

**CITY OF HURSTBOURNE
ORDINANCE # 2023-23-05, SERIES 2023
AN ORDINANCE RELATING TO REPEALING AND REPLACING THE
CITY'S PERSONNEL POLICY MANUAL ORDINANCE IN CHAPTER 37 IN
THE CODE OF ORDINANCES**

WHEREAS, the City of Hurstbourne City Commission finds that the rules governing employment with the city require periodic updating to comply to changes in employment law and to better fit the needs of both the city administration and city employees,

AND WHEREAS, the city has conducted a review of its personnel policy ordinances in Codified Ordinance Chapter 37 and the City Commission finds that Chapter 37 should be repealed in its entirety and replaced with an undated personnel policy manual,

NOW THEREFORE, BE IT ORDAINED BY THE HURSTBOURNE CITY COMMISSION:

Section 1: City of Hurstbourne Code of Ordinance, Chapter 37 is hereby repealed in its entirety.

Section 2: The City of Hurstbourne Commission does hereby adopt a new Chapter 37 of its Codified Ordinances to read as follows:

Administration of the Plan

- A. Scope of Coverage
- B. EOE, ADA, and IRCA
- C. Administrative Responsibilities
- D. Personnel Records
- E. Performance Appraisal
- F. Status of Present Employees

II. Employment Process

- A. Announcement of Position
- B. Appointment of Position

III. Conditions of Employment

- A. Grievance Procedure
- B. Performance Appraisal Procedures
- C. Probation
- D. Disciplinary Procedures
- E. Resignations
- F. Layoff

- G. Retirement
- H. Employee Bonding

IV. Classification Plan

- A. Categories of Employment
- B. Ranges
- C. Adjustments
- D. Overtime / Compensatory Time

V. Benefits

- A. Holidays
- B. Annual Leave (Vacation)
- C. Military Leave
- D. Sick Leave
- E. Bereavement Leave
- F. Maternity/Paternity Leave
- G. Leave Without Pay
- H. Jury Duty
- I. Insurance
- J. Expense Reimbursement
- K. Workers Compensation Insurance
- L. Unemployment Insurance
- M. Social Security
- N. Retirement
- O. Family and Medical Leave Act (FMLA)

VI. General Employment Policies

- A. Sexual and Nonsexual Harassment
- B. Workplace Violence
- C. Drug and Alcohol-Free Workplace
- D. Meals and Rest Periods
- E. Inclement Weather
- F. Standards of Performance and Conduct
- G. Information Technology and Acceptable Use
- H. Employee Privacy Expectations
- I. Smoke-Free Workplace
- J. Open Records Policy
- K. City Social Media
- L. Employee Guidelines for Participating in Social Networking

City of Hurstbourne

Personnel Policy

The City of Hurstbourne recognizes that a personnel system that recruits and retains a competent, productive work force is essential to effective, efficient local government. These policies and procedures have been developed to achieve optimum efficiency, economy and equity in the pursuit of the City goals and the utilization of its human resources.

I. ADMINISTRATION OF THE PLAN

The City of Hurstbourne functions under the Commission form of government with all legislative, executive and administrative functions of the City vested in the City Commission. The Commission has sole authority for the administration of City employees. Under KRS 83A.140, the Commission supervises all City departments and the conduct of all City employees. The Commission shall also promulgate procedures to ensure the orderly administration of the functions of City government. The Commission is charged with fixing the compensation of the City employees pursuant to the City personnel pay and classification plan. The City Commission may delegate personnel duties to the CAO, who will serve as Personnel Officer. Changes in the policies, procedures, classifications and pay plans as set out herein may be changed only by ordinance amendment.

A. Scope of Coverage

1. The following employees and officers of the City of Hurstbourne are explicitly exempted from coverage unless otherwise specified:
 - a. All elected officials
 - b. All members of Boards of Commissions
 - c. City Attorney
 - d. City Treasurer
 - e. City Engineer
 - f. Consultants, advisors, and counsel rendering temporary professional services
 - g. Seasonal/part-time employees
 - h. Members of volunteer organizations
2. All officers and employees not explicitly exempted from coverage of these policies and procedures shall be subject to its provisions. These policies and procedures shall apply to the City Administrative Officer unless his employment contract states otherwise.

B. Equal Opportunity Employer, Americans with Disabilities Act (ADA), and Immigration Control and Reform Act (IRCA)

Equal Opportunity Employer

1. The City of Hurstbourne provides equal opportunity to all its employees and applicants, and prohibits discrimination based on race, color, religion, sex, national origin, political affiliation, physical handicaps, age, or marital status. The City promotes equal opportunity in matters of hiring, promotion, transfer, compensation, benefits and all other terms, privileges, and conditions of employment.
2. The City's equal opportunity employers commitment extends to all employment practices, including job postings, promotions, disciplinary proceedings, evaluations, and other activities by the City.
3. The harassment, retaliation, coercion, interference, or intimidation of any employee due to that employee's race, religion, color, national origin, sex, sexual orientation, gender identity, pregnancy, childbirth, pregnancy/child birth related medical conditions, genetic makeup, age, disability, veteran or family status, or because the employee is a smoker or nonsmoker is strictly forbidden. Any employee who experiences such treatment should report it immediately to the City Administrative Officer or the City Attorney.

Americans with Disabilities Act (ADA)

1. The City will offer equal employment opportunities for qualified individuals who may have a physical or mental disability but who can still perform essential job functions with or without reasonable accommodation. The City will provide reasonable accommodation to individuals who qualify under ADA when that accommodation does not create an "undue hardship" to the City.
2. Any employee who needs accommodation should notify the City Administrative Officer in writing. Medical information may be requested by the city to assist in understanding the employee's capabilities and limitations.

Immigration Reform and Control Act (IRCA)

1. The city will comply with the Immigration Reform and Control Act of 1986 (IRCA), including Form I-9 requirements.
2. Under IRCA, all employers must complete Employment Eligibility Verification Forms, commonly known as Form I-9, for all current employees and maintain those forms in a separate file for the longer of:
 - a. Three years from the first day of employment, or
 - b. One year after the employment has ended
3. IRCA prohibits employers from:
 - a. Knowingly hiring or recruiting or referring (for a fee) aliens who are not authorized to work in the United States
 - b. Requiring specific documents to complete the Form I-9
 - c. Retaliating against employees that file a charge or participate in an investigation

C. Administrative Responsibilities

1. The Personnel Policies and Procedures shall be administered by the CAO who shall serve as the Personnel Officer. The Commission hereby delegates the administrative duties pursuant to this policy to the CAO.
2. In addition to the duties set forth in the policies and procedures, the Personnel Officer shall:
 - a. Administer the provisions of these policies and procedures and maintain current records on all employees, including position title, pay rate and other relevant employment data.
3. It shall be the duty of the Personnel Officer to ensure that the policies and procedures reflect all subsequent amendments or additions made by the legislative body.

D. Personnel Records

1. A personnel file will be maintained for each city employee by the CAO. All changes in the status of employees will be recorded in these files, which will be retained and maintained in accordance with applicable state and federal laws.
2. The personnel file shall include:
 - a. Employee's name, permanent address, and phone numbers;
 - b. Position title;
 - c. Completed application form;
 - d. Hiring date;
 - e. Departmental assignment;
 - f. Salary;
 - g. Employee forms for taxes;
 - h. Retirement application;
 - i. Disciplinary actions;
 - j. Awards received;
 - k. Training records;
 - l. Performance reviews/Continuous Feedback Forms;
 - m. All changes in status as a city employee; and
 - n. Whatever additional information these ordinances, other governing laws, or the city may require.
3. Personnel files are the property of the city and subject to the Open Records Act. Access to an employee personnel file is strictly controlled and granted only to authorized individuals who have a legitimate reason to review information in a file, or as authorized under the Open Records Act. Employees will be notified of any request to view their personnel file.
4. Access to the file is by appointment with the CAO with reasonable advance notice. The CAO shall maintain a log of all those requesting personnel file access. Employees may review their own personnel file in the presence of the CAO.

E. Performance Appraisal

1. All employees shall be evaluated for job performance on an annual basis. Additional appraisals may be given at any time if performance is less than satisfactory. All performance appraisals will become a permanent part of the employee's personnel file.

F. Status of Present Employees

1. Employees filling permanent positions with the City who have served in the position on a continuing basis throughout the six months preceding enactment of this ordinance shall have permanent status conferred upon the effective date of this ordinance, unless otherwise stated.
2. The use of the word “permanent” shall refer to the nature of the position only and not to the employee’s status.

G. At-Will Employment

1. All city employees are at-will employees. This means there is no contract of employment, express or implied, and that either the city or the employee is free to terminate the employment relationship at any time, with or without cause. The city’s At-Will Employment Policy will only be varied by a specific written agreement that is entered into and signed by the city commission and an individual employee. Therefore, nothing contained in this Handbook or any other document provided to the employee will be relied upon or interpreted to form a contract binding upon the city regarding any benefit, policy procedure, or other term or condition of employment.

II. EMPLOYMENT PROCESS

A. Announcement of Position

1. Announcement of a position may include such information as: where to apply, deadlines for application, pay ranges for the position, summary of duties of the position, and the position qualifications suggested. All written announcements of a position shall contain the following statement: “An Equal Opportunity Employer”.
2. Announcements for positions shall be made on the city’s website or other job posting websites, such as Indeed, ZipRecruiter, KLC Classifieds, and others.

B. Appointment to Position

1. Vacancies may be filled by promotion from within.

2. Employees are appointed and removed only by the Commission (KRS 83.A 140-150)

C. Criminal History

A criminal history or conviction does not automatically preclude a candidate's eligibility for employment. To assist the city commission in reviewing criminal records, below is a list of convictions that may disqualify an applicant or employee from employment with the city:

1. Crimes involving violence, theft, or drug distribution/trafficking
2. Computer crimes
3. Driving crimes

Before any applicant or employee is disqualified based on their criminal history, the application or employee will be given an opportunity to provide individual information regarding the circumstances of their criminal history. The CAO will request that the applicant or employee submit a written, signed statement regarding their criminal history. The city commission and CAO will consider all information provided by each applicant or employee to determine whether the information provided sufficiently mitigates the circumstances of the disqualifying conviction pursuant to KRS Chapter 335B.

III. CONDITIONS OF EMPLOYMENT

A. Grievance Procedure

A grievance is an employees' expressed dissatisfaction with something related to his/her job. Employees and the CAO shall work together to resolve any grievance which arises. Any grievance or dispute which may arise from employment with the City and which has not been resolved informally shall be settled in the following manner:

1. The employee shall present the grievance to the CAO within five working days of the occurrence. The CAO will respond to resolve the situation.
2. If the grievance remains unadjusted, it may then be presented in writing by the employee to the General Executive Committee for resolution.

3. Any City Commissioner may request a hearing on all issues. The General Government Commissioner must then schedule the meeting and give five days' notice of time, date and place of such hearing.
4. A copy of all previous written documents involved in the action shall be attached to the grievance and made a part thereof.
5. The decision of the General Government Executive Committee is final.

B. Performance Evaluation Procedures

Performance evaluations will be performed on City employees on an annual basis. The evaluation shall be done in April to complement the employee salary review. Any merit increases will become effective at the first of the fiscal year (July 1). The following procedures should be followed:

1. The evaluation for the City Bookkeeper and the Administrative Assistant should be initiated by the CAO and reviewed by the General Government Commissioner and Mayor prior to completing with the employee.
2. The evaluation for the CAO will be initiated by the Mayor and reviewed with the General Government Commissioner prior to completing with the CAO.
3. Members of the Commission may submit their evaluations of employees to the Mayor or CAO if desired.
4. The CAO will coordinate the performance appraisal procedures to insure the orderly distribution of information.
5. The CAO will develop salary change recommendations after performance appraisals are completed.
6. Salary adjustment recommendations agreed upon by the CAO and General Government Commissioner will be presented to the full Commission in a municipal order for their approval.
7. No information regarding the amount, or effective date of salary change is to be communicated without approval of the Commission, and it shall not be communicated more than fifteen days prior to the effective date.

8. Reviewer must sign the performance appraisal prior to discussion with employee. Employee must sign within seven days after appraisal.
9. Employees have the right to appeal their performance appraisal within seven days. This appeal should be made to the CAO, who will have thirty days to consider the appeal and return a written response to the employee.

C. Probation

1. A person initially appointed to a position shall be on probationary status for six (6) months.
2. While on probation, a new employee may be dismissed at any time without right of appeal.

D. Disciplinary Procedures

1. The City Commission may dismiss an employee for reasons of:
 - a. Unsatisfactory performance of duties;
 - b. Action that reflects discredit upon the City;
 - c. Hindrance of the performance of City functions; and
 - d. Indictment on misdemeanor or felony charges.
2. The city seeks to encourage a change in an employee's behavior or work performance before resorting to punitive measures. The CAO shall use the following disciplinary procedures depending on the severity or frequency of the offense or problem behavior:
 - a. Verbal warning or reprimand
 - b. Written reprimand
 - c. Probationary period for disciplinary reasons
 - d. Suspension with or without pay
 - e. Demotion and/or reduction in pay
 - f. Termination of employment

E. Resignations

1. An employee wishing to resign, should inform the CAO/City Commission as soon as it is practical. Such notice shall be in writing and should contain at least the scheduled date on which the employee intends to leave. If an employee fails to give two weeks written notice, no vacation time shall be paid or compensated. Sick time shall not be used in lieu of vacation time under these circumstances. At least two weeks' notice is required. This requirement is superseded by an individual agreement between the Commission and the employee.
2. An employee may be regarded as having resigned their position if found able to notify CAO/City Commission of the reason for the absence but fails to do so for three (3) consecutive working days.
3. Employees will be paid for accrued unused vacation days upon ending employment. Except for circumstances stated in E-1.

F. Layoff

1. The City Commission, upon recommendation of the CAO (Personnel Officer), may layoff an employee (s) after due consideration because of lack of work or funds.
2. The order of layoffs shall be determined on the basis of needs of the City as recommended by the CAO/Personnel Officer.
3. Temporary, seasonal and probationary employees shall be laid off before permanent employees.
4. One week before the effective date of the layoff of a permanent employee, the Personnel Officer shall in writing:
 - a. Notify the employee of the layoff;
 - b. Explain to the employee the reasons for the layoff; and
 - c. Certify whether the employee's service has been satisfactory.
5. The City Commission may re-employ any former employee who has resigned from the City with a satisfactory employment record or who has been laid off because of lack of work or funds.

G. Retirement

1. The City of Hurstbourne does not have a mandatory retirement age for its employees. However, the City may require any employee to submit to a physical or mental examination by a medical doctor to determine competency to complete assigned duties and responsibilities. The City shall pay the costs for any examinations so administered.

H. Employee Bonding

1. All city employees involved in the handling of city funds or access to city financial accounts will be bondable and may be subject to a post-offer credit check. All employees involved in the handling of city funds or financial accounts will be bonded at the expense of the city.

IV. CLASSIFICATION PLAN

A. Categories of Employment

1. All employees of the City of Hurstbourne shall be classified as full-time, semi full-time, permanent part-time, and temporary.

These categories are defined as follows:

- a. Full-time employee – An employee who works 35 hours or more per week on a regular basis.
- b. Semi full-time employee – An employee who works 24 hours or more but less than 30 hours per week on a regular basis.
- c. Permanent part-time employee – An employee who works less than 24 hours per week on a regular basis.
- d. Temporary employee – An employee who works in a position which is of a temporary nature.

B. Ranges

City of Hurstbourne Ordinance #15-04, which calls for the city to use the Kentucky League of Cities guidelines for salary information, prescribes for each position a minimum, maximum and/or whatever intermediate rates the City Commission shall approve.

C. Adjustments

1. Each employee position classification is listed below:

City Administrative Officer
City Bookkeeper
City Executive Assistant

2. Salaries and Benefits may be adjusted by ordinance by the City Commission.

D. Overtime/Compensatory Time

1. Overtime shall be kept at the minimum consistent with essential city services and its financial resources.
2. Full-time employees may receive overtime pay at time and a half of their regular pay rate, or compensatory time as determined by the City Commission.
3. Semi full-time employees and permanent part-time employees shall receive overtime pay at their regular hourly rate up to 40 hours per week.

V. Benefits

A. Holidays

1. The following days are declared paid holidays at the regular rate of pay for all permanent City employees:
 - a. The first day of January (New Years Day)
 - b. The third Monday in January (Martin Luther King Jr. Day)
 - c. The Friday preceding Easter Sunday (Good Friday)
 - d. The last Monday in May (Memorial Day)
 - e. June 19 (Juneteenth)
 - f. The fourth day of July (Independence Day)
 - g. The first Monday in September (Labor Day)
 - h. The second Monday of October (Columbus Day)
 - i. November 11 (Veteran's Day)
 - j. The fourth Thursday and following Friday in November (Thanksgiving Day and the following day)

- k. December 24 and 25 (Christmas Eve and Christmas Day)
 - 1. All full-time employees shall earn one additional floating holiday for their birthday. This day cannot be accumulated and must be taken with approval from the City Administrative Officer.
- 2. If any holidays should fall on weekends, the previous Friday or following Monday, will serve as the holiday to be determined by CAO. The City Commission will be informed of these changes at least one week in advance.

B. Annual Leave (Vacation)

- 1. Annual leave is important to the employee’s health and well-being and provides rest and offers a change of pace. All eligible employees of the City of Hurstbourne shall be granted annual leave at full pay at their current salary rate. The following schedule shall apply:

Full-time employees and semi full-time employees:

- a. Vacation leave shall be computed using the Employees anniversary date of hire as the designated date.
- b. The following table shows accrual rates for Employees based on time of service:

Length of Service	Vacation Days	Accrual per pay period
1 year	5	1.5 hours
2 years	10	3.1 hours
3 years +	15	4.6 hours

- c. Vacation leave may not be taken until accrued unless otherwise authorized by the CAO and General Government Commissioner.
- d. An employee may carry over up to 5 days of vacation into the new year.
- e. Semi-full employees shall be eligible for the same vacation benefits as a full-time employee, but on a pro-rated basis.
- f. Scheduling of all leave shall be coordinated and approved by the CAO.

C. Military Leave

All employees of the City who are members of the National Guard or any reserve component of the Armed Forces of the United States shall be entitled to a leave of absence with full pay for a period not exceeding fifteen (15) calendar days in any one (1) calendar year for the purpose of attending annual mandatory training.

D. Sick Leave

1. Each employee shall be granted sick leave at the rate of one day (8 hours) per month.
2. Employees shall be able to carry over up to a maximum of 5 sick days (40 hours).
3. Sick leave must be used for illness, disability, attending to a member of the immediate family who is ill, and dental or medical appointments, and when inclement weather makes travel hazardous, as authorized by the CAO.
4. Physician's statements may be required on any occasion by the CAO.
5. Physician's statements shall be required from an attending physician after three or more consecutive sick days.
6. Semi full-time and permanent part-time employees shall be eligible for the same sick leave benefits as a full-time employee, but on a pro-rated basis.

E. Bereavement Leave

1. Full-time, semi full-time, and permanent part-time employees may be granted up to five (5) working days with pay in case of death in the "immediate family", including: parents, stepparents, spouse, brother, sister, children, and immediate in-laws.
2. Full-time, semi-full-time, and permanent part-time employees may be granted up to three (3) working days with pay in case of death in the "family", including: grandparents (or-in-law), or grandchildren.
3. Full-time, semi full-time, and permanent part-time employees may be granted up to two (2) working days with pay in case of death in the

“extended family”, including: brother-in-law, sister-in-law, uncles, aunts, cousins, nieces, and nephews.

4. Requests for additional time off with or without pay may be submitted and are granted at the discretion of the CAO. The employee should discuss the circumstance with the CAO and approval or denial will be made with regards to workload, employee circumstances, and all other pertinent factors.

F. Maternity/Paternity Leave

1. Requests for Maternity/Paternity leave will be granted for a period of time up to, but not exceeding, three (3) months. Under extenuating circumstances and with a physician’s certificate, additional maternity leave may be granted.
2. An employee who is not planning to return to work following maternity/paternity leave is requested to submit a timely resignation to allow the City’s staffing needs to be met. Any employee who has not notified the city of their intention to resign and does not show up following maternity/paternity leave for three (3) consecutive working days is considered separated from their employment with the city.
4. Maternity/paternity leave as enumerated in Paragraph 1, shall be unpaid for the three (3) months.

G. Leave Without Pay

1. A leave of absence without pay up to a maximum of 10 working days may be granted provided it does not seriously disrupt the operation of the employees’ duties. A leave of absence can only be used after all vacation days have been depleted.

H. Jury Duty

1. In the event an employee is required to serve on a jury, he/she shall be compensated at the normal salary rate. All employees serving on jury duty shall be absent from work only during the times required by the courts.

I. Insurance

1. The City shall carry health insurance policies and provide 100% payment of premiums for the employee and family of full-time employees.
2. The City provides \$50,000 in life insurance for all full-time employees, with 100% of premiums paid by the city.
3. All elected officials, City Attorney, City Engineer, City Treasurer, City Bookkeeper, City Administrative Officer, City Executive Assistant, consultants, temporary professionals, service contractors, seasonal/part-time employees and all volunteers are covered by Risk Liability Insurance issued by the Kentucky League of Cities.

J. Expense Reimbursement

1. All officials or employees of the City incurring expenses for approved travel on behalf of the City shall be reimbursed at the actual rate of expenditures. Receipts for all expenditures should be obtained and submitted for reimbursement.
2. If employees must use their private automobile, they shall be reimbursed at the standard mileage rate, as set forth by the IRS annually.
3. Failure to provide a receipt and other applicable supporting documentation will result in denial of the reimbursement, unless the expense is accompanied by an approved Missing Receipt Affidavit.
4. An employee who submitted a fraudulent receipt or falsifies their expense report will lose reimbursement privileges, will be terminated, or other appropriate disciplinary action will be taken.
5. The city may withhold reimbursement while it investigates or verifies expense report reimbursement requests.

K. Workers Compensation Insurance

Workers Compensation Insurance provides medical and hospitalization expense benefits as well as partial payments in lieu of salary for workers injured on the job. The City pays 100% of this form of insurance.

L. Unemployment Insurance

All employees are covered under this program. The City of Hurstbourne pays 100% of the cost for this coverage. An individual who terminates their employment with the City may or may not be eligible to receive payments under this program, depending upon the circumstances involved in the termination.

M. Social Security

The City and the employee both contribute to the Social Security program at rates specified by the U.S. Congress.

N. Retirement

Each full-time and semi full-time permanent employee must participate in the Kentucky Retirement System through the City/County Employment Retirement System (CERS). During employment, the city contributes monthly per pay period on behalf of the employee, at a rate set forth by the Kentucky Public Pension Authority.

O. Family and Medical Leave Act (FMLA)

In accordance with federal law, the city will grant 12 weeks of unpaid leave of absence for employees (1) to care for a family member with a serious health condition, (2) because a serious health condition of an employee makes the employee unable to perform the functions of his/her job, or (3) in conjunction with the birth, adoption, or foster placement of a child. This leave will be granted to any employee who has been employed by the city at least 12 months and has worked 1,250 hours within those 12 months. The employee must give advance notice of 30 days for foreseeable events like planned medical treatment. For medical emergencies, the employee must give notice as promptly as possible. Parenting leave begins at the time requested, but no later than six weeks after the birth or adoption, or when the child leaves the hospital, whichever is later. Upon request for medical leave, the city will require certification of the condition from an appropriate health care provider. Depending upon the need, which is certified, leave may be taken intermittently or on a reduced leave schedule. Employees on FMLA leave may be required to take accrued vacation or sick leave concurrently.

VI. General Employment Policies

A. Sexual and Nonsexual Harassment

1. Sexual and nonsexual harassment of any kind is absolutely prohibited and will not be tolerated. Sexual and nonsexual harassment negatively affects morale, motivation, and job performance. It is inappropriate, offensive, and illegal.

2. Sexual harassment on the job is employment discrimination within the meaning of Title VII of the federal Civil Rights Act of 1964 and KRS Chapter 344. In general, sexual harassment means any unwelcome or offensive sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, either by a supervisor, fellow employee, or a person other than an employee who has contact with the city employees. Sexual harassment is unacceptable and is prohibited at work and in work-related settings, such as business trips, business-related meetings, conferences, and employee-related social events. Behavior that constitutes sexual harassment includes, but is not limited to:

- a. Deliberate, repeated, or unsolicited verbal comments, gestures, or physical actions of a sexual nature toward another employee.
- b. Approval, recommendation of, or refusal to take any personnel action with respect to an employee or applicant because of:
 1. the employee's or applicant's rejection of sexual advances, demands, favors, or sexual activity; or
 2. the employee's or applicant's report of a sexual advance or demand for sexual activity.
- c. Explicit or implicit promises of preferential treatment regarding an individual's employment status in return for sexual favors or sexual activity.
- d. Exercise or attempted exercise of the power or authority of one's position to control, influence, or affect the career, salary, job, or other employment conditions of an employee or applicant in exchange for sexual favors.
- e. Repeated sexual jokes, flirtations, advances, or propositions.

- f. Graphic verbal commentary about an individual's body, sexual prowess, or sexual deficiencies.
- g. Leering, whistling, touching, pinching, assault, coerced sexual acts, or suggestive, insulting, or obscene comments or gestures.
- h. The display in the workplace of sexually suggestive objects, pictures or reading material.

B. Workplace Violence

1. The safety and security of all employees is of primary importance to the city. Threats, abusive behavior, or acts of violence against employees, citizens, or other individuals by anyone on city property or off city property while performing job duties related to the city will not be tolerated. Actions of this nature will lead to referral to appropriate law enforcement agencies for arrest and prosecution. City employees who exhibit this type of behavior will be disciplined or discharged. The city may take any necessary legal action to protect its employees and will make every effort to assist any employee experiencing threats of violence.

2. Any person who makes threats, exhibits threatening behavior, or engages in violent acts on city premises shall be removed from the premises as quickly as safety permits and shall remain off city premises pending the outcome of an investigation. Any employee who makes threats, exhibits threatening behavior, or engages in violent acts while in performance of his or her employment duties shall be immediately suspended, pending the outcome of an investigation of the incident. Following investigation, the city will initiate an immediate and appropriate response, which may include, but is not limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person or persons involved.

3. All employees are responsible for notifying city management personnel of any threats that they witness or receive or that they are told another person witnessed or received. Even without a specific threat, all employees should report any behavior they have witnessed, that they regard potentially threatening or violent or which could endanger the health or safety of an employee when the behavior has been carried out on a city-controlled site or is connected to city employment or city business. Employees are responsible for making this report regardless of the relationship between the individual

who initiated the threatening behavior and the person or persons being threatened.

4. Employees are encouraged to notify the CAO if an Emergency Protection Order (EPO) or Domestic Violence Order (DVO) has been issued for their protection.

5. The city will make every effort to assist an employee experiencing threats of violence. Assistance may include:

- a. Confidential means for coming forward for help;
- b. Leave of absence consideration; and
- c. Special safety considerations at the workplace.

6. The city understands the sensitivity of the information requested and will respect the privacy of the reporting employee to the extent allowed by law. The city will endeavor to maintain the anonymity of a reporting party to the extent feasible for cooperation with appropriate law enforcement officials.

7. Any employee who acts in good faith by reporting real or implied violent behavior will not be subjected to any form of retaliation or harassment.

C. Drug and Alcohol-Free Workplace

1. The city's mission is to ensure that all public service is delivered safely, efficiently, and effectively by establishing a drug- and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol to promote the health and safety of employees and the general public. In keeping with this mission, the city declares that the unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees. The city has a zero-tolerance policy regarding drug and alcohol use, violation of this policy relating to on-the-job possession, distribution, use, or sale of illegal drugs shall result in the immediate dismissal from employment with the city.

2. This policy is intended to apply whenever anyone is representing or conducting business for the city. Accordingly, this policy applies during all working hours, on call or paid standby and while performing work on behalf of the city while on or off city property.

D. Meals and Rest Periods

1. Unless other arrangements are made with the CAO, all employees are expected to take a one-hour lunch period each workday which shall occur no sooner than three hours after the employee begins his or her work shift and no later than five hours after the employee begins his or her work shift. However, an employee and the CAO may agree to make a reasonable alternative schedule for a meal period on a temporary basis and any such change should be noted in writing.

2. Employees are encouraged to schedule their personal breaks as workflow allows. The total time taken for personal breaks should not exceed 15 minutes during each four hours worked. No reduction in compensation shall be made for time spent on personal breaks taken in conformance with this policy for either exempt or nonexempt employees.

E. Inclement Weather

1. The closure of City Hall offices due to inclement weather will be authorized by the CAO.

2. If City Hall offices remain closed for an entire day due to inclement weather, all employees scheduled to work will be paid for the number of hours they were scheduled to work. If a closure of City Hall offices occurs while the city is open, employees will be paid for any remaining scheduled hours.

3. If the City Hall offices open on a delayed basis due to inclement weather, employees who report to work will receive credit for regularly scheduled hours for that day.

4. The CAO or a designated employee of their choice will utilize the REACH Alert system to notify the public of any closures or delays, and the City Commission will be notified via email.

F. Standards of Performance and Conduct

1. Each employee is a representative of the city, both internally with coworkers and externally with citizens, contractors, business associates, affiliates, and others. As a representative of the city, each employee is expected to act professionally, honestly, ethically, courteously and with integrity in all business transactions and interpersonal interactions while at work or in any activity performed on behalf of the city.

2. The city expects all employees to conduct themselves in a professional, mature, and lawful manner. Employees must comply with established rules, regulations, policies, procedures, and directives. The failure to do so will ultimately result in disciplinary action. In an effort to avoid misunderstandings about the types of conduct that must be avoided, a non-exhaustive list of specific infractions is provided below purely for informational purposes as a general guide for employees:

- a. Unexcused tardiness;
- b. Unexcused and excessive absenteeism;
- c. Failure to perform an assigned task, to meet a deadline, or otherwise follow an instruction or directive;
- d. Insubordination or willful refusal to follow instructions, rules, regulations, policies, or to accept assignments;
- e. Misuse of leave time;
- f. Intentional or unintentional violations of the policies and procedures in this Handbook;
- g. Inability to perform duties or requirements of the job because of the loss of necessary license or other requirements;
- h. Discourteous behavior toward the public or other employees;
- i. Theft or embezzlement of the city property or assets;
- j. Use, possession, sale or transfer of illegal drugs, or being under the influence of illegal drugs in any manner that may impair the employee's ability to perform assigned duties or that may adversely affect the city's business or reputation;
- k. Personal behavior, whether on-or off duty, which is of embarrassment to the city and likely to damage the public reputation of the organization, or which is injurious to the interests of fellow employees;
- l. Falsification of records;
- m. Invasion of another employee's privacy;
- n. Assault or fighting;
- o. Conviction of a serious criminal offense which jeopardizes or is

injurious to the city's property and security, its public reputation, or the interests of other employees, or which is incompatible with the due and faithful discharge of duties and responsibilities;

- p. Sexual or nonsexual harassment; or
- q. Horseplay or pranks which threaten the safety and security of the workplace or are offensive to other employees.

G. Information Technology Acceptable Use

1. This policy is designed to establish acceptable and appropriate use of computer and information systems, networks and other information technology resources at the City. The purpose of these policies is to safeguard and protect all technology resources from anything other than authorized and intended use. The main points to remember are:

- a. The City provides network, communications systems, equipment and devices ("technology resources") to carry out legitimate City business. By using the City's technology resources, staff consents to disclosing the contents of any data files, information and communications created on, stored on, transmitted, received or exchanged via its network, communications systems, equipment or devices.
- b. There is no right to privacy in the use of City technology resources. By using the City's technology resources, staff consents to monitoring, recording, and reviewing the use of that technology resource.
- c. Users are expected to act lawfully, ethically and professionally, and to exercise common sense.
- d. Users who are granted access to critical data are responsible for its protection.
- e. Incidental use for personal needs is allowed as long as that activity does not interfere with City business or conflict with any City policy or work rule.
- f. Use of technology in violation of this policy is subject to disciplinary action up to and including termination.

H. Employee Privacy Expectations

1. Notwithstanding issues addressed specifically in other provisions of this Handbook, employees can expect a reasonable degree of privacy in the contents of their work areas, including desks, cabinets, closets, and similar locations. However, when an employee is absent or otherwise unavailable, the city may seek out, for a legitimate business purpose, material believed to be contained in those work areas with the authorization of the CAO.
2. The CAO may examine work area contents or listen to employee communications of their subordinate employees for the purpose of ascertaining or evaluating the quality and/or quantity of an employee's work.
3. The contents of work areas may be subject to search where there is a reasonable cause to believe there is a violation of these policies or evidence of a violation of any local, state, or federal law. Searches of work areas for this reason may only be conducted with the consent and involvement of the CAO.

I. Smoke-Free Workplace

1. The city has a strict no-smoking policy in all city buildings to provide a safe and healthy environment for all employees and customers.
2. Smoking, use of e-cigarettes, vaporizers (vape), or chewing tobacco is prohibited:
 - a. In any city building; or
 - b. In any city vehicle; or
 - c. In any other place where prohibited by law or city ordinance.
3. Designated smoking areas outside and away from entrances to city buildings will be specified for employees.

J. Open Records Policy

KRS 61.870 to KRS 61.884, the Open Records Act, establishes a right of access to public records. The General Assembly recognized that the free and open examination of public records is in the public interest. All public records, whether they are stored in a computer or on paper, must be open for inspection unless the records are exempted by one or more of the exemptions found in the Act.

K. City Social Media

- (1) The city may utilize social media and social network sites to further communicate with citizens. Employees and/or Commissioners may not use social media as a representative of the city without approval from the full Board of Commissioners and/or CAO.
- (2) For purposes of this policy, “social media” is understood to be content created by individuals, using the internet. Examples of social media include Facebook, blogs, Instagram, RSS, YouTube, Second Life, Twitter, LinkedIn, NextDoor, and Flickr.
- (3) For purposes of this policy, “comments” include information, articles, pictures, videos or any other form of communicative content posted on the city’s social media site.
- (4) The establishment and use by any city department of city social media sites are subject to approval by the CAO.
- (5) City social media sites should clearly state they are maintained by the city and that they follow the City’s Social Media Policy. All social media sites shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.
- (6) The site should adhere to all applicable state, federal and local laws, regulations and policies including city information technology and records management policies.
- (7) The designated coordinator of the social media site will monitor content on the social media site to ensure adherence to both the city’s Social Media Policy and the interest and goals of the city. The city reserves the right to restrict or remove any content that is deemed in violation of this Social Media Policy or any applicable law. Any content removed based on these guidelines must be retained by the designated coordinator as determined by the record retention policy including the time, date and identity of the poster, when available.
- (8) The city’s website is www.hurstbourne.org and will remain the city’s primary and predominant internet presence. All city social media sites shall clearly indicate they are maintained by the city and shall have the government’s contact information prominently displayed. Whenever possible, the city’s social media sites should link back to the city’s official website for forms, documents, online services and other information necessary to

conduct business with the city.

- (9) All social networking coordinators shall be trained regarding the terms of the Social Media Policy, including their responsibilities to review content submitted for posting to ensure compliance with the policy. When possible, the city's IT security policies shall apply to all social networking sites and articles.
- (10) Employees representing the city via the city's social media sites must conduct themselves at all times as a representative of the city and in accordance with all city policies.
- (11) The city will post the following on any social media page in a conspicuous location: Comments placed on the social media site are subject to the following guidelines:
 - a. As a public entity the city must abide by certain standards to serve all its constituents in a civil and unbiased manner.
 - b. The city's social media sites prohibit the posting of content and/or comments containing any of the following:
 1. Comments not topically related to the particular site or blog article being commented upon;
 2. Profane language or content;
 3. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation
 4. Sexual content or links to sexual content;
 5. Solicitations of commerce;
 6. Conduct or encouragement of illegal activity;
 7. Information that may tend to compromise the safety or security of the public; or
 8. Content that violates a legal ownership interest of any other party.
 - c. The city reserves the right to deny access to city's social media sites for any individual who violates the City's Social Media Policy, at any time and without prior notice.

- d. Departments within the city shall monitor their social media sites for comments requesting responses from the city and for comments in violation of this policy.
- e. When a city employee responds to a comment in his or her capacity as a city employee, the employee's name and title shall be made available, and the employee shall not share personal information about himself or herself, or other city employees.
- f. All comments posted to any city social media site are bound by Social Media's Statement of Rights and Responsibilities, and the city reserves the right to report any violation of a Social Media's Statement of Rights and Responsibilities to the social media site with the intent of the social media site taking appropriate and reasonable responsive action.

L. Employee Guidelines for Participating in Social Networking

- (1) The city understands that social networking and internet services have become a common form of communication in the workplace and among citizens. Employees that choose to participate in social networks as a city employee should adhere to the following guidelines:
 - a. City policies, rules, regulations and standards of conduct apply to employees that engage in social networking activities while conducting city business. Use of your city email address and communicating in your official capacity will constitute conducting city business.
 - b. Department heads shall notify the CAO if they or any employees within their department intend to create a social networking site or service to conduct city business.
 - c. Departments have the option of allowing employees to participate in existing social networking sites as part of their job duties. Department supervisors may allow or disallow employee participation in any social networking activities in their departments.
 - d. Protect your privacy and the privacy of citizens by following all privacy protection laws, i.e., HIPAA, and protect sensitive and confidential city information.
 - e. Follow all copyright laws, public records laws, retention laws, fair use and financial disclosure laws and any other laws that might apply to the city or your department.
 - f. Do not cite vendors, suppliers, clients, citizens, coworkers or other stakeholders without their approval.

- g. Make it clear that you are speaking for yourself and not on behalf of the city. If you publish content on any website outside of the city and it has something to do with the work you do or subjects associated with the city
- h. Do not use ethnic slurs, profanity, personal insults, or engage in any conduct that would not be acceptable in the city's workplace. Avoid comments or topics that may be considered objectionable or inflammatory.
- i. If you identify yourself as a city employee, ensure your profile and related content is consistent with how you wish to present yourself to colleagues, citizens and stakeholders.
- j. Frame any comments or opposing views in a positive manner. Add value to the city through your interaction by providing worthwhile information and perspective.

Section 3: This ordinance shall take effect immediately upon its adoption, passage, and publication.

First Reading: 11/14/23

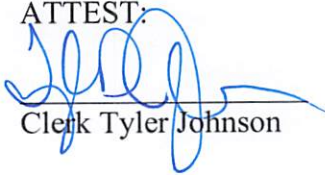
Second Reading: 12/12/23

Passed and approved this the 12 day of December, 2023.



 Mayor Mary Masick

ATTEST:



 Clerk Tyler Johnson

Those in Favor: 4

Those Opposed: 0