she has been subjected to such retaliation should report this action to the Compliance Division of Human Resources.

Any employee who is found to have knowingly made a false accusation of harassment or retaliation may be subject to disciplinary action up to and including termination of employment.

Training

- 1.8(5) Members of management are required to attend sexual harassment training, as offered through the Training Division of Human Resources, every two years or as otherwise mandated by the Director of Human Resources.

Reference:

- 1.4 Equal Employment Opportunity and Affirmative Action**
- 15.3 Equal Employment Opportunity Complaints**

1.9 Workplace Violence Prohibitions

1.9 Louisville Metro Government shall provide its employees, insofar as it is possible, with safe and healthy working conditions. Every effort shall be made to promote maximum standards of safety and good health.

It is also the goal of Louisville Metro Government to rid work locations of violent behavior or the threat of violent behavior. All employees, employee organizations, and law enforcement agencies must act individually and jointly to prevent or defuse actual or implied violent behavior at work.

Violence, or the threat of violence, by or against any employee of Metro Government or other person, is unacceptable and contrary to the policy of Louisville Metro Government. The following activities, while not all-inclusive, are considered violent acts or threats of violence. Any employee participating in the following behavior will be subject to disciplinary action up to and including termination of his or her employment, and possible criminal charges:

- Physical harm or beatings resulting in injury or death; rape, sexual assault, sexual harassment, sexual abuse, strangulation, gun shot wounds, and stabbing.
- Verbalized threats, stalking, etc.
- Intentional acts resulting in property damage, and/or theft.
- Harassment, verbal or physical, which may result in creating an intimidating, hostile, or offensive working environment.

Possession, use or threat of use of a deadly weapon is not permitted on any property owned or operated by Louisville Metro Government, including in a motor vehicle, unless such possession or use of a weapon is a necessary and approved requirement of the job. "Deadly weapon" means:

any weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged except as otherwise precluded by KRS 65.870; any knife other than an ordinary pocket knife; billy, nightstick, or club; blackjack or slapjack; nunchaku karate stick; shuriken or death star; or artificial knuckles made from metal, plastic, or other similar hard material.

All threats of violence must be taken seriously and reported to the Supervisor or Department Director immediately. No employee acting in

good faith, who reports real or implied violent behavior will be subject to retaliation or harassment based upon his or her report.

1.10 Immigration Reform and Control Act of 1986

- 1.10 The Immigration Reform and Control Act of 1986 makes it illegal to knowingly hire any alien not authorized to work in the United States. In compliance with this law all employees hired after November 6, 1986 must complete Immigration and Naturalization Service form I-9 and produce evidence of identity and authority to work in the United States.

1.11 Nepotism Policy

- 1.11(1) Louisville Metro Government does not prohibit employment of immediate family in the same department or administrative unit, provided that one immediate family member is not under the direct supervision of another immediate family member.

- 1.11(2) Any Director, Assistant Director, Manager or Supervisor within the chain of command of an employee or applicant who is a member of his or her immediate family is automatically recused and prohibited from making any employment-related decisions regarding that employee or applicant.

1.12 Secondary Employment

- 1.12(1) Employment with Louisville Metro Government will be the primary employment of each full-time employee. A full-time employee must report any secondary employment to his/her Department Director in writing before the secondary employment begins. A newly hired or rehired employee must report any secondary employment within five (5) working days of hire or rehire. Such employment will be permitted unless it creates a potential conflict of interest. The Department Director may consult with the Director of Human Resources or designee prior to making a decision.
- 1.12(2) Secondary employment includes, but is not limited to, working for yourself (for example, self-employment, as an independent contractor, a provider of professional services, etc.) or another firm/company/business/organization or having an ownership interest in a firm/company/business/organization.
- 1.12(3) Part-time employees must report any secondary employment to his/her Department Director in writing before the secondary employment begins, or in the case of a new hire or re-hired employee, any secondary employment must be reported to the Department Director within five (5) working days of hire or rehire.
- 1.12(4) Secondary employment may constitute a conflict of interest if the individual/firm/company/business/organization does business with Louisville Metro Government, provides similar services, or is in competition with the services provided by Louisville Metro Government. A conflict of interest may also include, but is not limited to, actions that are in violation of Louisville Metro Government's Personnel Policies.
- 1.12(5) Documentation of secondary employment along with the approval or denial, shall be forwarded to Metro Human Resources to be included in the employee's personnel file.
- 1.12(6) Failure to comply with this policy may result in disciplinary action up to and including termination.

1.13 Drug and Alcohol Policy Pertaining to Employees Holding Commercial Driver's Licenses

1.13(1) Purpose and Scope

The following provisions apply to employees required to obtain and maintain a commercial driver's license (CDL); all other employees should refer to policy 1.15 Drug Free Workplace and Reasonable Suspicion Testing. The policy of Louisville Metro Government is to maintain a drug and alcohol free work environment and workforce. It is the objective of this policy to meet the guidelines and procedures concerning the limitation of alcohol use or drug abuse by an employee required to obtain and maintain a commercial driver's license as provided by 49 CFR Parts 40, 382, et al and subsequent amendments.

All employees required by Metro Government to perform safety-sensitive functions as defined by 49 CFR Parts 40, 382, et al and subsequent amendments are subject to the drug and alcohol policy procedures:

- a) All classifications requiring a CDL, and those employees so classified, are subject to the drug and alcohol policy and procedures set out in 1.13(1) to 1.13(8).
- b) Also subject to the policy and procedures is an employee who obtains a CDL for purposes of performing CDL required job functions for Louisville Metro Government on a temporary, auxiliary, emergency basis or who, as a supervisor, must occasionally operate Metro Government equipment for training purposes or in an emergency situation. Performance of safety-sensitive functions outside of classifications requiring a CDL requires advance approval of the Director of Human Resources or designee.
- c) Also subject to this policy are employees in the process of entering a safety-sensitive job classification or function.
- d) For the purposes of this policy, all covered employees are also referenced as *driver*.

1.13(2) Definitions

- a) Specimen: Urine provided for controlled substance testing. The specimen is divided into two containers to provide two samples for testing, called *primary* and *split*.
- b) Split specimen testing: Test of the split specimen as provided for under 49 CFR Parts 40, 382, et al and subsequent amendments.
- c) Refusal to submit: Refusal to submit to an alcohol or controlled substance test means that the driver 1) Fails to provide adequate breath for alcohol screening without a valid medical explanation

after he or she has received notice of the requirement for breath testing; 2) Fails to provide adequate urine for controlled substance testing without a valid medical explanation after receiving notification of the requirement for urine testing.

1.13(3)

Prohibited activity:

- a) No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of .04 or greater.
- b) No driver shall use alcohol while performing safety-sensitive functions.
- c) No driver shall perform safety-sensitive functions within four (4) hours after using alcohol.
- d) No driver required to take a DOT regulated post-accident alcohol test shall use alcohol for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first.
- e) No driver tested under this policy who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform or continue to perform safety-sensitive functions for 24 hours following administration of the test.
- f) No driver shall refuse to submit to a post-accident alcohol or controlled substances test, a random alcohol or controlled substances test, a reasonable suspicion alcohol or controlled substances test or a return to work alcohol or controlled substance test.
- g) No driver shall report for duty or remain on duty when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner who advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle. An employee is required to inform the employer of any therapeutic drug use.
- (g) No driver shall report for duty, remain on duty or perform his/her job if the employee tests positive for controlled substances or has adulterated or substituted a test specimen for controlled substances.

1.13(3)

Types of Alcohol and Controlled Substance Testing

- a) Pre-employment testing: A prospective applicant, whether the applicant be external or a current Metro Government employee, -for a position requiring a CDL must receive instructional information explaining the requirements of the DOT's drug and alcohol testing

regulations and procedures, as directed by the Director of Human Resources or designee and must submit to a pre-employment drug test upon the direction of the Director of Human Resources or designee. This requirement also applies to any other employee being required to perform safety-sensitive functions for Metro Government for the first time. For employees who have previously performed safety-sensitive functions of Louisville Metro Government and are returning to the performance of safety-sensitive functions after an absence from such classification shall be subject to pre-employment drug testing, which is to be performed after the approval of the Director of Human Resources or designee is obtained.

- b) Drivers will also be subject to additional testing:
 1. Post-accident testing
 2. Random testing
 3. Reasonable suspicion testing
 4. Return to duty testing
 5. Follow-up testing

1.13(4) All drug and alcohol tests will be conducted as soon as possible without any prior notification to the employee. Except for return to duty testing, an employee shall be notified of required tests at the worksite at any time following report for duty. Alcohol testing shall be conducted immediately before, during, or after the performance of safety sensitive functions.

1.13(5) Metro Government will follow drug-testing procedures as required at 49 CFR Parts 40, 382 et al and subsequent amendments.

- 1.13(6) The following minimal steps be followed:
- a) Any employee who upon being alcohol tested has an alcohol concentration of 0.02 or greater will be immediately removed from his or her job duties.
 - b) Any employee whose controlled substances test results in a positive report will be immediately removed from his/her job duties.

Nothing in the law or in this policy prohibits Metro Government from exercising its independent management prerogative in applying appropriate discipline. Any employee who engages in behavior prohibited under this drug and alcohol policy shall be subject to discipline up to and including termination of employment.

1.13(7) No employee will be allowed to perform safety-sensitive functions unless the employee has successfully completed all requirements at 49 CFR Parts 40, 382 et al and subsequent amendments regarding return-to-duty evaluation, treatment, and testing by a qualified substance abuse professional.

1.13(8) All employees designated to supervise drivers must participate in training on alcohol misuse and controlled substance use. This training will be used by the supervisor to determine whether reasonable suspicion exists to require a driver to undergo reasonable suspicion testing.

Those so trained are required to document in writing the specific factors observed that result in a recommendation to conduct reasonable suspicion testing. Every reasonable effort must be made to complete such documentation prior to the employee being sent for testing.

1.14 Internet / Electronic Mail / Information Systems

1.14(1) Examples of Internet, Electronic Mail (Email), and Information Technology (IT) resources covered by this policy include, but are not limited to, the following tools or services owned or provided by Louisville Metro Government:

- any computer-based Email message and file transfer systems;
- any Internet, Intranet, or on-line information service connection;
- any computer system, including individual Personal Computers (PCs);
- any Local Area Network (LAN), Wide Area Network (WAN), or other networked telecommunications system;
- any "Bulletin Board" system, voice-mail, transcription-dictation message system, or facsimile transmission (FAX) system;
- any image scanner, sound digitizer, or related data capture or storage device.

1.14(2) Louisville Metro Government provides Internet/Email/IT tools to its employees to support efficient operations. Internet/Email/IT tools are not for employees' personal use. Louisville Metro Government intends that these tools be used to:

- facilitate performance of any task or project in a manner approved by an employee's supervisor;
- communicate with fellow employees, internal and external constituents, and other parties regarding matters within an employee's assigned duties; and
- acquire information related to, or designed to facilitate the performance of, an employee's regular assigned duties.

Since Internet/Email/IT resources are tools provided for organizational purposes, Louisville Metro Government reserves the exclusive right to determine whether, and to what extent, each employee requires access to these tools as a part of her/his assigned job duties.

1.14(3) As a condition of providing Internet/Email/IT tools to its employees, Louisville Metro Government places certain restrictions on the use of these tools. Louisville Metro Government expressly prohibits the use of Internet/Email/IT tools for the following, and violation will be cause for disciplinary action:

- the creation, transmission, reception, dissemination, retention, solicitation or display of obscene, sexually explicit, discriminatory or prejudicial messages, images or other materials, including ethnic slurs

or racial epithets, or any materials that can be construed as harassment;

- facilitating, or soliciting for, commercial ventures, religious or political causes, or other outside concerns;
- the copying, distribution, use, or, if applicable, printing, of copyrighted materials including computer software in violation of copyright laws;
- the transmission, forwarding, or "broadcasting" of any messages or materials to numerous recipients without authorization and/or a demonstrable Louisville Metro Government business purpose (e.g., "chain letters");
- the transmission, reception, storing, printing or other dissemination of proprietary or other confidential materials in violation of Louisville Metro Government's policies or departmental policies;
- any activity that violates local, state, or federal law.
- intentional misrepresentation of one's self or Metro Government.

The content and wording of Email messages and other communications created using Internet/Email/IS tools should be formal and professional, and should reflect the stylistic rules of traditional business correspondence. Slang, nicknames, profanity, excessive or obscure abbreviations, special symbols, etc. are inappropriate.

1.14(4) All messages, files, data, or other materials created, stored or received using Internet/Email/IT tools are the property of Louisville Metro Government and not of the employees creating or working with these materials. Employees should have no expectation of privacy regarding these materials. Louisville Metro Government reserves the right to review any and all messages, files, data, or other materials stored in or sent to or from Internet/Email/IT tools owned or provided by Louisville Metro Government, including any type of Email, Internet, or other on-line service messages or files, faxes, voice messages, etc. as outlined in 1.14(1).

1.14(5) All messages, files, data, or other materials created, stored or received using Internet/Email/IS tools are legally "discoverable," and are subject to being obtained and examined as part of legal actions.

Metro Government abides by the Records Retention and Disposition Schedule that was approved by the State Archives and Records Commission on December 10, 1998. Under Item L4591, both sender's and receiver's email are considered to be information/reference material and may be destroyed when no longer useful to either party.

- 1.14(6) The safe, reliable operation of Internet/Email/IS systems, and the security of the information handled by those systems, is essential to Louisville Metro Government's business operations. Any deliberate, unauthorized effort to disrupt those systems or jeopardize security will be cause for disciplinary action. Examples of prohibited actions include:
- introducing software "viruses";
 - introducing unauthorized programs or commands;
 - physically altering or damaging equipment.

Louisville Metro Government periodically will issue any procedures or directives needed to maintain proper system operations.

- 1.14(7) Louisville Metro Government provides employees using Internet/Email/IT systems with security keys (such as passwords, security codes, badges, tokens, etc.) to give each employee authorized, secure and appropriate access to Louisville Metro Government's systems. Any attempt to compromise or defeat these security keys is prohibited and will be cause for disciplinary action. Prohibited actions include:
- any attempt to gain unauthorized access to another person's Email, data, or other files;
 - releasing one's own password or security key to other persons without authorization;
 - releasing other persons' passwords or security keys without authorization.

An employee who discovers or suspects that **any** password or security key has been released to an unauthorized person or otherwise compromised must report this to her/his supervisor immediately, or be subject to disciplinary action.

- 1.14(8) (a) Louisville Metro employees shall not engage in writing, sending, searching, or reading text-based communication on electronic wireless communications devices (whether such devices are owned by Metro Government or by the employee), including but not limited to a cell phone, personal data assistant, Blackberry II pager, laptop, when driving a Louisville Metro vehicle, when driving a personal vehicle on official Louisville Metro business, or when using electronic equipment supplied by Louisville Metro while driving.
- (b) Employees must also comply with [KRS 189.292](#) —Use of personal communication device prohibited while operating motor vehicle in motion on traveled portion of roadwayll when driving a Louisville Metro vehicle,

when driving a personal vehicle on official Louisville Metro business, or
when using electronic equipment supplied by Louisville Metro while
driving.

1.15 Drug-Free Workplace / Reasonable Suspicion Testing

1.15 An employee is expected and required to report to work on time and in appropriate mental and physical condition for work. It is Metro Government's intent and obligation to provide a drug-free, healthy, safe and secure work environment.

The unlawful manufacturing, distribution, dispensation, possession, or use of a controlled substance or of an intoxicating substance on Metro Government premises or while conducting Metro Government business is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination and may have legal consequences.

The Metro Government recognizes drug dependency as an illness. Metro Government also recognizes drug abuse as a potential health, safety, and security problem. An employee needing help in dealing with such problems is encouraged to use Metro Government's Employee Assistance Program and health insurance plans, as appropriate. Conscientious efforts to seek such help will not jeopardize an employee's job and will not be noted in any personnel record.

An employee must, as a condition of employment, abide by the terms of the above policy and report any conviction under a criminal statute for violations occurring on or off Metro Government premises while conducting Metro Government business. A report of a conviction must be made within five (5) days after the conviction. (This requirement is mandated by the Drug-Free Workplace Act of 1988.)

Employees may be asked to submit to drug and/or alcohol testing if reasonable suspicion exists to indicate that his/her health or ability to perform work may be impaired. Factors which could establish cause include but are not limited to:

- * Sudden changes in work performance.
- * Repeated failure to follow instructions or operating procedures.
- * Violation of safety policies.
- * Discovery or presence of substances in an employee's possession or near the employee's workplace.
- * Odor of alcohol and/or residual odor peculiar to some chemical or controlled substance.
- * Unexplained and/or frequent absenteeism.
- * Personality changes or disorientation.
- * Arrest or conviction of a violation of a criminal drug or alcohol statute.

- * Information provided by reliable and credible sources or information independently corroborated.

1.16 Political Activities

- 1.16 An employee may seek elective office; however, there must be a clear separation between the employee's campaign and his or her duties as an employee of Louisville Metro Government. (This policy does not supersede any restrictions set forth in relevant Metro Civil Service, Metro Merit Board, or Metro Police Merit Board Rules.)

Prior to an employee/candidate's announcement, he/she must advise his/her department director, and his/her individual circumstances will be considered. When the separation between campaign and job duties is not clear and the circumstances warrant it, Louisville Metro Government may alter the employee's duties for the duration of the campaign.

An employee shall not campaign on Louisville Metro Government time or at the employee's work site. An employee shall not be permitted to bring campaign materials to the work site nor shall an employee use Louisville Metro Government supplies or equipment.

Any absence from work that is campaign related must be approved in advance by the employee's Department Director, Cabinet Secretary, and Deputy Mayor.

An employee may use accrued leave (with the exception of sick leave) for campaign related absences.

An employee is prohibited from seeking the Office of Mayor or a Metro Council seat.

1.17 Family Violence

Louisville Metro Government believes it is imperative to be proactive in the prevention and elimination of family violence. To this end, it is committed to providing a safe and supportive environment in which family violence will be handled in a non-judgmental manner, and education, resources, and information will be provided to employees as needed. The policy applies to all employees, including contract. The policy described here is a part of the comprehensive plan by Office for Women, Louisville Metro Human Services, to deal with the matter as detailed in “Executive Order No. 3, Series 2005, October 5, 2005—Family Violence in the Workplace: Freedom from Violence Policy” (<http://www.louisvilleky.gov/OFW>).

Louisville Metro Government will not tolerate family violence at the workplace and will take appropriate disciplinary action and/or legal action against any employee who commits an act of family violence in Louisville Metro Government offices, facilities, work sites, vehicles, while using Louisville Metro Government resources, or while performing Louisville Metro Government business.

Family violence is a term that includes other forms of interpersonal abuse such as intimate partner violence and elder abuse. It is a pattern of abusive behavior by a family or household member against another family or household member that can be physical, sexual, verbal, psychological, and/or economic, and is intended to establish and maintain control over another individual. Family or household members include:

- persons who are current or former spouses;
- persons who are intimate partners who live together or have lived together;
- persons who are dating or have dated;
- persons who are engaged in or who have engaged in a sexual relationship;
- persons who are related by blood or adoption;
- persons who are related or formerly related by marriage;
- persons who have a child in common;
- minor children of a person in a relationship that is described in the seven items above
- dependents or persons in the custodial care of a person in a relationship that is described in the first seven items above.

Confidentiality will be maintained to the degree possible under law and safety considerations. Information related to family violence or Louisville Metro Government’s response to family violence will be disclosed on a need to know basis. Employees will not be discriminated against or be denied any employment privilege otherwise available

to them because of disclosure or suspicion of family violence, or due to special accommodations necessary to deal with an abusive situation.

Purpose

In doing this, Louisville Metro Government supports a work environment free from threats, intimidation, or violent acts, where there is no tolerance for employee actions involving intimidation, threatening or hostile behavior, physical or verbal abuse, harassment, sabotage, vandalism, stalking, arson, physical or sexual assault, using and carrying weapons not related to work duties onto Louisville Metro Government property, or any other actions and behaviors considered to be inappropriate by the administration.

Context

Employees may be victims of family violence in the workplace in a number of ways:

- harassing or repeated phone calls, e-mails or faxes
unwelcome/threatening notes left on their car
- unplanned or unannounced visits at worksite
- stalking
- physical and sexual assaults
- murder

Although most major family violence incidents occur outside the workplace, some of its manifestations impact work performance and can include:

- sleep deprivation
- physical injuries that impact an individual's ability to perform his/her job
- heightened anxiety levels
- tardiness
- absenteeism
- non-injury health problems related to abuse

Legal Obligations and Duties

It is the legal and ethical duty of Louisville Metro Government to provide a safe and violent-free workplace environment to the extent possible. This duty is established by various federal and state statutes, regulations, and/or judicial decisions.

Education and Training

To achieve effective communication and awareness of this policy, a comprehensive training program will support the implementation and enforcement of this policy. All

employees, including contract employees, will participate in mandatory training, with a supplemental training session for supervisors and managers.

Reporting

Employees who witness a violent incident as well as employees who suspect family violence in their work environment are encouraged to report directly to their immediate supervisors. Employees who do not feel comfortable speaking to a supervisor can speak to their departmental EEO officer. This policy and procedures will abide by Kentucky's mandatory reporting requirement. For the purposes of this policy, the mandatory reporting requirements apply to married or cohabitating employees. Persons acting upon reasonable cause in the reporting of known or suspected adult/child abuse, neglect, or exploitation are immune from civil and criminal liability. This immunity exists with respect to the reporting, the investigation, and any judicial proceedings resulting from the report. The source of a report of abuse, neglect or exploitation is kept confidential unless it is ordered released by a court order.

Employees Who Commit Acts or Threats of Family Violence

Employees who commit acts or threats of family violence on Louisville Metro Government property, using Louisville Metro Government resources or authority, or while representing Louisville Metro Government will be disciplined appropriately up to and including dismissal. Employees who commit or threaten family violence will be provided with a referral to the EAP for appropriate counseling, such as Domestic Violence Offender Treatment programs. Louisville Metro Government will work cooperatively with the appropriate agencies when Louisville Metro Government employees commit criminal activity.

Confidentiality

This policy will respect and guard the confidentiality of those involved in family violence as well as those who report any incidents or concerns of family violence to the extent permitted by the law and within the confines of safety considerations. Information on specific family violence cases will be disclosed only in a need to know basis to those involved in providing assistance, support, work accommodations, security or in event investigation. Where possible, names and other identifying information will not be used in handling case information. Information regarding disclosure of or involvement in family violence will not be included in an employee's personnel file. Furthermore, this policy respects the autonomy of victims of family violence to be their own decision-makers in a time and manner that is appropriate to them.

Victims of Family Violence

Employees who are victimized by family violence in the workplace will receive a referral

to the EAP and a list of resources available in the community to assist them in coping and responding to the violence. Additionally, supervisors and, when appropriate, representatives of Human Resources and EEO will develop a plan and timeframe for the employee to return to work while facilitating and supporting the employee's needs to address related legal, medical, psychological, or other issues resulting from the violence and abuse. This policy protects victims of family violence from discrimination at the workplace.

1.18 Smoking in Metro Facilities and Autos

- 1.18(1) Consistent with Louisville Metro ordinances, smoking (including the use of e-cigarettes) in all office buildings and work places occupied by Metro Government departments or affiliated agencies of Metro Government is prohibited.
- 1.18(2) Metro government office buildings or workplaces shall mean any permanent enclosed structure owned, leased or used by a department or affiliated agency of Metro Government in which one or more employees of metro government or an affiliated agency regularly work.
- 1.18(3) Smoking of tobacco products is prohibited in all Metro Government vehicles.
- 1.18(4) Smoking of tobacco products is prohibited within 50 feet of all entrances to Metro Government office buildings or workplaces.

1.19 Louisville Metro Government Volunteer Resource Program

1.19(1) Purpose

The purpose of this policy is to define the structure of the Louisville Metro Volunteer Resources Program and to build effective volunteer management throughout the City. This policy ensures consistent and effective guidance and direction for City volunteers, fair and professional treatment of volunteers, and balanced use of City resources available for volunteer activities.

Overall City Philosophy

- (a) The primary purpose of the Louisville Metro Volunteer Resources Program is to augment and enhance community engagement and the delivery of City services in Louisville Metro. Additionally, the Louisville Metro Volunteer Resources Program encourages involvement in local government and promotes participation by individuals and groups within the Louisville Metro community.
- (b) The City benefits from volunteer involvement which:
 - Extends the City's ability to provide services effectively and efficiently and to conserve resources;
 - Builds understanding of and participation in City government;
 - Strengthens the community through collaboration and partnership.
- (c) Benefits to volunteers include:
 - The opportunity to develop skills and gain experience;
 - An increased understanding of City government and the opportunity to positively influence its effectiveness;
 - Personal satisfaction in helping the community.
- (d) For all activities related to the recruitment and retention of volunteers, Louisville Metro does not discriminate on the basis of race, color, religion, sex or sexual orientation, national origin, disability, marital status, or political beliefs. Individuals requesting accommodation or accessibility information should contact the Volunteer Coordinator in the agency in which they desire to serve.

1.19(2) **Roles and Responsibilities**

(a) **Agency Director**

Each Agency Director provides leadership and demonstrates by example the City's commitment to volunteerism. The Agency Director:

- Appoints an Agency Volunteer Coordinator or Agency Director's designee to oversee and implement the Agency's Volunteer Program.
- Incorporates Agency Volunteer Coordinator or Agency Director's designee's responsibilities, if any, and hours in the Agency budget.
- Includes resources for recognizing volunteers in the Agency budget as appropriate.
- Builds excellence in volunteer guidance and direction into the performance evaluation of Agency Volunteer Coordinator

(b) **Agency Volunteer Coordinator**

Each Louisville Metro Agency which utilizes volunteers shall have an Agency Volunteer Coordinator or Agency Director designee. All Agency Volunteer Coordinators must attend any required Louisville Metro training related to volunteer resource management before recruiting volunteers for their agency. Agency Volunteer Coordinators or Agency Directors' designees must:

- Ensure uniform, consistent and efficient approach to volunteer coordination and management.
- Provide training, support and consultation to employee within their Agency regarding utilization of volunteers.
- Coordinate the development of identified volunteer opportunities within their Agency.
- Coordinate recruitment of a skilled and committed corps of volunteers for their Agency.
- Conduct reference checks and arrange for criminal background checks in accordance with Section 3.B.2. criteria for volunteers who wish to serve in opportunities requiring same.
- Ensure that the volunteer who receives guidance and direction by Metro employees has a signed "Agreement to Volunteer and Accept Workers Compensation Benefits" Form on file.
- Ensure that the volunteer receive a Louisville Metro Volunteer Handbook as well as an Agency Handbook and

obtain a signed “Agreement to Serve” form from volunteer(s).

- Ensure that the volunteer receives appropriate orientation, training, on-going guidance and direction.
- Coordinate appropriate interviewing and placement of all volunteers.
- Advertise volunteer opportunities to the public which are available within the Agency in accordance with the identified employee needs for volunteers through employee completion and submission of Volunteer Position Descriptions.
- Support employees in developing and implementing day-to-day and site-specific volunteer recognition plans, identify and notify employees of community recognition opportunities, and coordinate and implement Agency-wide volunteer recognition as appropriate.
- Maintain volunteer registration forms and a database of volunteer activity within the Agency and generate reports as requested/required by Louisville Metro and the Agency in which they serve.
- Develop and maintain connections with other Louisville Metro Agency Volunteer Coordinators or Agency Directors’ designees as well as outside non-profit agencies, businesses and service groups that serve the Louisville Metro community in order to promote volunteerism, leadership development, and civic engagement.
- Participate in local, state and national professional organizations for Volunteer Resource Managers (such as Kentuckiana Association for Volunteer Administrators, National Association of Volunteer Programs in Local Government, Points of Light Foundation, etc.).
- Ensure that all volunteers have signed an “Agreement To Volunteer and Accept Workers Compensation Benefits” Form, as described in Section 3.B.4. and that the signed form is on file in the Agency for a minimum of 24 months after the volunteer assignment ends.
- Coordinate appropriate recognition for volunteers and employees who provide guidance and direction to volunteers.
- Develop a system that monitors and assesses volunteer service.
- If driving is an essential function of a volunteer’s assignment, the volunteer must use his/her own vehicle. The Agency

must check to make sure the volunteer has a valid driver's license and has automobile liability insurance in place by asking the volunteer to provide a currently effective driver's license and insurance card.

(c) The Volunteer

The Louisville Metro volunteer is an individual who willingly and freely offers services with no expectation of payment or other compensation. Volunteers are not employees of the Metro. Volunteers may include but are not limited to the following:

- (1) Individuals and groups engaging in service opportunities defined by Louisville Metro Agencies;
- (2) Students engaging in community or service-learning programs.

- 1.19(3) Volunteers must comply with the guidelines and procedures outlined in both the Louisville Metro Volunteer Handbook as well as the Agency Handbook for the site where they are providing service. They must abide by the same rules of conduct, ethical standards and confidentiality requirements that govern Louisville Metro employees.

Types of volunteer service include:

- (1) Regular Volunteer Service Activities on an on-going basis or for a set period of time.
- (2) Community/Service-Learning Service Activities that may be required or assigned by educational, religious or civic organizations.
- (3) Special Event Volunteering One time, episodic, or done-in-a-day projects.

1.19(4) **Volunteer Recruitment**

Each Louisville Metro agency coordinates volunteer recruitment activities specific to its programs and needs. Recruitment targets the broadest possible community involvement representing the diverse population of Louisville Metro.

- (a) Volunteer Assignments
 - (1) Every assignment or activity for which volunteers are utilized will require a written volunteer opportunity description. The

description provides both employees and volunteers with a clear explanation of responsibilities, proposed outcomes/impact, qualifications needed, orientation/training provided and/or required, employee position(s) responsible to provide guidance and direction to volunteer, minimum time commitment, and benefits to volunteer. Employees wishing to utilize volunteers are responsible for completing the appropriate volunteer opportunity description form based on the classification assignment (short-term, ongoing, individual, group) and submitting this to the Agency Volunteer Coordinator or Agency Director's designee in their department to be maintained in a master file of volunteer opportunity descriptions.

(b) Volunteer Qualifications and Registration Process

All volunteers must meet minimum qualifications for placement into any City-related assignment. The primary qualification for volunteer placement is the ability and suitability to perform a task on behalf of Louisville Metro.

- (1) Age The minimum age of a City volunteer is sixteen (16) unless accompanied by a supervisor or an adult, unless specified otherwise in federal and state laws or in the volunteer description.
- (2) Background Investigations Depending on the nature of the volunteer assignment and in accordance with federal, state, and local requirements, volunteers may be subject to criminal background checks and/or reference checks.
- (3) Volunteer Registration Volunteer must complete a Louisville Metro Volunteer Registration Form associated with the type of service they are pursuing (short-term, ongoing, individual, group). Each Louisville Metro Agency may have additional required forms associated with their Agency's utilization of volunteers. Volunteers will be made aware of such additional forms during the application process.
- (4) Volunteer and Worker's Compensation Form Louisville Metro provides Worker's Compensation for certain volunteers serving in specific capacities on behalf of Louisville Metro. Volunteers who qualify must complete an "Agreement To Volunteer and Accept Workers

Compensation Benefits Form” prior to placement. Volunteers under the age of 18 must have the Form signed by a parent or legal guardian. . Individuals engaging in service in lieu of fines or sentencing or those on work-release do not sign this Form. (See Subd. 4, B.)

1.19(5) **Placing Volunteers**

- (a) To the extent possible, volunteers are offered opportunities that match their skills and interest and also serve operational needs. Volunteer may not be assigned to displace any Louisville Metro employee from a paid position. A volunteer position may not replace an employee position which is vacant due to retirement, resignation or termination.
- (b) The Agency Volunteer Coordinator or Agency Director’s designee within each Louisville Metro Agency will review registrations and conduct screening interviews and/or a group orientation in order to determine prospective volunteers’ qualifications and ability and suitability to volunteer for Louisville Metro.
- (c) Volunteers are responsible for maintaining the confidentiality of all proprietary or privileged information to which they have access while serving as a volunteer including confidential information concerning personnel matters, members of the community, or related to Louisville Metro /Louisville Metro Agency. Volunteers may be asked to sign a Confidentiality Statement to this effect.
- (d) A volunteer appointment may be terminated at any time at the City’s sole discretion with or without cause. There is no appeal from the termination of a volunteer appointment.

1.19(6) **Risk Management and Insurance Requirements**

Louisville Metro provides volunteers Worker’s Compensation coverage for certain volunteer activities. In the event that a volunteer reports an injury, employee should follow the same procedures that apply when an employee reports an injury. Upon learning of any injury or accident, the responsible employee must notify the Agency Volunteer Coordinator or Agency Director’s designee. In keeping with this Agencies are requested to follow the following guidelines related to volunteers:

- (a) Volunteers – Louisville Metro Workers Compensation Coverage

- (1) Volunteers must be placed in a regular volunteer position and have a completed application on file or the volunteer must be volunteering at an approved special event.
 - (2) Agencies must have each volunteer who will receive direct guidance and direction from employee during their project assignment sign an —Agreement to Volunteer and Accept Workers Compensation Benefits form. This form gives the volunteer Worker's Compensation protection which pays for their medical expenses with no co-payments or deductibles applicable, in exchange for the services provided. It covers any injuries sustained during any authorized volunteer service performed on behalf of Louisville Metro government. Agencies must keep a signed copy of the form on file and in the event an injury occurs, they are to file this form with a Worker's Compensation First Report of Injury Form (IA-1), with the Risk Management Division. No claims can be honored without a signed "Agreement to Volunteer and Accept Workers Compensation Benefits" Form.
 - (3) The "Agreement to Volunteer and Accept Workers Compensation Benefits For" is to be used only for true volunteers. Work Release (Dismiss House) workers or Court Referred workers should **not** be asked to sign the Form. They are to be insured separately, per section **B** below.
 - (4) Volunteers, Court-Referred workers, and Work Release workers are strictly prohibited from operating Louisville Metro vehicles, except for Police Department Volunteers under a pre-approved policy.
 - (5) Agencies are responsible for directing and monitoring volunteers' and court-referred and work release workers' activities on site.
 - (6) Volunteers must not be allowed to handle any Louisville Metro monies. They may assist in set-up at venues but all money must be collected by the Louisville Metro employee(s) on duty.
- (b) Court Referred and Work Release Workers– Accident Insurance
- (1) Louisville Metro Agencies may utilize workers either assigned by the courts to do community service as part of

their sentence (Court Referred Workers) or from a Work Release program (i.e. Dismas House inmates, etc.), to do labor-intensive tasks in their Agency. These workers are not allowed to handle Metro revenues/monies in any capacity and must have direct guidance and direction by a Site Supervisor.

- (2) Louisville Metro policy requires that when Agencies select these workers, they contact the Commonwealth of Kentucky's Department for Community Volunteerism and Service (502-564-7420 or 800 239-7404 or see their website at <http://chfs.ky.gov/dhss/kccvs/insurance.htm> and arrange to purchase accident coverage for these alternative sentencing programs through the Commonwealth's CIMA Insurance Programs.
- (3) The Work Release Accident Insurance Program provides excess medical accident insurance to participants for up to \$25,000 for injuries sustained during their Louisville Metro work activity, and \$2,500 for death benefits, with certain limitations and exclusions. Coverage exists from July 1 to June 30 of each fiscal year. There is an annual cost per participant and the price fluctuates annually. The premium is not pro-rated regardless of what date the participant to the program or how many days work is performed. Any deductibles required to be paid under these plans will be paid out of agency funds if there is no other insurance available for the participant.
- (4) The Court Referral Accident Insurance Program provides the same \$25,000 excess accident medical benefit to participants as the Work Release Program. There is a cost per participant and the price fluctuates annually.
- (5) The Agency must determine the estimated number of Work Release and Court Ordered participants they expect to use during the fiscal year. Then contact the Commonwealth of Kentucky's Commission on Community Volunteerism and Services: Marzelle Wurtsmith at (502) 564-7420 or (800) 239-7404 and obtain information regarding participation in either or both programs. (Forms and additional information are available at <http://chfs.ky.gov/dhss/kccvs/insurance.htm>. The Agency may be required to establish an Imprest Fund, if requested by the Commonwealth, to pre-pay premiums for

all participant applications which must be forwarded to the Volunteer Insurance, Eligibility Services Branch, of the Commission on Community Volunteerism and Services, 275 E. Main Street, Mailstop 3W-C, Frankfort, KY 40621.

1.19(7) **Recognizing Volunteers and Employees**

Effective recognition is an extremely important element of volunteer Management.

- (a) Recognition by Agency Employees Agency employees who work directly with volunteers are encouraged to offer appreciation and recognition to volunteers on an on-going basis. All opportunities for informal recognition should be taken.
- (b) Recognition by Agencies Agencies are encouraged to plan volunteer recognition celebrations for their volunteers and/or invite volunteers to employee parties or get-togethers as a form of recognition for participation on the team. Agencies may also want to present awards on the basis of years of service (5, 10, 15, etc.) or other outstanding accomplishments.
- (c) Awards Agency Volunteer Coordinators should gather information about local, regional, state and national service award opportunities and coordinate submission of nominations for Agency volunteers.
- (d) Recognizing Employees for Their Work with Volunteers Volunteer management requires special skills and expertise. Agencies should recognize and reward employees who demonstrate excellence in volunteer management as part of existing employee recognition programs.

1.20 Louisville Metro Government Internship Program

- 1.20(1) Internships are unpaid, unless specific funds are identified by the department.
- 1.20(2) Internships should last for 6 months or less, and for no more than eight hours a day. Hours spent should not exceed normal school schedule.
- 1.20(3) All activities engaged in by interns should be related to a college course/program.
- 1.20(4) Interns must apply for position of intern with Louisville Metro Government via online process.
- 1.20(5) To be eligible, interns must be enrolled in an accredited college, university, or post-secondary educational institution. The minimum age is 18 years of age, and maybe subject to criminal background and reference checks.
- 1.20(6) Unpaid Internships are available each semester.
- 1.20(7) Departments that would like an intern for the semester must notify the Recruitment and Civil Service Manager in Human Resources, with the following information:
- (a) Department coordinator name and contact information
 - (b) Employee responsible for supervision, training, and evaluation of the interns
 - (c) Start date and end date
 - (d) Assigned duties of interns including details to establish compliance with FLSA (*Reference 1.20 (13)*)
 - (e) Number of interns
 - (f) Desired academic field or degree program
 - (g) Any other educational requirements
- 1.20(8) Human Resources will post general job description for interns. Applications and resumes will be screened and forwarded to the requesting departments.
- 1.20(9) Departments may interview and select internship applicants, within two weeks of receipt of resumes and/or applicants from Human Resources.
- 1.20(10) All interns must attend an internship program orientation, and complete all required paperwork.

Louisville Metro Government
Personnel Policies

1.20(11) Human Resources will have continued communication with the intern and departments until interns have ended term.

1.20(12) Department of Labor guidelines for unpaid internships.

Requirement 1: The training, even though it includes actual operation of the facilities of the employer, is similar to what would be given in a vocational school or academic educational instruction.

Requirement 2: The training is for the benefit of the trainees.

Requirement 3: The trainees do not displace regular employees, but work under their close observation.

Requirement 4: The employer that provides the training derives no immediate advantage from the activities of the trainees, and on occasion the employer's operations may actually be impeded.

Requirement 5: The trainees are not necessarily entitled to a job at the conclusion of the training period.

Requirement 6: The employer and the trainees understand that the trainees are not entitled to wages for the time spent in training.

1.21 Louisville Metro Government Metro Mentors Program

1.21(1)

Purpose

The future of Louisville rests in the hearts and minds of our young people. The work of creating a safe, vibrant and productive community belongs to us all; we must do all we can to plant the seeds of future growth and success in our young people. Metro Government is committed to doing our part to provide Louisville's youth with the tools they need for a bright future, and the most important resource is the experience and compassion that the older generation has to pass on to the younger.

The purpose of this policy is to allow all Louisville Metro employees to act as mentors for area youth. This policy defines the structure of the Louisville Metro Government Metro Mentors Program. This policy ensures consistent and effective guidance for program participants, as well as ensuring that all of the work functions of participants are consistently and efficiently performed.

1.21(2)

The Metro Mentors Program shall include mentoring for Big Brothers Big Sisters, the Every 1 Reads program of JCPD, the Metro Right Turn program, and Metro Parks & Recreation. The program will be administered by the Office of Safe and Healthy Neighborhoods and may be expanded in the future.

1.21(3)

The program will partner with local organizations and Louisville Metro Government departments and/or non-profit organizations that provide volunteer opportunities to work with at-risk youth. These organizations must:

- operate in compliance with all applicable federal, state and local laws,
- operate under currently valid articles of incorporation and by-laws, or other governing instrument which complies with federal and state laws,
- hold and maintain a currently valid designation by the IRS as a 501(c)(3) organization, and be eligible to receive tax deductible contributions under Section 170 of the Internal Revenue Code,
- fully comply with any state and local laws concerning the registration of charitable organizations,

- be financially responsible, as shown by the adoption of a detailed annual budget, the use of generally accepted accounting principles and procedures or other comprehensive basis of accounting, board of director's approval for deviations from the approved budget, a financial audit (at least bi-annually) or IRS form 990, and ability to limit administrative and fund-raising expenses to not more than 25% of annual receipts.

1.21(4) Metro employees qualifying to participate in the program will be allowed up to two (2) hours per week, to be used during their regular work shift, in order to volunteer at one of the program's partner organizations with the purpose of mentoring at-risk youth in our community and shall commit to participate for a minimum of one (1) year. This time will be paid time.

1.21(5) Employees participating in the program will use their own transportation to and from their mentoring site. Mileage will not be reimbursed.

1.21(6) Should the partner agency require a training session for a participating employee that exceeds two (2) hours in a single week, that time will also be made available to the employee as paid time.

1.21(7) In order to participate, Metro employees:

- must be under no disciplinary action by Metro Government,
- must be in good standing as regards attendance,
- must attain a rating of "Meets Expectations" or above on their most recent Performance Appraisal, and
- must submit to a background check.

Employees must meet whatever qualifying restrictions are required by the partner agency. This might include an interview, supplying references and submitting to a separate background check. In addition, Department Directors must have final approval over all employees within the department participating within the program to ensure that overall departmental operation needs are met at all times and are not affected by participation.

1.21(8) Employees may continue to participate in the Metro Mentors program so long as they meet the requirements as stated in section 1.21(7). Should an employee fail at any time to meet these requirements, or should the

employee be rejected by the partner agency, the employee will be removed from the program and will not be allowed to reapply for participation for a period of no less than twelve (12) months.

- 1.21(9) While working with the partner organization, employees are expected to adhere to all policies that govern their employment with Metro Government. Any reports of misconduct coming from representatives of the partner organization will be deemed as having occurred on the job and will be dealt with accordingly.
- 1.21(10) If at any time a participating employee no longer wishes to participate in the program, the employee must inform their supervisor as well as the Metro Mentors coordinator in the Office of Safe and Healthy Neighborhoods.
- 1.21(11) The Metro Mentors Program will be evaluated on an annual basis.

1.22 Transgender Policy

Definitions

“Gender Identity” – A person’s distinctive psychological identification as a male or female, which may or may not correspond to their designated gender at birth.

“Gender Non-Conformity” – The way an individual conveys his or her gender identity which may or may not adhere to a conventional typecast that is generally associated with a particular gender.

“Transgender Individual” – A person who asserts a gender identity that is different from the sex assigned to them at birth, or who has undergone medical treatment to become a member of the opposite sex.

“Transition” – A person who is engaged in the conversion of living and working as one gender to another gender. Said conversion may include (but does not require) some form of medical treatment such as counseling, hormone therapy, electrolysis and reassignment surgery.

Transgender Policy:

Transition

It shall be the policy of Louisville Metro Government to afford an accommodating, non-discriminatory working environment to employees regardless of their gender identity or perceived gender non-conformity. All persons are entitled to the same consideration as they undertake the gender transition steps deemed appropriate for them and should all be treated with dignity and respect during all phases of that transition.

Appearance

A transgender individual shall be permitted to dress consistently with his or her gender identity and shall be required to comply with the same standards of dress and appearance as apply to all other Metro employees in their workplace and similar position.

Restroom Facilities

Once a transgender individual has begun the transition of living and working full-time in the gender that reflects his or her gender identity, they shall have access to restrooms and sanitary facilities consistent with his or her gender identity.

1.23 Americans with Disabilities Act

- 1.23(1) It is the policy of Louisville Metro Government to comply with the provisions of the Americans with Disabilities Act of 1990, as amended (ADA). Louisville Metro Government strives to provide equal employment opportunities for qualified disabled applicants and employees and to provide reasonable accommodation for qualified disabled applicants and employees.
- 1.23(2) It is the intent of Louisville Metro Government to interact with applicants and employees as provided for under the ADA for the purpose of identifying any reasonable accommodation that might apply in order to enable the disabled individual to participate in the selection and hiring process, perform the essential functions of the position, and/or access benefits and privileges of employment.
- 1.23(3) The Director of Human Resources or designee shall administer the interactive process upon notification of the potential need for reasonable accommodation.
- 1.23(4) Metro departments aware of an applicant or employee's potential need for reasonable accommodation to participate in the selection and hiring process, perform the essential functions of the position, and/or access benefits and privileges of employment are required to report the potential need to the Compliance Division of the Department of Human Resources at the time the need becomes known and prior to making any determination on accommodation.
- 1.23(5) The interactive process includes a determination by the Metro department on providing reasonable accommodation. Such determination shall be evaluated by the Director of Human Resources or designee prior to implementation of the determination.

2.1 Classification Plan

- 2.1(1) Louisville Metro Government shall maintain a position classification plan which provides a systematic arrangement and inventory of classifications in Metro Government. The plan shall group positions into classes indicative of the essential functions, range of duties, responsibilities, and level of work performed. By describing and relating the various types and levels throughout Louisville Metro Government, the classification plan shall provide guidelines for establishing pay relationships and shall be based on thorough job analysis that will be maintained on a current basis.
- 2.1(2) The Director of Human Resources, or designee, shall establish and maintain a master set of all approved job descriptions in the classification plan. The job descriptions for each class shall indicate the date of adoption of its latest revision.
- 2.1(3) Based upon the duties and responsibilities of each position, the Director of Human Resources, or designee, shall place each position into an appropriate class with the appropriate job code and with the compensation range as indicated in the classification and compensation schedules.
- 2.1(4) The Director of Human Resources, or designee, is responsible for maintaining this plan on a current basis.
- 2.1(5) When the Director of Human Resources, or designee, determines it is necessary, new classifications may be established and assigned to an appropriate pay range. Only the Director of Human Resources, or designee, may establish new classifications.

2.2 Job Descriptions

- 2.2(1) The official job description for all classifications shall be prepared by the Department of Human Resources in a form and manner prescribed by the Director of Human Resources or designee.
- 2.2(2) The Director of Human Resources or designee shall provide each agency head with a copy of the current job description for each class of positions in the respective agency.
- 2.2(3) Job descriptions for each classification shall include, at a minimum, the essential functions of the work to be performed in positions in the classification and the minimum qualifications for the classification.
- 2.2(4) Job descriptions are general in nature and shall not limit or modify the power of any agency head to assign, direct, and control the work of employees assigned to their agency.
- 2.2(5) The use of an individual expression or illustration of the duties or responsibilities of a position shall not be regarded as excluding other duties or responsibilities of a similar kind or nature.
- 2.2(6) Each calendar year, no less than 25% of job descriptions will be reviewed within each department. All necessary revisions and updates to the job descriptions will be made at this time. Identification of a job description used across Metro agencies as part of any agency's review will trigger reviews of that job description by all agencies utilizing the classification. Every calendar year, a new list of job descriptions will be reviewed, such that all job descriptions will undergo a review at least once every four years.

2.3 Class Titles

- 2.3(1) The **class title** of a position shall be the official designation of that position in payroll registers, and all other official records, documents, vouchers, and communications in connection with all personnel processes and official records.
- 2.3(2) **Working titles or informal titles** may be assigned to positions at the discretion of the agency head. Such working titles shall only be used for the convenience of the department and shall not be given weight in the determination of the appropriate classification or salary range of a position.

2.4 Commercial Driver's Licenses

- 2.4(1) The following provisions apply to employees required to obtain and maintain a Commercial Driver's License (CDL) and to departments with positions that require a CDL. Louisville Metro Government shall make every reasonable effort to maintain a safe work environment. In all cases, it is the intent of Louisville Metro Government to comply with applicable federal, state and local laws, regulations, and ordinances regarding the employment of CDL holders.

The Department of Human Resources will oversee the administration of initial driver qualification with respect to positions requiring a commercial driver's license (CDL), review annual driver history reports for CDL holders, and administer the drug and alcohol testing program employment verification for CDL holders as provided by 49 CFR Parts 40, 382, et al and subsequent amendments.

Metro Government departments with employees in positions that require a CDL will oversee administration of all other applicable federal, state, and local regulations and laws with respect to the drivers and the governed equipment.

- 2.4(2) The requirement for an employee to obtain and maintain a CDL is established in the official job description as defined by the Department of Human Resources. The Louisville Metro Police Department may identify an employee as a holder of a CDL for the purposes of operating a vehicle regulated by the Department of Transportation and/or the Federal Motor Carrier's Safety Act.

Employees identified are required to meet all driver qualification standards and job description requirements in order to operate such a vehicle. An employee not meeting the requirements established by the Department of Human Resources for obtaining and maintaining a CDL may not operate a vehicle regulated by the Department of Transportation and/or the Federal Motor Carrier's Safety Act in order to perform work tasks for Metro Government.

- 2.4(3) The job description will state the CDL requirements for the employee holding the position. It is the responsibility of the employee to obtain and maintain the class of CDL stated in the job description. For LMPD employees, it is the responsibility of the employee to obtain and maintain the class of CDL required for the vehicle to be operated.

An employee who does not obtain and maintain the class of CDL as stated in the job description does not meet the requirements to hold the position.

2.4(4) It is the responsibility of the employee to ensure the CDL is of the required class and is valid. It is also the responsibility of the employee to maintain current medical certification requirements as established by federal, state, and/or local regulations, laws, and/or ordinances.

2.4(5) It is the responsibility of the employee's department to monitor the employee's CDL status with regards to obtaining and maintaining a valid CDL of the required class and to confirm that the employee holds a valid medical certification. The department, however, should not request the employee to provide the department with the actual medical examination report.

The employee's department will provide to the Department of Human Resources legible copies of the CDL and medical certificates. Documents may only be submitted to Human Resources through interoffice mail in a sealed confidential envelope.

2.4(6) The Department of Human Resources will maintain physical (paper) Driver Qualification Files.

The Department of Human Resources will determine the manner by which official electronic files are maintained within the Human Resources information system.

The Department of Human Resources and the employee's department director or designee will review the employee's annual driver history report.

2.4(7) The employee's department shall initiate the driver qualification process outlined by the Department of Human Resources with the employee or applicant entering a CDL required position. The employee's department will have at least one staff member trained to conduct employee orientation on CDLs.

The Department of Human Resources will establish when the employee or applicant entering a CDL required position has met the requirements to participate in CDL orientation.

No employee entering a CDL required position may perform safety sensitive functions as established by federal, state, and/or local regulations, laws, and/or ordinances until the Department of Human Resources has received and communicated a controlled substances test result indicating a verified negative test result for the employee.

Reference:

1.13 Drug and Alcohol Policy Pertaining to Employees Holding Commercial Driver's Licenses

2.2 Job Descriptions

9.2 Disqualification of Applicants, Eligibles and Appointees

3.1 Compensation

- 3.1(1) Louisville Metro Government shall provide equal pay for equal work as measured by similar responsibilities requiring similar skills and similar efforts and performed under similar working conditions. Pay rates may be different for similar work if such differences are based on length of service, experience, quality and/or quantity of work.
- 3.1(2) Metro Government shall attempt to provide employees with compensation that is competitive with that offered by other employers for similar work.
- 3.1(3) Pay rates upon entry and changes in compensation provided to any employee shall be made only after recommendation by the appropriate department director and approval by the Director of Human Resources or designee.

3.2 Pay Ranges

- 3.2(1) The Director of Human Resources, or designee, shall be responsible for developing a schedule or schedules of salary ranges. The schedules shall indicate for each range a minimum rate, a maximum rate and any intermediate rates deemed necessary.

- 3.2(2) Each classification shall be assigned to a pay range which shall be the official pay range for that classification until such time as the Compensation Plan is amended.

3.3 Pay Rates Upon Entry

- 3.3(1) Initial appointment of employees shall be made at least at the minimum rate of the appropriate pay range.
- 3.3(2) When circumstances warrant, as when the applicant exceeds the minimum qualifications for the position, a pay rate above the minimum may be offered at the discretion of the Director of Human Resources or designee. An eligible candidate may be compensated at a rate above the minimum when:
- a. The selected applicant possesses education and/or experience which exceeds the minimum requirements for the position; or
 - b. Recruitment efforts indicate a higher starting salary is necessary to obtain a qualified candidate.

3.4 Pay Increases

- 3.4(1) Annual pay increases may be recommended as part of the Mayor's annual budget and require approval from Metro Council. Determination regarding which employees receive the annual increase is made by the Director of Human Resources or his/her designee.
- 3.4(2) Louisville Metro Government does not have a pay progression plan to advance non-union employees through the assigned pay grades.
- 3.4(3) A compensation adjustment for an employee assuming additional duties on a regular, not temporary, basis may be requested to the Director of Human Resources or his/her designee. Analysis of requests will include review of the type of work being added, internal equity, compression, comparison of employee's pay rate to others in the classification and whether the department's budget can support the requested increase.

3.5 This policy number is being held for future use.

3.6 Pay Rates Following Promotions

- 3.6 When an employee is promoted to a position in a higher pay range, the Department Director or appropriate administrative officer shall consult with the Director of Human Resources or his designee for guidance in making an informed pay decision. The appropriate salary shall be determined by the Director of Human Resources or designee on a case-by-case basis taking the following into consideration:
- a. the level of proficiency demonstrated in meeting the requirements of the new position,
 - b. the employee's current salary in relation to the targeted pay level of the new position,
 - c. the level of equity attained by the new salary when compared with others in the same or similar job,
 - d. the comparability of the new salary with that of his/her supervisor and, where appropriate, direct reports, and
 - e. current labor market salary information.

3.7 Pay Rates Following Demotions

3.7(1) Voluntary Demotion

A voluntary demotion will result in a decrease in the employee's pay grade and may result in a decrease in the employee's pay rate.

When an employee is voluntarily demoted to a position in a lower pay range, the Department Director or appropriate administrative officer shall consult with the Director of Human Resources or his designee for guidance in making an informed pay decision. Whether the demotion results in a decrease in pay shall be determined by the Director of Human Resources or designee on a case-by-case basis taking the following into consideration:

- a. The level of proficiency demonstrated in meeting the requirements of the new position,
- b. The employee's current salary in relation to the targeted pay grade of the new position,
- c. The level of equity attained by the new salary when compared with others in the same or similar job,
- d. The comparability of the new salary with that of his/her supervisor and, where appropriate, direct reports, and
- e. Current labor market salary information.

If it is determined that a decrease in pay is warranted, the new pay rate shall be calculated according to 3.7 (3).

3.7(2) Involuntary Demotion

An involuntary demotion will result in a decrease in the employee's pay grade and a decrease in the employee's base pay rate.

When an employee is involuntarily demoted to a position in a lower pay range, the Department Director or appropriate administrative officer shall consult with the Director of Human Resources or his designee for guidance in making an informed pay decision. The appropriate salary shall be determined by the Director of Human Resources or designee on a case-by- case basis. (see 3.7 (3))

- 3.7(3) The decrease in pay upon voluntary or involuntary demotion shall be calculated using one of the following options as determined by the Department Director with approval by the Director of Human Resources or Designee:
- a. A rate equal to the same relative position in the new salary grade as in the old higher salary grade, or
 - b. A rate equal to placement at the minimum of the new salary grade, or
 - c. A rate equal to the minimum of the new salary grade plus x% of the new minimum for each year of service up to x years, or
 - d. A rate equal to the employee's current salary less x%, or
 - e. A rate equal to the lesser of the employees current salary less x% or the minimum of the new salary grade.

3.8 Pay For Temporary Work in a Higher Classification/Temporary Assignment Differential/Out of Class Pay/Assignment Pay

- 3.8(1) An employee required to assume duties of a higher level classification due to vacancy or leave of the assigned incumbent on a temporary or emergency basis shall do so without an adjustment in compensation.
- 3.8(2) After an employee is required to work for a minimum of 10 consecutive work days performing at least 75% of the duties normally assigned the higher level classification, the employee may begin to be compensated at a higher rate for the work. The salary increase shall be retroactive to the first day the new duties began.
- 3.8(3) If approved by the Director of Human Resources or designee, the rate of the acting pay increase will be determined on a case-by-case basis with consideration to the employee's current pay rate, the pay range of the higher level classification and the levels of duties assumed. At the conclusion of the temporary service, the employee's pay rate shall revert to what it was prior to the temporary pay increase, and the employee shall be granted any pay increases the employee would have been entitled to during the interim.
- 3.8(4) In order to temporarily work in a higher level classification, an employee must meet the minimum requirements of the higher classification, unless waived by the Director of Human Resources or designee.

3.9 Pay Rates Following Reclassification

- 3.9 When a position is reclassified to a different pay range, the Director of Human Resources or his designee shall recommend an appropriate salary on a case-by-case basis taking the following into consideration:
- a. the level of proficiency demonstrated in meeting the requirements of the new position,
 - b. the employee's current salary in relation to the targeted pay level of the new position,
 - c. the level of equity attained by the new salary when compared with others in the same or similar job,
 - d. the comparability of the new salary with that of his/her supervisor, and where appropriate, direct reports, and
 - e. current labor market salary information.

3.10 Limitations on Pay Increases

Employees shall not receive pay increases totaling more than 10% per fiscal year. This limitation includes cost of living expenses, compensation adjustments, reclassifications and any other adjustments that increase the employee's base pay. Exceptions to the limitations may be considered on a case-by-case basis and require approval by the Director of Human Resources or his/her designee.

**Regarding Promotions, Reference:
17.4 Promotions**

3.11 Direct Deposit of Pay

- 3.11(1) Direct deposit provides a number of benefits to Louisville Metro Government and its employees. Direct Deposit is a secure and convenient method of payment. When utilizing direct deposit there is less chance of a lost check, theft or forgery, and funds are deposited in employees' accounts on payday even if they are sick or on vacation. Direct deposit also serves as an efficient tool which streamlines the distribution of payroll and it saves you money as a taxpayer, since Metro Government doesn't have to utilize resources to print thousands of checks.
- 3.11(2) All Louisville Metro Government employees and all Fiscal Agency employees shall be required to receive their pay through Direct Deposit, unless they are otherwise exempted under this policy. Each employee shall immediately designate a financial institution and associated checking or savings account for the direct deposit of pay according to the guidelines established by Louisville Metro Government for direct deposit.
- 3.11(3) There are certain circumstances for which temporary salary payment by check rather than direct deposit is necessary (i.e. direct deposit prenotification process and termination pay). Prenotification process is the time during which a newly established direct deposit routing and account number combination is being verified between Metro Government and the financial institution. This typically takes one biweekly pay cycle. Usually during this time, payment by check will occur. During the termination process, Metro Government may make final salary payment by check in order to process last minute pay adjustments. Any other temporary exemption, whether personal or business in nature, will require approval by the Director of Human Resources or designee.
- 3.11(4) New and rehired employees must have a bank account at the time of hire/rehire. If an employee is unable to open a bank account for any reason, he/she will need to provide written notice to the Human Resources Information Systems Division below and include two rejection notices from two separate banks. Metro Government will set up the employee with a bank card with which he/she will receive their pay through Direct Deposit.

Human Resources Information Systems
Louisville Metro Government
517 Court Place, Suite 501
Louisville, KY 40202

- 3.11(5) Direct deposit payments are available in employees' designated accounts at their financial institution by the opening of business the morning of payday, ready for check writing or withdrawal. Employees can login to PeopleSoft Self-Service (mHR/myPay) from work or home to see their paystub advice on the Wednesday immediately prior to payday. Employees may choose to print their advice or email it to their home.

- 3.11(6) Employees who make regular frequent changes to their Direct Deposit account setup via self-service, thereby causing continuous prenotification processing, may lose their self-service permissions.

4.1 Wage and Hour Policies General Provisions

- 4.1(1) Louisville Metro Government is subject to and complies with all applicable Wage and Hour laws.
- 4.1(2) No Louisville Metro Government employees will be compensated at a rate less than the minimum wage rate established by applicable Wage and Hour laws.
- 4.1(3) The Director of Human Resources, or designee, is responsible for determining whether positions are to be classified exempt or nonexempt, and for assuring compliances with applicable Wage and Hour laws and regulations by all agencies of Louisville Metro Government.

4.2 Standard Work Week

- 4.2(1) The standard work week for all departments shall consist of 40 hours.
- 4.2(2) "Work week" is defined in the definition section.

4.3 Overtime

- 4.3(1) An employee in a non-exempt position shall be paid at one and one half times his/her regular hourly rate (overtime) for all hours actually worked in excess of 40 Hours during the work week.
- 4.3(2) In determining overtime pay, "hours actually worked" shall not include any paid leave taken during the work week. If the total number of hours in a work week exceeds 40 hours, but the employee has not actually worked in excess of 40 hours that week, then the employee shall be paid at straight time for all hours in that particular work week. In addition, a non-exempt employee who uses sick leave in a work week and the total number of hours to be paid exceeds 40 hour, shall not be paid for the additional hours. Instead, the employee shall have the amount of sick leave to be charged reduced by the amount of time in excess of 40 hours.
- 4.3(3) Agency heads must give approval in advance for employees to work in excess of the applicable standard work week.
- 4.3(4) An employee shall be required to work a reasonable number of hours over the standard work week should it be considered necessary for the efficient and effective operation of the department.
- 4.3(5) No employee shall work more than two consecutive shifts or 16 consecutive hours, unless approved in advance by the Department Director.

4.4 Compensatory Time

- 4.4(1) An employee classified as exempt and who is not paid a managerial pay scale rate, shall accumulate compensatory time for hours actually worked in excess of 40 hours per work week.
- 4.4(2) For accumulation purposes, "hours actually worked" shall not include any paid leave taken during the work week.
- 4.4(3) An employee whose total number of hours in a work week exceeds 40 hours and those hours are a combination of time worked and paid leave, shall have the amount of time charged to paid leave reduced by the amount of time over 40 hours.
- 4.4(4) Except with the prior approval of the Director of Human Resources or designee, compensatory time balances may not exceed eighty (80) hours at the completion of any given pay period. A request for an exception must be made by the employee's supervisor.
- 4.4(5) The accrual and use of accrued compensatory time must be approved in advance by the employee's supervisor.
- 4.4(6) An exempt employee may use accumulated compensatory time during the probationary period.
- 4.4(7) An employee is not paid for accumulated compensatory time upon separation.
- 4.4(8) The Mayor may, by Executive Order, proclaim the existence of extraordinary circumstances under which employees otherwise ineligible for paid overtime may receive overtime pay, subject to the following conditions:
 - (a) No employee in the managerial salary schedule may be eligible to receive overtime pay unless approved by resolution of the Metro Council.
 - (b) The Mayor shall otherwise retain full discretion to determine the classes of positions or employees eligible to receive overtime pay under this section.
 - (c) Affected employees may be paid overtime for work in excess of 50 hours per week excluding lunch hours. However, the Mayor is authorized to waive this restriction and approve overtime pay for

hours in excess of 40 hours per week, if in the sole judgment of the Mayor, such payment is justified.

4.5 Telework Policy

- 4.5(1) The purpose of this policy is to define the structure of Louisville Metro Government's Telework Program. By allowing eligible employees up to one telework day per week, Metro Government can:
- more effectively recruit and retain top talent,
 - contribute to employee preparedness during emergency situations,
 - help conserve energy and reduce greenhouse gases,
 - ease traffic congestion and parking within the community and
 - increase employee job satisfaction and engagement.
- 4.5(2) **Participation is a privilege and not a right. The ability to participate in this program is within the sole discretion of management, and management may modify or terminate an employee's participation at any time.** This program may be implemented where it is compatible with the nature of the work, where circumstances permit implementation without negative impact on mission accomplishment and where all participants provide maximum cooperation.
- 4.5(3) The Telework Program enables eligible employees to work at an alternate worksite for one day during the workweek, when such an arrangement will be productive, efficient and meet the needs of Louisville Metro Government. An alternate worksite is a location where the employee may perform his or her assigned work as approved by an employee's manager in accordance with the requirements of this policy.
- 4.5(4) Managers may approve telework in their agencies based on the expectation that work will be accomplished in a timely manner and that work areas will be adequately covered during office hours. In the event of an emergency, a manager may require that an employee physically report to the office on their telework day, and the employee should be prepared to do so. Managers may restrict, deny or revoke telework privileges to ensure efficient and effective accomplishment of duties or if an employee does not comply with the requirements for participation in the program.
- 4.5(5) Participation in the Telework Program is limited to employees who:
- maintain acceptable performance;
 - are not under corrective or disciplinary action;
 - ensure that the adjustment to their schedules does not have a negative impact on their ability to complete their work and that their respective managers and supervisors are apprised of the progress of their work;

- maintain a proper work environment, including arranging for dependent care that does not interfere with work at their alternate worksite and that minimizes personal disruptions such as non-business telephone calls and visitors;
- ensure that their respective household or family members understand that the alternate worksite is a space set aside for the participant to work and that teleworking is not a substitute for dependent care;
- assume responsibility for the repair and maintenance of their privately-owned equipment if they have been approved to use their own equipment at the alternate worksite; and
- assume responsibility for any increase in personal utility costs that may result from using their personally-owned property at an alternate worksite and agree that Louisville Metro Government is not responsible for such costs, including, but not limited to, maintenance, insurance and utilities (e.g., heating, electricity, water).

4.5(6) It is at the discretion of the Director of each agency to determine for that agency which classifications within their operation are eligible to telework.

4.5(7) Managers are responsible for the efficient administration of the program in their respective agencies. There is no predetermined ceiling on the number of eligible employees who may participate in the program at any given time, within a particular manager's span of control. However, managers are responsible for ensuring there is adequate staff present at the regular worksite on each workday to meet the needs of Louisville Metro Government. The manager of the business area retains sole authority to limit participation as appropriate.

4.5(8) An employee participating in the Telework Program must work with their supervisor to document the terms of their teleworking arrangement, including:

- location of an alternate worksite(s) including official workstation area,
- equipment and information resource requirements,
- safety requirements,
- supplies, costs, and liability, and
- the days and scheduled work hours of the employee's telework arrangement.

Employees permitted to telework are responsible for ensuring that such an arrangement does not negatively impact on their ability to accomplish their

work. Participating employees must keep their managers and supervisors apprised of the progress of their work. No employee is required to participate in this program.

- 4.5(9) **Only Metro-owned equipment shall be allowed to connect directly to the network.** Such access should be arranged in conjunction with the Department of Information Technology and should be in compliance with all IT security policies and procedures. Use of Metro-owned equipment is limited to employee only. Any violation shall be subject to disciplinary action.
- 4.5(10) Participants are responsible for protecting the data and other information in their possession while teleworking, including files, correspondence, electronic data on mobile media and computing equipment. Sensitive data must be secured when not in use, which includes not leaving computers or related media in vehicles or in plain view at the alternate site. The employee must also return all sensitive information to the workplace the next business day (following each telework day). Sensitive information must always be returned to the office prior to going on scheduled leave.
- 4.5(11) The participant's work hours while teleworking shall be either the same as they are when working at their Louisville Metro Government worksite or as agreed upon with the employee's Manager, and all teleworking hours shall be recorded as they would be if the employee were working at their Metro Government worksite, including lunch breaks. In addition, participation in the program will not alter the participant's entitlement to accrue or use leave, and all leave will be taken in accordance with established Louisville Metro Government policies and procedures.
- 4.5(12) Participants in the program are covered under Workers' Compensation if injured in the course of performing official duties at their alternate worksite. The participant must notify their supervisor immediately of any accident or injury at the alternate worksite, provide details of the accident or injury and complete all required paperwork as soon as conveniently possible.
- 4.5(13) If the participant's alternate worksite is located on his or her personal property, the participant must designate an area in the property to be his or her official workstation. Louisville Metro Government's potential exposure to liability is restricted to this official workstation for the purposes of teleworking. Each participant is responsible for ensuring that their alternate worksite complies with the applicable safety requirements and remains clear of hazards. Metro reserves the right but not obligation to perform on site safety inspections.

- 4.5(14) The participant shall not hold any business meetings on their personal property. Any face-to-face transactions with Metro customers and the general public shall either be on Metro property or at a public venue (e.g., a coffee shop, a restaurant).
- 4.5(15) Louisville Metro Government will provide participants with limited routine office supplies such as stationery, file folders and pens that are needed to perform work at the alternate worksite.
- 4.5(16) Louisville Metro Government is not responsible for operating costs, maintenance, system upgrades, or any other incidental costs (e.g., utilities, telephone, or Internet access) associated with the use of the participant's alternate worksite. However, the participant does not relinquish any entitlement to reimbursement for authorized expenses incurred when conducting business for Metro Government.
- 4.5(17) At a minimum of every six months, the participant's supervisor will assess the teleworking arrangement and shall make any needed modifications to optimize productivity.
- 4.5(18) The participating employee may cancel or request modification of the agreement by giving a one-week written notice. If a manager determines at any time that an arrangement is adversely affecting work operations or performance, he or she will notify the employee that the arrangement will be modified or terminated. Generally, managers will provide a one-week written notice prior to terminating or modifying participation in the program. However, managers may determine that specific circumstances require that no advance notice, or a shorter notice period, is appropriate.

5.1 Eligibility for Benefits

- 5.1(1) Regular full-time and part-time employees regularly scheduled to work a minimum of twenty-five (25) hours per week are eligible to participate in all benefit programs.
- 5.1(2) A part-time, regularly-scheduled employee who works at least 17 ½ hours during the work week shall be granted vacation and holiday benefits on a pro rata basis. In addition, he/she shall be covered by Workers Compensation and have access to the employee Assistance Program.
- 5.1(3) Variable hour and seasonal employees may be eligible to receive unemployment insurance benefits upon termination as determined by state law; shall participate in Social Security; shall be covered by Worker's Compensation; may participate in alternative work scheduling programs, and receive compensatory time, if otherwise eligible. Employees in seasonal positions are not eligible for any other benefits.
- 5.1(4) Sworn supervisory employees in the Division of Police and the Division of Fire who are not covered by collective bargaining agreements shall receive the following special employment benefits where appropriate to their position. These benefits shall be in the same manner as provided to sworn police officers and firefighters by collective bargaining agreements: court pay, in-line-of-duty injury and death benefits, longevity pay and step pay, health insurance, equipment allowances, and uniform and clothing allowance.
- 5.1(5) Notwithstanding any provisions of this subchapter apparently to the contrary, employment benefits for Metro Government employees covered by collective bargaining agreements shall be as provided in those agreements. The Mayor may authorize continuation of benefits provided by any expired agreement or as proposed in an agreement under negotiation or already negotiated if in his sole judgment and discretion such proposed collective bargaining agreement has reasonable prospects for adoption.

5.2 Holidays

- 5.2(1) Eligible employee shall be granted the day off with appropriate pay for the following holidays:
- | | |
|-------------------------------|-----------------------------|
| New Year's Day | January 1 |
| Martin Luther King Jr's B'Day | Third Monday in January |
| Memorial Day | Last Monday in May |
| Independence Day | July 4 |
| Labor Day | First Monday in September |
| Thanksgiving Day | Fourth Thursday in Nov. |
| Friday Following Thanksgiving | Fri. Following Thanksgiving |
| Christmas Day | December 25 |

Louisville Metro Government shall also grant eligible employees two additional floating Holiday off with appropriate pay during each calendar year.

- 5.2(2) The Floating Holidays must be used in full day increments and in the calendar year in which they are granted. An employee is not paid for floating holidays upon termination of employment.
- 5.2(3) Employees hired between January 1 and June 30 will receive both floating holidays their first calendar year of employment. Employees hired between July 1 and October 31 will receive one floating holiday their first calendar year of employment. Employees hired after October 31 will not receive a floating holiday their first calendar year of employment.
- 5.2(4) When any holiday falls on a Saturday, the preceding Friday shall be recognized as the paid holiday. When any holiday falls on a Sunday, the following Monday shall be recognized as the paid holiday. For employees working in a 24 hour operation, Christmas Day, New Year's Day, and Independence Day will be celebrated on the actual day on which it falls.
- 5.2(5) Agency heads may require employees to work on holidays
- 5.2(6) An employee who is required to work on a holiday as part of his/her standard work week shall have an amount added to his/her vacation leave equal to hours actually worked on the holiday.

An employee who is required to work on a holiday and the holiday is part of the standard work week, but the employee leaves work early for whatever reason, shall be paid for the entire workday. The employee shall

only accrue vacation leave equal to the number of hours actually worked and the remainder of the workday is to be charged to the holiday.

An employee who is regularly scheduled off on a holiday and does not work on the holiday, but who is still required to work his/her normal work week, shall have one day added to his/her accrued vacation leave. (One day is equivalent to one-fifth of the employee's standard work week.)

A non-exempt employee who is required to work on a holiday and the holiday is in addition to the standard work week, shall receive pay for working the holiday and hours equal to the amount of time worked shall be added to his/her accrued vacation leave. An exempt employee who is required to work on a holiday, and the holiday is in addition to the standard work week, shall have one day added to his/her accrued vacation leave and hours equal to the amount of time worked on the holiday shall also be added to his/her accrued vacation leave. A non-exempt employee who is required to work on a holiday in addition to his/her standard work week, but who leaves work early for whatever reason, shall only be paid for hours actually worked.

In addition, the employee shall receive a day of accrued vacation leave. An exempt employee who is required to work on a holiday in addition to his/her standard work week, but who leaves work early for whatever reason, shall have an amount added to his/her vacation leave equal to hours actually worked on the holiday. In addition, the employee shall receive a day of accrued vacation leave.

An employee who is scheduled to work on a holiday and the holiday is part of the standard work week, but who calls in sick (leave is authorized), shall have the workday charged to the holiday but the employee shall not accrue vacation leave. If the employee calls in sick and the leave is unauthorized then the employee is not paid for the holiday nor does the employee accrue a vacation day.

An employee who is scheduled to work on a holiday and the holiday is in addition to the standard work week, but who calls in sick (leave is authorized), shall not be paid for the day but shall accrue one day of vacation leave. If the employee calls in sick and the leave is unauthorized then the employee is not paid for the holiday nor does the employee accrue a vacation day.

5.2(7) An employee promoted to a position in the managerial pay scale will have any floating holiday balances converted to reflect the new managerial

units. The reverse will occur in the event of a demotion from a managerial scale position. No other standard work week changes will result in a recalculation of floating holiday balances. In order to receive holiday pay, the employee must not be absent without leave on the last scheduled workday preceding the holiday or the next scheduled workday following the holiday. Additionally, the employee must either work or receive paid leave for one or more of the five work days immediately preceding the holiday and one or more of the five work days immediately following the holiday.

5.3 Vacation

- 5.3(1) All full-time and part-time (minimum 17.5 hours per week) employees, including probationary employees, shall be granted leave with pay for vacation to be taken at such reasonable time as provided by the agency head with regard to the needs of Louisville Metro Government.
- 5.3(2) During the first year of employment, full-time employees shall earn annual vacation credit in an amount equal to the equivalent of two work weeks per year. The first year of employment begins with the most recent date of hire.
- 5.3(3) A full-time employee who has completed at least one year of continuous service from the most recent date of hire shall earn annual vacation credit of the equivalent of two work weeks plus one extra work day per year after each additional year of continuous employment completed to a maximum of three additional work weeks per year. Previous employment with Louisville Metro Government, the City of Louisville, or Jefferson County Government followed by a break in service for any reason other than layoff shall not count towards the additional years of continuous employment for purposes of vacation accruals. This credit shall accrue on a weekly or bi-weekly basis depending upon an employee's frequency of pay.
- 5.3(4) A day is defined as one-fifth of the employee's standard work week.
- 5.3(5) Part-time employees shall earn vacation credit on a pro rata basis. In determining the rate of accrual, the estimated annual hours of the employee shall be divided by the standard annual hours for the job if it were full-time to determine the pro rata percentage of normal accrual.
- 5.3(6) An employee shall not accrue more than 60 days of vacation credit at the completion of any given pay period.
- 5.3(7) Upon separation from Louisville Metro Government employment, an employee shall be paid for all accrued unused vacation leave, not to exceed 40 days. Such payment will be made in one payment in the final paycheck of the employee. Any remaining vacation balance after this payment shall be reduced to zero.
- 5.3(8) An employee who separates from service for any reason other than layoff shall not have their prior vacation balance reinstated. An employee who is

laid off and recalled within twelve months may be entitled to reinstatement of unused vacation leave.

- 5.3(9) Employees entering military service for an extended period of service may be paid for accrued vacation as provided in Section 5.3(6). Employees returning from military service of less than five (5) years shall be entitled to count the period of military service toward the calculation of future vacation accrual, but shall not accrue vacation during the period of military service.
- 5.3(10) Any former employee compensated upon separation for accrued vacation leave may not be employed by Metro Government in the same or another position until there has been a break-in-service of at least eight (8) weeks. This subsection does not apply to an employee who has been laid off and is either recalled or hired into another position.
- 5.3(11) Vacation time accrues on a weekly basis. Vacation leave shall not accrue for any week during which the number of hours of unpaid leave exceeds the number of hours of paid leave. A newly hired employee shall not accrue vacation leave unless the employee works at least one half of the week. An employee who is terminating employment shall not accrue vacation credit for the week during which the last day of work occurred unless the employee receives paid leave for at least one half of the week. See also, section 5.7(6).
- 5.3(12) Vacation leave will not be charged for any holiday falling within a period of approved vacation.
- 5.3(13) Use of non-emergency vacation leave must be requested in advance by the employee and approved by the agency head prior to use. An employee may use vacation leave during the pay period in which it is accrued. In the event of a personal emergency, the employee may use vacation leave; however, they must inform their supervisor as soon as possible of the nature of the emergency and the amount of vacation leave used.
- 5.3(14) An employee promoted to a position in the managerial scale. Will have their accrued leave balances converted to reflect the new managerial units. The reverse will occur in the event of a demotion from a managerial scale position. No other standard work week changes will result in a recalculation of accrued vacation leave.

- 5.3(15) In the event of reinstatement after a disciplinary action either through a grievance settlement, Louisville Metro Government's acceptance of a decision of advisory arbitration, or final court order, unused vacation and/or the employee's accrual rate may be reinstated if agreed upon or otherwise stated in the opinion.

5.4 Tuition Assistance

- 5.4(1) Louisville Metro Government supports and encourages employees to improve their job-related skills and knowledge and to acquire the education necessary to enhance their skills or prepare for career-related promotional opportunities.
- 5.4(2) The Director of Human Resources, or designee, shall be responsible for administering any tuition assistance program established and funded by Metro Government. The Director of Human Resources shall establish appropriate guidelines for the administration of a tuition assistance program.
- 5.4(3) An application for tuition reimbursement must be approved by the Department Director and submitted to the Director of Human Resources, or designee, prior to the start of the semester or class for which aid is sought.
- 5.4(4) An eligible employee shall be reimbursed only when he/she successfully completes education or vocational courses which the Director of Human Resources determines are job related or represent a promotional opportunity in Louisville Metro Government.
- 5.4(5) Full-time or regular part-time (minimum 17-1/2 hours per week) employees of Metro Government are eligible for tuition assistance. The position cannot be contractual, temporary, seasonal or time-limited in any way. For example, positions funded for a designated time period for a program or by a grant, or contract in which the funding will expire or no longer be available for the position, and at the end of the designated time period or conclusion of the program and/or funds, the employee will no longer be an employee of Metro Government. Eligibility requires an employee to be on active status at the time the request is submitted, throughout the course, and at the conclusion of the course. If an employee is on an unpaid or paid leave of absence or on layoff status, the employee is not eligible for tuition assistance. Eligible employees must at least maintain a "Meets" rating on all performance measures of their Performance Evaluation.
- (a) All full-time employees and regular part-time employees working 17 1/2 hours per week and meet all requirements stated above are eligible to receive up to \$2000 per fiscal year. If the employee filed for an earned Income Tax Credit on last year's tax return, he/she could be eligible for an additional \$1000. To qualify for these

additional funds, a copy of your tax return must be included at the time of request.

- (b) Eligible employee agrees to remain employed with Louisville Metro Government for at least six (6) months following the reimbursement payment or will repay to Metro Government the disbursed funds. Eligible employees must sign the Acceptance of Tuition Reimbursement Agreement.

5.4(6) Course work may be considered as job-related and reimbursable when it directly supports and/or improves skills required for current job assignments, duties, or responsibilities.

- (a) In some instances, course work that does not qualify for reimbursement as job-related may be approved as career-related. Course work must meet one of the following criteria to be approved as career-related:
 - 1. It directly prepares you for advancement within your current classification;
 - 2. It directly develops your administrative or management capacity;
or
 - 3. It is course work necessary to obtain an undergraduate degree to qualify for promotional opportunities within other areas of Metro Government. Therefore the future position's prerequisite and preferred skills, experience and education directly relate to the educational program which is targeted.
- (b) Reimbursement for professional studies, including but not limited to architecture, pharmacy, or law, is appropriate only for course work that meets the career-related criteria as defined in numbers one and three above.
- (c) Courses must be taken at a fully accredited college, university or educational institution. On-line educational course work (via the internet) is reimbursable when taken through an accredited college, university or educational institutions.

5.4(7) The following are excluded, and are not eligible for tuition assistance:
➤ Job-related or career-related lectures, meetings, conferences and learning obtained outside the classroom through life experience

- are not eligible for reimbursement, even if offered by an approved school or organization, and would otherwise meet the standards for qualifying education.
- Seminars and workshops provided by external vendors or institutions are not eligible for reimbursement.
- Credit courses taken on an audit basis are not reimbursable.
- In no event shall credit or non-credit recreation, physical education, hobby or personal interest courses of study, whether required for a degree program or not, be eligible for reimbursement under this program.
- Co-operative education programs do not qualify for reimbursement.
- Courses, seminars and workshops taken for the purpose of continuing education or in preparation for certification or licensure tests do not qualify for reimbursement.

5.4(8) The application process is as follows:

- Complete the Application for Tuition Assistance Form located on the intranet under Departments / Human Resources / Benefits / forms.
- A separate application and packet must be submitted per semester. A single application cannot include classes for more than one semester.
- It will be the employee's responsibility to seek and obtain approval from the Department Director. Forms submitted without the Department Director's signature will be returned unprocessed.
- Forward completed form to HR ten (10) days prior to the beginning of class.
- Human Resources will send a letter of approval upon review of the application.

5.4(9) Reimbursement expenses include tuition for approved course work, individual course registration fees and textbooks required by the course syllabus.

- (a) The employee must receive at least a C for all course work at the undergraduate level and B at the graduate level. If the only option for a course grade is Pass/Fail, Pass will be accepted.
- (b) Approved classes will be reimbursed after the submittal of the Request for Tuition Reimbursement form and the following documentation:

- a grade report
 - tuition expenses
 - book receipts
- (c) This information must be submitted to Human Resources no later than thirty (30) working days following completion of the class. If not submitted within thirty (30) working days of the completion of the class, the original request will be considered null and void.

***For questions regarding this program,
please contact Metro Government's Human Resources Department.***

5.5 Group Insurance

- 5.5(1) Louisville Metro Government shall make available plans for group health, dental, and life insurance coverage to all eligible employees.
- 5.5(2) Louisville Metro Government shall continue to pay (for up to two years) its portion of the health insurance premium for an employee who is unable to work due to an injury or illness that is determined to be covered by Workers' Compensation.
- 5.5(3) The effect of leaves of absences on group insurance:
- MEDICAL LEAVE OF ABSENCE.** A leave of absence necessitated by illness or injury to an employee or a member of the employee's immediate family (spouse, dependent child, parent). Louisville Metro Government will continue to contribute its' portion of the health insurance premium for the greater of 6 months of leave or the duration of paid leave, but not to exceed 12 months.
- PERSONAL LEAVES OF ABSENCE (non-medical).** Louisville Metro Government will not contribute to healthcare benefits for an employee on an unpaid personal leave of absence (non-medical).

5.6 Retirement Plan

- 5.6 Louisville Metro Government shall participate in the Kentucky Retirement System established by the Kentucky legislature.
- 5.6(1) Probationary period for participation in Kentucky Retirement Systems shall be set at 12 months for all non-hazardous employees that work 25 or more hours per week. Contributions will begin the first day of the 12th month. This shall include all rehired employees who have had prior service with Kentucky Retirement Systems through another employer and/or Louisville Metro Government; and, who previously left said employment for any reason except retirement.
- Probationary period for participation in Kentucky Retirement Systems for hazardous duty employees that work 25 or more hours per week will be set at the date the employee is sworn into an approved hazardous position. Police Officer and Corrections Officer are eligible after the recruit training process is successfully completed, or no longer than a 12-month period. Fire Prevention, Arson Bureau, and Fire and Rescue positions are eligible for participation on the date of hire, as are Emergency Medical Technicians and Paramedics, unless a training class is required.
- Former employees who were terminated by layoff from Louisville Metro Government and who are reemployed by the Louisville Metro Government may have their retirement reinstated immediately upon return to work.
- 5.6(2) All new participants of Kentucky Retirement Systems hired after September 1, 2008, be subject to the pension reform laws effective September 1, 2008.
- 5.6(3) All employees with recordable sick leave (12 days per year) are eligible for their total balance of accrued sick to be paid as service credit to the Kentucky Retirement Systems upon their date of retirement at 100% cost to Louisville Metro Government.

5.7 Workers Compensation

- 5.7(1) Louisville Metro Government shall provide Worker's Compensation coverage for all employees. Medical expenses and disability payments shall be made in accordance with Worker's Compensation Laws of the Commonwealth of Kentucky.
- 5.7(2) An employee who suffers a work related injury or illness and is covered by Worker's Compensation shall be allowed to utilize accrued sick leave, compensatory time (if applicable), or vacation leave in an amount which, when added to Worker's Compensation, would equal the normal weekly earnings of the employee.
- 5.7(3) The Director of Human Resources or designee must be notified in writing by the appropriate appointing authority whenever an employee is injured or disabled and potential benefits may be provided under this section.
- 5.7(4) While an employee is on leave due to work related injury or illness insurance benefits may be continued under the following guidelines:
- (a) For the first year following the date of injury Louisville Metro Government will continue its contribution toward single and dependent health insurance coverage, basic life insurance coverage and long term disability. The employee will be required to continue the same contribution as if the employee was still actively at work.
- 5.7(5) When an employee is unable to work due to a work-related injury or illness the agency shall place the employee on Worker's Compensation leave status. Should the leave exceed 3 workdays then the time away from work shall also be designated as FMLA (Family Medical Leave Act).
- 5.7(6) An employee, who suffers a work related injury or illness and is unable to work, will accrue sick and vacation leave for the first three months following the work related injury or illness.
- 5.7(7) In order for injury leave to be granted, the injury must not have resulted from misconduct, gross negligence or contributory negligence on the part of the employee. The injury must not have resulted from work the employee had been medically disqualified to perform. The injury must result in a disability that is compensable under Workers' Compensation provisions.

- 5.7(8) Louisville Metro Government shall not guarantee that an employee returning from Workers' Compensation leave in excess of 3 months will be reinstated to the position that the employee held prior to the beginning of the leave.
- 5.7(9) If the same position is not available, an employee returning from a work related injury or illness must be offered the first position in the department which becomes available having the same minimum salary and for which the employee is qualified. The employee may be dismissed if the employee refuses to accept the offered position.
- 5.7(10) If a suitable position does not become available in the same department within one year of an employee's ability to return, the employee may be dismissed.
- 5.7(11) If an employee is unable to return to work from a work related injury or illness within a 12 month period, the employee will be considered terminated.

5.8 Alternative Work Schedules

- 5.8 Agency heads, in order to increase the efficiency of departmental operations, and/or to decrease the accrual of compensatory time, and/or to increase the morale and job satisfaction of employees, may institute alternative, variable, or non-traditional work schedules.

This provision shall not restrict or limit the right of an agency head to adjust, on occasion, daily hours of work within a work week as long as the total hours in the work week remain the same.

All Offices must be open and fully functional during normal business hours (8am to 5 pm).

5.9 Job Sharing

- 5.9(1) A Department Director may institute job-sharing programs wherein the responsibilities, duties, compensation and benefits of a full-time position are divided among members of a team consisting of two employees.
- 5.9(2) Job-sharing programs must be approved by the Director of Human Resources, or designee, prior to implementation.
- 5.9(3) Participation in job-sharing programs shall be voluntary for employees.
- 5.9(4) All fringe benefits normally accorded the regular full-time position shall be divided among the employees sharing the responsibilities of the position. Division of the benefits shall be made on a pro rata basis and shall be fixed prior to placement of employees in the position.

5.10 Employee Assistance Program

5.10 Louisville Metro Government provides counseling services through its Employee Assistance Program. The Employee Assistance Program will provide confidential problem assessment for employees and their families in the areas of alcoholism and other substance abuse, marital problems, family problems, financial difficulties and other problems of a personal nature. Initial advice and referral will be free of charge; however, there may be costs involved if referral for further treatment is necessary. The initial visit, if scheduled during the employee's regular shift and directed by a supervisor, shall be counted as time worked.

Mandatory referrals to the Employee Assistance Program must be approved by the Director of Human Resources, or designee.

5.11 Unemployment Insurance

- 5.11 All eligible employees of Louisville Metro Government are covered by the Kentucky Unemployment Insurance Law. Pursuant to KRS 341.277, Louisville Metro Government has elected to become liable to "Payments in lieu of contributions."

5.12 Breastfeeding in the Workplace

5.12(1) In recognition of the well documented health advantages of breastfeeding for infants and mothers, the Louisville Metro Government provides a supportive environment to enable breastfeeding employees to express their milk during work hours.

The Louisville Metro Government subscribes to the following worksite support policy. This policy shall be communicated to all current employees and included in new employee orientation training.

Breastfeeding employees who choose to continue providing their milk for their infants after returning to work shall receive:

- **Milk Expression breaks**
Breastfeeding employees are allowed to express milk during work hours using their normal breaks and mealtime. For time that may be needed beyond the usual break times, employees may use personal leave or may make up time as negotiated with their supervisors.
- **A Place to Express Milk**
A private room (Lactation Station) shall be available for employees to express milk other than a restroom. If employees prefer, they may express milk in their own private offices, or in any comfortable location agreed upon in consultation with the employee's supervisor. Expressed milk is to be stored in the employee's personal cooler.
- **Breastfeeding Equipment**
The Louisville Metro Public Health and Wellness Department will loan an electric breast pump to assist breastfeeding employees and partners of male employees with milk expression during work hours if they do not have a personal electric breast pump. Personal attachment kits can be purchased from the Louisville Metro Public Health and Wellness Department at a discounted cost.
- **Education**
Breastfeeding classes and informational materials are available for all mothers and fathers, as well as their partners through the Louisville Metro Public Health and Wellness Department.

- **Staff Support**

Supervisors are responsible for alerting pregnant and breastfeeding employees about the worksite lactation support program, and for negotiating policies and practices that will help facilitate each employee's infant feeding goals. It is expected that all employees will assist in providing a positive atmosphere of support for breastfeeding employees.

5.13 Modified Duty

- 5.13(1) Louisville Metro Government recognizes the importance of providing meaningful work to employees with medical limitations that temporarily prohibit the employee from performing regular job duties.
- 5.13(2) When an employee experiences an injury/illness, whether on-the-job or off-the-job, and is released to return to work with restrictions, the employee will be considered for a modified duty assignment. The assignment may be within the employee's agency or in another agency. Assignments should be based on needs of the agency as well as availability of work within the employee's restrictions. The employee shall take a Healthcare Provider Capabilities Assessment Form (HCAF) and a copy of the employee's job description to the employee's medical provider as soon as practicable. The employee should request the healthcare provider to furnish any applicable physical limitations or restrictions related to the performance of the essential functions of the employee's job. The information from the medical provider will be used to evaluate whether or not there is work available within the employee's limitations/restrictions. It is the responsibility of the employee to provide updated medical documentation as directed by the employee's agency head or designee.
- 5.13(3) An employee with an offer of a modified assignment is to report to work as directed by the agency head or designee. An employee who has experienced an injury/illness on the job and who does not accept an offer of modified duty may lose his or her worker's compensation temporary total disability pay. Medical expenses will be provided as determined by the Worker's Compensation laws of the Commonwealth of Kentucky. In all cases, both work-related and non-work related, Louisville Metro Government intends to honor its obligations under The Family and Medical Leave Act of 1993 and Kentucky Revised Statutes Chapter 342 Workers' Compensation.
- 5.13(4) A modified duty assignment may be offered for a period of up to 90 calendar days. For restrictions that will extend beyond 90 calendar days, the employee's department is required to contact the Department of Human Resources before the end of the initial 90-day assignment in order to obtain approval for an extension of up to an additional 90 calendar days. In all actions, Louisville Metro Government intends to honor its obligations under the Americans with Disabilities Act of 1990, as amended.

- 5.13(5) There will be no change to the employee's pay/benefits while on the modified assignment.
- 5.13(6) Working from home does not constitute a modified duty assignment.

Reference:
1.23 Americans with Disabilities Act
4.5 Telework Policy
16.3 Family and Medical Leave Act

5.14 Computer-Based Training

- 5.14(1) All computer-based training, whether required of all employees or of the employees of a specific department only, shall be performed on work time and on Louisville Metro Government issued technology.
- 5.14(2) Records for computer-based training required of all employees shall be held in the official policy management system maintained by the Director of Human Resources or designee.
- 5.14(3) The method of tracking computer-based training required of employees within a specific department only shall be determined by the Department Director or designee.

6.1 Public Records

- 6.1 Louisville Metro Government is a public agency as defined by the Open Records Act in KRS 61.870 and all records of the Human Resources Department are subject to the provisions of the Open Records Act.

6.2 Personnel Files and Employment Records

- 6.2(1) The Department of Human Resources shall be the official repository for all personnel files and records.
- 6.2(2) The Director of Human Resources, or designee, shall be the official custodian of all personnel records.
- 6.2(3) The contents of employee personnel files shall be the property of Louisville Metro Government. Information in the files shall be held in strictest confidence and shall not be released to persons outside of Louisville Metro Government unless the Director of Human Resources or designee has received written permission by the employee to do so or is directed to do so by Court Order or an Open Records Request.
- 6.2(4) The review of employee files by persons within Louisville Metro Government shall be limited to officers of Louisville Metro Government with a bona fide official reason or an employee requesting to view his/her own file. All requests for the review of personnel files must be submitted in writing and are subject to approval by the Director of Human Resources or designee.
- 6.2(5) An employee may inspect their personnel file at any time during the usual hours of operation of the Department of Human Resources. Employees may not remove any material from the file. Employees shall be required to provide proof of identity.
- 6.2(6) The Director of Human Resources, or designee, shall be responsible for developing and following records retention schedules for all personnel records and files.
- 6.2(7) The provisions of 6.2(4) shall not apply to peace officers. KRS 15.400 contains restrictions regarding information contained within the personnel files that cannot be disclosed to any person, including the officers themselves.
- 6.2(8) An employee requesting a copy of his/her file shall be charged \$.10 per page.

6.3 Attendance Records

- 6.3(1) Attendance records for each employee shall be maintained in a manner and form as determined by the Director of Human Resources or designee and the Director of Finance.

- 6.3(2) Agency heads and supervisors shall be held accountable for the accuracy and truthfulness of all entries on attendance records for employees reporting to them. Falsification of or failure to provide accurate attendance records may result in disciplinary action.

6.4 Retention Schedules

- 6.4 The Director of Human Resources or designee, in conjunction with the Director of Archives, shall be responsible for developing and adhering to retention schedules for all personnel records and files in accordance with KRS 171.410 et seq. Such retention schedules are subject to the approval of the State Archives and Records Commission.

7.1 Job Requisitions

- 7.1(1) Agency heads shall submit a job requisition to the Director of Human Resources or designee, on the form provided, each time there exists the need to fill a position.
- 7.1(2) The Director of Human Resources or designee shall obtain verification from the Budget Office that the position is adequately funded prior to authorizing any recruitment activity to fill the position.

8.1 Recruitment

- 8.1(1) Louisville Metro Government shall attempt to recruit the best candidates for all positions.
- 8.1(2) Vacancies in Louisville Metro Government shall be posted for a minimum of seven work days in a manner to be determined by the Director of Human Resources or designee. In instances where there already exists a sufficient number of qualified applicants, this provision may be waived by the Director of Human Resources or designee.
- 8.1(3) There are business conditions that could cause a non-union vacancy to be filled without posting, these conditions including, but not limited to: organizational restructuring or critical operational needs. A Department Director must submit their written request for an exception under this section to the Director of Human Resources or designee. No position will be filled by this exception without the express written approval of the Director of Human Resources or designee. A candidate filling a position under this exception must still meet the minimum requirements of the position as determined by the recruitment division of Human Resources.
- 8.1(4) In recruiting and screening applicants, Louisville Metro Government shall use realistic minimum requirements that are predictive of success in performance of the job. Qualifications commonly required of employees in all places of employment shall be understood to be implied.
- 8.1(5) In the event that a requisition remains open after six (6) months, it will be deemed expired and will be closed. In order to fill a vacancy after the original requisition has expired, departments must submit a new requisition and new applicable approvals. The departments excepted from this rule are LMPD, Louisville Fire Department, EMA/MetroSafe and Corrections (sworn).

9.1 Applications, General Provisions

- 9.1(1) The format and method of submitting employment applications will be approved by the Human Resources Department.
- 9.1(2) An application, to be considered, must be received by the Human Resources Department on or before the final filing date as stated on the vacancy announcement.
- 9.1(3) The standard application method is online resume submission, which results in creation of the employment application.
- 9.1(4) Resumes submitted online for posted vacancies are accepted without signature for purposes of meeting the filing deadline for a position. Required signatures on the employment application form will be obtained by the hiring department during the interview process. The applicant's signature on the employment application form shall certify the truthfulness of all statements contained in the application.
- 9.1(5) The Director of Human Resources or designee may require an applicant to provide proof of any claim made on the application and may conduct all necessary background checks.
- 9.1(6) Applications are accepted only for vacancies, except in certain situations where the Director of Human Resources, or designee, determines that applications may be submitted on a continuing basis for a given posted vacancy, due to a shortage of qualified applicants.

9.2 Disqualification of Applicants, Eligibles and Appointees

The Director of Human Resources or designee may refuse to consider an applicant, disqualify an applicant, remove an applicant's name from an eligibility pool, refuse to certify an eligible, or recommend the removal of a person already appointed, if the person:

- 9.2(1) Does not meet the minimum requirements (with reasonable accommodations where applicable) established for the pertinent classification.
- 9.2(2) Has made a false statement of material fact on the application.
- 9.2(3) Has used or attempted to use pressure or bribery to secure an advantage in examination or selection.
- 9.2(4) Has directly or indirectly solicited or obtained information regarding an examination to which the applicant was not entitled.
- 9.2(5) Has participated in the compilation, administration or correction of an examination for which the applicant has applied.
- 9.2(6) Has been found cheating in any way on an examination.
- 9.2(7) Has failed to submit an application correctly or within the prescribed time limits.
- 9.2(8) Has established an unsatisfactory employment or personnel record, as evidenced by reference check, of such a nature as to demonstrate unsuitability for employment.
- 9.2(9) Has been convicted of a job-related felony or multiple misdemeanors.
- 9.2(10) Has previously been dismissed from a position with Metro Government for cause or has resigned while charges for dismissal for cause were pending.
- 9.2(11) Has practiced or attempted to practice deception or fraud in making application or taking an examination.
- 9.2(12) Fails to notify Human Resources in writing of any change in address. For purposes of this policy, a return of a letter by the postal authorities, if

properly addressed to the last address on record, shall be deemed sufficient grounds for this action.

- 9.2(13) Fails to notify Human Resources of any change which would affect the applicant's availability for employment.
- 9.2(14) Requests removal from the eligibility list.
- 9.2(15) Fails to report for scheduled selection procedures.
- 9.2(16) Resigns and the applicant's name appears on a promotional eligibility list.
- 9.2(17) Refuses a job offer.
- 9.2(18) Fails to respond to any request for information from Human Resources.
- 9.2(19) Waives certification more than once.
- 9.2(20) Is selected for a position from an eligibility list or their term of eligibility expires.

10.1 Selection/Examinations

- 10.1(1) Louisville Metro Government shall use nondiscriminatory, job-related selection techniques in determining that an applicant possesses the skills necessary to perform satisfactorily the essential duties of the position for which the applicant applied.
- 10.1(2) The Director of Human Resources, or designee, shall be responsible for planning, preparing, administering and, when necessary, validating all criteria required to screen applicants.

10.2 Eligibility for Admission to Performance Examinations

- 10.2(1) Any applicant who takes an examination, other than a clerical performance examination (i.e. typing, data entry, dictation, and/or transcription) or the Police Recruit examination, shall be ineligible to apply for an examination for the same classification for a period of six (6) months from the date of the examination.
- 10.2(2) Any candidate who takes a clerical performance examination or the Police Recruit examination shall be ineligible to retake the examination for a period of three (3) months from the date of the examination.
- 10.2(3) Any candidate who fails to appear as scheduled for an examination shall have his/her current application(s) for the corresponding classification(s) disqualified.

11.1 Eligibility for Appointment

- 11.1(1) The Director of Human Resources, or designee, shall establish procedures by which all applications will be reviewed. All applicants meeting the minimum qualifications will be eligible for testing and/or appointment.

- 11.1(2) Applicants who have been determined to meet the minimum requirements of a class will remain eligible for appointment to the position for which they have applied in that class for a period of at least six months from the date of the eligibility determination.

11.2 Communicating Applicant Information to Departments

- 11.2(1) The Director of Human Resources, or designee, after receiving an approved Requisition, shall forward to the requesting Department Director, all appropriate applicant information from the eligibility pool.
- 11.2(2) The Department Director, or designee, may consider the names forwarded to him/her by the Director of Human Resources or designee for as long as the persons whose names are forwarded remain eligible.
- 11.2(3) A certification of eligible to fill any number of vacancies in a classification on the same day shall be considered a single certification for each eligible regardless of the number of vacancies to be filled.

12.1 Appointments

- 12.1(1) All appointments, promotions, and demotions are recommended by the department/agency head from among eligible applicants, subject to the approval of the Director of Human Resources or designee.
- 12.1(2) Persons may not begin work until a job offer has been made, the offer has been accepted, and the appointment has been approved by the Director of Human Resources or designee.
- 12.1(3) No offers of employment may be made by anyone except the Director of Human Resources or designee.
- 12.1(4) Employees shall be required to maintain their current residence address on file with the Director of Human Resources and shall notify the Director of Human Resources or designee within five (5) working days of any change in residence address.

12.2 Probation Period

- 12.2(1) All appointments to positions in Louisville Metro Government are subject to satisfactory completion of a probationary period of six months, unless extended.
- 12.2(2) The probationary period is regarded as part of the selection process and is utilized to observe an employee's work, to secure the most effective adjustment of a new or promoted employee, and to reject any employee whose performance or conduct is unsatisfactory.
- 12.2(3) The probationary period affords the employee an opportunity to decide if employment in Louisville Metro Government is satisfying.
- 12.2(4) The requirement of a probationary period applies not only to the first appointment in Louisville Metro Government service, but to any subsequent appointment regardless of completion of a probationary period in a previous position.
- 12.2(5) Any proposed dismissal of a probationary employee for failure to satisfy the probation, must take place during the probationary period.
- 12.2(6) Any employee not dismissed from service before the end of the initial probationary period will be considered to have successfully completed probation and will be considered a regular employee, unless an extension of the probationary period has been approved.
- 12.2(7) Any employee not dismissed from service before the end of a promotional probation will be considered to have successfully completed probation in that class.
- 12.2(8) At the request of the agency head, the Director of Human Resources, or designee, may extend the probationary period.
- 12.2(9) Extension of probation will not exceed a period of six months.
- 12.2(10) After the extension has been approved, the employee must be notified in writing by the agency head, no later than the close of business on the last day of the probationary period.
- 12.2(11) Failure to notify the employee on a timely basis may be considered as nullification of the extension in which case the employee shall be presumed to have satisfactorily completed the probationary period.

- 12.2(12) Agency heads will provide each employee whose probation is being extended with a written evaluation of the employee's performance and a written statement stating in detail what the employee must do to satisfactorily complete probation. Copies of both documents must be provided to the Director of Human Resources or designee and shall become a part of the employee's personnel file.
- 12.2(13) (a) An employee removed from a promotional position for failure to successfully complete promotional probation will be returned to the position held immediately before the promotion, if in the same department, or to an equivalent position in the same class in the same agency, or will be assigned to a position in the agency in a class in which the employee has successfully completed a probation.
- (b) Any employee displaced by a returning promote who has failed to complete promotional probation will return to the previous position (if any) in the same agency he or she held unless that position has been eliminated; if the position has been eliminated or if there is no position previously held within the agency by the displaced employee, then the displaced employee will be placed on unpaid leave of absence or layoff status until an equivalent position for which the employee is qualified becomes available within the agency.
- (c) An employee removed from a promotional position for failure to successfully complete promotional probation in another department may be reassigned or demoted to a position within the agency in a classification in which the employee has successfully completed a probation period.
- (d) This subsection does not apply to transfers.
- 12.2(14) Upon reemployment with Louisville Metro Government, an employee is required to begin a new probationary period regardless of the length of previous service, the number of days off Louisville Metro Government payroll, or whether the employee completed a probationary period previously.
- 12.2(15) There is no right to appeal or grieve adverse action taken against an employee during the probationary period, except in a case involving alleged discrimination.

- 12.2(16) An employee serving a promotional probation period may appeal his/her termination from the promotional position. An employee serving a promotional probation period may not appeal his/her demotion to the previously held position.
- 12.2(17) It is the responsibility of the agency head to initiate action to remove probationary employees on a timely basis so that removal occurs before the end of the probationary period.
- 12.2(18) A variable hour employee, part-time or seasonal employee shall not serve a probation period.
- 12.2(19) An employee's completion of the probation period does not create an employment contract.
- 12.2(20) Upon reemployment an employee will not receive service credit for any prior period of employment with Metro Government unless the employee is returning to work within one year of layoff or as the result of a grievance resolution.

12.3 Types of Appointments

- 12.3(1) **REGULAR APPOINTMENT:** Appointment to a regular full-time position in Louisville Metro Government service. Part-time appointments may be made for established positions that require the service of an employee for less than 30 hours per week. During peak seasons, a part-time employee may work the standard work week without any added benefits.
- 12.3(2) **TEMPORARY APPOINTMENT:** Temporary appointments may be made for a brief, specified period of time (not to exceed 6 months) to: replace regular employees who are temporarily absent from their duties to provide extra assistance; or for a special project; or other work of a temporary or transitory nature. A temporary appointee receives no benefits and is only paid for hours actually worked. A temporary appointee shall meet the minimum requirements for the classification to which he/she has been appointed. Any subsequent temporary appointments shall not exceed 1200 hours in a fiscal year.
- 12.3(3) **SEASONAL APPOINTMENT:** Appointment to establish positions which require the services of an employee for only a certain part of the year on a recurring basis. A seasonal employee may only be employed for 6 months. At the time of appointment both the appointing authority and the applicant agree to termination at the end of the period. A seasonal appointee receives no benefits and is only paid for hours actually worked.
- 12.3(4) **VARIABLE HOUR APPOINTMENT (BX):** An appointment to work on an as-needed basis. A variable hour employee receives no benefits or longevity increases, and is only paid for hours actually worked. Such an appointee shall meet the minimum requirements for the classification to which he/she has been appointed.
- 12.3(5) **ACTING APPOINTMENTS:** An acting appointment may be made to temporarily fill a position by placing an employee in a higher classification. Acting appointments are most commonly used to replace an employee on vacation, extended sick leave, or a leave of absence. An employee receiving an acting appointment will be compensated for the appointment beginning on the 11th work day in the higher classification.

12.4 Dual Appointment and Employment

- 12.4(1) No one shall receive simultaneous compensation for more than one position with Louisville Metro Government.
- 12.4(2) No employee shall enter into an agreement or contract with Louisville Metro Government or any departments or divisions to provide goods, services, or to perform duties that are the same or similar to the duties contained in their job description. This section is separate and independent from state statute. Violation of this section may result in disciplinary action up to and including termination.
- 12.4(3) All employees must comply with the state statute prohibiting employees from contracting with Louisville Metro Government (KRS 61.252). The only exceptions are stated in KRS 61.252.

12.5 Employee's Replacement, Overlap Period

- 12.5 An agency head may hire a prospective employee to work with a resigning employee for an overlap period not to exceed four weeks. This overlap period allows the new employee to become familiar with the duties and responsibilities of the resigning employee. The overlap period is subject to the availability of funds and the approval of the Director of Human Resources or designee.

13.1 Orientation

- 13.1 The Director of Human Resources, or designee, shall be responsible for instructing newly-hired employees about Louisville Metro Government, its organization and function, as well as the employee's obligations and benefits.

14.1 Discipline

- 14.1(1) It is the policy of Louisville Metro Government to avoid arbitrary and capricious discipline; however, nothing contained in these Rules and Regulations, or any other regulation or statement of policy shall be deemed to create a property right for the employee in a position or to employment, or to create a "just cause" standard for disciplinary action.
- 14.1(2) Disciplinary actions are used to instruct employees about their behavior and the consequences of continued unsatisfactory performance.

Reference: Section 1.6 Principles of Behavior

14.2 Approval of Disciplinary Actions

- 14.2 Suspensions, demotions, or dismissals are subject to review and approval by the Director of Human Resources, or designee, prior to implementation.

14.3 Procedure for Effecting Discipline

- 14.3 Prior to demoting, suspending, or dismissing an employee, a Department Director shall give notice to the Director of Human Resources, or designees, of the intent to suspend, demote or dismiss. Such notice shall include all background information supporting the intended action. The Director of Human Resources or designee shall review all such action upon receipt of such notice, and may require a conference with the Department Director. The Director of Human Resources or designee shall notify the Department Director of the results of the review within three work days of receipt of the notice of discipline.

At the conclusion of the Director of Human Resources', or designee's, review, the Department Director may proceed with the disciplinary action.

14.4 Types of Discipline

14.4(1) The use of progressive discipline is designed to provide a structured corrective action process to improve and prevent a recurrence of undesirable behavior and/or performance issues. Progressive discipline should be considered for minor violations. Discipline for major infractions of policies or rules do not have to follow progressive discipline. Metro Government reserves the right to combine or skip steps depending upon the facts of each situation and the nature of the offense. The level of disciplinary intervention may also vary. Any of the following actions may be taken when necessary to discipline an employee.

The employee should be informed of the discipline in a meeting with the supervisor, manager, or director issuing the discipline. The discipline should also be in writing and a copy given to the employee. The written document should include a signature line for the employee to acknowledge receipt of the written disciplinary action. Failure of an employee to sign the discipline document will not invalidate the document or the discipline. In the event the employee refuses to sign the document, the supervisor issuing the discipline should note that refusal to sign on the document.

With the exception of counseling and reprimands, all intended disciplinary actions must be reviewed and approved by the Director of Human Resources, or designee prior to issue. The Director of Human Resources or designee must also approve any suspensions, demotions, or dismissal of union employees prior to the issuance of such discipline.

- a. **COUNSELING:** In cases of minor infractions or initial performance issues, efforts will be made to correct the employee's behavior or performance through counseling and other non-punitive means. The immediate supervisor should have a meeting with the employee to bring attention to the existing performance, conduct or attendance issue. The Supervisor should discuss with the employee the nature of the problem or violation of policies and procedures and outline steps to improve performance or resolve the problem. Counseling sessions are not punitive. Supervisors shall maintain a written record of the counseling and give a copy to the employee.
- b. **REPRIMANDS:** When infractions of rules are more serious or there are repeated minor infractions, a supervisor may reprimand an employee.

Reprimands may also be given when the conduct, performance, or attendance issues have not been corrected after counseling. The Department will send a copy of the reprimand to the Department of Human Resources where the reprimand will be placed in the employee's personnel file. The employee may, within five days, file a written response to the reprimand which will be placed in the employee's personnel file.

- c. **SUSPENSIONS:** The Department Director may recommend that an employee be suspended without pay for serious infractions of rules, or as part of progressive discipline when the conduct, performance, or attendance issues have not been corrected. Suspensions may extend over a period or periods of up to 30 days during any 12 consecutive months. Suspensions of more than 30 days in a 12 month period shall result in dismissal of the employee. (For Suspensions Pending Investigation, see Policy 14.5) Department Directors must submit recommendations for suspensions to the Director of Human Resources or designee for review and approval prior to the imposition of the discipline.
- d. **DEMOTIONS:** The Department Director may recommend that an employee be demoted for very serious infractions of rules or continued performance issues. Demotions may be used, but are not a required step in progressive discipline. Department Directors must submit recommendations for demotion to the Director of Human Resources or designee for review and approval prior to the imposition of the discipline. If approved, the Department Director may proceed with the dismissal.

14.4(2) An employee may appeal a suspension without pay, a demotion, or dismissal by following the procedure for such appeal in Policy 15.1 Appeals. Nothing in these policies shall be interpreted to be in conflict with or to eliminate or modify in any way the employment-at-will status of Metro Government employees.

Reference:
15.1 Appeals
18.3 Dismissal

14.5 Suspension Pending Investigation

- 14.5(1) A Department Director may recommend that an employee be suspended pending an investigation into alleged misconduct or violations of Louisville Metro Government policies. All suspensions pending investigation shall be without pay; however, an employee may use accrued vacation leave, compensatory time, and/or personal days during this period.
- 14.5(2) A suspension pending investigation is not disciplinary in nature but is to protect the efficiency of Louisville Metro Government.
- 14.5(3) The Department Executive shall give written notice to the Director of Human Resources or designee of the suspension pending investigation within one (1) workday of such action.
- 14.5(4) Internal investigation of alleged misconduct or violation of Louisville Metro Government policies should be completed as expeditiously as possible. Upon conclusion of the investigation, the Department Executive shall recommend appropriate action be taken (i.e. reinstatement with back pay, demotion, suspension, dismissal, etc.)
- 14.5(5) Disciplinary action administrative and civil in nature; and therefore, the outcome of criminal matters is not determinative on parallel disciplinary matters. Nothing herein shall preclude which is, or has been, the subject of criminal investigation of criminal charges. Louisville Metro Government reserves the right to take disciplinary action regardless of the existence of or outcome of criminal proceedings that may be based on the same events as the criminal actions.

14.6 This policy number is being held for future use

14.7 Performance Appraisal

- 14.7(1) The purpose of the evaluation of employee performance is to evaluate employees' past work performance, develop a work plan for the next review cycle, and determine what resources are needed for improving performance. The review system has been designed to be an interactive and on-going communication process between supervisors and employees. The annual evaluation is mandatory for all Metro employees.
- 14.7(2) Regular performance evaluations shall be conducted according to the following procedures:
- a. All regular full-time and regular part-time employees (including those whose positions are grant-funded, but excluding appointed positions) will be evaluated annually utilizing the Employee Performance Review System on their job entry date (anniversary date) or within fifteen (15) working days of this date. Seasonal and temporary employees need not be reviewed.
 - b. Optional evaluations can occur due to the following conditions: initiation or conclusion of probation, reclassification, promotion, demotion, reassignment, or transfer into the employee's current classification.
 - c. The review must be signed and dated by the Appraiser, Reviewer, Employee and Department Director. The Appraiser is the direct Supervisor that conducts the review. The Reviewer is the Appraiser's Supervisor.
 - d. The Employee must be provided with a signed copy of the review.
 - e. Prior to conducting the review, Supervisor or Manager must attend Performance Review System Training.
- 14.7(3) The review must be submitted to Metro Human Resources by interoffice Mail within ten (10) working days of date of review.
- 14.7(4) The employee Performance Review System is available electronically from the Human Resources departmental link of the Metro SharePoint site. SharePoint allows for the online completion of the performance review; however, the completed form must be printed and signed. The

form cannot be submitted electronically. If computer access is not available, contact your Department Human Resources representative to obtain additional copies of the Employment Performance Review System.

15.1 Appeals

- 15.1(1) Unless expressly stated otherwise in a Collective Bargaining Agreement or by applicable law, employment with Metro Government is voluntary and is subject to termination by the employee or Metro Government **AT WILL**, with or without cause, and with or without notice, at any time. Nothing in these policies shall be interpreted to be in conflict with or to eliminate or modify in any way the **EMPLOYMENT-AT-WILL** status of Metro Government employees.
- 15.1(2) Except for those matters which may be appropriately appealed under Civil Service/Merit Board/Police Board rules and regulations or the Affirmative Action Plan, any non-union regular employee may appeal an employment action as outlined in this section.
- 15.1(3) Employees will have the opportunity to present information that may challenge information management has used to issue disciplinary action. The purpose of this process is to provide insight into extenuating circumstances that may have contributed to the employee performance and/or conduct issues.
- a. If the employee does not present this information during the meeting in which discipline is imposed, he/she will have five (5) work days after that meeting to present information in writing to his/her director. The department director or designee may meet with the employee to discuss this appeal within five (5) work days after receiving this written information. The department director will have ten (10) work days after the meeting to respond to the appeal in writing. The decision of the department director is final regarding non-disciplinary matters, counseling sessions, warnings and reprimands.
 - b. After receiving the response from the department director regarding a suspension, demotion, or termination, the employee may request in writing, a conference with the Director of Human Resources, or designee. This request must be made within five (5) days of the receipt of the department director's response. The written request must state the reasons for appeal. The Director of Human Resources, or designee, may schedule a conference with the employee within ten (10) days of receipt of this request. Within thirty (30) days of the conference, the Director of Human Resources or designee will make a determination and advise the employee and appropriate department director of the decision or recommendation. All decisions of the Director of Human

Resources or designee are final.

- 15.1(4) This section only applies to regular non-union employees. Department Directors, Assistant Directors, and employees or staff of elected officials may not file an appeal except in cases where the appeal is based on a violation of civil rights law. An employee on original probation or an employee in a temporary or seasonal position may not file an appeal except where the appeal is based on a violation of civil rights law. An employee on promotional probation may not appeal a demotion to their former position except where the appeal is based on a violation of civil rights law. Layoffs may not be appealed.
- 15.1(5) This policy does not apply to employees who are members of a collective bargaining unit.

15.3 Equal Employment Opportunity Complaints

What is an EEO Complaint?

- 15.3(1) An EEO complaint is one that may arise when an employee believes they have experienced unlawful employment discrimination because of their race, color, religion, national origin, sex, age 40 and older, disability, pregnancy, gender identity, sexual orientation and smoker or non-smoker status or any other protected characteristic as established by law.

Who Can File an EEO Complaint?

- 15.3(2) Any Louisville Metro Government employee who believes that he/she has been discriminated against has the right to file a complaint with the Compliance Manager in the Human Resources Department without fear of restraint, interference or reprisal.

An Alternative to Filing an EEO Complaint

- 15.3(3) Louisville Metro Government is committed to using alternative dispute resolution methods such as mediation in an effort to resolve disputes. An employee may choose to mediate their claim as long as both parties are in agreement. Mediation is a process in which an impartial third party assists disputants in finding a mutually acceptable solution to their dispute. Mediation is voluntary.

How to File an EEO Complaint

- 15.3(4) An employee may initiate the complaint process, with or without prior discussion with his or her supervisor, manager or director, by contacting their agency Human Resources representative or the Compliance Division of Human Resources. A complaint form must be completed. The Equal Employment Opportunity Complaint Form is available on the intranet for Louisville Metro Government and may also be obtained by contacting Human Resources.

The EEO Complaint Process

- 15.3(5) If the complaint falls within the jurisdiction of the Human Resources Compliance Division and an investigation is necessary, the Compliance Manager will notify the Director of Human Resources and the appropriate Department Director of the complaint. During the investigation process the

Compliance Manager or his/her designee shall have the authority to conduct as broad an investigation as is necessary.

At the conclusion of the investigation, a copy of the results will be distributed to the Department Director and the complainant. Subsequent meetings will be held with the parties individually to discuss the finding and/or recommendations.

If the complainant wishes to pursue further action after they receive the investigation findings they may consult with an external agency.

Complaints received in the Department of Human Resources that do not allege discrimination based upon a protected class, as defined under Louisville Metro Government policy and/or applicable federal, state or local regulations, will be referred to the complainant's agency director or designee for a determination on appropriate action by the department and will not be investigated by the Department of Human Resources..

Retaliation

- 15.3(6) Louisville Metro Government will not tolerate adverse treatment of any individual because he/ she has filed an EEO complaint, or has provided information concerning such complaint. Any employee who engages in retaliation against an individual who has filed a complaint or provided information concerning such complaint shall be subject to discipline, up to and including termination of employment. Any employee who feels he /she has been subjected to such retaliation should report this action to the Compliance Division of Human Resources.

Reference:
1.4 Equal Employment Opportunity and Affirmative Action
1.8 Harassment

16.1 Leaves of Absence General Provisions

16.1(1) Purpose

Louisville Metro Government recognizes that employees will occasionally have a need to be absent from work for medical, family, or personal reasons. Under conditions described in the policies on leaves of absence, employees may be approved to take a leave of absence.

The purpose of this policy is to define general provisions for leaves of absence: Sick Leave, Jury Duty and Witness Leave, Funeral Leave, Military Training, Voting Leave, Family Medical Leave, Medical Leave, and Personal Leaves of Absence.

16.1(2) Definition

A leave of absence is paid or unpaid time away from work for medical, family, or personal reasons. A leave of absence is to be used for the reason that was the basis of the approval and is not to be used to work for another employer or for reasons other than the purpose that was the basis of the approval.

16.1(3) Eligibility

- a. Employees are eligible to be approved for any paid leave as outlined in personnel policies as follows:
 - i. Full-time Employees
 - a) 16.2 Sick Leave
 - b) 16.4 Jury Duty and Witness Leave
 - c) 16.5 Funeral Leave
 - d) 16.6 Military Training
 - e) 16.8 Voting Leave
 - ii. Probationary full-time Employees
 - a) 16.2 Sick Leave
 - b) 16.4 Jury Duty and Witness Leave
 - c) 16.5 Funeral Leave
 - d) 16.6 Military Training
 - e) 16.8 Voting Leave
 - iii. Regular and probationary part-time employees working at least 17.5 hours during the work week are eligible to be approved for any paid leave on a pro-rata basis:
 - a) 16.2 Sick Leave
 - b) 16.4 Jury Duty and Witness Leave
 - c) 16.5 Funeral Leave
 - d) 16.6 Military Training

- e) 16.8 Voting Leave
- b. Employee eligibility for Family Medical Leave, Medical Leave, and Personal Leaves of Absence is defined in the personnel policy sections specific to those types of leaves of absence.

16.1(4) Application

- a. In all cases, it is the responsibility of the employee to notify the supervisor of a need for leave, including following all applicable departmental guidelines for reporting an absence, requesting a leave of absence, and notifying the department if the need for leave continues beyond the approved period of leave.
- b. Employees must submit a completed application for the type of leave of absence requested at least 30 days in advance for leave that is foreseen. For emergency or unforeseen circumstances, the employee must submit the application as soon as practicable or as otherwise designated by Louisville Metro Government.
- c. Leave approval may be delayed or denied for untimely or insufficient application or for failure to submit an application.

16.1(5) Position and Personnel Action Form

At the time of the leave, the employee's department must submit a Position and Personnel Action Form (PPAF) to the Human Resources Information Systems (HRIS) Division.

16.1(6) Extension

Employees seeking an extension of Medical Leave under Personnel Policy 16.12 or Personal Leave under Personnel Policy 16.9 beyond the initial approved period must submit another application form at least 30 days prior to the expiration of the approved leave, or as soon as practicable if the need for an extension is unforeseen prior to the expiration of the approved leave.

16.1(7) Return from Leave

Requirements and policies regarding return from leaves of absence are found within the Personnel Policies on leaves of absence.

16.1(8) Genetic Information Nondiscrimination Act of 2008 (GINA)

It is the policy of Louisville Metro Government to abide by the Genetic Information Nondiscrimination Act of 2008 (GINA), which prohibits employers and other entities covered by GINA from requesting or requiring genetic information about an individual or family member of the individual, except as specifically allowed by this law. Louisville Metro

Government does not request employees to provide any genetic information when providing medical certification to support the need for a leave of absence.

16.1(9) Discontinuation of Leave Programs

Louisville Metro Government reserves the right to discontinue any leave program, to change the qualifications for granting leave, as well as to change any terms or conditions of any leave program.

Reference:

- 5.3 Vacation**
- 12.2 Probation Period**
- 16.2 Sick Leave**
- 16.3 Family and Medical Leave Act**
- 16.4 Jury Duty and Witness Leave**
- 16.5 Funeral Leave**
- 16.6 Military Training**
- 16.8 Voting Leave**
- 16.9 Personal Leave of Absence**
- 16.10 Return from Leave**
- 16.12 Medical Leave**
- 16.13 Benefits While on Leave of Absence**

16.2 Sick Leave

- 16.2(1) An employee may be allowed leave with pay when he/she or members of his/her immediate family are incapacitated due to sickness or injury. Sick leave may be used for medical appointments.
- 16.2(2) An employee shall accrue 12 days of sick leave per year. "Day" is defined as one fifth of the employee's standard work week.
- 16.2(3) Sick leave is accrued on a weekly basis. Sick leave shall not accrue during a week in which the number of hours of unpaid leave exceeds the number of hours of paid leave. A newly hired employee shall not accrue sick leave unless the employee works at least one half of the pay period. An employee who is terminating employment shall not accrue sick leave credit for the week during which the last day of work occurred unless the employee receives paid leave for at least one half of the pay period.
- 16.2(4) Employees do not accrue sick leave while in an unpaid status.
- 16.2(5) Regular part-time employees' accrue leave on a pro rata basis.
- 16.2(6) Seasonal or temporary employees are not granted sick leave benefits.
- 16.2(7) Sick leave is granted to employees when they are unable to perform their duties because of:
- a. Personal illness or injury of the employee;
 - b. The employee's pregnancy or pregnancy related complications;
 - c. Illness or injury in an employee's immediate family which requires the presence of the employee.
- 16.2(8) Sick leave caused by injury or illness to a member of an employee's immediate family that exceeds two days requires the specific approval of the employee's agency head, except family medical leaves.
- 16.2(9) Unused sick leave is accumulated without a maximum, but no employee will be paid for unused sick leave upon termination of employment.
- 16.2(10) No employee is entitled to receive pay for sick leave in excess of the amount of sick leave accumulated, unless otherwise provided for herein.

- 16.2(11) No sick leave will be granted to an employee who is not available for scheduled work because of reasons other than specified in the section.
- 16.2(12) Except in case of emergency, employees must, if possible, contact their supervisor or the individual(s) designated by the agency to request sick leave. The request must be made before or during the first hour of the employees shift.
- 16.2(13) An employee claiming sick leave for five (5) or more consecutive days will be required to furnish proof of the necessity for such absence. Louisville Metro Government has the right in all cases of reported illness to require examination by a reputable physician of its employ or selection.
- An employee absent for medical reasons for five (5) or more consecutive work days is required to submit a complete and sufficient Application for Family Medical Leave to the Compliance Division of Human Resources.
- 16.2(14) An employee's accumulated sick leave will be recorded on the terminating personnel action form.
- 16.2(15) Former employees who were terminated by resignation or layoff and who are reemployed by the Louisville Metro Government may have their accumulated sick leave reinstated after 90 days of work upon request of the employee's agency head and approval by the Director of Human Resources or designee.
- 16.2(16) The consistent use of the sick leave as it is earned or the failure to accumulate it may be determined to be abuse of the sick leave privilege and may be grounds for disciplinary action. An employee who has been cited in writing for abuse of sick leave may be required by the Department Executive to produce a medical/doctor's statement at any time.
- 16.2(17) Abuse of sick leave privileges will constitute grounds for disciplinary action, up to and including dismissal.
- 16.2(18) Louisville Metro Government reserves the right to require an employee returning from medical leave to provide a statement from the treating physician releasing the employee to return to work. Obtaining the statement shall be at the expense of the employee or the employee's health insurance carrier. Louisville Metro Government reserves the right to

refer the employee for examination by physicians of Louisville Metro Government's choosing and at Louisville Metro Government's expense for additional opinions concerning the employee's medical fitness to return to work.

- 16.2(19) Regular employees are eligible to participate in a Sick Leave Incentive Plan.
- a. Each December, sick days above 80 are eligible to be sold to the Louisville Metro Government at the rate of 2 sick days to 1 day of pay to a maximum of 10 sick days (five days' pay) per year.
 - b. Regular employees will accrue one half (1/2) of a personal day for each three (3) months without the use of any sick leave. An additional personal day will accrue for each 12 consecutive month period without the use of sick leave. Employees are eligible to earn three (3) personal days per twelve (12) month period. Employees may not accrue more than ten (10) personal days, nor will employees be paid for personal days upon termination of employment.
 - c. Employees assigned to the Managerial Pay Scale are eligible to accumulate only one personal day if they do not use sick leave for a 12 consecutive month period.
- 16.2(21) An employee promoted to a position in a managerial pay scale will have their sick leave and personal day balances converted to reflect new managerial units. The reverse will occur in the event of a demotion from a managerial scale position. No other standard work week changes will result in a recalculation of sick leave or personal day balances.

16.3 Family and Medical Leave Act

16.3(1) Purpose

Louisville Metro Government shall grant family and medical leave in accordance with the Family Medical Leave Act of 1993 or as amended there to (reference Regulation 29 C.F.R. §825).

16.3(2) Definition

Louisville Metro Government is a covered employer under The Family and Medical Leave Act (FMLA).

The FMLA provides certain employees for covered employers with up to 12 weeks of unpaid, job protected leave in a 12 month period for qualifying family and medical reasons. The FMLA requires that the employee's group health benefits be maintained during the leave.

Louisville Metro Government requires that employees for whom FMLA leave has been designated use all applicable paid time (sick leave, vacation, compensatory time, floating holidays, and personal days) before the leave is unpaid. For leave designated as FMLA leave for medical reasons, all accrued sick leave must be used in accordance with Personnel Policy 16.2 Sick Leave before other paid time is used.

FMLA leave of up to 26 weeks may apply for eligible employees with a qualifying military care giver reason.

16.3(3) Eligibility

- a. An employee is eligible for FMLA leave for qualifying reasons if both of the following requirements are met:
 - i. Has worked at least 1,250 hours during the 12-month period immediately preceding the beginning of the leave.
 - ii. Has been employed for at least 12 months beginning on the date the leave is to commence. (Prior service with Louisville Metro Government may apply.)
- b. Eligibility for FMLA leave is determined by the Department of Human Resources at the time that FMLA leave is requested.

16.3(4) Qualifying Reasons for FMLA Leave

- a. For the birth of a son or daughter, and to care for the newborn child;
- b. For placement with the employee of a son or daughter for adoption or foster care;

- c. To care for the employee's spouse, son, daughter, or parent with a serious health condition;
- d. Because of a serious health condition that makes the employee unable to perform the functions of the employee's job;
- e. Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty (or has been notified of an impending call to order to covered active duty status);
- f. To care for covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the covered servicemember.
- g. Additional information regarding leave to care for an immediate family member: The FMLA provides for leave to care for an individual who stood *in loco parentis* to the employee when the employee was a child or for leave to care for a child, including bonding time with a newborn child, to whom the employee stands *in loco parentis*. *In loco parentis* is commonly understood to refer to a relationship in which a person has put himself or herself in the situation of a parent to a child with whom he or she has not legal or biological connection.

Final determination of a qualifying reason for FMLA leave is made by the Department of Human Resources, under the provisions of the FMLA including the FMLA definition of a serious health condition.

16.3(5) Amount of Leave

- a. An eligible employee's FMLA leave entitlement is limited to a total of 12 work weeks of leave during a 12-month period (whether the leave is paid or unpaid) for all combined reasons listed in Section 16.3(4) (a-e).
- b. An eligible employee with FMLA leave designated for the reason listed in 16.3(4)(f), leave to care for a covered service member, is limited to a total of 26 work weeks of leave during a 12-month period for all combined qualifying leave reasons in 16.3(4)(a-f) and whether the leave is paid or unpaid.
- c. To measure how much leave has been used in a 12-month period, Louisville Metro Government will measure backwards from the date the employee uses any leave for any reason listed in 16.3(4).
- d. Holidays occurring while the employee is on continuous FMLA leave are counted towards the use of FMLA leave entitlement.

16.3(6) Types of Leave

- a. Continuous leave is leave for a single continuous period of time as defined by verified circumstances for the leave reason.

- b. Intermittent leave is leave taken in separate blocks of time or on a reduced work schedule basis due to a single qualifying leave reason.
 - i. FMLA leave taken for the birth of a child or for the placement of a child for adoption or foster care must be taken on a continuous basis. The leave may not be taken intermittently including on a reduced work schedule unless the agency head or designee and the Director of Human Resources or designee agree to such an arrangement. If so approved, the days or hours used as FMLA leave must be scheduled in advance and approved by the employee's supervisor.
 - ii. An employee on designated intermittent FMLA leave that is foreseeable may be required to transfer temporarily, during the period that the intermittent leave is required, to an alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position and if the alternative position has equivalent pay and benefits.
 - iii. For reduced schedule leave that is necessary, the agency shall make a determination on the appropriate work schedule and the employee is expected to not schedule leave so as to unduly disrupt the operations of the agency.
 - iv. Employees whose leave includes absence for medical appointments are expected to make every reasonable effort to schedule appointments so as to not disrupt the operations of the agency.

16.3(7) Notification of Need for Leave

- a. Employees are required to notify the supervisor of a need for leave, as provided for under Section 16.1(4) (6).
- b. New Leave Reasons: Once the department is made aware by the employee of a potentially qualifying FMLA reason, the department is required to notify the Compliance Division of Human Resources.
 - i. Notification must be made to the Compliance Division of Human Resources on the same day the department was notified by the employee of the need for leave, absent unforeseen circumstances that prevent reporting, in which case notification must be made no later than the next business day.
- c. Extensions of Approved Leave: The employee is required to inform the department of a need for an extension of leave as soon as the need becomes known and is required to submit an updated Application for Family Medical Leave to the Compliance Division of Human Resources.

- d. **In all cases, an employee absent for medical or family reasons for five (5) or more consecutive work days is required to submit a complete and sufficient Application for Family Medical Leave to the Compliance Division of the Department of Human Resources.**

It is the responsibility of the employee to ensure the application is submitted as required.

- e. Employees for whom leave has been designated as FMLA leave that is intermittent in nature are required to inform the supervisor at the time that an absence for the covered reason is reported that the absence is FMLA leave.

16.3(8) Timeliness of Application

- a. In all cases, the provisions of Section 16.1(4) (6) shall apply.
- b. Employees are required to provide all documentation that may be requested, under the provisions of the FMLA, in order for Louisville Metro Government to determine FMLA leave designation, or the leave may be denied.

16.3(9) Definition of Serious Health Condition under the FMLA

- a. **Serious Health Condition**
 - i. For purposes of FMLA, serious health condition entitling an employee to FMLA leave means an illness, injury, impairment or physical or mental condition that involves inpatient care as defined in this section or continuing treatment by a health care provider as defined in this section.
 - ii. The term incapacity means inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom.
 - iii. The term treatment includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. A regimen of continuing treatment includes, for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of continuing treatment that includes the taking of over-the-counter medications; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.

- iv. Conditions for which cosmetic treatments are administered are not serious health conditions unless inpatient hospital care is required or unless complications develop.
- b. Inpatient Care
 - i. Inpatient care means an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity as defined in this Section, or any subsequent treatment in connection with such inpatient care.
- c. Continuing Treatment
 - i. A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:
 - a) Incapacity and treatment. A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - 1. Treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services under orders of, or on referral by, a health care provider; or
 - 2. Treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider.
 - 3. The requirement in paragraphs (a)(1) and (2) of this section for treatment by a health care provider means an in-person visit to a health care provider. The first (or only) in-person treatment visit must take place within seven days of the first day of incapacity.
 - 4. Whether additional treatment visits or a regimen of continuing treatment is necessary within the 30-day period shall be determined by the health care provider.
 - 5. The term extenuating circumstances in paragraph (a)(1) of this section means circumstances beyond the employee's control that prevent the follow-up visit from occurring as planned by the health care provider. Whether a given set of circumstances are extenuating depends on the facts. For example, extenuating circumstances exist if a health care provider determines that a second in-person visit is needed within the 30-day period, but the health care provider does not have any available appointments during that time period.
 - b) Pregnancy or prenatal care. Any period of incapacity due to pregnancy, or for prenatal care.

- c) Chronic conditions. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
 - 1. Requires periodic visits (defined as at least twice a year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;
 - 2. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - 3. May cause episodic rather than a continuing period of incapacity.
- d) Permanent or long-term conditions. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.
- e) Conditions requiring multiple treatments. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, for:
 - 1. Restorative surgery after an accident or other injury; or
 - 2. A condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment.

16.3(10) Required Documentation

- a. Leave due to serious health condition of employee
 - i. Sufficient medical certification in the form of the Application for Family Medical Leave – Serious Health Condition of Employee
- b. Leave to provide care for an immediate family member with a serious health condition
 - i. Sufficient medical certification in the form of the Application for Family Medical Leave – Serious Health Condition- Family
- c. Leave for the birth of a child
 - i. Reasonable documentation of the family relationship; or
 - ii. Sufficient medical certification in the form of the Application for Family Medical Leave
 - iii. Written notice of the number of weeks of leave requested
- d. Leave due to adoption or placement of a child for foster care
 - i. Reasonable documentation of the family relationship and the effective date of adoption or placement
 - ii. Written notice of the number of weeks of leave requested.

- e. For military family leave to care for a covered service member with a serious health condition
 - i. Sufficient certification in the form of Certification for Serious Injury or Illness of a Current Service Member; or
 - ii. Sufficient certification in the form of Certification for Serious Injury or Illness of a Veteran
- f. For military family leave due to qualifying exigency
 - i. Sufficient certification in the form of the Certification of Qualify Exigency for Military Family Leave
- g. In all cases of leave to provide care for a family member, including family members serving *in loco parentis*, covered service member, or for a qualifying exigency, Louisville Metro Government reserves the right to request reasonable documentation to establish the family relationship
- h. Recertification of the need for leave may be requested as provided for under the FMLA.

16.3(11) Designation of FMLA Leave

- a. Designation of FMLA leave shall be made by the Director of Human Resources or designee.
- b. Louisville Metro Government reserves the right to invoke the designation of FMLA leave in a timely manner when enough information has been obtained to determine the leave is for a qualifying reason.

16.3(12) Workers' Compensation

- a. The FMLA provides that a serious health condition under the FMLA may result from injury to the employee on the job.
- b. Designated FMLA leave for on the job injuries runs concurrently with leave under Workers' Compensation.

16.3(13) Denial of FMLA Leave

Denial of FMLA may occur due to:

- a. Failure by employee to provide timely and/or sufficient certification;
- b. Failure by employee to submit additional or clarifying information by deadline;
- c. Leave reason does not qualify under the FMLA;
- d. Employee is not eligible for FMLA leave;
- e. All available FMLA leave entitlement has been exhausted;
- f. Any other reason as determined by the Director of Human Resources or designee and as provided for by the FMLA.

16.3(14) Guidelines

- a. Louisville Metro Government reserves the right to require complete and sufficient certification to support the need for leave and the employee is required to comply with deadlines given for the submission of documentation.
- b. Louisville Metro Government reserves the right to verify and authenticate certification as provided for under the FMLA.
- c. Employees returning from leave that has been designated as FMLA leave shall be returned to his or her present position, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.
- d. During designated FMLA leave, the employee's health insurance coverage is maintained on the same conditions that would have applied had the employee been actively working (Reference 16.13 Benefits While on Leave of Absence).
- e. The approved use of designated FMLA leave is not to be considered in an evaluation of an employee's job performance or as the basis for disciplinary action.
- f. The approved use of FMLA leave shall not be held against the employee in any way with regards to the employee's position, benefits, and job-related activities.
- g. An employee may not be asked to use more FMLA leave than is certified as necessary to address the circumstances causing the need for leave.
- h. Louisville Metro Government intends to honor its obligations under the FMLA as regards employee rights to take leave as provided for by the FMLA. Any employee who is of the opinion that his or her leave was not administered under the provisions of the regulations should so notify Human Resources.

16.3(15) Second Opinion

- a. For leave for the employee's own serious health condition, Louisville Metro Government reserves the right to request a second opinion, at its own expense and from a health care provider not regularly employed by Louisville Metro Government, regarding any medical certification.
- b. If this second opinion conflicts with the certification provided by the employee, then Louisville Metro Government may obtain, at its own expense, a final third opinion by a health care provider selected by both Louisville Metro Government and the employee.

16.3(16) Fitness-for-Duty Certification

- a. Determination of the requirement of the employee to provide a fitness-for-duty certification under the FMLA shall be made by the Director of Human Resources or designee.

16.3(17) Return from Continuous Leave

- a. Employees returning to work must provide at least two business days' notice of intent to return to work.
- b. Employees returning to work must provide a written statement from the treating health care provider indicating the release to return to work.
- c. Employees medically certified as unable to return to work at the exhaustion of all available FMLA leave entitlement may be eligible for leave under Section 16.12 Medical Leave.
- d. Employees on leave to provide care for a family member with a serious health condition requiring care beyond the exhaustion of all available FMLA leave may be eligible for leave to provide care under Section 16.12 Medical Leave.

Reference:

- 16.1 Leaves of Absence General Provisions**
- 16.2 Sick Leave**
- 16.10 Return from Leave**
- 16.12 Medical Leave**
- 16.13 Benefits While on Leave of Absence**

16.4 Jury Duty and Witness Leave

- 16.4(1) An eligible employee who is summoned for jury duty and, as a result, is required to be absent from work, shall be compensated for the actual time required for service as a juror at the regular rate of pay of the employee. This compensation shall be in addition to any remuneration paid by the Courts for serving on jury duty. An employee summoned for jury duty shall have his/her work schedule altered, if necessary, so that the employee is placed on a Monday through Friday day shift assignment for the duration of the leave. If an employee is released from jury duty before the completion of the workday, the employee is required to report to work. Similarly, if the employee is released from jury duty for the entire day, the employee is to report to work. An employee who fails to do so shall be considered absent without leave.
- 16.4(2) An employee who represents Louisville Metro Government in legal proceedings or who is subpoenaed as a witness on behalf of Metro Government in any administrative hearing process arising from an act of employment with Metro Government; or who is a plaintiff or defendant on behalf of Metro Government, is considered to be at work and will be compensated accordingly.
- 16.4(3) Jury duty and witness leave is subject to reasonable documentation to be provided to the employee's supervisor prior to the leave being approved.

16.5 Funeral Leave

- 16.5(1) To protect employees from losing pay for attending the funeral of a loved one, employees may be granted funeral leave with pay, as set out below, to attend the funeral of a member of the employee's immediate family. "Immediate family" shall be defined as the following:
- a. Parents
 - b. Spouse
 - c. Qualified Adult
 - d. Mother- or Father-in-Law
 - e. Sons- or Daughters-in-Laws
 - f. Step Parents
 - g. Former Legal Guardian
 - h. Sisters or Brothers
 - i. Sisters- or Brothers-in-Laws
 - j. Step Brothers or Step Sisters
 - k. Grandparents
 - l. Grandparents-in-Law
 - m. Children or Step Children
 - n. Grandchildren
- 16.5(2) Employees may be compensated for a period up to three consecutive workdays, one of which must include the funeral, as actually needed to attend the funeral. The approval of the agency head is required. The number of days approved will be at the discretion of the Department Director.
- 16.5(3) Funeral leave will not extend beyond the day after the funeral.
- 16.5(4) Employees may be required to provide proof of need for Funeral Leave.

16.6 Military Training

- 16.6(1) Employees who are members of the National Guard or any reserve component of the armed services in the United States or the reserve corps of the U. S. Public Health Service, while undergoing military training, will be granted a leave of absence in any one (1) federal fiscal year (10/1 – 9/30) not exceeding twenty-one (21) calendar days. This leave should be granted without loss of time, pay, regular leave, or any other rights or benefits to which they are entitled as employees.
- 16.6(2) Employees must provide written notice of the schedule of training to their supervisor at least 30 days in advance when training will conflict with the regular work schedule of the employee. The employee shall provide a copy of the orders requiring the attendance of the employee before leave is granted.
- 16.6(3) Any unused military training leave in a federal fiscal year (10/1 to 9/30) shall be carried over to the next federal fiscal year. Any unused military training leave shall expire two (2) years after it has accrued.
- 16.6(4) Employees who have utilized the maximum available military training leave shall be allowed time off to participate in regular training sessions held periodically throughout the year. If the training period includes regular workdays of the employee, written notice of such training must be submitted to the supervisor at least one week in advance. For such periodic training, the employee will be allowed time off without pay unless the employee elects to use accrued vacation or compensatory time.
- 16.6(5) In all actions, Louisville Metro Government intends to comply with the statutory requirements of KRS 61.394.

16.7 Military Duty

- 16.7(1) Employees shall be granted a leave of absence without pay in order to serve in the Armed Forces of the United States for periods in excess of those required for active duty for training. (See Section 16.6)
- 16.7(2) Employees returning from military service shall be restored to the same position or to a position similar to the one they last held prior to entry into military service, provided the employee meets the minimum requirements of the position and makes application for reinstatement within the time provided under federal law. The employee must have received a discharge other than dishonorable in order to be eligible for reinstatement.
- 16.7(3) Employees who are reinstated will receive credit for length of service during the time they serve in the Armed Forces for purposes of seniority and accrual rate for benefits. However, the employee will not be eligible to receive benefits for the time served in the Armed Forces.
- 16.7(4) Employees reinstated to positions after returning from military duty may not be discharged, except for cause, for a period of one year following reinstatement.

16.8 Voting Leave

- 16.8(1) All employees of Louisville Metro Government who are eligible to vote in any government election will be allowed up to four hours off between the hours of 6:00 a.m. and 6:00 p.m. in which to vote.
- 16.8(2) The agency head has the right to determine the time period in which the employee may be absent to vote, to insure that Louisville Metro Government service is not impaired.
- 16.8(3) Employees will be granted time off without pay or may use accrued vacation leave or compensatory time, if applicable.
- 16.8(4) Only an employee who works days (first shift) is eligible for voting leave.

16.9 Personal Leave of Absence

16.9(1) Purpose

- a. A Personal Leave of Absence may be granted to eligible employees for medical and/or personal reasons not covered by Family Medical Leave, Medical Leave, or any other type of leave provided for by Louisville Metro Government.
- b. A Personal Leave of Absence is not intended to be an extension of leave when all available Family Medical Leave and Medical Leave has been exhausted.

16.9(2) Eligibility

Regular employees who have completed at least 6 months of continuous service are eligible to apply for a Personal Leave of Absence.

16.9(3) Approval for Leave

- a. A Personal Leave of Absence must be approved by the agency head or designee and the Director of Human Resources or designee.
- b. Any requested extension of a Personal Leave of Absence must be approved by the agency head or designee and the Director of Human Resources or designee.
- c. Consideration of the approval of a request for a Personal Leave of Absence may include but is not limited to:
 - i. Operational needs of the agency that may be impacted by the employee's absence
 - ii. Overtime that may result due to the employee's absence
 - iii. Availability of qualified personnel to perform the employee's job functions while absent
 - iv. Employee's accrued paid time balance
 - v. Amount of leave requested
 - vi. Other applicable circumstances

16.9(4) Submission of Request

- a. The agency must submit to the Director of Human Resources or designee a leave of absence request at least 10 business days prior to the beginning of the leave of absence, absent emergency situations.
- b. In emergency situations, the request must be submitted as soon as practicable under the circumstances.
- c. Employees requesting a Personal Leave of Absence due to medical reasons not covered by Family Medical Leave or Medical Leave may be required to provide proof of the need for leave to the Department of Human Resources.

16.9(5) Amount of Leave

- a. A Personal Leave of Absence may be taken for a period of up to 12 weeks.
- b. If it is determined to be in the best interest of Louisville Metro Government, a Personal Leave of Absence may be extended.
- c. In all cases, employees may not continue on a Personal Leave of Absence for longer than 6 months.

16.9(6) Applicable Paid Leave

- a. A Personal Leave of Absence must be paid leave using all applicable accrued paid time before the Personal Leave of Absence becomes unpaid. If the leave is for a medical reason, all accrued sick leave must be used in accordance with Personnel Policy 16.2 Sick Leave before other paid time is used. Sick leave is not to be used for non-medical Personal Leaves of Absence.

16.9(7) Type of Leave

- a. A Personal Leave of absence is to be taken for a continuous period of time.
- b. A Personal Leave of Absence may not be taken on an intermittent or reduced schedule basis.

Reference:
5.3 Vacation
16.2 Sick Leave
16.3 Family and Medical Leave Act
16.4 Jury Duty and Witness Leave
16.5 Funeral Leave
16.6 Military Training
16.8 Voting Leave
16.10 Return from Leave
16.12 Medical Leave
16.13 Benefits While on Leave of Absence

16.10 Return from Leave

16.10(1) Purpose

The purpose of this policy is to define provisions regarding return to work from leaves of absence.

16.10(2) Provisions

- a. Employees are expected to return to work at the end of an approved leave of absence.
- b. Employees are required to provide notice in advance to the department of any change in the date on which the employee will return to work.
- c. If employee determines to request additional leave beyond the approved return to work date, the employee must comply with all department requirements regarding reporting an absence. For Medical Leave under Personnel Policy 16.12 and Personal Leave under Personnel Policy 16.9, the employee must submit the appropriate leave of absence application at least 30 days prior to the expiration of the approved leave, or as soon as practicable if the need for an extension is unforeseen prior to the expiration of the approved leave. For leave that has been designated as FMLA leave, the employee is required to inform the department of a need for an extension of leave as soon as the need becomes known and is required to submit an updated application for leave.
- d. Failure to return to work at the end of the approved leave period may be treated as resignation unless an extension has been agreed upon and approved in writing by the Department Director or designee and the Director of Human Resources or designee.
- e. Additional requirements for returning from FMLA leave and Medical Leave are found in the applicable policies on those types of leave.

16.10(3) Return from Leave

- c. No employee returning from leave of absence shall be assigned to a position having a higher minimum salary than the position the employee held prior to the beginning of the leave; nor shall any employee returning from leave of absence be assigned to a position that would in any way constitute a promotion.
- d. FMLA Leave
 - i. An employee returning to work from leave that has been designated as FMLA leave shall be returned to his or her present position, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.
- e. Medical Leave
 - i. An employee returning to work from approved Medical Leave for the employee's own medical condition, as provided for under

- Personnel Policy 16.12 Medical Leave, shall be returned to his or her present position, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.
- ii. An employee returning to work from approved Medical Leave to provide care for a family member is not guaranteed to return to his or her present position; however, an employee must accept the first available position within the employee's department for which the employee is qualified. An employee may be dismissed if the employee refuses to accept the position.
 - a) If a suitable position does not become available within the department within one year of an employee's availability to return, the employee may be dismissed.
- f. Personal Leave of Absence
- i. An employee returning to work from an approved Personal Leave of Absence taken for the employee's own medical condition, as provided for under Personnel Policy 16.9 and as so determined to be leave that is medical in nature by the Director of Human Resources or designee, shall be returned to his or her present position, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.
 - ii. An employee returning to work from an approved Personal Leave of Absence for reasons other than the employee's medical condition is not guaranteed to return to his or her present position; however, an employee must accept the first available position within the employee's department for which the employee is qualified. An employee may be dismissed if the employee refuses to accept the position.
 - a. If a suitable position does not become available within the department within one year of an employee's availability to return, the employee may be dismissed.

Reference:

- 16.1 Leaves of Absence General Provisions**
- 16.3 Family and Medical Leave Act**
- 16.9 Personal Leave of Absence**
- 16.12 Medical Leave**
- 16.13 Benefits While on Leave of Absence**

16.11 Unauthorized Absence

- 16.11(1) Employee will not be paid for any unauthorized absence from work.
- 16.11(2) An unauthorized absence will be grounds for disciplinary action.
- 16.11(3) Any employee who has an unauthorized absence of three or more consecutive days may be dismissed. However, agency heads may grant a retroactive leave of absence with or without pay when extenuating circumstances are found to have existed, subject to approval by the Director of Human Resources, or designee.

16.12 Medical Leave

Part One: Medical Leave for Employee's Health Condition

16.12(1) Purpose

It is the intent of Louisville Metro Government to interact with employees with disabilities who request leave as reasonable accommodation in order to perform the essential functions of their position, as provided for under the Americans with Disabilities Act of 1990, as amended (ADA). The goal of interaction is to determine whether or not the requested leave would be a reasonable accommodation for the employee.

16.12(2) Definition

A reasonable accommodation is, generally, any change to the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities. Providing leave as reasonable accommodation affords employees with disabilities equal employment opportunities.

16.12(3) Scope

This policy shall apply to:

- a. Employees who require leave due to a disability but do not meet the eligibility requirements to take leave under the Family and Medical Leave Act (FMLA), as determined by the Director of Human Resources or designee.
- b. Employees who require leave due to a disability after exhaustion of all available leave entitlement under the FMLA in the applicable 12 month period under the provisions of the FMLA, as determined by the Director of Human Resources or designee.
- c. Employees who otherwise require leave due to a disability in order to perform the essential functions of their position.

16.12(4) Interactive Process

- a. Employees who require leave due to a disability in order to perform the essential functions of their position must inform Louisville Metro Government that an accommodation is needed.
- b. If the request for leave cannot be addressed under established leave programs, the Director of Human Resources or designee will initiate the interactive process, a process designed to enable Louisville Metro Government to obtain relevant information to determine the feasibility of providing the leave as reasonable accommodation without causing

- of providing the leave as reasonable accommodation without causing an undue hardship to Louisville Metro Government.
- c. Louisville Metro Government reserves the right to obtain information from the employee's health care provider to confirm or elaborate on information that the employee has provided. Louisville Metro Government also reserves the right to ask the health care provider to respond to questions designed to enable Metro Government to understand the factors specific to the employee's request, including:
 - i. The specific reason the employee needs leave
 - ii. The amount and type of leave needed
 - iii. When the need for leave began or will begin
 - iv. When the need for leave is estimated to end
 - v. Whether reasonable accommodation other than, or in addition to, leave may be effective for the employee to perform the essential functions of his or her position.
 - d. Should an employee fail to provide the requested medical documentation, or if the documentation provided is insufficient despite efforts by Louisville Metro Government to obtain the information through the employee, Louisville Metro Government reserves the right to require the employee to see a health care provider of Louisville Metro Government's choice.
 - e. An employee requesting leave as reasonable accommodation should respond to questions from the Director of Human Resources or designee as part of the interactive process and should also work with his or her health care provider to obtain requested medical documentation as quickly as practicable.
 - f. The Director of Human Resources or designee will also obtain information from the employee's department regarding the essential functions of the employee's position and information on the impact of absence on the operations of the department.

16.12(5) Undue Hardship

When assessing whether to grant leave as reasonable accommodation, Louisville Metro Government will consider whether the leave would cause an undue hardship. If it would, Metro Government reserves the right to make a determination not to provide the leave.

Determination of whether providing leave would result in undue hardship may involve consideration of the following:

- a. The amount and/or length of leave required

- b. Whether there is any flexibility with respect to the days leave is taken
- c. Whether the need for leave is predictable or unpredictable
- d. The impact of the employee's absence on coworkers, such as coworkers' ability to perform and/or complete tasks, overtime that becomes required, or other impacts as determined by Louisville Metro Government
- e. The impact on whether specific job duties are being performed in an appropriate and timely manner
- f. The impact on Metro Government's operations and its ability to serve customers and citizens appropriately
- g. Leave already taken

16.12(6) Applicable Paid Leave

All available applicable paid time must be exhausted before leave under this policy becomes unpaid. All accrued sick leave must be used in accordance with Personnel Policy 16.2 Sick Leave before other paid time is used. Once all available applicable paid time is exhausted, leave under this policy will be unpaid.

16.12(7) Notification

- a. Employees requesting leave as reasonable accommodation are required to follow all established policies and departmental procedures regarding notification of absence and/or need for leave.
- b. Metro departments must notify the Compliance Division of the Department of Human Resources at the time the employee's request for accommodation becomes known.
- c. Failure to make proper notification may result in a delay or denial of leave.

16.12(8) Return from Leave

- a. Employees returning to work must provide at least 2 business days' notice of intent to return to work.
- b. An employee granted leave as reasonable accommodation under this policy will return to his/her same position unless holding the position would impose an undue hardship, as determined by the Director of Human Resources or designee, in which case the Department of Human Resources interact with the employee regarding job reassignment as reasonable accommodation.
- c. Employees returning to work from leave must provide a written statement from the treating health care provider indicating the release to return to work.

- i. Obtaining the release must be at the expense of the employee.
- ii. Louisville Metro Government reserves the right to refer the employee for examination by a healthcare provider of Louisville Metro Government's choosing at Louisville Metro Government's expense for additional opinions concerning the employee's medical fitness to return to work.

Part Two: Medical Leave to Care for a Family Member

16.12(9) Purpose

Medical Leave under this section may be requested due to the serious health condition of the employee's spouse, minor age child, or parent for which the employee is required to provide care.

16.12(10) Eligibility

Employees who have been determined by the Department of Human Resources to have met the eligibility requirements for leave under the Family and Medical Leave Act (FMLA) are eligible to request a Medical Leave of Absence to care for the family member subsequent to the exhaustion of all available FMLA leave entitlement.

16.12(11) Amount of Leave

- a. Medical Leave may be approved for up to 14 weeks

16.12(12) Type of Leave

- a. Medical Leave is continuous leave due to a continuous period of incapacity
- b. Medical Leave may not be taken on an intermittent or reduced schedule basis

16.12(13) Approval of Leave

- a. A Medical Leave must be approved by the agency head or designee and the Director of Human Resources or designee.
- b. Consideration of the approval of a request for a Medical Leave to care for the family member may include but is not limited to:
 - i. Operational needs of the agency that may be impacted by the employee's absence
 - ii. Overtime that may result due to the employee's absence
 - iii. Availability of qualified personnel to perform the employee's job functions while absent
 - iv. Employee's accrued paid time balance
 - v. Amount of leave requested

v. Other applicable circumstances

16.12(14) Applicable Paid Leave

All applicable paid time must be exhausted before a Medical Leave becomes unpaid. All accrued sick leave must be used in accordance with Personnel Policy 16.2 Sick Leave before other paid time is used.

16.12(15) Required Notification and Documentation

- a. Employees are required to notify their supervisor or departmental representative in order to request Medical Leave at the time the need for leave is known.
- b. Employees must submit to the Department of Human Resources the Application for Family Medical Leave-Family Member. Additional medical information may be requested at the discretion of the Director of Human Resources or designee.
- c. **In all cases, an employee absent for family medical reasons for five (5) or more consecutive work days is required to submit a complete and sufficient Application for Family Medical Leave to the Compliance Division of the Department of Human Resources.**
- d. **It is the responsibility of the employee to ensure the application is submitted as required.**

16.12(16) Return from Leave

- a. Employees returning to work must provide at least 2 business days' notice of intent to return to work.

Reference:

- 1.23 Americans with Disabilities Act**
- 16.1 Leaves of Absence General Provisions**
- 16.2 Sick Leave**
- 16.3 Family and Medical Leave Act**
- 16.10 Return from Leave**
- 16.13 Benefits While on Leave of Absence**

16.13 Benefits While on Leave of Absence

16.13(1) Purpose

Louisville Metro Government will provide benefits for eligible employees on leave of absence as provided for in this section.

16.13(2) Accrued Balances

- a. Accrued paid time (vacation balances, sick leave balances, compensatory time, floating holidays, and personal days) must be used as applicable while on a leave of absence.
 - i. Sick leave is not to be used for non-medical Personal Leaves of Absence.
- b. Employees do not accrue paid time (vacation, sick, floating holidays, personal day, sick incentive) while on an unpaid leave of absence.
- c. Once all applicable paid time has been exhausted, the leave will become unpaid.

16.13(3) Health Insurance Coverage

- a. If an employee is on a paid leave of absence (i.e. is receiving pay via a payroll payment from Louisville Metro Government), the employee's portion of the premium will continue to be deducted from the employee's Louisville Metro Government pay.
- b. If an employee is in an unpaid status, the employee must pay the employee's portion of the premium through money order or check when billed by the Department of Human Resources Benefits Division and as directed by the Benefits Division.
 - i. If the employee does not pay the employee's portion of the premium in a timely manner, the employee's health insurance will be cancelled as of the last day of the month for which a full premium was received.
 - ii. If cancellation occurs, the coverage will not be reinstated until the first of month following the employee's return to work date.
- c. As long as the employee maintains active coverage, Louisville Metro Government will continue to pay the employer's portion of the premium.

16.13(4) Dental, Vision, and Supplemental Life Insurance Coverage

- a. If an employee is on a paid leave of absence (i.e. is receiving pay via a payroll payment from Louisville Metro Government), the premium will continue to be deducted from the employee's Louisville Metro Government pay.
- b. If an employee is in an unpaid status, the employee must pay the employee's portion of the premium through money order or check as

directed and billed by the Department of Human Resources Benefits Division.

- i. If the employee does not pay the employee's premium in a timely manner, then the employee's insurance will be cancelled as of the last day of the month for which a full premium was received.
- ii. If cancellation occurs, the coverage will not be reinstated until the first of the month following the employee's return to work date.

16.13(5) Basic Life Insurance, Long Term Disability, and Accidental Death and Dismemberment (AD&D) Insurance Coverage

- a. Basic life insurance, long term disability, and AD&D, for non-union employees and union employees if provided for under their collective bargaining agreement, will continue to be provided free to the employee as long as the employee is considered a current employee.
- b. Louisville Metro Government will continue to pay the premium as during the employee's leave of absence regardless whether the leave is paid or unpaid.

16.13(6) Retirement

Employees do not accrue pension or retirement time while on an unpaid leave of absence.

16.13(7) Recovery of Benefit Costs

- a. If an employee on leave of absence or who has otherwise been away from work decides not to return to his or her position with Louisville Metro Government, Louisville Metro Government may recover from the employee Louisville Metro Government's cost of health insurance premiums covering the period of time, if any, that the employee was in an unpaid status.
- b. This does not apply if the employee is not returning to work because of the continuation, recurrence, or onset of a serious health condition that would otherwise entitle the employee to leave of absence, or for other circumstances beyond the employee's control.

Reference:

5.3 Vacation

16.1 Leaves of Absence General Provisions

16.2 Sick Leave

16.3 Family and Medical Leave Act

16.9 Personal Leave of Absence

16.10 Return from Leave

16.12 Medical Leave

16.14 Use of Applicable Paid Time

- 16.14 Louisville Metro Government requires that employees use all applicable paid time before the time away from work is unpaid.

Reference:

16.1 Leaves of Absence General Provisions

16.2 Sick Leave

16.3 Family and Medical Leave Act

16.9 Personal Leave of Absence

16.11 Unauthorized Absence

16.12 Medical Leave

16.15 Staffing During Weather Emergency

- 16.15(1) The citizens of Louisville look to Metro Government to provide them with needed programs and services, particularly at the most difficult times. For this reason, Louisville Metro Government will continue to provide services during snow and inclement weather.
- 16.15(2) This policy does not apply to Public Safety departments or those departments responsible for emergency assistance.
- 16.15(3) Each Department Director is responsible for determining the necessary staffing levels required to continue services during emergency situations and for seeing that these positions are adequately staffed.
- 16.15(4) In the event that travel conditions become hazardous, an employee shall use Vacation, Compensatory or Personal Time. Floating Holidays shall only be used in full day increments. Because Sick Leave is for the employee's illness or serious illness in the employee's immediate family, sick time shall not be used for a weather emergency. An employee already participating in the Telework Program may work offsite with his or her supervisor's approval.
- 16.15(5) Employees are required to follow all policies about reporting to their supervisor.

Reference:
4.4 Compensatory Time
4.5 Telework
5.3 Vacation
16.2 Sick Leave
16.11 Unauthorized Absence

17.1 Reassignment

- 17.1(1) Agency heads may reassign employees within the agency.
- 17.1(2) The Director of Human Resources or designee shall be notified of all reassignments.
- 17.1(3) All reassignments that involve a change in classification must be approved in advance by the Director of Human Resources or designee, and the employee must meet the minimum requirements of the new classification.
- 17.1(4) A reassignment will not result in a pay adjustment for the affected employee.
- 17.1(5) A Position and Personnel Action Form (PPAF) must be submitted to Human Resources within 3 workdays following a reassignment.

17.2 Reclassification

- 17.2(1) Position may be reclassified based upon a request made by the agency head.
- 17.2(2) Positions may be reclassified based upon a request made by an employee. A signed statement from the employee must accompany the request stating that the employee understands that if the job audit should result in a reclassification to a classification in a lower salary range, the employee may receive a reduction in rate of pay. The employee shall provide a copy of the request and statement to the agency head.
- 17.2(3) Upon receiving a reclassification request, the Director of Human Resources, or designee, shall conduct a review of all pertinent information and shall place the position in question in an appropriate class. In the event that funds are unavailable for a reclassification, the Director of Human Resources or designee shall assure that the duties and responsibilities of the position are changed such that they conform to the classification to which the position is currently assigned.
- 17.2(4) Whenever a position is reclassified, the employee in the position shall be entitled to serve in the reclassified position provided the employee meets the minimum qualifications for the new classification.
- 17.2(5) For the effect reclassifications have on salary rates see section 3.9.

17.3 Transfer

- 17.3(1) A transfer must be approved by both department directors involved and the Director of Human Resources, or designee.
- 17.3(2) A probationary employee who is transferred shall begin a new probation period in the new position.
- 17.3(3) A transfer will not result in a change in an employee's salary range or salary.
- 17.3(4) An employee must meet the minimum requirements of the position to which s/he is being transferred.
- 17.3(5) An employee will be required to serve a probationary period if the transfer results in the employee moving to a different classification.
- 17.3(6) A Position and Personnel Action Form (PPAF) must be submitted to Human Resources within 3 workdays of the transfer.

17.4 Promotion

- 17.4(1) Agency heads may recommend that vacancies be filled by the promotion of employees.
- 17.4(2) An employee to be considered for a promotion must submit a new application for the vacancy.
- 17.4(3) The Director of Human Resources or designee may restrict consideration for promotions to employees of a single agency or may extend consideration to all qualified employees of Louisville Metro Government.
- 17.4(4) Probationary employees may be considered for promotion.
- 17.4(5) Only employees who meet the minimum requirements for the position may be considered for promotion.
- 17.4(6) Employees will begin a new probation period in the position to which they have been promoted.
- 17.4(7) Promotions will be based on an employee's ability to perform the work of the new position and the employee's past performance within Louisville Metro Government service.
- 17.4(8) For the effect promotions have on salary rates, see Section 3.6.

17.5 Demotion

- 17.5(1) Agency heads may recommend that an employee be demoted as a disciplinary action.
- 17.5(2) Agency heads may recommend that an employee be demoted based on the employee's inability to perform the duties of the position.
- 17.5(3) Employees must meet the minimum requirements of the position to which they are to be demoted.
- 17.5(4) An employee may voluntarily request to be demoted to an approved vacant position by submitting a written request to the Department Director and to the Director of Human Resources or designee.
- 17.5(5) An employee who is demoted shall serve a new probationary period if the demotion is to a position not previously held by the employee.
- 17.5(6) For the effect demotions have on salary rates, see Section 3.7.
- 17.5(7) A Position and Personnel Action Form (PPAF) must be submitted to Human Resources within 3 workdays following an employee's demotion.

18.1 Resignation

- 18.1(1) Resignation should be made in writing and be submitted to the agency head at least 10 working days prior to the last day of work.
- 18.1(2) Agencies must submit a Position and Personnel Action Form (PPAF) to Human Resources within 3 workdays following an employee's separation from service.
- 18.1(3) An employee may, with the permission of the department director, withdraw his/her resignation at any time prior to the acceptance of the resignation by the Director of Human Resources or designee.

18.2 Layoff

- 18.2(1) Louisville Metro Government may, due to lack of funds, reorganization or a reduction in work, find it necessary to reduce the total number of its employees through layoff.
- 18.2(2) Layoffs shall be made on a classification basis within individual departments.
- 18.2(3) Layoffs will be based on demonstrated performance; the ability to perform the available work; relevant Metro policies on EEO/Affirmative Action; divisional seniority as identified by the affected department's approved budget; and, all things being equal, Metro Government service (the employee with the least amount of continuous service will be laid-off first).
- 18.2(4) A full-time employee shall not be laid off while there is a temporary employee or a part-time employee, or an employee on an original probation serving in a position of the same classification within the same department.
- 18.2(5) An employee subject to layoff may first be considered for reassignment or demotion to a vacancy within the Department.
- 18.2(6) The Director of Human Resources or designee shall provide an employee with written notification at least ten work days in advance of the intended layoff.
- 18.2(7) A layoff is not disciplinary in nature, and, as such, may not be appealed.
- 18.2(8) The name of a former employee who has been laid off shall be entered into a reemployment-from-layoff eligibility pool for one year and the former employee shall be given consideration when a vacancy occurs for which the former employee meets the minimum qualifications for the position.
- 18.2(9) While part of the reemployment-from-layoff eligibility pool, the former employee must contact Metro HR regarding each Metro position they apply for.
- 18.2(10) Departments are required to interview all former employees who are part of the reemployment-from-layoff eligibility pool applying for any position, providing the former employee meets the minimum requirements. Hiring

Managers must provide serious consideration to any such candidate. For Civil Service positions, any eligible former employee must be in the top three candidates to be able to interview. If selecting a candidate other than an eligible former employee, department must provide justification to Metro HR's Recruitment Division for not selecting the former employee. Justification must be approved by Director of Human Resources or designee before moving on to the next candidate.

18.3 Dismissal

- 18.3(1) An employee may be dismissed for any reasons felt to be in the best interest of Metro Government and the public service.
- 18.3(2) An employee's serving a probationary period may be dismissed without the right to appeal, providing the dismissal is not based on violation of civil rights law.
- 18.3(3) The following are among the reasons sufficient for dismissal. However, the reasons are not limited to those specifically listed below.
- a. Sleeping while on duty
 - b. Drinking or being under the influence of intoxicating liquor while on duty
 - c. Using, possession of, or being under the influence of drugs while on duty.
 - d. Carrying concealed deadly weapons while on duty.
 - e. Fighting or inciting a fight, except in self-defense against unprovoked attack at work.
 - f. Theft, destruction, or mutilation of Metro Government owned property.
 - g. unexcused absences of three or more consecutive days.
 - h. Unauthorized use of Louisville Metro Government vehicles.
 - i. Falsifying records, presenting fraudulent workers compensation or liability claims or other documents or time keeping devices.
 - j. Disregard of safety and/or operating instructions, drivers of vehicles included.
 - k. Being insubordinate or refusing to comply with supervisors instructions.
 - l. Acting immorally or indecently while on duty.
 - m. Abuse of sick leave
 - n. Gambling while on duty
 - o. Progressive discipline
- 18.3(4) The right to appeal a disciplinary dismissal, demotion, or suspension is limited to regular employees.
- 18.3(5) Agencies must notify the Department of Human Resources immediately of a recommendation for dismissal. The Director of Human Resources or designee must review all recommendations for dismissal.

- 18.3(6) Within 3 workdays, any and all documentation supporting the dismissal must be forwarded to Human Resources with the Position Personnel Action Form (PPAF).

**14.4 Reference:
Types of Discipline**

18.4 Retirement

- 18.4 There shall be no mandatory retirement age for an employee of Consolidated Local Government, except as provided for by law. A Position and Personnel Action Form (PPAF) must be submitted to Human Resources within 3 workdays following an employee's retirement.

18.5 Death

- 18.5(1) In the event of the death of an employee, separation from service shall be effective on the next day following the death. All compensation due shall be paid to the estate of the deceased employee.
- 18.5(2) Agencies must notify the Department of Human Resources immediately following an employee's separation from service due to death. A Position and Personnel Action Form (PPAF) must be submitted to Human Resources within 3 workdays of an employee's death.

18.6 Exit Review

- 18.6 The Director of Human Resources or designee may develop and administer a program to elicit information from all employees who are separated from employment, to assist in improving its personnel programs and conditions of work. As part of such program, an annual report may be submitted to the Mayor and Department Directors.

18.7 Electronic Records of Former Employees

- 18.7(1) When an employee leaves employment within a Department, it is the responsibility of the Department to make sure that all records (including email accounts and computer files) are properly identified and archived or destroyed, or transferred to another employee for records management. Ideally, such identification, archiving, destruction, or transfer would occur prior to the employee's last date of work.
- 18.7(2) The Department shall notify Metro Technology Services (MTS) when an employee leaves employment. MTS will disable and quarantine the account for 30 days, and provide the departing employee's supervisor with a copy of the departing employee's computer drive and email account. The copy may be provided on a CD/DVD or by transferring the files to the supervisor's computer account for review. The Department is responsible for identifying a person that is familiar with the records and has the authority to make decisions about deleting records. The supervisor is responsible for the records management of such files transferred. **If the termination of employment was not based on misconduct**, MTS will delete any records left on the computer 30 days after account is disabled and quarantined.
- 18.7(3) If the termination of employment **was based on misconduct**, the Department shall notify MTS that the computer files need to be maintained until any potential appeal time has passed. If there is an appeal, MTS will maintain the computer files until such time as the process of appeal are completed, including any investigation, audit, lawsuit, grievance, or administrative hearing.
- 18.7(4) The Department is responsible for complying with all the provisions of the [Metro Data Retention Policy](#).
- 18.7(5) Anytime an employee leaves an agency, the employee's email messages need to be reviewed by the appropriate personnel to ensure that any records are properly classified and stored, and that any non-records are disposed of in the correct manner. **This should be done before the former employee's account is removed from the email server.**
- 18.7(6) Ideally, the employee would be doing this type of file management on a regular basis, just as they do with paper files. Employees exit procedures, however, should verify that records remaining in an email account are appropriately transferred to others within the organization or deleted, as is dictated by retention schedules.

- 18.7(7) If the employee had personal messages on the email system, the agency is under no obligation to retain information. However, in cases where the employee was dismissed or demoted due to misuse of the email system, these messages may be used as evidence by the agency or the employee in responding to the charges. While the agency is not obligated to retain non-business related material, it cannot destroy evidence, and may be required to allow the employee access to these messages in order to rebut the charges.
- 18.7(8) Agencies should, in consultation with their legal counsels, come up with written procedures for the handling of the email accounts of dismissed employees. The procedures should include:
1. How the dismissed employee's account will be handled. (The messages could be filed off to a secure folder on the agency's network drive, CD-ROM, etc.)
 2. Who will review the messages? This should be someone in the agency who is familiar with the records that could be in the employee's email account and has the authority to make decisions about deleting records.
 3. State agencies should retain the messages in the employee's account for at least 61 days to allow for appeals of disciplinary actions to the state Personnel Board. Local agencies should retain the messages for the appropriate amount of time the employee has to appeal the dismissal. Once an appeal is made, messages must be retained for the duration of any legal investigating, audit, lawsuit or administrative hearing.
 4. If no appeal is made in the appropriate time period, then the non-record messages may be deleted.

19.1 Employment-At-Will

- 19.1(1) Unless expressly stated otherwise in a Collective Bargaining Agreement or by applicable law, employment with Metro Government is voluntary and is subject to termination by the employee or Metro Government **AT WILL**, with or without cause, and with or without notice at any time. Nothing in these policies shall be interpreted to be in conflict with or to eliminate or modify in any way the **EMPLOYMENT-AT-WILL** status of Metro Government employees.
- 19.1(2) This personnel policy manual is a summary of the policies and rules which guide Metro Government in its relationship with its employees. **It is not a contract of employment and should not be constructed as such.** The continued employment of any employee of Metro Government will depend upon the successful performance of all work assigned to the employee. And the general following of the guidelines of this policy manual, during a trial period of up to six (6) months, and upon the continued successful performance, following of policies and the further need of the employee's continued employment by Metro Government.