

CITY COUNCIL
JEFF REESE, MAYOR
SHIRLEY MARCHMAN, MAYOR PRO-TEM
DANNY CARTER
LESLIE MCPHERSON
MATTHEW MOMTAHAN

City of Villa Rica



CITY MANAGER: TOM BARBER
CITY CLERK: ALISA DOYAL
CITY ATTORNEY: C. DAVID MECKLIN

571 W BANKHEAD HWY
VILLA RICA, GA. 30180
770.459.7000 | VILLARICA.ORG

MAYOR & COUNCIL MONTHLY MEETING AGENDA

Holt-Bishop Justice Center, Municipal Courtroom, 101 Main Street

October 8, 2019 | 6:00 PM

Meeting Call to Order (Mayor Pro Tem Shirley Marchman)

Invocation (Councilman Matthew Momtahan)

Pledge of Allegiance (Mayor Pro Tem Shirley Marchman)

Ceremonial Presentations (Mayor & Council)

- Recognition of Chris Todd - Class I Water Operator License

Adoption of the Agenda (Mayor Jeff Reese)

Public Comment (We ask that you sign in for Public Comment before the meeting begins. Please state your Name and Address for the record and limit your comments to three minutes)

Council Updates (Subjects of General Interest and Concern)

A. Governing Body (Mayor Jeff Reese)

1. Approval of Minutes:
 1. Meeting Minutes of September 24, 2019.

B. Human Resources (Stephanie Rooks, Manager)

1. Personnel Policies Update 2019

C. Community Development (Bobby Elliott, Director)

1. South Candler Drainage Improvements

D. Economic Development (Janet Chumley, Main Street Manager)

1. Request for Open Container and Use of Main Street for a Fundraiser Hosted by Uncorked and Los Cowboys

E. Utilities (Pete Zorbanos, Director)

1. Engineering Services for Water Line Extension Along Hwy 78 from Dairy Queen to Dollar Tree
2. Replacement of 12 inch Butterfly Valve and Automatic Value Actuator at Conners Road Booster Pump Station
3. Resident Construction Observation Services identified as Addendum #6 to Water Treatment Plan Improvements Proposal dated March 19, 2018 by Carter & Sloope Engineers

F. City Manager (Tom Barber)

1. First Amendment to the Lease Agreement with Norfolk Southern
2. To Approve an Agreement for Professional Services with Dan McRae of SeyFarth Shaw

Adjournment

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CITY COUNCIL MONTHLY MEETING MINUTES

Holt-Bishop Justice Center, Municipal Courtroom, 101 Main Street
Tuesday, September 24, 2019 | 6:00 pm

Meeting Call to Order (Mayor Jeff Reese)

Mayor Jeff Reese called the meeting to order at 6:00 pm. Present: Mayor Jeff Reese, Mayor Pro Tem Shirley Marchman, Councilwoman Leslie McPherson, Councilman Danny Carter, and Councilman Matthew Momtahan.

Invocation (Councilwoman Shirley Marchman)

Councilwoman Shirley Marchman gave the Invocation.

Pledge of Allegiance (Mayor Jeff Reese)

Mayor Jeff Reese led the Pledge of Allegiance.

Ceremonial Presentations (Mayor & Council)

- Betty Cason, Chairperson for Carroll Mental Health Advocates, gave a presentation on the Carroll County Mental Health Advocates Program

Adoption of Agenda (Mayor Jeff Reese)

Mayor Jeff Reese requested the Council to approve three amendments to the agenda:

- Utility Rate Increase as B3
- Set Dates for Cleanup Week as G3
- Approval of Expenditures as G4

Councilman Danny Carter made the motion to approve the amendments to the agenda as presented.

RESULT:	ADOPTED (VOTE: 3-2)
MOVER:	Danny Carter, Councilman
SECONDER:	Leslie McPherson, Councilwoman
AYES:	Carter, McPherson
NAYS:	Marchman, Momtahan
*Mayor Reese broke the tie by voting yes to approve the amendments to the agenda.	

Public Comment: Three citizens came forward and made a public comment.

Council Updates (Subjects of General Interest and Concern)

Mayor Reese recognized Commissioner Chair Michelle Morgan, Commissioner Clint Chance, and the candidates running for the Mayor seat and Ward 4 seat. Councilwoman Leslie McPherson mentioned again the request she had back in June and now it is September with no answer. She also announced that today we had a major ribbon cutting at Leuco for their expansion that is in her ward.

A. Governing Body (Mayor Jeff Reese)

1. Approval of Minutes:

- a. Council Meeting of September 10, 2019.

Councilwoman Leslie McPherson made the motion to approve the minutes of September 10 2019.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Leslie McPherson, Councilwoman
SECONDER:	Matthew Momtahan, Councilman
AYES:	McPherson, Momtahan, Marchman, Carter

B. Finance (Sarah Hefty, CFO)

1. Financial Update: August 2019

CFO Sarah Hefty gave presentation of the August 2019 Financial Update.

2. 2019 Budget Amendments

Councilwoman Leslie McPherson made the motion to adopt the ordinance to approve an amendment to the budget for the fiscal year 2019 for the City pursuant to Section 2-71 of the City Charter.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Leslie McPherson, Councilwoman
SECONDER:	Matthew Momtahan, Councilman
AYES:	McPherson, Momtahan, Marchman, Carter

3. 2020 Budget Presentation & Public Hearing

CFO Sarah Hefty gave a presentation of the 2020 Proposed Budget. Afterwards, a Public Hearing was held for the 2020 Proposed Budget.

4. 2020 Budget Adoption

Councilman Danny Carter made the motion to approve the ordinance to adopt the city budget for fiscal year 2020 for the City of Villa Rica pursuant to Section 6.33 of the City Charter.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Danny Carter, Councilman
SECONDER:	Leslie McPherson, Councilwoman
AYES:	Carter, McPherson, Marchman, Momtahan

5. Utility Rate Increase for 2020

Councilman Matthew Momtahan made the motion to approve the Utility Rates, as presented, to be effective for all utility bills sent on or after January 1, 2020, subject to the following conditions:

1. Rates be a separate line item on the utility bill.
2. They are described as the purpose of infrastructure or something of that nature.
3. The duration of the rate increase be only for the amount of time necessary to make repayment upon the GEFA Loans.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Matthew Momtahan, Councilman
SECONDER:	Leslie McPherson, Councilwoman
AYES:	Momtahan, McPherson, Marchman, Carter

C. Community Development (Bobby Elliott, Director)

1. Zoning Ordinance Introduction and Presentation (Chris Montesinos, Deputy Director)
Deputy Director Chris Montesinos gave the Zoning Ordinance Introduction and Presentation.
No action was taken.

D. Parks, Recreation & Leisure Services (Vicki Coleman, Director)

1. Gold Dust Park Playground Equipment Vendor Recommendation
Councilman Danny Carter made the motion to approve Bliss Products as the vendor to install new playground equipment at Gold Dust Park for \$81,879.53.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Danny Carter, Councilman
SECONDER:	Matthew Momtahan, Councilman
AYES:	Carter, Momtahan, Marchman, McPherson

E. Economic Development (Janet Chumley, Main Street Manager)

1. Multi-Purpose Space at The MILL Amphitheater
Councilman Matthew Momtahan made the motion to authorize the City Manager to engage Rickman Architecture & Design to perform the attached scope of work to provide design and construction documents for a new multi-purpose building for a fee not to exceed \$6,200.00.

RESULT:	ADOPTED (VOTE: 3-1)
MOVER:	Matthew Momtahan, Councilman
SECONDER:	Shirley Marchman, Councilwoman
AYES:	Momtahan, Marchman, Carter,
NAYS:	McPherson

F. Information Technology (Jim Chambers, Manager)

1. Connection for West Plant Annex
Councilwoman Leslie McPherson made the motion to have Software Effect Enterprises, in association with Coopsons LLC, implement the line of sign wireless connection at the West Plant Annex for \$5,600.00.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Leslie McPherson, Councilwoman
SECONDER:	Danny Carter, Councilman
AYES:	McPherson, Carter, Marchman, Momtahan

2. City Hall Network Re-Cable
Councilman Matthew Momtahan made the motion to have Coopsons LLC re-cable City Hall network lines for an amount not to exceed \$14,500.00.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Matthew Momtahan, Councilman
SECONDER:	Leslie McPherson, Councilwoman
AYES:	Momtahan, McPherson, Marchman, Carter

G. City Manager (Tom Barber)

1. Request for Temporary Signage for 2019 E Recycling by Southwire

Councilman Danny Carter made the motion to allow Southwire to place several temporary signs within the City limits to publicize their E Recycling event to be held on October 5 at Midway Church.

RESULT: **ADOPTED (UNANIMOUS)**
MOVER: Danny Carter, Councilman
SECONDER: Matthew Momtahan, Councilman
AYES: Carter, Momtahan, Marchman, McPherson

2. Proposal to Create a Concept Plan for Utilities Along the North Bypass

Councilwoman Leslie McPherson made the motion to authorize the City Manager to engage Keck & Wood to perform the attached scope of services for an amount not to exceed \$17,500.00.

RESULT: **ADOPTED (UNANIMOUS)**
MOVER: Leslie McPherson, Councilwoman
SECONDER: Matthew Momtahan, Councilman
AYES: McPherson, Momtahan, Marchman, Carter

3. Set Dates for 2019 Cleanup Week

Councilman Matthew Momtahan made the motion to establish the week of October 14 as our annual cleanup week, with Wednesday, October 16 designated as the day we provide special assistance to seniors with appliance pickup.

RESULT: **ADOPTED (UNANIMOUS)**
MOVER: Matthew Momtahan, Councilman
SECONDER: Shirley Marchman, Councilwoman
AYES: Momtahan, Marchman, Carter, McPherson

4. Approval of Expenditures

Councilman Matthew Momtahan made the motion table the item of approval of expenditures as G4 until a city council meeting in which we have full representation in January 2020.

RESULT: **ADOPTED (UNANIMOUS)**
MOVER: Matthew Momtahan, Councilman
SECONDER: Shirley Marchman, Councilwoman
AYES: Momtahan, Marchman, Carter, McPherson

H. City Manager's Report (Tom Barber)

City Manager Tom Barber presented his report on Funding Through Growth.

Adjournment

Councilwoman Shirley Marchman made the motion to adjourn the meeting, seconded by Councilwoman Leslie McPherson. The vote was unanimous.

Jeff Reese, Mayor

Alisa Doyal, City Clerk



Agenda Item: _____

CITY OF VILLA RICA

City Council Meeting Agenda Item Cover Sheet

SUBJECT: Personnel Policies Update 2019
AGENDA DATE: 10/08/2019

DATE PREPARED: 09/25/2019
PREPARED BY: Stephanie Rooks

AMOUNT: No Cost, information only
GL ACCOUNT #: NA
FUNDING SOURCE: NA
BUDGETED ITEM? NA

PURPOSE: The purpose of the update to the Personnel Policies is so the City stays in compliance with State and Federal legislation, as well as update employee policies to provide guidance to employees and managers. This is a best practice supported by our liability insurance carrier (LGRMS).

BACKGROUND: The last update to the Personnel Policies was adopted July 10, 2018. We have updated some policies that were approved by City Council over the past year and are proposing twelve changes or additions to current policies. The changes are on the following pages:

- Page 3 – Added language.
- Page 5 – At will policy removed “as defined on OCGA 34-7-1.
- Page 7 – Added safety policy.
- Page 9 & 10 – Added “all transfers, promotions, demotions are subject to a 180 day (6 month) probationary period.
- Page 26 – Defined business casual dress.
- Page 33 – Modified on call/call out policy.
- Page 34 – Deferred Compensation (457(b)): Employee are eligible to contribute after successfully completing the six-month probationary period.
- Page 38 – Payment of unused, accrued vacation – Changed employees “will” be paid to “may” be paid.
- Page 38 – Use of Sick Leave: any employee that is out of work for three consecutive days must provide work release form a licensed medical provider.
- Page 39 – Bereavement Leave – removed “consecutive” for defining the three days of leave.
- Page 44-46 – Progressive Discipline and Appeal and Complaint procedures.

STAFF RECOMMENDATION: Staff is recommending approval of the 2019 Personnel Policies.

IMPACT: This action will allow the City and its employees to have clearly defined policies.

MOTION: Make a motion to adopt a resolution authorizing the City Manager and the Human Resources Manager to implement the revised personnel handbook, effective November 1, 2019.



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The City of Villa Rica

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Personnel Policies

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Jeff Reese, Mayor

Tom Barber, City Manager

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Contents

Statements of Philosophy, Mission and Vision.....	121
Statement of Our Philosophy	121
Statement of Our Mission and Vision	121
Mission Statement	121
Vision Statement.....	121
General Information.....	2
City Government.....	2
Policy Revisions & Amendments.....	2
Effective Date of Policies & Procedures	2
Personnel Policies.....	42334
EEO Policy	42334
Prohibited Conduct.....	42334
Sexual or Other Unlawful Harassment.....	42334
Americans with Disabilities Act Amendments Act (ADAAA).....	52335
Family and Medical Leave Act (FMLA).....	62446
Scope of Policy	62446
Policy	62556
At-Will Policy	1825518
Immigration Law Compliance	1926619
Fraternization Policy	2126621
Workplace Violence Policy	2126621
Safety Policy	2227722
Appointments	2328823
Regular Appointments.....	2328823
Temporary Appointments.....	2328823
Limited Term Appointments	2328823
Emergency Appointments	2328823

Interim Appointments and Salary Adjustment Calculation.....	2428824
Probationary Period.....	2428824
Employment of Relatives	2429924
Promotions and Transfers.....	2529925
Promotions	2529925
Intra-Departmental Transfers	2629925
Inter-Departmental Transfers	262101026
Voluntary Transfer.....	262101026
Demotion (In-Voluntary/Voluntary)	262101026
Drug and Alcohol-Free Workplace Policy.....	302411129
Policy.....	302411129
Prohibited Conducts	302411129
Prohibited Substances.....	312411130
When Testing is Required	312424230
Pre-Employment.....	312424230
Random Testing.....	312424230
Reasonable Suspicion	322424231
Safety Sensitive Positions	322424231
Commercial Motor Vehicle Operators	322424231
Return to Work/Fitness for Duty	332434332
Positive Test Results	332434332
Employee Assistance.....	342434333
Confidentiality	342434333

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19, 2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28, 2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18, 2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5, 2018April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 13, 2018

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Consumption of Alcohol While Off Duty at City Events	342131333
Tobacco Use and Smoke-Free Policy	352141434
Use of Technology Resources	692151567
Purpose and Application.....	692151567
Business Use Only	702151567
Ownership and Access to Technology Resources	702151568
General Guidelines for Acceptable Use	702151568
Installation and Use of Software	722161670
Discipline.....	722171770
Use of Personal Mobile Devices	722171770
Social Media Policy	742181872
Introduction.....	742181872
Applicability	742181872
No Interference with Job Duties	742181872
Use Outside of Work.....	742181872
Other City Policies	752181873
Disciplinary Action	752191973
Employment Policies	762202074
Code of Conduct	762202074
Standards of Conduct	772212175
Employee Privacy Policy.....	782222276
Search and Inspection of City Property.....	782222276
Confidential Information	792222277

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19, 2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28, 2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18, 2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5, 2018April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 13, 2018

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Duty to Report Criminal Charges/Determinations.....	792222277
Criminal Charges.....	792222277
Criminal Determinations.....	792232377
Political Activity	792232377
Inclement Weather and Emergency Circumstances.....	802232378
Outside Employment.....	802232378
Gifts and Gratuities	812242479
Bulletin Boards/Solicitation & Distribution	812242479
Use of City Property.....	822252580
Dress Code	832262681
General Expectations.....	832262681
Jewelry, Piercings and Tattoos	832262681
Personal Grooming.....	842262682
Casual Fridays.....	842272782
Inappropriate Dress	842272782
Operating City Equipment	872282884
Purpose	872282884
Definitions	872282884
Applicability	872282884
Safety Belt Use and Maintenance	882292985
Distracted Driving.....	882292985
Business Use Only	892292986
Disciplinary Action	892292986

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Compensation and Performance.....	10423030101
Work Weeks and Hours of Work.....	10423030101
Overtime	10523030101
Meal/Break Periods	10523030102
Nursing Mothers	10523030102
Attendance Policy	10623131103
Performance Reviews	10723131104
Compensation Policy.....	10823232104
On Call/Call out Pay.....	10823232104
Payroll Advances	10823232105
Pay Frequency.....	10823232105
Payroll Deductions	10923232105
Employee Benefits.....	11823333114
Employee Benefits	11823333114
Group Health, Dental and Vision Insurance.....	11823333114
Life Insurance	11923333115
Supplemental Insurance.....	11923434115
Deferred Compensation Plan - 457(b).....	11923434115
Disability Insurance.....	11923434115
Retirement.....	12023434115
Employee Assistance Program	12023434116
Discounted Participation Fees and Facility Rentals.....	12023434116
Educational Assistance	12023535116

v

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19, 2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28, 2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18, 2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5, 2018April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 13, 2018

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September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26,
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2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23,
2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22,
2018February 13, 2018

Notice of Resignation.....	15124445144
Job References	15224445145
Reduction in Force	15224445145
Job Abandonment.....	15324546146
Statements of Philosophy, Mission and Vision.....	1
Statement of Our Philosophy.....	1
Statement of Our Mission and Vision.....	1
Mission Statement	1
Vision Statement.....	1
General Information.....	2
City Government.....	2
Policy Revisions & Amendments.....	2
Effective Date of Policies & Procedures.....	2
Personnel Policies.....	3
EEO Policy	3
Prohibited Conduct.....	3
Sexual or Other Unlawful Harassment.....	3
Americans with Disabilities Act Amendments Act (ADAAA).....	3
Family and Medical Leave Act (FMLA).....	4
Scope of Policy.....	4
Policy	5
At Will Policy.....	5
Immigration Law Compliance.....	6

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ii

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26,
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2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 22,
2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22,
2018February 13, 2018

Random Testing.....	12
Reasonable Suspicion.....	12
Safety Sensitive Positions.....	12
Commercial Motor Vehicle Operators.....	12
Return to Work/Fitness for Duty.....	13
Positive Test Results.....	13
Employee Assistance.....	13
Confidentiality.....	13
Consumption of Alcohol While Off Duty at City Events.....	13
Tobacco Use and Smoke Free Policy.....	14
Use of Technology Resources.....	15
Purpose and Application.....	15
Business Use Only.....	15
Ownership and Access to Technology Resources.....	15
General Guidelines for Acceptable Use.....	15
Installation and Use of Software.....	16
Discipline.....	17
Use of Personal Mobile Devices.....	17
Social Media Policy.....	18
Introduction.....	18
Applicability.....	18
No Interference with Job Duties.....	18
Use Outside of Work.....	18

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Other City Policies	18
Disciplinary Action	19
Employment Policies	20
Code of Conduct	20
Standards of Conduct	21
Employee Privacy Policy	22
Search and Inspection of City Property	22
Confidential Information	22
Duty to Report Criminal Charges/Determinations	22
Criminal Charges	22
Criminal Determinations	23
Political Activity	23
Inclement Weather and Emergency Circumstances	23
Outside Employment	23
Gifts and Gratuities	24
Bulletin Boards/Solicitation & Distribution	24
Use of City Property	25
Dress Code	26
General Expectations	26
Jewelry, Piercings and Tattoos	26
Personal Grooming	26
Casual Fridays	26
Inappropriate Dress	27

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19, 2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28, 2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18, 2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5, 2018April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 13, 2018

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2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28,
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2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 22,
2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22,
2018February 13, 2018

ii

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26,
2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19,
2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28,
2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18,
2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5,
2018April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23,
2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23,
2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22,
2018February 13, 2018

Types of Separation.....	41
Return of City Property	41
Notice of Resignation.....	41
Job References	41
Reduction in Force	41
Job Abandonment.....	42
Statements of Philosophy, Mission and Vision.....	111
Statement of Our Philosophy.....	111
Statement of Our Mission and Vision	111
Mission Statement	111
Vision Statement.....	111
General Information.....	2
City Government.....	2
Policy Revisions & Amendments.....	2
Effective Date of Policies & Procedures.....	2
Personnel Policies.....	333
EEO Policy	333
Prohibited Conduct.....	333
Sexual or Other Unlawful Harassment.....	333
Americans with Disabilities Act Amendments Act (ADAAA).....	333
Family and Medical Leave Act (FMLA).....	444
Scope of Policy.....	444
Policy	555

Formatted: Right
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<u>At Will Policy</u>	<u>555</u>
<u>Immigration Law Compliance</u>	<u>666</u>
<u>Fraternization Policy</u>	<u>666</u>
<u>Workplace Violence Policy</u>	<u>666</u>
<u>Appointments</u>	<u>888</u>
<u>Regular Appointments</u>	<u>888</u>
<u>Temporary Appointments</u>	<u>888</u>
<u>Limited Term Appointments</u>	<u>888</u>
<u>Emergency Appointments</u>	<u>888</u>
<u>Interim Appointments and Salary Adjustment Calculation</u>	<u>888</u>
<u>Probationary Period</u>	<u>888</u>
<u>Employment of Relatives</u>	<u>999</u>
<u>Promotions and Transfers</u>	<u>999</u>
<u>Promotions</u>	<u>999</u>
<u>Intra-Departmental Transfers</u>	<u>999</u>
<u>Inter-Departmental Transfers</u>	<u>101010</u>
<u>Voluntary Transfer</u>	<u>101010</u>
<u>Demotion (In Voluntary/Voluntary)</u>	<u>101010</u>
<u>Drug and Alcohol-Free Workplace Policy</u>	<u>111111</u>
<u>Policy</u>	<u>111111</u>
<u>Prohibited Conducts</u>	<u>111111</u>
<u>Prohibited Substances</u>	<u>111111</u>
<u>When Testing is Required</u>	<u>121212</u>

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19, 2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28, 2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18, 2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5, 2018April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 13, 2018

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<u>Pre-Employment.....</u>	<u>121212</u>
<u>Random Testing.....</u>	<u>121212</u>
<u>Reasonable Suspicion.....</u>	<u>121212</u>
<u>Safety Sensitive Positions.....</u>	<u>121212</u>
<u>Commercial Motor Vehicle Operators.....</u>	<u>121212</u>
<u>Return to Work/Fitness for Duty.....</u>	<u>131313</u>
<u>Positive Test Results.....</u>	<u>131313</u>
<u>Employee Assistance.....</u>	<u>131313</u>
<u>Confidentiality.....</u>	<u>131313</u>
<u>Consumption of Alcohol While Off Duty at City Events.....</u>	<u>131313</u>
<u>Tobacco Use and Smoke-Free Policy.....</u>	<u>141414</u>
<u>Use of Technology Resources.....</u>	<u>151515</u>
<u>Purpose and Application.....</u>	<u>151515</u>
<u>Business Use Only.....</u>	<u>151515</u>
<u>Ownership and Access to Technology Resources.....</u>	<u>151515</u>
<u>General Guidelines for Acceptable Use.....</u>	<u>151515</u>
<u>Installation and Use of Software.....</u>	<u>161616</u>
<u>Discipline.....</u>	<u>171717</u>
<u>Use of Personal Mobile Devices.....</u>	<u>171717</u>
<u>Social Media Policy.....</u>	<u>181818</u>
<u>Introduction.....</u>	<u>181818</u>
<u>Applicability.....</u>	<u>181818</u>
<u>No Interference with Job Duties.....</u>	<u>181818</u>

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ii

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19, 2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28, 2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18, 2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5, 2018April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 13, 2018

ii

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19, 2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28, 2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18, 2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5, 2018April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 13, 2018

Disability Insurance.....	343434
Retirement.....	343434
Employee Assistance Program	343434
Discounted Participation Fees and Facility Rentals.....	343434
Educational Assistance.....	343535
Tuition Reimbursement Program.....	353535
Eligibility Requirements for Tuition Assistance.....	353535
Paid Time Off.....	373737
Paid Holidays.....	373737
Vacation and Sick Leave	373737
Eligibility.....	373737
Use of Vacation	373737
Accrual of Vacation.....	383838
Carry Over of Vacation.....	383838
Payment for Unused, Accrued Vacation.....	383838
Use of Sick Leave.....	383838
Personal Leave.....	393939
Donation of Leave Time.....	393939
Jury, Civil, and Voting Leave.....	393939
Bereavement Leave.....	393939
Military Leave.....	393939
Medical Leave.....	404040
Personal Leave of Absence.....	404040

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19, 2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28, 2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18, 2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5, 2018April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 13, 2018

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Separations	414141
Types of Separation	414141
Return of City Property	414141
Notice of Resignation	414141
Job References	414141
Reduction in Force	414141
Job Abandonment	424242
Statements of Philosophy, Mission and Vision	12
Statement of Our Philosophy	12
Statement of Our Mission and Vision	12
Mission Statement	12
Vision Statement	12
General Information	
City Government	
Policy Revisions & Amendments	
Effective Date of Policies & Procedures	
Personnel Policies	32
EEO Policy	32
Prohibited Conduct	32
Sexual or Other Unlawful Harassment	32
Americans with Disabilities Act Amendments Act (ADAAA)	32
Family and Medical Leave Act (FMLA)	42
Scope of Policy	42

ii

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19, 2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28, 2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18, 2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5, 2018April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 13, 2018

ii

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26,
2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19,
2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28,
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2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22,
2018February 13, 2018

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26,
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2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5,
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2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23,
2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22,
2018February 13, 2018

Casual Fridays	262
Inappropriate Dress	272
Operating City Equipment	282
Purpose	282
Definitions	282
Applicability	282
Safety Belt Use and Maintenance	292
Distracted Driving	292
Business Use Only	292
Disciplinary Action	292
Compensation and Performance	302
Work Weeks and Hours of Work	302
Overtime	302
Meal/Break Periods	302
Nursing Mothers	302
Attendance Policy	302
Performance Reviews	312
Compensation Policy	322
Employee Benefits	332
Employee Benefits	332
Group Health, Dental and Vision Insurance	332
Life Insurance	332
Supplemental Insurance	342

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ii

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26,
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2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23,
2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22,
2018February 13, 2018

Personal Leave of Absence.....	402
<u>Separations</u>	<u>412</u>
<u>Types of Separation.....</u>	<u>412</u>
<u>Return of City Property</u>	<u>412</u>
<u>Notice of Resignation.....</u>	<u>412</u>
<u>Job References</u>	<u>412</u>
<u>Reduction in Force</u>	<u>412</u>
<u>Job Abandonment.....</u>	<u>422</u>
<u>Statements of Philosophy, Mission and Vision.....</u>	<u>11</u>
<u>Statement of Our Philosophy.....</u>	<u>11</u>
<u>Statement of Our Mission and Vision</u>	<u>11</u>
<u>Mission Statement</u>	<u>11</u>
<u>Vision Statement.....</u>	<u>11</u>
<u>General Information.....</u>	<u>2</u>
<u>City Government.....</u>	<u>2</u>
<u>Policy Revisions & Amendments.....</u>	<u>2</u>
<u>Effective Date of Policies & Procedures</u>	<u>2</u>
<u>Personnel Policies.....</u>	<u>33</u>
<u>EEO Policy</u>	<u>33</u>
<u>Prohibited Conduct.....</u>	<u>33</u>
<u>Sexual or Other Unlawful Harassment.....</u>	<u>33</u>
<u>Americans with Disabilities Act Amendments Act (ADAAA).....</u>	<u>33</u>
<u>Family and Medical Leave Act (FMLA).....</u>	<u>44</u>

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19, 2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28, 2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18, 2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5, 2018April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 13, 2018

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Scope of Policy.....	44
Policy.....	55
At-Will Policy.....	55
Immigration Law Compliance.....	66
Fraternization Policy.....	66
Workplace Violence Policy.....	66
Appointments.....	88
Regular Appointments.....	88
Temporary Appointments.....	88
Limited Term Appointments.....	88
Emergency Appointments.....	88
Interim Appointments and Salary Adjustment Calculation.....	88
Probationary Period.....	88
Employment of Relatives.....	99
Promotions and Transfers.....	99
Promotions.....	99
Intra-Departmental Transfers.....	99
Inter-Departmental Transfers.....	1010
Voluntary Transfer.....	1010
Demotion (In-Voluntary/Voluntary).....	1010
Drug and Alcohol Free Workplace Policy.....	1212
Policy.....	1212
Prohibited Conducts.....	1212

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19, 2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28, 2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18, 2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5, 2018April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 13, 2018

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Prohibited Substances.....	1212
When Testing is Required	1313
Pre-Employment.....	1313
Random Testing.....	1313
Reasonable Suspicion	1313
Safety Sensitive Positions	1313
Commercial Motor Vehicle Operators	1414
Return to Work/Fitness for Duty.....	1414
Positive Test Results	1414
Employee Assistance.....	1414
Confidentiality	1414
Consumption of Alcohol While Off Duty at City Events	1414
Tobacco and Smoke-Free Policy.....	1515
Use of Technology Resources.....	1616
Purpose and Application.....	1616
Business Use Only	1616
Ownership and Access to Technology Resources	1616
General Guidelines for Acceptable Use	1616
Installation and Use of Software.....	1717
Discipline.....	1818
Use of Personal Mobile Devices.....	1818
Social Media Policy.....	1920
Introduction.....	1920

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ii

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26,
2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19,
2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28,
2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18,
2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5,
2018April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23,
2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23,
2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22,
2018February 13, 2018

<u>Personal Grooming</u>	<u>2728</u>
<u>Casual Fridays</u>	<u>2728</u>
<u>Inappropriate Dress</u>	<u>2829</u>
<u>Operating City Equipment</u>	<u>2930</u>
<u>Purpose</u>	<u>2930</u>
<u>Definitions</u>	<u>2930</u>
<u>Applicability</u>	<u>2930</u>
<u>Safety Belt Use and Maintenance</u>	<u>3031</u>
<u>Distracted Driving</u>	<u>3031</u>
<u>Business Use Only</u>	<u>3031</u>
<u>Disciplinary Action</u>	<u>3031</u>
<u>Compensation and Performance</u>	<u>3132</u>
<u>Work Weeks and Hours of Work</u>	<u>3132</u>
<u>Overtime</u>	<u>3132</u>
<u>Meal/Break Periods</u>	<u>3132</u>
<u>Nursing Mothers</u>	<u>3132</u>
<u>Attendance Policy</u>	<u>3132</u>
<u>Performance Reviews</u>	<u>3233</u>
<u>Compensation Policy</u>	<u>3333</u>
<u>Employee Benefits</u>	<u>3435</u>
<u>Employee Benefits</u>	<u>3435</u>
<u>Group Health, Dental and Vision Insurance</u>	<u>3435</u>
<u>Life Insurance</u>	<u>3435</u>

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19, 2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28, 2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18, 2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5, 2018April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 13, 2018

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Supplemental Insurance.....	3536
Deferred Compensation Plan – 457(b).....	3536
Disability Insurance.....	3536
Retirement.....	3536
Employee Assistance Program	3536
Discounted Participation Fees and Facility Rentals.....	3536
Educational Assistance.....	3637
Tuition Reimbursement Program.....	3637
Conditions of Educational Reimbursement Eligibility.....	3738
Paid Time Off.....	3839
Paid Holidays.....	3839
Vacation and Sick Leave	3839
Eligibility.....	3839
Accrual of Vacation.....	3939
Use of Vacation	3940
Carry Over of Vacation.....	3940
Payment for Unused, Accrued Vacation.....	3940
Use of Sick Leave.....	4040
Personal Leave.....	4041
Donation of Leave Time.....	4041
Jury, Civil, and Voting Leave.....	4041
Bereavement Leave.....	4041
Military Leave.....	4141

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19, 2019June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18, 2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5, 2018April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 13, 2018

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ii

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26,
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2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28,
2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18,
2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5,
2018April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23,
2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23,
2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22,
2018February 13, 2018

ii

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26,
2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19,
2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28,
2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18,
2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5,
2018April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23,
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2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22,
2018February 13, 2018

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Prohibited Conducts	12
Prohibited Substances	12
When Testing is Required	13
Pre-Employment	13
Random Testing	13
Reasonable Suspicion	13
Safety Sensitive Positions	13
Commercial Motor Vehicle Operators	14
Return to Work/Fitness for Duty	14
Positive Test Results	14
Employee Assistance	14
Confidentiality	14
Consumption of Alcohol While Off Duty at City Events	14
Tobacco and Smoke-Free Policy	15
Use of Technology Resources	16
Purpose and Application	16
Business Use Only	16
Ownership and Access to Technology Resources	16
General Guidelines for Acceptable Use	16
Installation and Use of Software	17
Discipline	18
Use of Personal Mobile Devices	18
Social Media Policy	20

ii

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19, 2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28, 2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18, 2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5, 2018April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 13, 2018

<u>Jewelry, Piercings and Tattoos</u>	<u>28</u>
<u>Personal Grooming</u>	<u>28</u>
<u>Casual Fridays</u>	<u>28</u>
<u>Inappropriate Dress</u>	<u>29</u>
<u>Operating City Equipment</u>	<u>30</u>
<u>Purpose</u>	<u>30</u>
<u>Definitions</u>	<u>30</u>
<u>Applicability</u>	<u>30</u>
<u>Safety Belt Use and Maintenance</u>	<u>31</u>
<u>Distracted Driving</u>	<u>31</u>
<u>Business Use Only</u>	<u>31</u>
<u>Disciplinary Action</u>	<u>31</u>
<u>Compensation and Performance</u>	<u>32</u>
<u>Work Weeks and Hours of Work</u>	<u>32</u>
<u>Overtime</u>	<u>32</u>
<u>Meal/Break Periods</u>	<u>32</u>
<u>Nursing Mothers</u>	<u>32</u>
<u>Attendance Policy</u>	<u>32</u>
<u>Performance Reviews</u>	<u>33</u>
<u>Compensation Policy</u>	<u>33</u>
<u>Employee Benefits</u>	<u>35</u>
<u>Employee Benefits</u>	<u>35</u>
<u>Group Health, Dental and Vision Insurance</u>	<u>35</u>

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19, 2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28, 2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18, 2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5, 2018April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 13, 2018

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Military Leave.....	42
Medical Leave.....	43
Personal Leave of Absence.....	43
Separations.....	44
Types of Separation.....	44
Return of City Property.....	44
Notice of Resignation.....	44
Job References.....	44
Reduction in Force.....	44
Job Abandonment.....	45

Formatted: Right

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Formatted: Font: 9 pt, Italic, English (United States)

<i>The City of Villa Rica</i>	i
Statement of Philosophy, Mission and Vision.....	1
Statement of Our Philosophy.....	1
Statement of Our Mission and Vision.....	1
Mission Statement.....	1
Vision Statement.....	1
General Information.....	2

ii

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26,
2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19,
2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28,
2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18,
2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5,
2018April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23,
2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23,
2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22,
2018February 13, 2018

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City Government.....	2
Policy Revisions & Amendments.....	2
Effective Date Of Policies & Procedures.....	2
Personnel Policies.....	3
EEO Policy.....	3
Prohibited Conduct.....	3
Sexual or Other Unlawful Harassment.....	3
Americans with Disabilities Act Amendments Act (ADAAA).....	3
Family and Medical Leave Act (FMLA).....	4
Scope of Policy.....	4
Policy.....	5
At Will Policy.....	5
Immigration Law Compliance.....	6
Fraternization Policy.....	6
Workplace Violence Policy.....	6
Appointments.....	8
Regular Appointments.....	8
Temporary Appointments.....	8
Limited Term Appointments.....	8
Emergency Appointments.....	8
Interim Appointments and Salary Adjustment Calculation.....	8
Probationary Period.....	8
Employment of Relatives.....	9

Formatted: Right

Formatted: Font: 9 pt, Italic, Font color: Accent 1

Formatted: Font: 9 pt, Italic, English (United States)

Promotions and Transfers	9
Promotions	9
Intra-Departmental Transfers	9
Inter-Departmental Transfers	10
Voluntary Transfer	10
Demotion (In-Voluntary/Voluntary)	10
Drug and Alcohol-Free Workplace Policy	12
Policy	12
Prohibited Conducts	12
Prohibited Substances	12
When Testing is Required	13
Pre-Employment	13
Random Testing	13
Reasonable Suspicion	13
Safety Sensitive Positions	13
Commercial Motor Vehicle Operators	14
Return to Work/Fitness for Duty	14
Positive Test Results	14
Employee Assistance	14
Confidentiality	14
Consumption of Alcohol While Off Duty at City Events	14
Tobacco and Smoke-Free Policy	15
Use of Technology Resources	16

Formatted: Right

Formatted: Font: 9 pt, Italic, Font color: Accent 1

Formatted: Font: 9 pt, Italic, English (United States)

Purpose and Application.....	16
Business Use Only	16
Ownership and Access to Technology Resources	16
General Guidelines for Acceptable Use	16
Installation and Use of Software.....	17
Discipline.....	18
Use of Personal Mobile Devices	18
Social Media Policy	20
Introduction.....	20
Applicability	20
No Interference with Job Duties	20
Use Outside of Work.....	20
Other City Policies	20
Disciplinary Action	21
Employment Policies	22
Code of Conduct	22
Standards of Conduct	23
Employee Privacy Policy.....	24
Search and Inspection of City Property.....	24
Confidential Information	24
Duty to Report Criminal Charges/Determinations	24
Criminal Charges	24
Criminal Determinations	25

ii

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19, 2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28, 2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18, 2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5, 2018April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 13, 2018

<u>Meal/Break Periods.....</u>	<u>32</u>
<u>Nursing Mothers.....</u>	<u>32</u>
<u>Attendance Policy.....</u>	<u>32</u>
<u>Performance Reviews.....</u>	<u>33</u>
<u>Compensation Policy.....</u>	<u>33</u>
<u>Employee Benefits.....</u>	<u>35</u>
<u>Employee Benefits.....</u>	<u>35</u>
<u>Group Health, Dental and Vision Insurance.....</u>	<u>35</u>
<u>Life Insurance.....</u>	<u>35</u>
<u>Supplemental Insurance.....</u>	<u>36</u>
<u>Deferred Compensation Plan – 457(b).....</u>	<u>36</u>
<u>Disability Insurance.....</u>	<u>36</u>
<u>Retirement.....</u>	<u>36</u>
<u>Employee Assistance Program.....</u>	<u>36</u>
<u>Educational Assistance.....</u>	<u>36</u>
<u>Tuition Reimbursement Program.....</u>	<u>37</u>
<u>Conditions of Educational Reimbursement Eligibility.....</u>	<u>37</u>
<u>Discounted Participation Fees and Facility Rentals.....</u>	<u>39</u>
<u>Paid Time Off.....</u>	<u>40</u>
<u>Paid Holidays.....</u>	<u>40</u>
<u>Vacation and Sick Leave.....</u>	<u>40</u>
<u>Eligibility.....</u>	<u>40</u>
<u>Accrual of Vacation.....</u>	<u>40</u>

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19, 2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28, 2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18, 2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5, 2018April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 13, 2018

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Use of Vacation 41

Carry Over of Vacation 41

Payment for Unused, Accrued Vacation 41

Use of Sick Leave 41

Personal Leave 42

Donation of Leave Time 42

Jury, Civil, and Voting Leave 42

Bereavement Leave 42

Military Leave 42

Medical Leave 43

Personal Leave of Absence 43

Separations 44

Types of Separation 44

Return of City Property 44

Notice of Resignation 44

Job References 44

Reduction in Force 44

Job Abandonment 45



Statement of Our Philosophy 1

Statement of Our Mission and Vision 1

General Personnel Policies 3

<u>EEO Policy.....</u>	<u>3</u>
<u>Prohibited Conduct.....</u>	<u>3</u>
<u>Sexual or Other Unlawful Harassment.....</u>	<u>3</u>
<u>Americans with Disabilities Act Amendments Act (ADAAA).....</u>	<u>4</u>
<u>Family and Medical Leave Act (FMLA).....</u>	<u>5</u>
<u>Scope of Policy.....</u>	<u>5</u>
<u>Policy.....</u>	<u>5</u>
<u>Workers' Compensation.....</u>	<u>13</u>
<u>Immigration Law Compliance.....</u>	<u>13</u>
<u>At-Will Policy.....</u>	<u>14</u>
<u>Introduction PeriodProbationary Period.....</u>	<u>14</u>
<u>Reduction in Force.....</u>	<u>14</u>
<u>Fraternization Policy.....</u>	<u>15</u>
<u>Workplace Violence Policy.....</u>	<u>15</u>
<u>Policy.....</u>	<u>16</u>
<u>Prohibited Conducts.....</u>	<u>17</u>
<u>Prohibited Substances.....</u>	<u>17</u>
<u>Employee Assistance.....</u>	<u>19</u>
<u>Confidentiality.....</u>	<u>19</u>
<u>Consumption of Alcohol While Off Duty at City Events.....</u>	<u>19</u>
<u>Filling Vacant Positions.....</u>	<u>19</u>
<u>Recruitment for Vacant Positions.....</u>	<u>20</u>
<u>Employment Application Forms.....</u>	<u>20</u>

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19, 2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28, 2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18, 2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5, 2018April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 13, 2018

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<u>Disqualification.....</u>	<u>20</u>
<u>Selection.....</u>	<u>21</u>
<u>Appointment of Positions and Department Heads.....</u>	<u>21</u>
<u>Employment of Relatives.....</u>	<u>22</u>
<u>Approved Exceptions from Vacancy Announcements.....</u>	<u>22</u>
<u>Regular Appointments.....</u>	<u>23</u>
<u>Temporary Appointments.....</u>	<u>23</u>
<u>Limited Term Appointments.....</u>	<u>23</u>
<u>Emergency Appointments.....</u>	<u>23</u>
<u>Re-Employment (Break in Service).....</u>	<u>24</u>
<u>Use of Technology Resources.....</u>	<u>25</u>
<u>Purpose and Application.....</u>	<u>25</u>
<u>Business Use Only.....</u>	<u>25</u>
<u>Ownership and Access to Technology Resources.....</u>	<u>25</u>
<u>General Guidelines for Acceptable Use.....</u>	<u>26</u>
<u>Installation and Use of Software.....</u>	<u>27</u>
<u>Discipline.....</u>	<u>27</u>
<u>Use of Personal Mobile Devices.....</u>	<u>28</u>
<u>Applicability.....</u>	<u>28</u>
<u>No Interference with Job Duties.....</u>	<u>29</u>
<u>Use Outside of Work.....</u>	<u>29</u>
<u>Other City Policies.....</u>	<u>29</u>
<u>Disciplinary Action.....</u>	<u>29</u>

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19, 2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28, 2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18, 2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5, 2018April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 13, 2018

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Political Activity	30
Inclement Weather and Emergency Circumstances	30
Outside Employment	30
Confidential Information	31
Gifts and Gratuities	31
Use and Return of City Property	31
Dress Code	32
General Expectations	32
Non-Interference with Administration	33
Purpose	33
Deftions	33
Applicability	34
Safety Belt Use and Maintenance	34
Distracted Driving	35
Business Use Only	35
Notification of Accidents	35
Disciplinary Action	35
Emergency Procedures Policy	35
Work Weeks and Hours of Work	37
Overtime	37
Meal/Break Periods	37
Attendance Policy	37
Performance Reviews	38

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19, 2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28, 2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18, 2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5, 2018April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 13, 2018

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Formatted: Font: 9 pt, Italic, English (United States)

Compensation Policy	39
Pay Ranges	39
Pay Increases	39
On Call/Call-out Pay	39
Payroll Advances	39
Recording Your Time	39
Pay Period	40
Payroll Deductions	40
Employee Privacy Policy	41
Search and Inspection of City Property	41
Code of Conduct	41
Standards of Conduct	43
Bulletin Boards/Solicitation & Distribution	44
Duty to Report Criminal Charges/Determinations Criminal charges:	44
Employee Benefits	45
Health, Dental and Vision Insurance	45
Life Insurance	45
Supplemental Insurance	46
Deferred Compensation Plan	46
Disability Insurance	46
Retirement	46
Employee Assistance Program	46
Educational Assistance	47

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19, 2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28, 2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18, 2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5, 2018April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 13, 2018

Formatted: Right

Formatted: Font: 9 pt, Italic, Font color: Accent 1

Formatted: Font: 9 pt, Italic, English (United States)

Training Policy	47
Holidays	48
Paid Time Off	48
Purpose	48
Eligibility	49
Accrual of Vacation	49
Use of Vacation	49
Carry Over of Vacation	49
Payment for Unused, Accrued Vacation	49
Use of Sick Leave	50
Donation of Leave Time	50
Jury, Civil, and Voting Leave	50
Bereavement Leave	50
Military Leave	51
Medical Leave:	51
Personal Leave of Absence	52
Types of Separation	52
Return of City Property	52
Notice of Resignation	52
Job References	53
Reduction in Force	53
Termination Procedure for Job Abandonment	54
Complaint Procedure and Progressive Discipline	54

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19, 2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28, 2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18, 2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5, 2018April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 13, 2018

Formatted: Right

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<u>Retaliation</u>	<u>54</u>
<u>Intentionally False Claims</u>	<u>55</u>
<u>Appeal Process</u>	<u>57</u>



.....	<u>1</u>
<u>Statement of Our Philosophy</u>	<u>11</u>
<u>Statement of Our Mission and Vision</u>	<u>11</u>
<u>General Personnel Policies</u>	<u>33</u>
<u>EEO Policy</u>	<u>33</u>
<u>Prohibited Conduct</u>	<u>33</u>
<u>Sexual or Other Unlawful Harassment</u>	<u>33</u>
<u>Americans with Disabilities Act Amendments Act (ADAAA)</u>	<u>44</u>
<u>Family and Medical Leave Act (FMLA)</u>	<u>55</u>
<u>Scope of Policy</u>	<u>55</u>
<u>Policy</u>	<u>55</u>
<u>Workers' Compensation</u>	<u>1313</u>
<u>Immigration Law Compliance</u>	<u>1313</u>
<u>At-Will Policy</u>	<u>1414</u>
<u>Introduction Period</u>	<u>1414</u>

Formatted: Right

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Formatted: Font: 9 pt, Italic, English (United States)

<u>Reduction in Force</u>	<u>1414</u>
<u>Fraternization Policy</u>	<u>1515</u>
<u>Workplace Violence Policy</u>	<u>1616</u>
<u>Policy</u>	<u>1616</u>
<u>Prohibited Conducts</u>	<u>1717</u>
<u>Prohibited Substances</u>	<u>1717</u>
<u>Employee Assistance</u>	<u>1919</u>
<u>Confidentiality</u>	<u>1919</u>
<u>Consumption of Alcohol While Off Duty at City Events</u>	<u>1919</u>
<u>Recruitment and Selection</u>	<u>2020</u>
<u>Filling Vacant Positions</u>	<u>2020</u>
<u>Recruitment for Vacant Positions</u>	<u>2020</u>
<u>Employment Application Forms</u>	<u>2020</u>
<u>Disqualification</u>	<u>2121</u>
<u>Selection</u>	<u>2121</u>
<u>Appointment of Positions and Department Heads</u>	<u>2222</u>
<u>Employment of Relatives</u>	<u>2222</u>
<u>Approved Exceptions from Vacancy Announcements</u>	<u>2323</u>
<u>Types of Appointments</u>	<u>2323</u>
<u>Regular Appointments</u>	<u>2323</u>
<u>Temporary Appointments</u>	<u>2323</u>
<u>Limited Term Appointments</u>	<u>2323</u>
<u>Emergency Appointments</u>	<u>2424</u>

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19, 2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28, 2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18, 2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5, 2018April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 13, 2018

Formatted: Right

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Formatted: Font: 9 pt, Italic, English (United States)

Re-Employment (Break in Service)	2424
Use of Technology Resources	2525
Purpose and Application	2525
Business Use Only	2525
Ownership and Access to Technology Resources	2525
General Guidelines for Acceptable Use	2626
Installation and Use of Software	2727
Discipline	2727
Use of Personal Mobile Devices	2727
Applicability	2828
No Interference with Job Duties	2929
Use Outside of Work	2929
Other City Policies	2929
Disciplinary Action	2929
Political Activity	3030
Inclement Weather	3030
Outside Employment	3030
Confidential Information	3131
Gifts and Gratuities	3131
Use and Return of City Property	3131
Dress Code	3232
General Expectations	3232
Non-Interference with Administration	3333

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19, 2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28, 2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18, 2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5, 2018April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 13, 2018

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<u>Operating City Equipment</u>	<u>3333</u>
<u>Purpose</u>	<u>3333</u>
<u>Deftions</u>	<u>3333</u>
<u>Applicability</u>	<u>3434</u>
<u>Safety Belt Use and Maintenance</u>	<u>3434</u>
<u>Distracted Driving</u>	<u>3535</u>
<u>Business Use Only</u>	<u>3535</u>
<u>Notification of Accidents</u>	<u>3535</u>
<u>Disciplinary Action</u>	<u>3535</u>
<u>Emergency Procedures Policy</u>	<u>3636</u>
<u>Work Weeks and Hours of Work</u>	<u>3737</u>
<u>Overtime</u>	<u>3737</u>
<u>Meal/Break Periods</u>	<u>3737</u>
<u>Attendance Policy</u>	<u>3737</u>
<u>Performance Reviews</u>	<u>3838</u>
<u>Compensation Policy</u>	<u>3939</u>
<u>Pay Ranges</u>	<u>3939</u>
<u>Pay Increases</u>	<u>3939</u>
<u>On Call/Call out Pay</u>	<u>3939</u>
<u>Payroll Advances</u>	<u>3939</u>
<u>Recording Your Time</u>	<u>3939</u>
<u>Pay Period</u>	<u>4040</u>
<u>Payroll Deductions</u>	<u>4040</u>

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19, 2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28, 2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18, 2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5, 2018April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 13, 2018

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<u>Employee Expectations</u>	<u>4141</u>
<u>Employee Privacy Policy</u>	<u>4141</u>
<u>Search and Inspection of City Property</u>	<u>4141</u>
<u>Code of Conduct</u>	<u>4141</u>
<u>Standards of Conduct</u>	<u>4343</u>
<u>Bulletin Boards/Solicitation & Distribution</u>	<u>4444</u>
<u>Duty to Report Criminal Charges/Determinations Criminal charges:</u>	<u>4444</u>
<u>Employee Benefits</u>	<u>4545</u>
<u>Health, Dental and Vision Insurance</u>	<u>4545</u>
<u>Life Insurance</u>	<u>4545</u>
<u>Supplemental Insurance</u>	<u>4646</u>
<u>Deferred Compensation Plan</u>	<u>4646</u>
<u>Disability Insurance</u>	<u>4646</u>
<u>Retirement</u>	<u>4646</u>
<u>Employee Assistance Program</u>	<u>4646</u>
<u>Educational Assistance</u>	<u>4747</u>
<u>Training Policy</u>	<u>4747</u>
<u>Holidays</u>	<u>4848</u>
<u>Paid Time Off</u>	<u>4848</u>
<u>Purpose</u>	<u>4848</u>
<u>Eligibility</u>	<u>4949</u>
<u>Accrual of Vacation</u>	<u>4949</u>
<u>Use of Vacation</u>	<u>4949</u>

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019
 September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19, 2019
 March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28, 2018
 June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18, 2018
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 April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23, 2018
 February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 22, 2018
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ii

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19, 2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28, 2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18, 2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5, 2018April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 13, 2018



	1
<u>Statement of Our Philosophy</u>	1
<u>Statement of Our Mission and Vision</u>	1
<u>General Personnel Policies</u>	3
<u>EEO Policy</u>	3
<u>Prohibited Conduct</u>	3
<u>Sexual or Other Unlawful Harassment</u>	3
<u>Americans with Disabilities Act Amendments Act (ADAAA)</u>	4
<u>Family and Medical Leave Act (FMLA)</u>	5
<u>Scope of Policy</u>	5
<u>Policy</u>	5
<u>Workers' Compensation</u>	13
<u>Immigration Law Compliance</u>	13
<u>At Will Policy</u>	14
<u>Introduction Period</u>	14
<u>Reduction in Force</u>	14
<u>Fraternization Policy</u>	15
<u>Workplace Violence Policy</u>	16

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<u>Policy</u>	<u>16</u>
<u>Prohibited Conducts</u>	<u>17</u>
<u>Prohibited Substances</u>	<u>17</u>
<u>Employee Assistance</u>	<u>19</u>
<u>Confidentiality</u>	<u>19</u>
<u>Consumption of Alcohol While Off Duty at City Events</u>	<u>19</u>
<u>Recruitment and Selection</u>	<u>20</u>
<u>Filling Vacant Positions</u>	<u>20</u>
<u>Recruitment for Vacant Positions</u>	<u>20</u>
<u>Employment Application Forms</u>	<u>20</u>
<u>Disqualification</u>	<u>21</u>
<u>Selection</u>	<u>21</u>
<u>Appointment of Positions and Department Heads</u>	<u>22</u>
<u>Employment of Relatives</u>	<u>22</u>
<u>Approved Exceptions from Vacancy Announcements</u>	<u>23</u>
<u>Types of Appointments</u>	<u>23</u>
<u>Regular Appointments</u>	<u>23</u>
<u>Temporary Appointments</u>	<u>23</u>
<u>Limited Term Appointments</u>	<u>23</u>
<u>Emergency Appointments</u>	<u>24</u>
<u>Re-Employment (Break in Service)</u>	<u>24</u>
<u>Use of Technology Resources</u>	<u>25</u>
<u>Purpose and Application</u>	<u>25</u>

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19, 2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28, 2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18, 2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5, 2018April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 13, 2018

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<u>Business Use Only</u>	<u>25</u>
<u>Ownership and Access to Technology Resources</u>	<u>25</u>
<u>General Guidelines for Acceptable Use</u>	<u>2526</u>
<u>Installation and Use of Software</u>	<u>2527</u>
<u>Discipline</u>	<u>2527</u>
<u>Use of Personal Mobile Devices</u>	<u>2527</u>
<u>Applicability</u>	<u>2528</u>
<u>No Interference with Job Duties</u>	<u>2529</u>
<u>Use Outside of Work</u>	<u>2529</u>
<u>Other City Policies</u>	<u>2529</u>
<u>Disciplinary Action</u>	<u>2529</u>
<u>Political Activity</u>	<u>2530</u>
<u>Inclement Weather</u>	<u>2530</u>
<u>If inclement weather or other emergency circumstances require the closure of City offices, the City may grant employees paid or unpaid time off in its discretion depending on the circumstances, which shall be determined on a case-by-case basis by the City Manager. Salaried exempt employees will be paid in accordance with the Fair Labor Standards Act. Any time taken off by employees due to inclement weather or other emergency circumstances, but where City offices are not closed, is to be used as any available, accrued vacation or will be unpaid.</u>	<u>2530</u>
<u>Outside Employment</u>	<u>2530</u>
<u>Confidential Information</u>	<u>2531</u>
<u>Gifts and Gratuities</u>	<u>2531</u>
<u>Use and Return of City Property</u>	<u>2531</u>
<u>Dress Code</u>	<u>2532</u>

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<u>General Expectations</u>	<u>2532</u>
<u>Non Interference with Administration</u>	<u>2533</u>
<u>Operating City Equipment</u>	<u>2533</u>
<u>Purpose</u>	<u>2533</u>
<u>Deftions</u>	<u>2533</u>
<u>Applicability</u>	<u>2534</u>
<u>Safety Belt Use and Maintenance</u>	<u>2534</u>
<u>Distracted Driving</u>	<u>2535</u>
<u>Business Use Only</u>	<u>2535</u>
<u>Notification of Accidents</u>	<u>2535</u>
<u>Disciplinary Action</u>	<u>2535</u>
<u>Emergency Procedures Policy</u>	<u>2536</u>
<u>Compensation and Performance</u>	<u>2537</u>
<u>Work Weeks and Hours of Work</u>	<u>2537</u>
<u>Overtime</u>	<u>2537</u>
<u>Meal/Break Periods</u>	<u>2537</u>
<u>Attendance Policy</u>	<u>2537</u>
<u>Performance Reviews</u>	<u>2538</u>
<u>Compensation Policy</u>	<u>2539</u>
<u>Pay Ranges</u>	<u>2539</u>
<u>Pay Increases</u>	<u>2539</u>
<u>On Call/Call out Pay</u>	<u>2539</u>
<u>Payroll Advances</u>	<u>2539</u>

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19, 2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28, 2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18, 2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5, 2018April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 13, 2018

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Recording Your Time.....2539**Pay Period**.....2540**Payroll Deductions**2540**Chapter Seven: Employee Expectations**2541**Employee Privacy Policy**.....2541**Search and Inspection of City Property**2541**Code of Conduct**.....2541**Standards of Conduct**.....2543**Bulletin Boards/Solicitation & Distribution**2544**Duty to Report Criminal Charges/Determinations Criminal charges:**2544

An employee of the City of Villa Rica who is charged with a crime (other than a minor traffic offense and/or local ordinance violation) shall report having been charged to his or her supervisor within 3 days of becoming aware of such charge. The employee shall report the crime(s) he or she has been charged with, and provide documentation of the charges upon request. Within 3 days of receiving notice from the employee, the supervisor will contact Human Resources so a determination can be made as to what action, if any, is immediately warranted.2544

Criminal Determinations: Within 3 days of the employee receiving a disposition of the criminal charges, he or she will notify his/her supervisor and provide documentation of the disposition. Within 3 days of receiving notice from the employee, the supervisor will contact Human Resources so a determination can be made as to what action, if any, is warranted. Failure to report under this policy may result in disciplinary action, including termination of employment2544

Employee Benefits2545**Health, Dental and Vision Insurance**.....2545**Life Insurance**.....2545**Supplemental Insurance**.....2546**Deferred Compensation Plan**.....2546**Disability Insurance**2546

ii

September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19, 2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28, 2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18, 2018April 17, 2018April 17, 2018April 16, 2018April 16, 2018April 16, 2018April 15, 2018April 5, 2018April 5, 2018March 23, 2018March 23, 2018March 6, 2018February 26, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 23, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 22, 2018February 13, 2018

Retirement	2546
Employee Assistance Program	2546
Educational Assistance	2547
Training Policy	2547
Holidays	2548
Paid Time Off	2548
Purpose	2548
Eligibility	2549
Accrual of Vacation	2549
Use of Vacation	2549
Carry Over of Vacation	2549
Payment for Unused, Accrued Vacation	2549
Use of Sick Leave	2550
Donation of Leave Time	2550
Jury, Civil, and Voting Leave	2550
Bereavement Leave	2550
Military Leave	2551
Medical Leave:	2551
Once the twelve week period of FMLA leave is exhausted, and employee is unable to return to work, the employee may request to extend the medical leave for a period not to exceed an additional twelve (12) weeks. The request must be in writing and delivered to the direct supervisor and department head for review. The Department Head will make a recommendation to the City Manager for final decision. The City reserves the right to grant less than the full twelve weeks.	2551
Personal Leave of Absence	2552

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<u>Separations</u>	<u>2552</u>
<u>Types of Separation</u>	<u>2552</u>
<u>Return of City Property</u>	<u>2552</u>
<u>Notice of Resignation</u>	<u>2552</u>
<u>Job References</u>	<u>2553</u>
<u>Reduction in Force</u>	<u>2553</u>
<u>Termination Procedure for Job Abandonment</u>	<u>2554</u>
<u>Complaint Procedure and Progressive Discipline</u>	<u>2554</u>
<u>Retaliation</u>	<u>2554</u>
<u>Intentionally False Claims</u>	<u>2555</u>
<u>Appeal Process</u>	<u>2557</u>



<u>Statement of Our Philosophy</u>	<u>1111</u>
<u>Statement of Our Mission and Vision</u>	<u>1111</u>
<u>Chapter One: Equal Employment Opportunity</u>	<u>3333</u>
<u>Section 100.000 EEO Policy</u>	<u>3333</u>
<u>Section 110.000 Prohibited Conduct</u>	<u>3333</u>
<u>Section 130.000 Sexual or Other Unlawful Harassment</u>	<u>3333</u>
<u>Section 140.000 Americans with Disabilities Act, Amendments Act (ADAAA)</u>	<u>4444</u>

ii

September 26, 2019~~September 26, 2019~~September 26, 2019~~September 26, 2019~~September 26, 2019~~September 26, 2019~~September 24, 2019~~September 23, 2019~~August 28, 2019~~July 10, 2019~~June 19, 2019~~March 1, 2019~~February 28, 2019~~February 28, 2019~~July 9, 2018~~July 6, 2018~~June 28, 2018~~June 28, 2018~~June 28, 2018~~May 30, 2018~~April 19, 2018~~April 19, 2018~~April 19, 2018~~April 18, 2018~~April 17, 2018~~April 17, 2018~~April 16, 2018~~April 16, 2018~~April 16, 2018~~April 15, 2018~~April 5, 2018~~April 5, 2018~~March 23, 2018~~March 23, 2018~~March 6, 2018~~February 26, 2018~~February 23, 2018~~February 23, 2018~~February 23, 2018~~February 23, 2018~~February 23, 2018~~February 22, 2018~~February 22, 2018~~February 22, 2018~~February 22, 2018~~February 22, 2018~~February 13, 2018

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Section 150.000 Workers' Compensation	131313135	Formatted
Section 160.000 Immigration Law Compliance.....	131313135	Formatted: Right
Chapter Two: Complaint Procedure and Progressive Discipline	202020206	Formatted
Section 210.000 Retaliation	5456Error! Bookmark not defined.	Formatted: Default Paragraph Font, Check spelling and grammar
Section 230.000 Intentionally False Claims.....	202020206	Formatted
Section 240.000 Progressive Discipline	202020207	Formatted
Section 250.000 Appeal Process	202020208	Formatted
Chapter Three: Recruitment and Selection	202020209	Formatted: Default Paragraph Font, Check spelling and grammar
Section 300.000 Filling Vacant Positions	202020209	Formatted
Section 310.000 Recruitment for Vacant Positions.....	202021219	Formatted
Section 320.000 Employment Application Forms	202021219	Formatted
Section 340.000 Disqualification	2020212110	Formatted
Section 350.000 Selection.....	2121222210	Formatted
Section 360.000 Appointment of Positions and Department Heads	2222222211	Formatted
Section 370.000 Employment of Relatives.....	2222232311	Formatted
Section 380.000 Approved Exceptions from Vacancy Announcements	2222232312	Formatted
Chapter Four: Employment Policies and Procedures	2525252513	Formatted: Default Paragraph Font, Check spelling and grammar
Section 400.000 At Will Policy	2525252513	Formatted
Section 410.000 Introduction Period	2525252513	Formatted
Section 420.000 Reduction in Force.....	2525252513	Formatted
Section 430.000 Fraternalization Policy.....	2525252514	Formatted
Section 440.000 Workplace Violence Policy.....	2525252515	Formatted
Section 450.000 Drug and Alcohol Free Workplace Policy.....	2525262615	Formatted

Section 850.000 Disability Insurance	4647525243	Formatted
Section 860.000 Retirement	4647525243	Formatted: Right
Section 870.000 Employee Assistance Program	4647525243	Formatted
Section 880.000 Educational Assistance	4748535344	Formatted
Section 890.000 Training Policy	4748535344	Formatted
Chapter Nine: Types of Leave	Error! Bookmark not defined.	Formatted: Default Paragraph Font, Check spelling and grammar
Section 900.000 Holidays	4849545445	Formatted
Section 910.000 Paid Time Off	4849545445	Formatted
Section 910.100 Purpose	4849545445	Formatted
Section 910.200 Eligibility	4950545445	Formatted
Section 910.300 Accrual of Vacation	4950555546	Formatted
Section 910.400 Carry Over of Vacation	4950555546	Formatted
Section 910.600 Payment for Unused, Accrued Vacation	4950555546	Formatted
Section 910.700 Use of Vacation	4950555546	Formatted
Section 910.800 Use of Sick Leave	5051565647	Formatted
Section 910.900 Donation of Leave Time	5051565647	Formatted
Section 920.000 Jury, Civil, and Voting Leave	5051565647	Formatted
Section 930.000 Bereavement Leave	5052575748	Formatted
Section 940.000 Military Leave	5152575748	Formatted
Section 950.000 Personal Leave of Absence	5253585849	Formatted
Section 960.000 Family and Medical Leave Act (FMLA)	5253585849	Formatted
Chapter Ten: Separations	Error! Bookmark not defined.	Formatted: Default Paragraph Font, Check spelling and grammar
Section 1000.000 Types of Separation	Error! Bookmark not defined.	Formatted

The



City of Villa Rica

Statement of Philosophy, Mission and Vision

Statements of Philosophy, Mission and Vision

Statement of Our Philosophy

We believe Villa Rica deserves quality services delivered in a professional, courteous and efficient manner. We are dedicated to the excellence of services to the citizens and businesses in the City.

We recognize that people are our most valuable asset in delivering services to the citizens and businesses in the City and we believe that each employee deserves:

- A challenging, satisfying, positive, and rewarding work environment;
- Respect, recognition, and reward;
- A safe, healthy, discrimination free, and drug free work place; and
- The opportunity to pursue and achieve their personal and career goals.

Statement of Our Mission and Vision

Mission Statement

The City of Villa Rica, with its hometown charm, provides services with integrity, a skilled workforce, economic development opportunities, while ensuring fiscal responsibility in a safe environment.

Vision Statement

The City of Villa Rica, a safe, thriving, and diverse community that seeks to enhance the quality of life, preserve its historic character, while promoting well-planned growth.

Last Updated [September 26, 2019](#)[September 26, 2019](#)[September 26, 2019](#)[September 26, 2019](#)[September 26, 2019](#)[September 26, 2019](#)[September 24, 2019](#)[September 23, 2019](#)[August 28, 2019](#)[July 10, 2019](#)[June 19, 2019](#)[March 1, 2019](#)[February 28, 2019](#)[February 28, 2019](#)[July 9, 2018](#)[July 6, 2018](#)[June 28, 2018](#)[June 28, 2018](#)[June 28, 2018](#)[May 30, 2018](#)[April 19, 2018](#)[April 19, 2018](#)[April 19, 2018](#)[April 19, 2018](#)[April 18, 2018](#)[April 17, 2018](#)[April 17, 2018](#) | Page

[April 16, 2018](#)[April 16, 2018](#)[April 16, 2018](#)[April 15, 2018](#)[April 5, 2018](#)[April 5, 2018](#)[March 23, 2018](#)[March 23, 2018](#)[March 6, 2018](#)[February 26, 2018](#)[February 23, 2018](#)[February 23, 2018](#)[February 23, 2018](#)[February 23, 2018](#)[February 23, 2018](#)[February 23, 2018](#)[February 22, 2018](#)[February 22, 2018](#)[February 22, 2018](#)[February 22, 2018](#)[February 22, 2018](#)[February 22, 2018](#)[February 22, 2018](#)[February 13, 2018](#)

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General Information

CITY GOVERNMENT City Government

The City of Villa Rica operates under a council-manager form of government which includes a Mayor, five Council Members, and a City Manager. The City Council provides for the execution of all powers, functions, rights, privileges, duties and immunities of the City and its officers, agencies and employees. The City Council appoints a City Manager who is responsible for proper administration of all the affairs of the City, including the implementation and execution of the Personnel Rules, Regulations, Procedures, and Policies.

Policy Revisions & Amendments

The Director of Human Resources may make revisions to or recommend amendments to these policies, as necessary. Upon doing so, the Director of Human Resources will present the changes to the City Manager. If agreeable, final approval will be made by the City Council.

Effective Date of Policies & Procedures

Policies and Procedures will become effective upon adoption by the City of Villa Rica and will supersede and repeal the old policies. All policies or parts of policies in conflict with these policies are herewith repealed.

—through the City Manager.

The City of Villa Rica

Purpose of the Handbook

This Handbook is designed as an advisory guide to assist the City and its supervisors with the effective management of personnel. The guidelines contained in this Handbook are not binding on the City and may be changed, interpreted, modified, revoked, suspended, terminated, or added to by the City, in whole or in part, at any time, at the City's sole option, and without prior notice to employees. This Handbook is not meant to address every conceivable situation or issue that may arise in the workplace or to create specific policy to be applied in every instance. Instead, this Handbook is intended only to give supervisors general advice concerning personnel decisions. Of course, this Handbook and any practice or policy of the City will be applied consistent with all applicable laws and regulations. This Handbook revokes, replaces, and supersedes any prior Handbooks, policies, or procedures previously in place and makes ineffective any

Last Updated, September 26, 2019 September 26, 2019 September 26, 2019 September 26, 2019 September 26, 2019 September 26, 2019 September 26, 2019 September 24, 2019 September 23, 2019 August 28, 2019 July 10, 2019 June 19, 2019 March 1, 2019 February 28, 2019 February 28, 2019 July 9, 2018 July 6, 2018 June 28, 2018 June 28, 2018 June 28, 2018 May 30, 2018 April 19, 2018 April 19, 2018 April 19, 2018 April 19, 2018 April 18, 2018 April 17, 2018 April 17, 2018 | Page

2
April 16, 2018 April 16, 2018 April 16, 2018 April 15, 2018 April 5, 2018 April 5, 2018 March 23, 2018 March 23, 2018 March 6, 2018 February 26, 2018 February 23, 2018 February 23, 2018 February 23, 2018 February 23, 2018 February 23, 2018 February 23, 2018 February 22, 2018 February 22, 2018 February 22, 2018 February 22, 2018 February 22, 2018 February 13, 2018

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Chapter One: Equal Employment Opportunity General Personnel Policies

Section 100.000 — EEO Policy

The City is committed to maintaining a workplace that is free of inappropriate or unlawful conduct on the basis of race, color, religion, sex, national origin, age, disability, veteran status, genetic information, or other protected status as provided by law. In keeping with this commitment, the City prohibits the unlawful treatment of employees, including harassment, discrimination, and retaliation, by anyone, including any supervisor, coworker, contractor, subcontractor, vendor, or citizen of the City. It is the City's policy to comply with all applicable federal, state, and local laws.

Section 110.000 — Prohibited Conduct

Discrimination, harassment, retaliation, and/or improper conduct consists of misconduct that includes unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as race, color, religion, sex, national origin, age, disability, veteran status, genetic information, or any other protected group status as provided by law. This relates to all aspects of employment, including but not limited to, recruitment, hiring, placement, promotion, demotion, transfer, lay-off, recall, discipline, termination, compensation, and benefits. All such conduct is prohibited.

Section 130.000 — Sexual or Other Unlawful Harassment

Unlawful harassment can take many forms, and includes conduct based on an individual's sex as well as his or her race, color, religion, national origin, age, disability, veteran status, genetic information, or any other protected group status as provided by law. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on a protected class constitute harassment when (1) submission to the conduct is an explicit or implicit term or condition of employment; (2) submission to or rejection of the conduct is used as the basis for an employment decision; or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Inappropriate conduct may include explicit sexual propositions; sexual innuendo; suggestive comments; sexually oriented or protected-status "kidding" or "teasing;" "practical jokes;" jokes about protected-status traits; foul or obscene language or gestures; displays of foul, obscene, or offensive material and protected-status traits; sexually-related or protected-status related emails and text messages; and physical contact, such as patting, pinching, or brushing against another's body.

The City prohibits any type of sexual or other unlawful harassment. Any person who feels that he or she has witnessed or been subject to harassment is **obligated to report to** supervision and should follow the City's Complaint Procedure set forth in this Handbook.

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Section 140.000 — Americans with Disabilities Act Amendments Act (ADAAA)

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It is the City's policy to provide equal employment opportunity to applicants and employees with covered disabilities under the Americans with Disabilities Act ("ADA") or other applicable law. This policy applies to all aspects of employment and application for employment. As required by the ADA or other applicable law, the City will provide reasonable accommodations to qualified individuals with a disability in the workplace unless such accommodations present an undue hardship or if the individual is a direct threat to the health or safety of the individual or others.

A disability is defined as an impairment that substantially limits a major life activity or having a record of such an impairment or being regarded as having such an impairment. A disability has been broadly defined and has been found to include, but are not limited to:

- Alcoholism
- Eating Disorders
- Fragrance sensitivity
- Allergies
- Sleep Disorders
- Personality Disorders
- Epilepsy
- Diabetes
- Cancer
- HIV
- Learning Disabilities

An individual with a disability may request a reasonable accommodation at any time during the application process or during employment. Reasonable accommodations are changes made to the work environment or to the manner or circumstances in which the job customarily is performed that allow an individual with a disability to perform all essential job functions. The City is not required, however, to provide an accommodation if doing so would cause an undue hardship to the City or if the individual is a direct threat to the health or safety of the individual or others in the workplace.

All requests for accommodations will be addressed in connection with an interactive dialogue with the affected individual. To request an accommodation, which may include unpaid leave or modification of your working environment, an individual should complete an Accommodation Request Form ~~(which is available from City Clerk)~~ and return it to the ~~Human Resources Manager~~ Human Resources Director.

Upon receiving a request for accommodation, the City will seek an interactive process with the individual to clarify his or her needs and identify the appropriate reasonable accommodation. During this process, the City may request reasonable documentation, including medical documentation, of the individual's disability and need for a reasonable accommodation. Failure to provide required medical information or

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to otherwise participate in a meaningful way in the interactive dialogue process regarding an accommodation request may result in denial of an accommodation. Because of the personal nature of some disability issues, the City will take every reasonable effort to ensure confidentiality during the review process.

Individuals will be notified of the City's decision regarding their request for an accommodation. Any individual believing that a reasonable accommodation has not been provided should follow the City's Complaint Procedure set forth in this [Chapter Handbook](#)

~~Section 960.000150.000~~ Family and Medical Leave Act (FMLA)

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~~Section 960150.100~~ Scope of Policy

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The Family and Medical Leave Act of 1993 ("FMLA") provides unpaid, job-protected leave to eligible employees for certain family and medical reasons, without loss of health insurance benefits. The existence of this Policy shall not alter or expand the statutory requirements of the FMLA, and application of this Policy is correspondingly limited to those employers and employees who are protected based on the provisions of the FMLA.

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In addition to the information on the Notice following this Policy (identified as Employee Rights and Responsibilities), the following information is provided to explain the employee's rights and obligations when requesting a family or medical leave.

POLICY Policy

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It is the policy of The City of Villa Rica to provide eligible employees up to twelve (12) weeks of unpaid leave under the FMLA for one or more of the following reasons:

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- (1) Birth of a child and to care for the newborn child;
 - (2) Adoption or foster placement of a child with the employee;
 - (3) To care for the employee's spouse, son, daughter or parent, if that person has a serious health condition;
 - (4) -Serious health condition of employee that prevents the employee from performing the job functions; and
 - (5) (5) Any qualifying exigency arising from the fact that the employee's family member
- Last Updated September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19, 2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28, 2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18, 2018April 17, 2018April 17, 2018, | Page 6
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~~in this system, the US Department of Labor, Family and Medical Leave Act, 29 CFR 825.100~~

"Covered military member," means the employee's spouse, son, daughter, or parent on active duty or call to active duty status.

"Covered Service member" means a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty.

Health care provider means:

(1) A. The FMLA defines health care provider as:

(i) A doctor of medicine, osteopathy, or who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or

(ii) Any other person determined by the Secretary to be capable of providing health care services.

(2) B. Others "capable of providing health care services" include only:

(i) Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the State and performing within the scope of their practice as defined under State law;

(ii) Nurse practitioners, nurse midwives, clinical social workers, and physician assistants who are authorized to practice under State law and who are performing within the scope of their practice as defined under State law;

(iii) Christian Science Practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts. Where an employee or family member is receiving treatment from a Christian Science practitioner, an employee may not object to any requirement from an employer that the

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~~any other health care provider who is not a member of the provider network and who is not a provider of services to the employer's group health plan.~~

~~(iv) Any health care provider from whom an employer or the employer's group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; and~~

~~(v) A health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law.~~

~~(3) The phrase "authorized to practice in the State" as used in this section means that the provider must be authorized to diagnose and treat physical or mental health conditions.~~

~~"Intermittent leave" is FMLA leave taken in separate blocks of time due to a single qualifying reason.~~

~~"Next of Kin" of a covered service member's blood relative other than the covered service member's spouse, parent, son or daughter, in the following order of priority: blood relatives granted legal custody, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative for purposes of FMLA caregiver leave.~~

~~"Outpatient Status," with respect to a covered service member, means the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit~~

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established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

"Parent" means a biological parent or one who acted in place of a parent when the employee was a child. The term "Parent" does not include parent "in law".

"Parent of covered service member" means a biological, adoptive, step or foster parent or any other individual who acted in place of a parent of the covered service member. The term does not include parents "in law."

"Reduced Leave Schedule" is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday. A reduced leave schedule is a change in the employee's schedule for a period of time, normally from full-time to part-time.

"Serious Health Condition" means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility or continuing treatment by a health care provider.

"Serious Injury or Illness" means, an injury or illness incurred by a covered service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of the member's office, grade, rank, or rating.

"Son or daughter" means a biological, adopted or foster child, a stepchild, a legal ward, or a child for whom the employee acts as a parent. The son or daughter must be under age 18 or, if the son or daughter is age 18 or older, he/she must be incapable of self-care on a daily basis due to a mental or physical disability.

"Son or daughter of a covered service member" means a covered service member's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member acted in the place of a parent, and who is of any age.

"Spouse" means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into

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~~and could have been entered into in at least one State. This definition includes an individual in a same-sex or common-law marriage that either:~~

~~(1) Was entered into in a State that recognizes such marriages; or~~

~~(2) If entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.~~

~~"TRICARE" is the health care program serving active duty service members, National Guard and Reserve members, retirees, their families, survivors, and certain former spouses worldwide.~~

~~For requirements see Procedures Manual~~
~~PROCEDURES~~

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~~Employee Submits the "Family & Medical Leave Request Form~~

~~If the need for FMLA leave is foreseeable, an employee requesting leave must provide at least 30 days advance notice to his/her supervisor. If such advance notice is not possible, the employee must give notice to his/her supervisor as soon as practicable, ordinarily within one or two working days of learning of the need for leave. When planning medical treatment, the employee should make a reasonable effort to schedule the treatment, subject to the approval of the health care provider, so that any corresponding leave will not unduly disrupt the operations of The City of Villa Rica. Supervisors must immediately report all requests for FMLA leave to Human Resources to ensure all requests are reviewed in a timely manner. Employees must provide sufficient information for the City to reasonably determine whether the FMLA may apply to the leave request. When an employee seeks leave due to an FMLA-qualifying reason for which the City has previously provided FMLA leave, the employee must specifically reference either the previous qualifying reason for leave or the need for FMLA leave.~~

~~The City of Villa Rica will provide a "Family & Medical Leave Request Form" to employees requesting FMLA leave. The "Family & Medical Leave Request Form" should include an expected return date, if known, and bear the original signature of employee requesting leave.~~

~~For military exigency military exigency, the exigency, the City may City may require that require that a first request for leave because of a qualifying exigency arising from active duty or a call to active duty be supported by a copy of the covered service member's active duty orders or other documentation issued by the military. A certification form requesting the required information to support a request for exigency leave will be provided by the City upon request.~~

~~Supervisors should provide any employee absent due to a health condition for three or more consecutive days with a Medical Leave Packet that informs employees of their FMLA rights and responsibilities. This packet shall include detailed information regarding the City's leave policies, the "Family & Medical Leave Request Form," certification documentation to be provided to the employee's health care provider, return to work documentation and such other information as the~~

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~~Human Resources Director~~~~Human Resources Manager~~~~Human Resources Director or his/her designee~~deems appropriate.

Communicating Eligibility and Rights and Responsibilities

~~An employee~~~~An isemployee eligibleis foreligible FMLAfor leaveFMLA onlyleave ifonly~~
~~their employee~~~~the meetsemployee allmeets threeall ofthree theof followingthe~~
~~eligibility~~~~following eligibility requirements:~~

- ~~(1) Has been employed by the City for at least 12 months (which do not have to be consecutive) prior to the date of leave*;~~
- ~~(2) Has worked at least 1,250 hours during the 12 months immediately before the date FMLA leave begins; and~~
- ~~(3) Is employed at a worksite within 75 miles of which the City employs at least 50 people.~~

~~*The City need not count employment prior to a break in service of seven years or more unless there was a written agreement between the employer and employee or the break in service was due to fulfillment of military service in the National Guard or Reserves.~~

~~Under normal~~~~Under normal circumstances~~~~normal, the~~~~circumstances, the Human Resources Director Manager or his/her designee will notify the employee of eligibility within 5 business days of the request for FMLA leave utilizing the WH 381 form promulgated by the United States Department of Labor or a similar form approved by the Human Resources Director~~~~Human Resources Manager~~~~Human Resources Director. If the employee is ineligible for FMLA leave, the City will inform the employee of at least one reason why he/she is ineligible for FMLA leave (e.g., the employee has not been employed for 12 months).~~

~~The City's response to the employee's FMLA leave request will establish whether the employee is eligible for FMLA leave and notify the employee of his or her rights and responsibilities under the FMLA.~~

Certification

~~Upon determination~~~~Upon determination that the~~~~that employeethe employee is eligible for~~
~~FMLA leave consideration, the Human Resources Department will provide the employee with~~
~~one of the following certification forms promulgated by the United States Department of Labor,~~
~~or a comparable form approved by the Human Resources Director~~~~Human Resources~~
~~Manager~~~~Human Resources Director, along with the Notice of Eligibility and Rights &~~

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~~or Invitational Travel Authorization (Authorization (ITA) issued to any member of the covered service member's family;~~

~~An authorized health care provider is a:~~

- ~~(1) United States Department of Defense ("DOD") health care provider;~~
- ~~(2) United States Department of Veterans Affairs ("VA") health care provider;~~
- ~~(3) DOD TRICARE network authorized private health care provider;~~
- ~~(4) DOD non network TRICARE authorized private health care provider; or~~
- ~~(5) Non military affiliated health care provider;~~

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~~(1) United States Department of Defense ("DOD") health care provider;~~

~~(2) United States Department of Veterans Affairs ("VA") health care provider;~~

~~(23) DOD TRICARE network authorized private health care provider;~~

~~(4) DOD non network TRICARE authorized private health care provider; or~~

~~(5) Non military affiliated health care provider;~~

~~An employer may request a second or third opinion of a current service member's serious injury or illness only when a certification is provided by a non military affiliated health care provider.~~

Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave

~~The City may require that leave to care forthatthat leave to care for a veteran be supported byv a certificationa certification completed by anby an authorized healthauthorized health care provider. An employee may submit a copy of a VASRD rating determination or enrollment documentation from the VA Program of Comprehensiveof AssistanceComprehensive forAssistance Familyfor CaregiversFamily toCaregivers certifyto thatcertify that the veteran has a serious injury or illness. This documentation is sufficient regardless of whether the employee is the Named caregiver. However, if the employee submits such documents, the employee may still~~

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be required to provide confirmation of family relationship and documentation of discharge date and status for a complete certification

An authorized health care provider is a

- (1) United States Department of Defense ("DOD") health care provider;
- (2) United States Department of Veterans Affairs ("VA") health care provider;
- (3) DOD TRICARE network authorized private health care provider;
- (4) DOD non-network TRICARE authorized private health care provider; or
- (5) Non-military affiliated health care provider.

The City may request a second and third opinion of a covered veteran's serious injury or illness only when a certification is provided by a non-military affiliated health care provider.

Clarification

If an employee submits a complete and sufficient certification form signed by a health care provider, no additional request for information from the health care provider will be made by the City. However, the City may contact the health care provider for purposes of clarification and authentication of the medical certification. Authentication means providing the health care provider with a copy of the certification and requesting verification that the information contained on the certification form was completed and/or authorized by the health care provider who signed the document. Clarification means contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of a response. The City shall not ask the health care provider for additional information beyond that contained on the medical certification form.

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Designation

Within five days of receipt of all requested information, the Human Resources Director/Human Resources Manager/Human Resources Director, or his/her designee will mail a cover letter and Designation Notice form (WH 382) to notify the employee whether his or her FMLA request has been approved or denied. The cover letter will address specific information related to the need for leave or benefit changes.

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In some circumstances, the Designation Notice may be provided contemporaneously with the Notice of Eligibility and Rights & Responsibilities (WH 381) form when adequate information has been

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~~obtained regarding both the employee's eligibility for FMLA leave and the absence's qualification for FMLA leave.~~

~~Effect on Leave~~

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~~Employees who are granted FMLA leave will be required to use accrued leave balances concurrently with the FMLA leave. Additionally, any workers' compensation leave that qualifies as a FMLA event will run concurrently with the FMLA leave.~~

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~~Missed Deadlines~~

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~~If the City does not designate FMLA leave within the applicable timeframe as required by 29 C.F.R. §~~

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~~925.300(d), the leave may be retroactively designated as FMLA leave with appropriate notice to the employee,;~~

~~provider, however, that the failure to timely designate leave does not cause harm or injury to the employee. In all cases deadlines missed by the City, where leave would qualify for FMLA protections the leave will be retroactively designated as FMLA leave. In such cases, the employee~~

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will be provided the same leave benefits and job guarantees he or she should receive under the FMLA.

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Recertification

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In most cases, the City will request recertification no more often than every 30 days, unless:

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(1) the medical certification indicates that the minimum duration of the condition is more than 30 days; or

(2) the employee requests an extension of leave that has been certified to have a duration of less than 30 days; or

(3) circumstances described by the previous certification have changed significantly (e.g., the duration or frequency of the absence, the nature or severity of the illness, complications); or

(4) the City receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification.

Section 1560.000, Workers' Compensation

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All employees are covered under the provisions of the Workers' Compensation Act. This act provides protection of the employee in the event of injury or death arising out of and in the course of performing work for the City. It is designed to pay medical expense for an on-the-job injury or illness and pay a portion of the employee's lost wages. If you are involved in an accident during any time you are earning wages from the City, you are to immediately notify your supervisor. A First Report of Injury form must be completed, and returned to the Human Resources Manager/Human Resources Director for processing. If medical attention is necessary, you must seek treatment from a physician listed on the "Panel of Physician's," which is posted in your department. In the case of

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~~an integrated information management system, computerized in the State Computerized Information System, with the~~

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Section 1670.000 — Immigration Law Compliance

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The City employs only United States citizens and those non-U.S. citizens authorized to work in the United States in compliance with all applicable federal and state laws.

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In addition, in accordance with state law, the City utilizes E-Verify to verify the work eligibility of its employees. E-Verify is an Internet-based system operated by Department of Homeland Security in partnership with Social Security Administration that allows participating employers to electronically verify the employment eligibility of their newly hired employees. E-Verify works by electronically comparing the information on an employee's Form I-9 with SSA and DHS records to verify the identity and employment eligibility of each newly hired employee.

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As mandated by E-Verify and state law, the City displays its E-Verify identification number and registration date on the City's official website, and also displays both the English and Spanish Notices of E-Verify Participation and the Right to Work Posters at City Hall.

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Chapter Two: Employment Policies and Procedures

Section 400.000 — At-Will Policy

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Employment with the City is voluntary and at-will, meaning that the relationship between the City and all of its employees is subject to termination by the employee or the City at-will is as defined in O.C.G.A. § 34-7-1, as with or without cause, and with or without notice, at any time at the option of the City or the employee. 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 any employee of the City.

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This policy of employment-at-will may not be modified by any officer or employee and shall not be

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modified in any publication or document. The only exception to this policy is a written employment agreement approved at the discretion of the City Council. This Handbook is not intended to be and shall not be construed as creating a contract of employment of any kind.

Immigration Law Compliance

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The City employs only United States citizens and those non-U.S. citizens authorized to work in the United States in compliance with all applicable federal and state laws.

In addition, in accordance with state law, the City utilizes E-Verify to verify the work eligibility of its employees. E-Verify is an Internet-based system operated by Department of Homeland Security in partnership with Social Security Administration that allows participating employers to electronically verify the employment eligibility of their newly hired employees. E-Verify works by electronically comparing the information on an employee's Form I-9 with SSA and DHS records to verify the identity and employment eligibility of each newly hired employee.

As mandated by E-Verify and state law, the City displays its E-Verify identification number and registration date on the City's official website, and also displays both the English and Spanish Notices of E-Verify Participation and the Right to Work Posters at City Hall.

Section 410.000 — Introduction Probationary Period

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~~All new employees hired by the City will serve an introduction period Probationary Period for the first 180 days of employment. This introduction period Probationary Period is intended, primarily, to allow the City and employee to determine whether the employee is able to adequately perform in the assigned job position and whether the position is a good fit for the employee. This policy also applies to an employee who has been promoted to a higher level higher level position or transferred to a different position, regardless of pay grade level. At the end of the introduction period Probationary Period, an employee's performance will be reviewed and a decision made regarding his or her continued employment or whether any extended introduction period Probationary Period is needed. If additional time is needed to evaluate an employee in a position, a Department Head may request an extension of the employee's introduction period Probationary Period, which may be allowed upon approval by the City Manager.~~

Section 420.000 — Reduction in Force

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~~A lay off or reduction in force is an involuntary separation of an employee from employment with the City, which has been made necessary due to shortage of funds or work, the elimination of the~~

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~~employee's job position, duties, organizational position, department, or other reasons which are not under the employee's control.~~

~~When a reduction in force becomes necessary, the City Manager shall confer with other appropriate officials to ensure that the reduction is carried out appropriately and orderly. The following guidelines and procedures shall apply to any reduction in force:~~

~~The City Manager, upon direction by the Mayor and City Council, will determine the number of positions to be affected in each department.~~

~~The City Manager will prepare a list of all employee(s) within each department. The list should identify each employee's name along with his or her date of hire with the City, current status (e.g., regular, probationary period, temporary, part time, full time, etc.), job title, and exempt/non-exempt status.~~

~~The City Manager will provide each department's list to the appropriate Department Head with instructions to select the required number of employees for layoff or reduction. Each Department Head will then review the list and any other information he or she deems relevant, and identify the required number of employees for layoff or reduction. Such layoff or reduction decisions may be based on any and all factors deemed relevant to the Department Head, and may include, but are not limited to, the following: consideration of the value of employees to the City in terms of meeting operating requirements, the qualifications and performance of individuals, performance appraisal history, job criticality, any information contained in each employee's personnel file, information and/or recommendations received from the City Manager or other sources, and length of employment with the City.~~

~~Each Department Head will meet with the City Manager and provide him or her with the names of the employees selected for layoff and reduction and the reasons for their selection. The City Manager will review and evaluate the Department Head's selections and reasons. The City Manager may accept, reject, or modify the selections recommended by the Department Head. All selections must be approved by the City Manager in order for the layoff or reduction to occur. The City Manager's decision may be based on any and all factors deemed relevant to the City Manager, including all of the factors set forth above regarding the Department Head's decision.~~

~~Generally, non regular status employees within a particular classification, and those in emergency and temporary positions, should be the first to be separated, unless circumstances require otherwise.~~

~~If a regular status employee is scheduled to be separated and there is a vacancy in a lower classification, the employee will have the opportunity to apply for the vacancy and be considered to demote into the lower classification if he or she is qualified to fill the position and is otherwise in good standing with the City. The determination of qualifications and good standing shall be made by the City Manager.~~

~~The Mayor and City Council retain final authority over all reallocations, reorganizations, and reductions in force or other changes in human resource matters within the City. Any lay off or reduction in force shall be conducted in accordance with applicable federal and state law.~~

Section 430.000 — Fraternalization Policy

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properly concealed in a glove box, trunk, or other enclosed compartment within the vehicle. Firearms, weapons, or any other dangerous devices may not be stored or concealed in City vehicles.

All employees are responsible for refraining from making threats; engaging in threatening behavior, acts of violence, or related disruptive conduct; and for seeking assistance to resolve personal issues that may lead to acts of violence in the workplace. If you feel that you have experienced or witnessed conduct that is prohibited under this policy, you are to follow the City's Complaint Procedure set forth in this Handbook.

Safety Policy

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This City is committed to a strong safety program that protects its staff, its property and the public from accidents. Employees at every level, including management, are responsible and accountable for the company's overall safety initiatives.

All employees are responsible for maintaining a safe working environment for their City employees as and customer safety. Employees and supervisors will regularly review all safety manuals that are applicable for their job duties and adhere to them at all times. If the job duties require the use of Personal Protective Equipment (PPE), employees will utilize all PPE equipment for the duration of the job duties assigned. Employees will be subject to discipline, up to and including termination from employment, for violating this policy.

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Supervisors will be held accountable for the health and safety of workers under their supervision and are required to report any safety policy violations.

Supervisors are responsible to ensure that machinery and equipment are safe and that workers work in compliance with established safe work practices and procedures. Workers must receive adequate training in their specific work tasks to protect their health and safety.

Employees will be subject to discipline, up to and including termination from employment, for violating this policy.

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Appointments

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Types of Appointments

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Regular Appointments

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Regular appointments to full and part-time positions shall occur after the recruitment process has been completed. Regular appointments are for no specified term limit. Full-time appointments require a work commitment of 30 or more hours per week and are eligible for employer sponsored benefits. Part-time appointments will have a work commitment of 29 or fewer hours per week and are not eligible for employer sponsored group benefits, but are eligible for holiday pay after the procedures outlined in Chapter Two have been completed. All employees appointed under this method shall serve on a 180-day probationary period, as described in this Handbook.

Temporary Appointments

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Temporary appointments may be made for special project(s) or other work of a temporary nature. The services to be rendered by an appointee for a temporary period are not to exceed six (6) months in any twelve-month period. The Department Head will consult with the Human Resources Director to assure budgetary compliance. Temporary appointments are subject to the approval of the City Manager. Temporary employees are ineligible for benefits and privileges provided to regular status employees.

Limited Term Appointments

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Vacancies created by a leave of absence without pay may be filled by limited term appointment. The normal selection procedures will be followed in order to fill the position under a limited term appointment. A person holding a limited term appointment may be terminated when the person replaced returns to the position. Transfer from limited term to regular appointment may be made if the person being replaced fails to return on the termination of leave. Employees holding limited term appointments shall be eligible for holiday pay only. No other rights or privileges shall be granted to these employees.

Emergency Appointments

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When an emergency involving serious impairment of the public business makes it impossible to fill a vacant position through the competitive process, the Department Head subject to the approval of the City Manager, may appoint any qualified person to such a position on a temporary basis in order to continue public business and prevent serious inconvenience to the public. Any such person shall be employed only during such emergency and for a period not to exceed ninety (90) days, during which the normal selection procedures will be followed in order to fill the position under a regular appointment.

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the City Manager determines it is necessary because of the lack of qualified applicants for such position. No family member of any elected or appointed official of the City shall be hired into a position that violates the above policy for the duration of that elected or appointed official's term of office.

No person related within the second degree by affinity or consanguinity to the Mayor, any member of the City Council, or any employee appointed by the Mayor or City Council shall be appointed or selected to any office, position, clerkship, or other position of employment or service with the City. This prohibition shall not apply, however, to any person who has been continuously employed by the City for a period of two years prior to the election of the Mayor or Councilperson or appointment of any employee by the Mayor and City Council. In addition, the City Manager shall not approve the appointment to any supervisor's work group any person who is related within the second degree by affinity or consanguinity to that supervisor, nor shall the appointment of any member of the immediate family of any Department Head be approved unless the City Manager determines it is necessary because of the lack of qualified applicants for such position. No family member of any elected or appointed official of the City shall be hired into a position that violates the above policy for the duration of that elected or appointed official's term of office.

TransfersPromotions and Transfers

approved positions while engaging in recruitment and selection practices that are in compliance with all applicable employment laws. It is the policy of the City to provide equal employment opportunity to all applicants and employees. All transfers, promotions, demotions are subject to a 180 day (six month) probationary period.

The City of Villa Rica is committed to employ, in its best judgment, the best qualified candidates for approved positions while engaging in recruitment and selection practices that are in compliance with all applicable employment laws. It is the policy of the City to provide equal employment opportunity to all applicants and employees. All transfers, promotions, demotions are subject to a 180 day (six month) probationary period.

The appropriate authorization (Position Control Form) is required to initiate any action for an open position including any recruitment efforts, advertising, and/or interviewing for both internal and external recruitment and selection processes.

Promotions

Vacancies in higher positions; in the City service are filled when possible by promotion from lower classes. No consideration shall be given to political or partisan endorsement for promotions; only merit and fitness for promotion shall be considered.

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Intra-Departmental Transfers

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The appropriate ~~Department Director~~ Department Head may, at any time, transfer an employee in the classified service under his/her jurisdiction from one position to another in the same class in the same department. An intra-departmental transfer of an employee to a position of another class is made only with the approval of the Human Resources Director and only between classes within the same pay range. The Human Resources Director must be notified of such changes in assignment.

Inter-Departmental Transfers

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Employees who have completed the six (6) months probationary period of service in the position they currently hold may apply for an inter-departmental transfer to a higher pay grade. Sworn Police and Certified Fire Fighters may apply for inter-departmental transfers upon completing two years of service in those departments are subject to departmental policies and procedures.

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A transfer of an employee from one department to another must have the approval of both ~~Department Director~~ Department Heads concerned and the Human Resources Director. The employee will be transferred at a time agreed upon by the two ~~Department Director~~ Department Heads; however, the transfer will take place no later than four (4) weeks after the employee is selected to fill the position. When an employee who transfers to another general services department, they probation period will start over from the date of transfer and may not request to transfer again until they have completed one year of service in that department. Employees who transfer into the Fire Department or Police Department as sworn personnel must complete two years of service in that department before being eligible to request another transfer.

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Voluntary Transfer

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approval of his/her ~~Department Director~~ Department Head, the ~~Department Director~~ Department Head of the department in which the vacancy exists, and the Human Resources Director. The Human Resources Director determines whether the employee is qualified to perform the duties and responsibilities of the lower class of positions. An employee who is so transferred to a lower paid position will be considered as a voluntary demotion (Revised 8-14-02).

An employee may be transferred at his/her own request to a vacant position in a lower class, subject to the approval of his/her ~~Department Director~~ Department Head, the ~~Department Director~~ Department Head of the department in which the vacancy exists, and the Human Resources Director. The Human Resources Director determines whether the employee is qualified to perform the duties and responsibilities of the

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lower class of positions. An employee who is so transferred to a lower paid position will be considered as a voluntary demotion (Revised 8-14-02).

Demotion (In-Voluntary/Voluntary)

An employee may be reduced to a lower-class position under three (3) conditions:

- poor job performance,
- as disciplinary action, or
- Voluntary request by the employee.

When an employee is demoted his/her pay will be reduced accordingly based on the circumstances of the in-voluntary or voluntary demotion.

Demotions as a result of poor job performance or disciplinary actions will result in the loss of pay (hourly difference) received at the time the promotion. No adjustment will be made based on merit increases received during the period of time the employee served in the promoted position.

Voluntary demotions will result in a be reduction ofed no less than a minimum of 4% of their current rate or to the top pay for the new position, whichever is greater. The employee will not be subject to a rate increase until such time as other tenured employees have the opportunity to catch up with the demoted employee's rate of pay.

All transfers, promotions, demotions are subject to a 180 day (six month) probationary period.

INTRA-DEPARTMENTAL TRANSFERS

The appropriate Department Director may, at any time, transfer an employee in the classified service under his/her jurisdiction from one position to another in the same class in the same department. An intra departmental transfer of an employee to a position of another class is made only with the approval of the Human Resources Director and only between classes within the same pay range. The Human Resources Director must be notified of such changes in assignment.

INTER-DEPARTMENTAL TRANSFERS

Employees who have completed three (3) months of service (Revised: 08-09-05) in the position they currently hold may apply for an inter departmental transfer to a higher pay grade. Sworn Police and Certified Fire Fighters may apply for inter departmental transfers upon completing two years of service in those departments are subject to departmental policies and procedures.

A transfer of an employee from one department to another must have the approval of both Department Directors concerned and the Human Resources Director. The employee will be

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Employees who transfer to another general services department, probationary period will start over from the date of transfer and the employee may not request to transfer again until they have completed one year of service in that department.

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VOLUNTARY TRANSFER

An employee may be transferred at his/her own request to a vacant position in a lower class, subject to the approval of his/her Department Director, the Department Director of the department in which the vacancy exists, and the Human Resources Director. The Human Resources Director determines whether the employee is qualified to perform the duties and responsibilities of the lower class of positions. An employee who is so transferred to a lower paid position will be considered as a voluntary demotion (Revised 8, 14, 02).

DEMOTION (IN VOLUNTARY/VOLUNTARY)

An employee may be reduced to a lower class position under three (3) conditions:

- poor job performance,
- as disciplinary action, or
- Voluntary request by the employee.

When an employee is demoted his/her pay will be reduced accordingly based on the circumstances of the in voluntary or voluntary demotion.

Demotions as a result of poor job performance or disciplinary actions will result in the loss of pay (hourly difference) received at the time the promotion. No adjustment will be made based on merit increases received during the period of time the employee served in the promoted position.

Voluntary demotions will be reduced no less than a minimum of 4% or to the top pay for the position, whichever is greater. The employee will not be subject to a rate increase until such time as other tenured employees have the opportunity to catch up with the demoted employee's rate of pay.

Employees pay will also be subject to the loss of incentive pay awarded as a result of the promotion unless the certification is justified in writing by the Department Director and approved by the Human Resources Director and City Manager to continue in the demoted position.

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

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1. Use, possession, sale, purchase, trade, ~~for~~ offer to purchase, sell, or trade drugs, alcohol, or any otherwise legal, but illicitly used, substance on or in City property or at any time while an employee is on duty or performing any work for the City.
2. Hindering, obstructing, or refusing to cooperate or participate in any investigation involving suspected violations of this policy. This includes, but is not limited to, providing false, misleading, or incomplete information in response to any inquiry from a supervisor related to a suspected violation of this policy. It also includes refusing to undergo a lawfully required drug or alcohol test(s).
3. Hindering, delaying, or obstructing a lawfully required drug or alcohol test(s), including but not limited to, tampering with a sample or interfering in any way with the chain of custody.
4. Reporting to work or engaging in any work activity whatsoever on behalf of the City under the influence of drugs, alcohol, or an otherwise legal, but illicitly used, substance.
5. Abusing or misusing prescription drugs or over the counter medication or misusing other products, such as inhaling or sniffing products like adhesives and aerosols. This includes, but is not limited to, the use, possession, sale or solicitation for the purpose of purchase or sale any prescription medication for which the employee lacks a valid prescription. However, nothing in this policy precludes the appropriate use of legally prescribed medications.

Section 450.300 — Prohibited Substances

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

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Section 450.400 — When Testing is Required

1 — Pre-Employment

All individuals who are offered employment by the City are required to undergo testing for the presence of drugs and alcohol as a condition of employment. The City will test such employees for the presence of alcohol and drugs listed in O.C.G.A. § 34-9-411 using urinalysis or hair samples. If the results

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of such tests indicate the presence of illegal drugs or alcohol in the applicant, the City may deny employment to the applicant.

Random Testing:

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Employees holding a safety sensitive position may be subject to unannounced testing for the presence of drugs or alcohol based on random selection and conducted by urinalysis or hair samples. To ensure that the selection process is random, employees covered by this policy will be placed in a common pool and employee names will be drawn from the pool of all names. Refusal to submit to a random drug screening within 24 hours of notification will result in disciplinary action up to and including termination of employment.

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Reasonable Suspicion

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The City may require an employee to submit to testing for presence of drugs or alcohol when there is reasonable suspicion to believe the employee is under the influence of drugs, alcohol, or an otherwise legal but illicitly used substance or controlled substance, or when the City is required by law, regulation, or contract. Such testing may be conducted by urinalysis or hair samples. Circumstances that may cause reasonable suspicion may include, but are not limited to:

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1. a) Observed use of drugs or alcohol;
2. b) Personal observation of the employee's job performance, appearance, behavior, speech, or odor creating reasonable suspicion that the employee has used drugs or alcohol in violation of this policy or is impaired by drugs or alcohol;
3. c) The observance of drugs, drug paraphernalia, alcohol, or containers indicating the presence of drugs or alcohol in an area where the employee had primary control or access, including but not limited to, desks, lockers, equipment, machines or vehicles;
4. d) Involvement in accidents, including motor vehicle accidents, or other actions that provide reasonable suspicion to believe the employee may be under the influence of drugs or alcohol; or
5. e) Facts indicating that the employee diluted, tainted, tampered or interfered with any breath, blood or urine sample, or any test(s) required under this policy, or that the employee attempted to do the same.

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Safety Sensitive Positions:

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For purposes of this policy, safety sensitive positions include, but are not limited to, law enforcement officers, firefighters, emergency medical technicians and paramedics, drivers of City vehicles that carry passengers, and wastewater and sewage treatment plant, as well as water plant employees. Additional

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positions may be regarded as safety sensitive positions subject to the provisions of the policy in the discretion of the City with or without notice.

Commercial Motor Vehicle Operators:

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

Return to Work/Fitness for Duty:

care, t- The employee may be subject to testing. After an employee has been away from work (in excess of two (2) weeks for an extended period of time, and has been under ~~usually~~ under a physician's care, t- The employee may be subject to testing.

Positive Test Results

The first positive drug test for an employee will result in a retest and offering an appointment with our Employee Assistance Program (EAP) provider will be recommended. After a second positive result within six (6) months, will result in further disciplinary action will be taken, up to and including termination.

Nicotine Use Policy/Tabacco and Smoke Free

PURPOSE

The City recognizes that smoking and/or the use of nicotine products (including smokeless) can adversely affect the health of City employees, their families and those who are subject to secondhand smoke. This policy is intended, therefore, to help create a safe and healthy work environment for all employees and citizens.

POLICY

It is the policy of the City of Villa Rica to comply with all applicable regulations regarding smoking in the work place and to provide a tobacco and smoke free work environment within all City owned buildings, facilities and vehicles to promote the well being of City employees, citizens and those who do business with the City. Smoking and/or the use of nicotine products (including smokeless) is prohibited at all City buildings (inside and outside), at city sponsored events, in City owned vehicles and equipment, and on all City property including sidewalks, parking lots and parks.

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Tobacco use is defined as the use of tobacco leaves that may be smoked (in cigarettes, cigars and pipes), applied to gums (as dipping and chewing tobacco), or inhaled (as snuff). The use of vaporizers is also prohibited.

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City department directors and supervisors are expected to strictly enforce the no smoking/no tobacco policy in all City buildings, facilities, vehicles and equipment. Note: Smoking Areas may be designated by each operating department.

Employees who violate this policy will be subject to disciplinary action, up to and including termination.

The City imposes a surcharge to health insurance premiums for employees who utilize tobacco/nicotine products.

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Section 450.500 — Employee Assistance

The City will attempt to assist employees who voluntarily report substance abuse problems prior to a positive test in finding effective treatment. For more detailed information regarding providers of employee assistance, including drug and alcohol abuse, mental health providers, and other persons, entities, or organizations available to assist employees with personal or behavioral problems, any employee may contact the Human Resources Manager/Human Resources Director. The City maintains a resource file of such providers, which will be available upon request to the Human Resources Manager/Human Resources Director.

Section 450.600 — Confidentiality

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All reports of test results for drug and alcohol, searches, or any employee referral, or participation in an assistance program will be treated as confidential. Any unlawful or unauthorized access to or disclosure of such information by an employee is prohibited and may subject the employee to disciplinary action, up to and including termination of employment. The confidentiality of such information shall not apply to any use by or communication to the City Attorney, or where the information is relevant to the City's defense in an administrative or legal action. Such information may also be disclosed to the extent required by any federal, state or local law, statute, ordinance, or regulation.

Section 450.700 — Consumption of Alcohol While Off Duty at City Events

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

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Toabacco Use and Smoke--Free Policy

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PURPOSE

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The City recognizes that smoking and/or the use of nicotine products (including smokeless tobacco) can adversely affect the health of City employees, their families and those who are subject to secondhand smoke. This policy is intended, therefore, to help create a safe and healthy work environment for all employees and citizens.

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It is the policy of the City of Villa Rica to comply with all applicable regulations regarding smoking in the work place and to provide a tobacco and smoke-free work environment within all City owned buildings, facilities and vehicles to promote the well-being of City employees, citizens and those who do business with the City. Smoking and/or the use of nicotine products (including smokeless) is prohibited at all City buildings (inside and outside), at city sponsored events, in City-owned vehicles and equipment, and on all City property including sidewalks, parking lots and parks.

Tobacco use is defined as the use of tobacco leaves that may be smoked (in cigarettes, cigars and pipes), applied to gums (as dipping and chewing tobacco), or inhaled (as snuff). The use of vaporizers is also prohibited.

City department director/Department Heads and supervisors are expected to strictly enforce the no-smoking/no tobacco policy in all City buildings, facilities, vehicles and equipment. Note: Smoking Areas may be designated by each operating department.

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Employees who violate this policy will be subject to disciplinary action, up to and including termination.

The City imposes a surcharge to health insurance premiums for employees who utilize nicotine products.

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Chapter Two: Complaint Procedure and Progressive Discipline

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~~Human Resources Manager, you are to file your complaint directly with the City Manager.~~

~~Section 210.000 — Review of Complaint~~

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~~The City will undertake an objective and appropriate review of any complaint, and expects all employees to fully cooperate with internal investigations that may be conducted by the City. To the extent practicable and appropriate, the City will keep any complaint and the terms of its resolution confidential. The City will take corrective action as deemed appropriate, including such discipline up to and including termination of employment. The City will undertake corrective action to stop inappropriate conduct before it rises to the level of an unlawful action. You will be notified about the outcome of your complaint. If you have any questions about the status of your complaint at any time, you should contact the Human Resources Manager at the above telephone number and address.~~

~~Each employee also should be aware that he or she has the right to file a charge of discrimination with the Equal Employment Opportunity Commission (EEOC) or other state agency as provided by law. According to the EEOC, the deadline for filing~~

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any such charges unless from the state of law, and no action from the date that the complaint is resolved.

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Section 220.000 — Intentionally False Claims

The City recognizes that intentional or malicious false accusations of misconduct can have a serious effect on innocent men and women. Individuals making such false accusations of misconduct will be disciplined in accordance with the nature and extent of his or her false accusation. The City encourages any employee to raise questions he or she may have regarding misconduct or this Policy with the Human Resources Manager.

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Section 230.000 — Retaliation

The City prohibits unlawful retaliation against anyone who has made a complaint or provides information related to a complaint under this policy. Any employee who feels that he or she has experienced or witnessed retaliation should immediately notify the City by using this Complaint Procedure.

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Section 240.000 — Progressive Discipline

The Progressive Discipline process is designed to be constructive and corrective and to promote employee success. It gives employees the information necessary to understand what aspect of work performance, attendance and/or behavior is unacceptable, identifies the improvements that are expected, and

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~~It is the responsibility of the employee to adhere to the expectations outlined by the supervisor and to adhere to the standards of conduct. It is recommended that employees whose performance or~~

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~~Behavior is unsatisfactory, be provided an opportunity to go through the progressive discipline process.~~

~~However, there are circumstances that warrant immediate termination. In addition, there is no required number of instances that a supervisor must warn or reprimand an employee before termination is warranted.~~

Progressive Discipline Steps

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~~When an employee's performance or behavior is unsatisfactory, a progressive process is strongly advised. The steps involved in the process may include verbal discussion, written warning, suspension without pay, and termination. It is required that department management document all steps of the corrective discipline process as they occur. Including warnings and ramifications if the unacceptable performance and/or behavior are not corrected.~~

~~In each step, department management is advised to state the next step to be taken if the performance does not improve. However, in cases of serious misconduct (please see the section on serious~~

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is concluded, the employee must be immediately terminated as per the policy on the workplace

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Verbal Disciplinary Action

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The initial disciplinary action should be verbal, whenever possible. The discussion should be firm but fair and should ensure that the employee clearly understands the established standards and expectations with respect to the unacceptable performance or behavior. A written record of the date and content of such discussions should be maintained in the appropriate files in the department.

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Written Disciplinary Action

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Should the initial situation indicate a need for stronger action, or if verbal disciplinary action fails to improve the employee's performance, the supervisor may issue a written warning. The written warning outlines the undesired behavior, states expectations and lists consequences if issues continue. If

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The Human Resources Manager is available to assist department management with the composition of the warning document. Copies of the warning document should be maintained in the appropriate departmental file and also forwarded to Human Resources to be placed in the official employee file. The employee

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~~Individual Employee Disciplinary Action Process Appeal Procedures for the~~

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~~Suspension Without Pay Action~~

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~~Following verbal and written disciplinary warnings, if the desired results have not been accomplished, the third step in the progressive disciplinary process is suspension without pay. The length of the suspension should depend upon the facts of each case, (e.g., type and severity of the behavior, previous work record of the employee, and previous disciplinary actions). The suspension should be clearly explained in a written disciplinary warning to the employee and should indicate any possible consequences of further performance, attendance, or behavior issues.~~

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~~Dismissal Action~~

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~~Dismissal is advised when, among other reasons, an employee has engaged in serious misconduct or an employee has not corrected performance and/or behavior. Prior to dismissing an employee, department management must review the situation and related information with the Human Resources Department and supply appropriate documentation. The recommendation of~~

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termination will be forwarded to the City Manager for final approval.

Serious Misconduct

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If serious misconduct is the cause of the dismissal, the employee will be given the reason for the dismissal and be given a chance to explain his conduct prior to the supervisor making the decision to dismiss him/her. Dismissal actions must be approved by Human Resources and the City Manager.

Section 250.000 — Appeal Process

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Any employee demoted, terminated, suspended, or reduced in pay shall have the right to appeal such disciplinary action. The appeal shall be in writing and must be received by the respective department head within ten (10) calendar days following the effective date of the disciplinary action. Upon the decision of the department head, the employee may appeal to the City Manager. The appeal shall be in writing and must be received by the City Manager within ten calendar days from the decision of the department head. Upon receipt of a request for appeal to the City Manager or his/her, designee shall within ten (10) days of the

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~~and/or drug test; or background investigation or, in some cases credit checks~~
~~The applicant is not eligible for employment in the United States;~~

~~3. The applicant has used or attempted to use political pressure or bribery to secure an advantage in the examination or in employment;~~

~~3. The applicant has previously been dismissed from a position in the City or other public service;~~

~~3. The applicant has taken part in the compilation, administration, or correction of the examination for a position and is an examinee for that position;~~

~~3. The applicant has directly or indirectly obtained information regarding an examination for a position and is an examinee for that position.~~

~~3. The applicant for a promotion has received less than a “satisfactory” performance appraisal within twelve months prior to the closing date for receipt of applications;~~

~~3. The applicant is not believed to have the necessary skills, training, or experience required for the job, or is believed not to have a sufficient history of satisfactory job performance or conduct on the job;~~

~~3. The applicant has otherwise violated the provisions of these rules or is barred from employment as otherwise outlined herein;~~

~~3. The applicant does not receive employment references that satisfy the City Manager, Department Head, or the Human Resources Manager~~Human Resources Director~~; and~~

~~3. The City Manager, Department Head, or Human Resources Manager~~Human Resources Directors ~~believes there are other~~

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~~more qualified, more experienced, better suited, or preferable candidates for the job.~~

~~Section 350.000~~ Selection

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~~The City Manager, Department Head, Human Resources Manager Human Resources Director, or his or her designee will review all applications for employment to determine whether applicants meet the qualifications for the position. Where appropriate, examinations or assessments may be used which may be written, oral, computer based, or a combination of these exercises. In all cases, any examination or assessment shall be job related. Examination of employees may also consist of a review of educational experience necessary to perform the duties of the position or any other criteria deemed necessary to evaluate qualification.~~

~~The desired candidate will be selected from among the qualified applicants for the position. Thereafter, the applicant may receive a conditional job offer contingent upon the applicant successfully~~

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~~completing any other requirements such as a medical examination and/or drug test where required~~

~~Nothing in this Handbook shall prevent the City from closing or suspending a vacancy notice and choosing not to fill a position at its discretion.~~

~~Section 360.000 Appointment of Positions and Department Heads~~

~~The City Manager shall appoint and employ all authorized budgeted positions of the City, provided that exceptions from the power of this appointment/employment are those offices and employees who, by City Charter, are appointed or selected by the Mayor or City Council. The Mayor and/or City Council shall make all appointments to fill positions where so authorized by the City Charter. In addition, when the position of any Department Head appointed by the Mayor is to be filled, or when the status of the current Department Head is changed by administrative action, the provisions of Georgia state law creating the City shall supersede the provisions of this chapter and shall govern with regard to the special powers and authorities of the Mayor and City Council.~~

~~Section 370.000 Employment of Relatives~~

~~It is the City's policy not to employ relatives by blood or marriage within the same department. If a conflict of this policy occurs because of the marriage of two employees, one employee~~

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~~No person related within the second degree by affinity or consanguinity to the Mayor, any member of the City Council, or any employee appointed by the Mayor or City Council shall be appointed or selected to any office, position, clerkship, or other position of employment or service with the City. This prohibition shall not apply, however, to any person who has been continuously employed by the City for a period of two years prior to the election of the Mayor or Councilperson or appointment of any employee by the Mayor and City Council.~~

~~In addition, the City Manager shall not approve the appointment to any supervisor's work group any person who is related within the second degree by affinity or consanguinity to that supervisor, nor shall the appointment of any member of the immediate family of any Department Head be approved unless the City Manager determines it is necessary because of the lack of qualified applicants for such position. No family member of any elected or appointed official of the City shall be hired into a position that violates the above policy for the duration of that elected or appointed official's term of office.~~

Section 380.000

Approved Exceptions from Vacancy Announcements

~~While it is anticipated that most job vacancies will meet the criteria for posting, there may be circumstances that do not~~

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was deleted from the following list of job types that may be completed by employees

1. Appointed Positions (internal promotion);
1. Reassignments or voluntary transfers at the same or lower pay grade level;
1. Management directed reassignments at the same or lower pay grade level;
1. Reorganizations and reductions in force that require reassignment of affected staff to newly created or existing vacancies;
1. Reclassifications of jobs that are currently encumbered that result in a higher pay grade level;
1. Internal promotions are similar to position upgrades and likewise do not require external job postings; and
- Other reassignments necessary to implement this Handbook.

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Types of Appointments

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Regular Appointments

Regular appointment to full and part-time positions shall occur after the procedures outlined in Chapter Two have been completed. All employees appointed under this method shall

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serve an Introductory Probationary Period as described in Chapter 4 this Handbook.

Temporary Appointments

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Temporary appointments may be made for special project(s) or other work of a temporary nature. The services to be rendered by an appointee for a temporary period are not to exceed six (6) months in any twelve-month period. The Department Head will consult with the Human Resources Manager Human Resources Director to assure budgetary compliance. Temporary appointments are subject to the approval of the City Manager. Temporary employees are ineligible for benefits and privileges provided to regular status employees.

Limited Term Appointments

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Vacancies created by a leave of absence without pay may be filled by limited term appointment. The normal selection procedures will be followed in order to fill the position under a limited term appointment.

A person holding a limited term appointment may be terminated when the person replaced returns to the position. Transfer from limited term to regular appointment may be made if the person being replaced fails to return on the termination of leave. Employees holding limited term appointments shall be eligible

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for holiday pay only. No other rights or privileges shall be granted to these employees.

Emergency Appointments

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When an emergency involving serious impairment of the public business makes it impossible to fill a vacant position through the competitive process, the Department Head subject to the approval of the City Manager, may appoint any qualified person to such a position on a temporary basis in order to continue public business and prevent serious inconvenience to the public. Any such person shall be employed only during such emergency and for a period not to exceed ninety (90) days, during which the normal selection procedures will be followed in order to fill the position under a regular appointment.

Re-Employment (Break in Service)

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A regular status employee, who separates employment from the City in good standing and is eligible for re-employment, may be re-employed, provided the absence is for a period not to exceed 9030365 days. Upon re-employment, the employee's leave balance will be zero. Leave time will be granted as provided for in this Handbook. Persons re-employed after a period of absence greater than 365 9030 days will be treated as newly employed. The date of employment will be counted from the date of rehire.

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Chapter Four: Employment Policies and Procedures

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Section 400.000 — At Will Policy

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Employment with the City is voluntary and at will, meaning that the relationship between the City and all of its employees is subject to termination by the employee or the City at will as defined in O.C.G.A. § 34-7-1, with or without cause, and with or without notice, at any time at the option of the City or the employee. 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 any employee of the City.

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This policy of employment at will may not be modified by any officer or employee and shall not be modified in any publication or document. The only exception to this policy is a written employment agreement approved at the discretion of the City Council. This Handbook is not intended to be and shall not be construed as creating a contract of employment of any kind.

Section 410.000 — Introduction Period

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All new employees hired by the City will serve an introduction period for the first 180 days of employment. This introduction period is intended, primarily, to allow the City and employee to determine whether the employee is able to adequately perform in the assigned job position and whether the position is a good fit for the employee. This policy also applies to an employee who has been promoted to a higher level position or transferred to a different position, regardless of pay grade level. At the end of the

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Section 420.000 — Reduction in Force

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A lay-off or reduction in force is an involuntary separation of an employee from employment with the City, which has been made necessary due to shortage of funds or work, the elimination of the employee's job position, changes in the duties or organization of the position or department, or for other reasons which are generally outside the employee's control.

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When a reduction in force becomes necessary, the City Manager shall confer with other appropriate officials to ensure that the reduction is carried out appropriately and orderly. The following guidelines and procedures shall apply to any reduction in force:

0. The City Manager, upon direction by the Mayor and City Council, will determine the number of positions to be affected in each department.
0. The City Manager will prepare a list of all employee(s) within each department. The list should identify each employee's name along with his or her date of hire with the City, current status (e.g., regular, probationary period, temporary, part-time, full-time, etc.), job title, and exempt/non-exempt status.
0. The City Manager will provide each department's list to the appropriate Department Head with instructions to select the required number of employees for layoff or reduction. Each Department Head will then review the list and any other information he or she deems relevant, and identify the required number of employees for layoff or reduction. Such layoff or

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Page 55

~~Each Department Head will meet with the City Manager and provide him or her with the names of the employees selected for layoff and reduction and the reasons for their selection. The City Manager will review and evaluate the Department Head's selections and reasons. The City Manager may accept, reject, or modify the selections recommended by the Department Head. All selections must be approved by the City Manager in order for the layoff or reduction to occur. The City Manager's decision may be based on any and all factors deemed relevant to the City Manager, including all of the factors set forth above regarding the Department Head's decision.~~

- ~~1. Generally, non-regular status employees within a particular classification, and those in emergency and temporary positions, should be the first to be separated, unless circumstances require otherwise.~~
- ~~1. If a regular status employee is scheduled to be separated and there is a vacancy in a lower classification, the employee will have the opportunity to apply for the vacancy and be considered to demote into the lower classification if he or she is qualified to fill the position and is otherwise in good standing with the City. The determination of qualifications and good standing shall be made by the City Manager.~~
- ~~1. The Mayor and City Council retain final authority over all reallocations, reorganizations, and reductions in force or other changes in human resource matters within the City. Any lay-off~~

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~~employees are responsible for refraining from making threats; engaging in threatening behavior, acts of violence, or related disruptive conduct; and for seeking assistance to resolve personal issues that may lead to acts of violence in the workplace. If you feel that you have experienced or witnessed conduct that is prohibited under this policy, you are to follow the City's Complaint Procedure set forth in this Handbook.~~

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~~All employees are responsible for refraining from making threats; engaging in threatening behavior, acts of violence, or related disruptive conduct; and for seeking assistance to resolve personal issues that may lead to acts of violence in the workplace. If you feel that you have experienced or witnessed conduct that is prohibited under this policy, you are to follow the City's Complaint Procedure set forth in this Handbook.~~

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~~Section 450.000 — Drug and Alcohol Free~~Alcohol-Free Workplace Policy

~~Section 450.100 — Policy~~

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~~It is the City's policy to provide a safe, healthy, and secure work environment for all employees. It is also the City's policy to ensure that all employees perform their job duties in a safe, efficient, and productive manner. Finally, it is the City's policy to ensure that its equipment and facilities are maintained and used appropriately so as not to pose a risk of harm. The use of drugs and the misuse of alcohol and other legal, but illicitly used, substances are inconsistent with these policies. Accordingly, to protect the health, safety, and welfare of employees, citizens, and~~

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visitors, the City has adopted this Drug and Alcohol-Free Alcohol-Free Workplace Policy.

~~Section 450.200 Prohibited Conducts~~

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

- ~~1. Use, possession, sale, purchase, trade (or offer to purchase, sell, or trade) drugs, alcohol, or any otherwise legal, but illicitly used, substance on or in City property or at any time while an employee is on duty or performing any work for the City.~~

- ~~2. —Hindering, obstructing, or refusing to cooperate or participate in any investigation involving suspected violations of this policy. This includes, but is not limited to, providing false, misleading, or incomplete information in response to any inquiry from a supervisor related to a suspected violation of this policy. It~~

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also includes refusing to undergo a lawfully required drug or alcohol test(s).

3. ~~Hindering, delaying, or obstructing a lawfully required drug or alcohol test(s), including but not limited to, tampering with a sample or interfering in any way with the chain of custody.~~

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4. ~~Reporting to work or engaging in any work activity whatsoever on behalf of the City under the influence of drugs, alcohol, or an otherwise legal, but illicitly used, substance.~~

5. ~~Abusing or misusing prescription drugs or over the counter medication or misusing other products, such as inhaling or sniffing products like adhesives and aerosols. This includes, but is not limited to, the use, possession, sale or solicitation for the purpose of purchase or sale any prescription medication for which the employee lacks a valid prescription. However, nothing in this policy precludes the appropriate use of legally prescribed medications.~~

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Section 450.300 — Prohibited Substances

For purposes of this policy, the terms “drug” and “alcohol” mean substances listed in O.C.G.A. § 34-9-411. The term “otherwise legal but illicitly used substance” means prescription drugs, over the counter drugs, or other products not being used for their intended purposes or in accord with the terms of the prescription

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Page 61

~~by the person who is responsible for the testing and the results of the testing shall be confidential and shall not be disclosed to the public.~~

Section 450.400 — When Testing is Required

~~1. — Pre-Employment: All individuals who are offered employment by the City on are required to undergo testing for the presence drugs and alcohol as a condition of employment. The City will test such employees for the presence of alcohol and drugs listed in O.C.G.A. § 34-9-411 using urinalysis or hair samples. If the results of such test indicate the presence of illegal drugs or alcohol in the applicant, the City may deny employment to the applicant.~~

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~~2. — Random Testing: Employees holding a safety sensitive position may be subject to unannounced testing for the presence of drugs or alcohol based on random selection and conducted by urinalysis or hair samples. To ensure that the selection process is random, employees covered by this policy will be placed in a common pool and employee names will be drawn from the pool of all names. Refusal to submit to a random drug screening within 24 hours of notification will result in disciplinary action up to and including termination of employment.~~

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3. — Reasonable Suspicion

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~~: The City may require an employee to submit to testing for presence of drugs or alcohol when there is reasonable suspicion to believe the employee is under the influence of drugs, alcohol,~~

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~~and the following factors, including but not limited to:~~

- ~~a) Observed use of drugs or alcohol;~~
- ~~b) Personal observation of the employee's job performance, appearance, behavior, speech, or odor creating reasonable suspicion that the employee has used drugs or alcohol in violation of this policy or is impaired by drugs or alcohol;~~
- ~~c) The observance of drugs, drug paraphernalia, alcohol, or containers indicating the presence of drugs or alcohol in an area where the employee had primary control or access, including but not limited to, desks, lockers, equipment, machines or vehicles;~~
- ~~d) Involvement in accidents, including motor vehicle accidents, or other actions that provide reasonable suspicion to believe the employee may be under the influence of drugs or alcohol; or~~
- ~~e) Facts indicating that the employee diluted, tainted, tampered or interfered with any breath, blood or urine sample, or any test(s) required under this policy, or that the employee attempted to do the same.~~

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~~4. Safety Sensitive Positions: For purposes of this policy, safety sensitive positions include, but are not limited to, law enforcement officers, firefighters, emergency medical technicians and paramedics, drivers of City vehicles that carry passengers, and wastewater and sewage treatment plant, as well as water plant employees. Additional positions may be regarded as safety~~

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sensitive positions subject to the provisions of the policy in the discretion of the City with or without notice.

5. Commercial Motor Vehicle Operators: Employees who drive commercial motor vehicles and/or require a commercial driver's license for their jobs with the City may be subject to additional requirements regarding drug and alcohol use, and may be subject to testing under additional circumstances.

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Return to Work: After an employee has been away from work for an extended period of time, under a physician's care.

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Section 450.500 — Employee Assistance

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The City will attempt to assist employees who voluntarily report substance abuse problems prior to a positive test in finding effective treatment. For more detailed information regarding providers of employee assistance, including drug and alcohol abuse, mental health providers, and other persons, entities, or organizations available to assist employees with personal or behavioral problems, any employee may contact the Human Resources Manager. The City maintains a resource file of such providers, which will be available upon request to the Human Resources Manager.

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Section 450.600 — Confidentiality

All reports of test results for drug and alcohol, searches, or any employee referral, or participation in an assistance program will

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64

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Section 450.700—Consumption of Alcohol While Off Duty at City Events

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

Section 460.000—Use of Technology Resources

Section 460.100—Purpose and Application

The City provides a variety of technology resources to its employees for purposes of its business operations and to help employees perform their jobs. While these technology resources are often necessary and helpful tools, they also pose risks and must be used with common sense and good judgment. As such, the City has developed this policy to establish guidelines for the use of its technology resources. For purposes of this policy, the City uses the term “technology resources” to refer generally to all of the City’s network and electronic resources, such as computers, laptops, tablets, software, networks, email systems, telephones and mobile phones, voicemail systems, fax machines, Internet access, etc.

Section 460.200—Business Use Only

The use of the City’s technology resources is for City business and is to be used for authorized purposes only. The City’s technology resources are established, maintained, and provided by the City for employees to use for the performance of their job duties and the furtherance of the City’s business. As such, use of

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the City's technology resources should be limited to business use only.

The City recognizes, however, that some personal use by employees of its technology resources may be necessary at times. As such, employees may use the City's technology resources for personal reasons, provided that such personal use is minimal, reasonable, and does not interfere with the performance of one's job duties. The City has sole discretion to determine what constitutes reasonable personal use and whether personal use is interfering with the performance of one's job duties.

Section 460.300

Ownership and Access to Technology Resources

All of the City's technology resources, as well as all data and files stored on or transmitted using the City's technology resources, are the property of the City. This means that the City owns all data and files stored on or transmitted using any of the City's technology resources, such as computers, network servers, or email servers. As such, the City retains the right to access, monitor, and inspect its technology resources and any of the data and files therein or transmitted thereon, at any time. This applies even with respect to data or information transmitted or received using any of the City's technology resources, such as its networks or Internet connection, even if such is done using an employee's personal device, such as a personal mobile phone, smartphone, or computer. ~~This right applies both during an employee's employment with the City and after its termination for any reason, voluntary or involuntary.~~

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Employees should not have an expectation of privacy in anything they create, store, send, or receive on any of the City's technology resources ~~(including anything they create, send, or receive on a personal device using any of the City's technology resources,~~ such as its data networks or Internet connection). In this regard, employees are specifically advised that passwords on City devices are designed to give employees access to all or part of the City's technology resources; they are not designed to guarantee employee privacy or security in any data or file created, stored, sent, or received on any of the City's technology resources. Employees may not change passwords without prior express permission. Upon termination of employment, employees must return all passwords to the City.

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Section 460.400 **General Guidelines for Acceptable Use**

Employees are expected to access and use the City's technology resources in a professional manner and in compliance with this and all other City policies. Therefore, employees are prohibited from engaging in any unauthorized, prohibited, or inappropriate conduct using the City's technology resources including, but not limited to, the activities described below. This list is not intended to be an exhaustive description of all conduct that may be inappropriate or violate this policy, but is illustrative of the type of prohibited conduct for which employees may have their privileges of use and access to the City's technology resources revoked and be subjected to disciplinary action:

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- Accessing any technology resources, including networks, servers, drives, folders, or files, to which the employee has not been granted access or authorization or in a manner that exceeds such employee's access or authorization (accessing any other person's computer, voicemail, files, or data without approval);
- Making unauthorized copies of the City files or other data;
- Using any of the City's files or other data for an unauthorized purpose, even if the employee was otherwise authorized to access such files or data;
- Revealing, publicizing, or otherwise disclosing any confidential information belonging to the City without authorization;
- Destroying, deleting, erasing, or concealing City files or other data, or otherwise making such files or data unavailable or inaccessible to the City or to other authorized users of the City's technology resources;
- Violating any law, regulation, or order of the United States or any state, county, City, local government, or jurisdiction in any way;
- Violating the terms of any user agreement, license agreement, or other type of contractual agreement of any software program, application, website, or other product or service;
- Illegally downloading, copying, transmitting, viewing, or accessing any material protected under copyright law or make such material available to others;
- Engaging in any other unlawful or malicious activities;
- Intentionally propagating any virus, worm, Trojan horse, trap-door program code, or other code or file designed to disrupt, disable, impair, or otherwise harm either The City's technology resources or those of any other individual or entity;
- Defeating or attempting to defeat security restrictions on any of the City's technology resources;
- Viewing or transmitting any material, or engaging in any conduct, that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, violates the City's Equal Employment Opportunity Policy or other policies set forth in this Handbook, or that is otherwise unlawful or inappropriate. The City has sole discretion to determine what constitutes inappropriate use or material under this policy. If you unsure whether any use or material would be considered inappropriate, you should seek clarification from your supervisor before accessing or distributing such material. If you are in any doubt, do not access or distribute the material;
- Using abusive, profane, threatening, discriminatory, harassing, offensive, otherwise objectionable language in either public or private messages;
- Sending, receiving, downloading, uploading, or otherwise accessing or viewing any pornographic materials;
- Causing congestion, disruption, disablement, alteration, or impairment of the City's technology resources;
- Installing any software without written authorization from the City Manager; and
- Using any City technology resource for personal financial or political gain unrelated to one's employment with the City.

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Section 460.500 — Installation and Use of Software

Employees, other than those employees and/or contractors responsible for Information Technology for the City, may not download or install any software, application, program, or update onto any City computer or technology resource without prior written authorization from the City Manager.

Employees may not run any software on any City computer or technology resource that is not properly purchased, licensed, and installed by those employees and/or contractors responsible for Information Technology for the City.

Employees may not share their credentials for accessing the City's technology resources or that of its vendors, including logging on and running any software, with others and may not use anyone's credentials other than their own for such purposes without the express written permission of the City Manager.

Section 460.500 — Other City Policies

All of the City's policies, including, but not limited to, its policy on Equal Employment Opportunity, apply to the use of the City's technology resources. If any employee feels that he or she has witnessed or been the subject of any conduct in violation of this policy, the employee should utilize the Complaint Procedure set forth in this Handbook.

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Section 460.600 — Discipline

Employees will be subject to discipline, up to and including termination from employment, for violating this policy. Therefore, before using any of the City's technology resources, employees should consider whether their actions meet the expectations set forth herein. In doing so, employees should be mindful that electronically stored information can often be saved or retrieved even after an employee believes he or she has taken steps to delete it.

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Section 470.000 — Use of Personal Mobile Devices

Employees may bring personal mobile devices to work, such as personal cell phones, smart phones, and tablets. However, these personal mobile devices may not be used to perform any City business or work-related activities, and activities and may not be used to access the City's data or networks, unless authorized in advance and configured by those employees and/or contractors responsible for Information Technology for the City.

If written authorization by the City Manager is given to use a personal mobile device for work purposes or to access the City's data or networks, the employee must comply with the City's Last Updated September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 26, 2019September 24, 2019September 23, 2019August 28, 2019July 10, 2019June 19, 2019March 1, 2019February 28, 2019February 28, 2019July 9, 2018July 6, 2018June 28, 2018June 28, 2018June 28, 2018May 30, 2018April 19, 2018April 19, 2018April 19, 2018April 19, 2018April 18, 2018April 17, 2018April 17, 2018, | Page 68

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~~Technology Resources Policy when using this device. Employees also may not use the authorization to use a personal mobile device for work purposes or to access the City's data or networks to work from home or otherwise work additional time not approved in advance by the City. Employees should not have an expectation of privacy in anything they create or store on, send, or receive on their personal mobile device if such material was in any way transmitted using the City's technology resources, including its data networks or Internet connection. The above provisions of this policy regarding the City's right to inspect and monitor devices apply with respect to such material.~~

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~~In addition, a~~ Although employees are permitted to bring personal mobile devices to work, they are at all times expected to devote their entire time and attention to performing their job duties for the City without distraction by their personal mobile devices. Therefore, employees may not use personal mobile devices during work hours except for emergency reasons only. Employees may, however, use personal mobile devices during non-work hours, such as during an approved break or meal period, provided that such use is outside the view of public who may be at City offices and not used in violation of any policies in this Handbook, including the City's Technology Resources Policy. In addition, employees must keep their personal mobile devices on "vibrate" or "silent" mode at all times while at work.

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Employment Policies and Procedures

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Code of Conduct

Since its inception, the City and its employees have been committed to ethical practices, honesty, fair dealing, and full compliance with all the laws affecting the City's activities. This code of conduct is general in nature and is not meant to cover all possible situations. In order to support the mission of the City, employees are committed to the following principles:

1. Quality: Everything we do has our signature on it. Anything worth doing is worth doing right. Services we provide and work we perform should be a source of pride for us and for the citizens of this community.
2. Respect: The City, and each employee, is obliged to treat all people within this organization and throughout the community with the highest respect. In return, the City expects its employees to be treated in the same manner. As a guide, we should strive to treat each citizen, customer, and fellow employee in the same way we would treat a member of our own family under similar circumstances. The use of profanity in the workplace is not allowed and may subject employees to discipline, up to and including termination.
3. Efficiency and Economy: The City strives to provide innovative, high quality services and responsible stewardship of the community's resources to benefit current and future generations.
4. Loyalty: Each City employee has the duty to actively support the goals and mission of the City and to act in accordance with its needs and goals. This commitment to the organization means that we are to act only in the best interest of the community and avoid any perception to the contrary. The interests of the City community and this municipal government can never be served by compromising our principles.
5. Integrity: All City employees have a responsibility to adhere to these basic principles of conduct and to all policies and ordinances of the City in their daily activities on behalf of the community. Citizens observe our actions each day. Even minor mishaps and policy violations can project a negative view in the mind of the public. For example, littering, smoking in restricted areas, and violations of parking ordinances and traffic laws can damage the respect that citizens have for municipal government employees. We are all held to a high standard and must avoid any appearance of violation of the City policies, ordinances, and laws.
6. Principles of Ethical Conduct: Every employee has the obligation to conduct himself/herself according to the highest ethical standards and to comply with these principles of ethical conduct and all policies of the City.

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- a. Equipment and property of the City must only be used for purposes that are proper in conducting the work of the City.
 - b. All payments for goods or services must be for proper purposes and shall be set forth in documentation supporting the payment.
 - c. All entries made to the financial records must be true, complete, accurate and consistent with generally accepted accounting principles, with no omissions.
7. Conflict of Interest: Never engage in business with the City government, either directly or indirectly, which is inconsistent with the conscientious performance of your City governmental duties. We are held to a high standard to avoid the appearance of dispensing special favors or privileges to anyone.

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Standards of Conduct

Each employee has an obligation to observe and follow the City's policies and to maintain proper standards of conduct at all times. If an individual's behavior interferes with his/her job performance, the job performance of others, or the orderly and efficient operation of a department or the City's services, corrective disciplinary measures will be taken. All employees also share an obligation to safeguard the integrity of the City's reputation and assure the continuation of ethical business practices.

Disciplinary action may include a verbal counseling, written warning, suspension without pay, and termination from employment. However, the City reserves the right to impose whatever discipline it chooses, or none at all, in a particular instance. The City will deal with each situation individually and nothing in this Handbook should be construed as a promise of specific treatment in a given situation or any policy that one form of disciplinary action will necessarily precede another.

By way of illustration only, the following misconduct may result in disciplinary action, up to and including termination:

1. Violation of the City's policies set forth in this Handbook or in the City's charter or any City resolution or ordinance;
2. Insubordination;
3. Excessive absenteeism or tardiness;
4. Violation of the City's Drug-Free Workplace Policy, including possession, use or sale of drugs or alcohol during working hours, reporting to work under the influence of drugs or alcohol, or unlawful use of drugs or alcohol;
5. Possession of dangerous instruments on City property, including illegal firearms;
6. Unsatisfactory job performance;
7. Suspicion of theft or dishonesty;
8. Violation of the City's Equal Employment Opportunity Policy or disrespect toward fellow employees, customers, visitors or other members of the public;
9. Violation of the City's Workplace Violence Policy;

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10. Gossiping or discussing/disclosing confidential business or personnel matters;
11. Failure to work with a positive attitude;
12. Failure to help and support other employees;
13. Violation of any policies or procedures set forth in this Handbook;
14. Disrespectful or unprofessional conduct;
15. Unauthorized or inappropriate use or disclosure of confidential information or trade secrets;
16. Violating the City's Dress Code Policy, including wearing one's City work uniform while off duty; and
17. Other misconduct as determined by the City.

These examples are not all-inclusive. The City emphasizes that discipline and termination decisions may be based on an assessment of all relevant factors, including the severity of the infraction and the employee's work record, as determined by the City.

Employee Privacy Policy

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It is the City's policy to respect the privacy of employee personnel and payroll records to the extent possible while at the same time complying with the City's operational needs and all obligations regarding the public availability of open records and required production of records pursuant to a subpoena, court order, or otherwise. Therefore, absent the consent of the individual involved, a request made under the Georgia Open Records Act, or a subpoena, court order, or other circumstances requiring production, employee personnel and payroll records will only be made available for inspection and review to authorized individuals on a "need-to-know" basis.

In addition, an employee will be given access to inspect his own personnel and payroll records upon his request and scheduling an appointment at appropriate time, outside of his or her work hours, that is approved by the Human Resources Director. The employee will be charged for any copies he or she requests at the same rate the City charges for copying documents pursuant to an Open Records Request. An employee may request, through his or her Department Head, the correction, amendment or supplementation of records that they believe are not accurate, timely or complete. However, such corrections, amendments, or supplementation is not guaranteed and will only be made at the discretion of the City Manager.

Search and Inspection of City Property

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Employees shall have no expectation or right of privacy with respect to City facilities, property, and equipment including computers, desks, cabinets, drawers, and lockers. Employees shall not affix any personal locks to any City facilities, property, and equipment. The City reserves the right to search all City facilities, property, and equipment at any time with or without notice and for any reason, and to search employee personal items that are located or stored in any City facility, property, and equipment for work-related reasons, upon reasonable suspicion for such reasons. Please also refer to the City's Use of Technology Resources Policy.

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Confidential Information

Employees must carefully protect and may not, directly or indirectly, make any unauthorized disclosure or use of any confidential information acquired by virtue of their employment with the City except as required for the performance of their authorized employment duties on behalf of the City. Employees may not provide to anyone or permit others to use confidential information except in the performance of their authorized employment duties.

Duty to Report Criminal Charges/Determinations

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Criminal Charges

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An employee of the City of Villa Rica who is charged with a felony must report the charges immediately upon reporting to work immediately to Human Resources. Misdemeanor charges (other than a minor traffic offense and/or local ordinance violation) shall report having been charged to his or her supervisor within three (3) business days of becoming aware of such charge. The employee shall report the crime(s) he or she has been charged with and provide documentation of the charges upon request. Within three (3) business days of receiving notice from the employee, the supervisor will contact Human Resources so a determination can be made as to what action, if any, is immediately warranted. Failure to report under this policy may result in disciplinary action, up to and including termination.

Criminal Determinations

Within three (business (3) days of the employee receiving a disposition of criminal charges, he or she will notify his/her supervisor and provide documentation of the disposition. Within three (3) business days of receiving notice from the employee, the supervisor will contact Human Resources so a determination can be made as to what action, if any, is warranted. Failure to report under this policy may result in disciplinary action, up to and including termination of employment.

Criminal background investigations will be conducted on an annual basis on each employee.

Section 490.000 Political Activity

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City employees are encouraged to exercise their right to vote, but City employees may not engage in any political campaign activities while on duty, while in the workplace, while in uniform, or using any City property or equipment, including any City computer, network, or vehicle. This prohibited activity includes, but is not limited to, distributing information, assisting with campaign materials or initiatives, or soliciting contributions or services for any political party, political candidate or organization, or otherwise spending work time on an activity in furtherance of any political party, candidate, or political organization while on duty. Nothing contained herein shall be construed to restrict the right of City employees to hold membership in and support a political party or candidate, to vote as he or she chooses to express personal opinions on political subjects and candidates, to maintain political neutrality, or to

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attend political meetings during non-working hours.

Inclement Weather and Emergency Circumstances

Inclement Weather and Emergency Circumstances

The

The City Manager will make the final decision to close government offices because of inclement weather or other emergency circumstances. ~~The City will announce any closures or delayed openings by reporting them to the City's official website and local news media.~~

Some employees may be required to work even when City offices are closed because of the nature of their job duties, which may require continued services in the event of inclement weather or other emergency circumstances. Department Heads shall make a determination of the emergency or non-emergency job status of all employees within their departments and notify such employees of their classification. Employees who are considered emergency status employees must contact their supervisor regarding their work schedule in the event of inclement weather or other emergency circumstances.

If inclement weather or other emergency circumstances require the closure of City offices, the City may grant employees paid or unpaid time off in its discretion depending on the circumstances, which shall be determined on a case-by-case basis by the City Manager. Salaried exempt employees will be paid in accordance with the Fair Labor Standards Act. Any time taken off by employees due to inclement weather or other emergency circumstances, but where City offices are not closed, is to be used as any available, accrued vacation or will be unpaid.

Outside Employment

City employees may engage in outside employment that does not create a conflict of interest or interfere with their performance of duties for the City. However, any outside employment must be approved by the employee's Department Head in advance. To obtain approval, an employee must submit a written request to the Department Head and meet with the Department Head to discuss the outside employment and whether it will create a conflict of interest or interfere with the performance of job duties. ~~All Department Heads must discuss the request with the City Manager before approving a written request to engage in outside employment.~~ If the request is approved, the Department Head will sign the request and provide it to the Human Resources Manager/Human Resources Director to be retained in the employee's personnel file.

Any outside employment by Department Heads must be approved by the City Manager in advance, and if approved, will be put in writing and provided to the Human Resources Manager/Human Resources Director to be retained in the Department Head's personnel file.

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Newly hired employees who hold an outside job, own a business, or are self-employed at the time of hire with the City must notify the City during the application process and then submit a request for outside employment immediately upon employment with the City using the following procedure described above.

Failure to submit a request for approval prior to engaging in outside employment, any conflict of interest as a result of outside employment, or any interference with the performance of job duties for the City as a result of outside employment, may be cause for disciplinary action up to and including termination of employment.

Confidential Information

Employees must carefully protect and may not, directly or indirectly, make any unauthorized disclosure or use of any confidential information acquired by virtue of their employment with the City except as required for the performance of their authorized employment duties on behalf of the City. Employees may not provide to anyone or permit others to use confidential information except in the performance of their authorized employment duties.

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Gifts and Gratuities

Employees may not accept gifts, gratuities, or loans from organizations, business entities, or individuals with whom they have official City government business relationships. These limitations are not intended to prohibit the acceptance of any items which are distributed free of charge to the general public, nor to prohibit the acceptance of token gifts given during the Christmas holiday season provided the fair value does not exceed \$25. Please review City's purchasing policy for further guidance.

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Bulletin Boards/Solicitation & Distribution

Bulletin Boards are provided for official City business, announcements, holiday notices, job openings, policies and procedures. Employees should periodically check the boards for updates or new announcements. Bulletin boards shall not post commercial or political advertising or any other activity such as, meetings or announcements unless sponsored by the City.

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It is the City's policy to forbid all solicitation for contributions, membership in clubs or organizations, signatures for petitions or the sale of consumer products, or other outside business on City premises. An exception is made for City-approved charitable endeavors. The City may also choose to recognize charitable drives as a community-backed effort.

In order to avoid unnecessary annoyances and interruptions during the workday, solicitation by an employee of another employee is prohibited on the premises. Distribution of literature by employees is prohibited at all times on City premises.

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Non-employees may not solicit for any purpose or engage in distribution of any literature or commercial goods of any kind in work areas at any time.

Use and Return of City Property

New employees may be issued City property upon hire. This may include: (a) key or key card for access to buildings and offices; (b) photo identification card; (c) uniforms required to be worn for one's job; and (d) computers or mobile phones; (e) fleet fuel card.

No employee or City official may use any equipment, materials, supplies, or other City property or the services of City employees for his personal benefit. Employees are expected to use proper care when using the City's property and equipment. No property may be removed from the premises without the proper authorization of the employee's Department Head or the City Manager. If an employee loses, breaks, or damages any property, he must report it to his supervisor immediately. An employee who deliberately loses his or her required uniform or loses or breaks his or her City-issued computer or mobile device will be required to replace them at their own expense. The For the first incident, time, the employee will be responsible for 50% of the replacement cost shared by the employee. Documentation will be kept in their personnel file. If there are subsequent incidents, The second time the employee will be responsible for the entire cost of replacement of the equipment or uniform replacement cost as well as disciplinary action up to and including termination of employment.;

Upon termination of employment for any reason, employees must promptly return all City property that is in their possession, custody, or control. This policy specifically requires employees to return all City property (including electronically stored information) that employees may have taken outside of the office (e.g., personal residence) or transferred to or stored on non-City computers and other electronic storage devices during the course of their employment. Employees should clearly understand that, upon termination of their employment, they are without authorization to access or use any such City property, whether through a City computer or non-City computer. Further, for the avoidance of doubt, this policy makes clear that no employee is authorized to access the City's computer systems or networks, including City email services, after termination of employment, unless such post-termination access is expressly authorized in writing by the City Manager.

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Dress Code

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General Expectations

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Employees are expected to maintain the highest standards of personal cleanliness and present a neat, professional appearance at all times. Our professional image is an important aspect of our organization. Whether or not your job responsibilities place you in direct contact with City officials, state officials, legislators, or the public, you represent the City with your appearance as well as your actions.

Generally, the City has a business casual dress code, and employees are expected to wear business casual attire to work at all times. ~~Business casual attire includes dress pants, suits, dresses, skirts, sweaters, blouses, turtlenecks, and collared shirts bearing the City's logo.~~ Shirts must be tucked in and clothing must fit well, be clean, and properly pressed, and undergarments should remain covered.

Business casual dress is defined as follows:

- **Shirts:** All shirts with collars, business casual crewneck or V-neck shirts, blouses, sweaters and collared shirts bearing the City's logo. Examples of inappropriate shirts include T-shirts, shirts with inappropriate slogans, tank tops, crop tops or any other tops that reveal undergarments.
- **Pants/skirts/dresses:** Casual slacks and trousers without holes, frays, etc. Skirts and dresses that come below the knee. Examples of inappropriate items include leggings or jeggings, ~~mini skirts~~miniskirts, shorts, pants worn below the waist or hip line, and any other bottoms that reveal undergarments.
- **Footwear:** Casual slip-on or tie shoes, dress sandals, and clean athletic shoes. Examples of inappropriate footwear include flip-flops and construction or hunting boots.

Some employees may be required to wear a uniform for their job. Uniformed employees must wear the designated uniform when reporting for work and shall ensure that it fits well, is neat, clean, and properly pressed. Under no conditions will a part of the official designated uniform be intermixed with other clothing.

Employees may not wear City work uniforms while not on duty. Doing so may incorrectly create the appearance that an employee is on duty and representing the City during their ~~off duty~~ off-duty hours.

Jewelry, Piercings Aand Tattoos

Professional appearance can also be affected by jewelry, piercings, tattoos, and the like. Jewelry (including ear piercings) is permissible if kept to a ~~minimum~~ minimum, if tasteful. ~~Jewelry if not~~ Jewelry should not be a source of distraction, and if it does should not impair job performance or safety. Facial and neck tattoos are not permissible. ~~Other~~ facial or visible body piercings are also prohibited.

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Tattoos, scarification, or branding are to be covered at all times.

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Any employee who contends that this policy interferes with his/her sincerely held religious beliefs should contact Human Resources to inquire into whether he/she may be eligible for an exemption.

Personal Grooming

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Professional appearance also includes an emphasis on standards of personal hygiene and good grooming. No staff member shall have an odor generally offensive to others when reporting to work. An offensive body odor may result from lack of good hygiene, from an excessive application of fragrance or from some other cause. Remember that some employees are allergic to the chemicals in perfumes and makeup, so wear these substances with restraint.

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Casual Fridays

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Unless otherwise directed by the City Manager, employees may wear casual attire on Fridays. This policy does not apply to employees who are required to wear designated uniforms, unless the City Manager authorizes otherwise for "Special Occasions." Acceptable attire for casual Fridays include: jeans, sneakers, City logo sweatshirts or collared shirts, non-graphic and non-offensive tee shirts, shirts, dresses, skirts, mid-calf Capri's and office-appropriate sandals. All clothing worn on Fridays must fit well, be clean, and properly pressed.

Inappropriate Dress

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The following clothing items are not appropriate at any time: shorts for office personnel, halters, tank tops, mini dresses, spaghetti strap tops, leggings or jeggings, jeans/khaki's/khakis with holes, overalls, jogging suits, low neckline front or back, sheer clothing, clothing that is too tight or too short (hemlines should be below the knee), flip flops and slippers, Crocs of any kind or clothing/hats that have inappropriate words, pictures, scenes, etc., that would be disruptive to the work environment. Jeans of any kind are not appropriate at any time other than Casual Fridays.

All decisions about whether an employee is appropriately dressed for work shall be made by the City in its sole discretion. Employees who are considered to be not dressed appropriately may be required to leave work to change into the appropriate attire. Employees will not be compensated for the time they are away from work to change clothes.

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Non-Interference with Administration

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The City recognizes that employees perform best when allowed to do their jobs without interference from outside influences. The Mayor and City Council members are to generally deal with City employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and Manager and are prohibited from giving orders directly to City employees. Exceptions to this policy occur when the City Council makes inquiries and investigations under the power of the City Charter, or when emergencies arise. Should you feel that an elected official has acted inconsistently with this policy, please immediately inform the City Manager.

Section 4000.000 — Inclement Weather and Emergency Circumstances

Generally, the City Manager will make the final decision to will follow the same decision made by Carroll County Schools whether to close government offices because of inclement weather or other emergency circumstances, but the ultimate decision will be made at the City Manager's discretion on a case by case basis. The City will announce any closures or delayed openings by reporting them to the City's official website and local news media.

Some employees may be required to work even when City offices are closed because of the nature of their job duties, which may require continued services in the event of inclement weather or other emergency circumstances. Department Heads shall make a determination of the emergency or non-emergency job status of all employees within their departments and notify such employees of their classification. Employees who are considered emergency status employees must contact their supervisor regarding their work schedule in the event of inclement weather or other emergency circumstances.

If inclement weather or other emergency circumstances require the closure of City offices, the City may grant employees paid or unpaid time off in its discretion depending on the circumstances, which shall be determined on a case by case basis by the City Manager. Salaried exempt employees will be paid in accordance with the Fair Labor Standards Act. Any time taken off by employees due to inclement weather or other emergency circumstances, but where City offices are not closed, is to be used as any available, accrued vacation or will be unpaid.

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Section 4100.000 – Safe Driving Policy Operating City Vehicles Equipment

Section 4100.100 – Purpose

The City strives to provide a safe working environment and to protect its employees from job-related injuries and illnesses. The intent of this policy is to guide employees in the required use of safety belts and the expected use of telecommunication devices. It is the goal of the City to eliminate driver distractions by its employees due to talking or texting on a telecommunication device while operating a vehicle during the commission of their official duties. In addition to this Safe Driving Policy, all employees covered by this policy are expected to know and to abide by the Georgia Uniform Rules of the Road, found in O.C.G.A. §§ 40-6-1 through 40-6-397. ~~Smoking Tobacco use and vaping the use of vaporizers is prohibited in City vehicles or equipment.~~

Section 4100.200 – Definitions

Vehicle – Every motor vehicle, including, but not limited to, pickup trucks, vans, and sport utility vehicles, designed to carry ten passengers or fewer and used for the transportation of persons.

Motorized Equipment – City equipment such as lawn mowers, tractors, spreaders, street sweepers, back hoes, construction equipment and other outdoors wheeled equipment operated by City employees.

Telecommunication Device – Any device capable of sending and/or receiving voice, text, photographic, video, or other communication wirelessly via analog, digital, or any other technology that may be carried on or about a person. Examples include cellular telephone, text messaging device, personal digital assistant, standalone computer, or any other similar wireless device that can be used to initiate or receive a wireless communication.

Driving – Operating a motor vehicle or equipment on a roadway, including while temporarily stationary because of traffic, a traffic light, stop sign, or otherwise. It does not include being in a vehicle (with or without the motor running) in a location off the roadway where it is safe and legal to park.

Text Messaging – Reading from or entering data into any handheld or other telecommunication device, including for the purpose of short message service texting, emailing, instant messaging, or engaging in any other form of electronic data retrieval or electronic data communication.

Section 4100.300 – Applicability

This policy applies to all employees who operate or drive City-owned vehicles and equipment and to ~~Last Updated September 26, 2019 September 26, 2019 September 26, 2019 September 26, 2019 September 26, 2019 September 24, 2019 September 23, 2019 August 28, 2019 July 10, 2019 June 19, 2019 March 1, 2019 February 28, 2019 February 28, 2019 July 9, 2018 July 6, 2018 June 28, 2018 June 28, 2018 June 28, 2018 May 30, 2018 April 19, 2018 April 19, 2018 April 19, 2018 April 18, 2018 April 17, 2018 April 17, 2018 April 16, 2018 April 16, 2018 April 16, 2018 April 15, 2018 April 5, 2018 April 5, 2018 March 23, 2018 March 23, 2018 March 6, 2018 February 26, 2018 February 23, 2018 February 23, 2018 February 23, 2018 February 23, 2018 February 23, 2018 February 23, 2018 February 22, 2018 February 22, 2018 February 22, 2018 February 22, 2018 February 22, 2018 February 13, 2018~~

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employees who drive privately-owned or rented vehicles during work time or while otherwise conducting City business. However, the portions of this policy relevant to the use of a telecommunication device do not apply to the following employees or situations:

- A. Reporting a traffic accident, medical emergency, fire, serious road hazard, or a situation in which the employee believes a person's health or safety is in immediate jeopardy;
- B. Reporting the perpetration or potential perpetration of a crime;
- C. A public utility employee or contractor acting within the scope of his or her employment when responding to a public utility emergency;
- D. Engaging in wireless communication while a motor vehicle is off the roadway where it is safe and legal to park; and
- E. Using a City-issued two-way radio device (e.g., 800 MHz radio) for time-sensitive communications or a GPS navigation device provided that all due care is taken to ensure the safe operation of the vehicle.
- F. Engaging in wireless communication with a "hands-free" device.

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Section 4100.400 — Safety Belt Use and Maintenance

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- A. All employees and passengers are required to wear a properly adjusted and fastened safety belt;
- B. All mowing, grading, and similar equipment which has the capability to exceed 15 mph during travel shall be equipped with a roll over protection device and safety belts that must be worn by the operator at all times;
- C. No employee may allow another person to ride as a passenger on a trailer or in the bed of a pickup truck or any other towed equipment; and
- D. It is the responsibility of the driver and the supervisor to ensure that safety belts are maintained in good working condition by ensuring that: (a) safety belts are inspected regularly; (b) safety belts are visible and readily accessible for use in vehicles and on equipment; and (c) safety belts are regularly cleaned and are operational at all times.

D.

Section 4100.500 — Distracted Driving

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Employees must exercise due care in operating a motor vehicle and/or motorized equipment and shall not engage in any actions that distract employees from the safe operation of vehicles and equipment.

A.

- B.A. Except for the exclusions noted above, use of telecommunication devices is prohibited while driving. No employee shall operate a motor vehicle or motorized equipment for work purposes on any public road, public property, street, or highway while using a telecommunication device to talk, write, send, or read any ~~text-based~~ text-based communication, including, but not limited to, a text message, instant message, or electronic mail.

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E.B. In the event that a phone call must be made or a text message must be sent or received, an
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employee must find a location off the roadway where it is safe and legal to park to use the device.

Section 4100.600 — Business Use Only

City vehicles are to be used for purposes of conducting City business only and may not be used for any personal reason, including driving to or from lunch or any other location when not required for City business. Exceptions include positions that are permanently assigned take-home vehicles.

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Section 4100.700 — Notification of Accidents

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Any employee who is involved in a vehicle accident while on duty or performing City business, whether in a City vehicle or privately owned or rented vehicle, must notify their Department Head immediately. Employees who are required to have a driver's license for their job must also notify their Department Head immediately if their license is lost, confiscated, suspended or revoked for any reason.

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Section 4100.800 — Disciplinary Action

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The City takes the obligations described in this policy seriously. Failure to comply with this policy may result in driving privileges being revoked, which may prohibit an employee from fulfilling the duties and responsibilities of his or her position, and/or disciplinary action up to and including termination.

Section 4200.000 — Emergency Procedures Policy

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The City is committed to providing a safe working environment for all of our employees. Your safety, and the safety of others, requires that you make safety a priority on the job. The following are emergency numbers that should be contacted in the event of an emergency:

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<u>Service</u>	<u>Phone number</u>
Fire, police, ambulance	911
Poison control	(800) 282-5846

In the event of an emergency, the following procedures should be followed:

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A. **Fire** Any fire, regardless of size, must be reported to the fire department (911) immediately. Persons reporting the fire should give their name, the organization's name, the building or area involved the exact location of the fire and a description of the type of fire. If a fire is noticed, the nearest alarm box must be activated and the person reporting the fire must remain on the property to inform the authorities about the fire. Fire extinguishers are located throughout the facility and should be used to fight small fires.

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only. All persons leaving the building or area should await instructions from maintenance or the fire department before re-entering the area. Elevators should not be used during a fire emergency. Supervisors should see to the safety of all persons with disabilities and should assist them to stairwells.

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B. Thunderstorms/Lightning In the event of a thunderstorm or lightning, all staff will be required to seek shelter and remain inside until the storm or lightning has ceased. The City is not responsible for any injury sustained from a thunderstorm or a lightning strike, by any person or persons, who refuse to abide by this policy.

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C. Accidents and Injuries All accidents, regardless of how minor, must be reported to the department supervisor immediately. First aid supplies are available for minor injuries. All life-threatening injuries and serious accidents should be handled by calling 911 emergency services. If you are injured on the job, no matter how slight, you must immediately report the incident to your supervisor. Further, a first report of injury must be prepared in writing, signed by your supervisor and submitted to the Human Resources Manager/Human Resources Director within 24 hours of the incident. For all injuries requiring medical attention, barring any life-threatening emergencies, all employees are required to seek care from one of the physician's on the Workers' Compensation panel. This panel (list of doctors) is located in the break and copier rooms of all City facilities and is generally bright pink in color.

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Section 4300.000 Outside Employment

City employees may engage in outside employment that does not create a conflict of interest or interfere with their performance of duties for the City. However, any outside employment must be approved by the employee's Department Head in advance. To obtain approval, an employee must submit a written request to the Department Head and meet with the Department Head to discuss the outside employment and whether it will create a conflict of interest or interfere with the performance of job duties. All Department Heads must discuss the request with the City Manager before approving a written request to engage in outside employment. If the request is approved, the Department

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~~Head of the request and provided to the Human Resources Manager and the employee's personnel file.~~

~~Any outside employment by Department Heads must be approved by the City Manager in advance, and if approved, will be put in writing and provided to the Human Resources Manager to be retained in the Department Head's personnel file.~~

~~Newly hired employees who hold an outside job, own a business, or are self-employed at the time of hire with the City must notify the City during the application process and then submit a request for outside employment immediately upon employment with the City using the following procedure described above.~~

~~Failure to submit a request for approval prior to engaging in outside employment, any conflict of interest as a result of outside employment, or any interference with the performance of job duties for the City as a result of outside employment, may be cause for disciplinary action up to and including termination of employment.~~

Section 4400.000

Confidential Information

~~Employees must carefully protect and may not, directly or indirectly, make any unauthorized disclosure or use of any confidential information acquired by virtue of their employment with the City except as required for the performance of their authorized employment duties on behalf of the City. Employees may not provide to anyone or permit others to use confidential~~

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information except in the performance of their authorized employment duties.

Section 4500.000 Gifts and Gratuities

Employees may not accept gifts, gratuities, or loans from organizations, business entities, or individuals with whom they have official City government business relationships. These limitations are not intended to prohibit the acceptance of any items which are distributed free of charge to the general public, nor to prohibit the acceptance of token gifts given during the Christmas holiday season provided the fair value does not exceed \$25. Please review City's purchasing policy for further guidance.

Section 4600.000 Use and Return of City Property

New employees may be issued City property upon hire. This may include: (a) key or key card for access to buildings and offices; (b) photo identification card; (c) uniforms required to be worn for one's job; and (d) computers or mobile phones; (e) fleet fuel card.

No employee or City official may use any equipment, materials, supplies, or other City property or the services of City employees for his personal benefit. Employees are expected to use proper care when using the City's property and equipment. No property may be removed from the premises without the proper authorization of the employee's Department Head or the City Manager. If an employee loses, breaks, or damages any property,

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~~Employees are expected to maintain the highest standards of personal cleanliness and present a neat, professional appearance at all times. Our professional image is an important aspect of our organization. Whether or not your job responsibilities place you~~

~~Upon termination of employment for any reason, employees must promptly return all City property that is in their possession, custody, or control. This policy specifically requires employees to return all City property (including electronically stored information) that employees may have taken outside of the office (e.g., personal residence) or transferred to or stored on non-City computers and other electronic storage devices during the course of their employment. Employees should clearly understand that, upon termination of their employment, they are without authorization to access or use any such City property, whether through a City computer or non-City computer. Further, for the avoidance of doubt, this policy makes clear that no employee is authorized to access the City's computer systems or networks, including City email services, after termination of employment, unless such post-termination access is expressly authorized in writing by the City Manager.~~

Section 4700.000

Dress Code

Section 4700.100 – General Expectations

~~Employees are expected to maintain the highest standards of personal cleanliness and present a neat, professional appearance at all times. Our professional image is an important aspect of our organization. Whether or not your job responsibilities place you~~

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~~in the event of a conflict of interest, the employee shall disclose the conflict to the City Manager and the City Council.~~

~~Generally, the City has a business casual dress code, and employees are expected to wear business casual attire to work at all times. Business casual attire includes dress pants, suits, dresses, skirts, sweaters, blouses, turtlenecks, and collared shirts bearing the City's logo. Shirts must be tucked in and clothing must fit well, be clean, and properly pressed.~~

~~Some employees may be required to wear a uniform for their job. Uniformed employees must wear the designated uniform when reporting for work and shall ensure that it fits well, is neat, clean, and properly pressed. Under no conditions will a part of the official designated uniform be intermixed with other clothing.~~

~~Employees may not wear City work uniforms while not on duty. Doing so may incorrectly create the appearance that an employee is on duty and representing the City during their off duty hours.~~

~~Section 4700.200 Casual Fridays~~

~~Unless otherwise directed by the City Manager, employees may wear casual attire on Fridays. This policy does not apply to employees who are required to wear designated uniforms, unless the City Manager authorizes otherwise for "Special Occasions." Acceptable attire for casual Fridays include: jeans, sneakers, City logo sweatshirts or collared shirts, non-graphic and non-offensive tee-shirts, shirts, dresses, skirts, mid-calf Capri's and office-~~

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~~appropriate sandals. All clothing worn on Fridays must fit well, be clean, and properly pressed.~~

~~Section 4700.300 Inappropriate Dress~~

~~The following clothing items are not appropriate at any time: shorts for office personnel, halters, tank tops, mini dresses, spaghetti strap tops, leggings, jeans/khaki's with holes, overalls, jogging suits, low neckline front or back, sheer clothing, clothing that is too tight or too short, flip flops and slippers, Crocs of any kind or clothing/hats that have inappropriate words, pictures, scenes, etc., that would be disruptive to the work environment.~~

~~All decisions about whether an employee is appropriately dressed for work shall be made by the City in its sole discretion. Employees who are considered to be not dressed appropriately may be required to leave work to change into the appropriate attire. Employees will not be compensated for the time they are away from work to change clothes.~~

~~Section 4800.000 Non-Interference with Administration~~

~~The City recognizes that employees perform best when allowed to do their jobs without interference from outside influences. The Mayor and City Council members are to generally deal with City employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and are prohibited from giving orders directly to City employees.~~

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Chapter Five: Types of Appointments

Section 500.000 — Regular Appointments

~~Regular appointment to full and part time positions shall occur after the procedures outlined in Chapter Two have been completed. All employees appointed under this method shall serve an Introductory Period as described in Chapter 4.~~

Section 510.000 — Temporary Appointments

~~Temporary appointments may be made for special project(s) or other work of a temporary nature. The services to be rendered by an appointee for a temporary period are not to exceed six (6) months in any twelve monthtwelve month period. The Department Head will consult with the Human Resources Manager to assure budgetary compliance. Temporary appointments are subject to the approval of the City Manager. Temporary employees are ineligible for benefits and privileges provided to regular status employees.~~

Section 520.000 — Limited Term Appointments

~~Vacancies created by a leave of absence without pay may be filled by limited term appointment. The normal selection procedures~~

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will be followed in order to fill the position under a limited term appointment.

A person holding a limited term appointment may be terminated when the person replaced returns to the position. Transfer from limited term to regular appointment may be made if the person being replaced fails to return on the termination of leave. Employees holding limited term appointments shall be eligible for holiday pay only. No other rights or privileges shall be granted to these employees.

Section 530.000 Emergency Appointments

When an emergency involving serious impairment of the public business makes it impossible to fill a vacant position through the competitive process, the Department Head subject to the approval of the City Manager, may appoint any qualified person to such a position on a temporary basis in order to continue public business and prevent serious inconvenience to the public. Any such person shall be employed only during such emergency and for a period not to exceed ninety (90) days, during which the normal selection procedures will be followed in order to fill the position under a regular appointment.

Section 540.000 — Re-Employment (Break in Service)

A regular status employee, who separates employment from the City in good standing and is eligible for re-employment, may be

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Chapter Ten: Separations

Section 1000.000—Types of Separation

The following identifies the types of separations that may occur from one's employment with the City: voluntary resignation, compulsory resignation, layoff, disability, death, retirement, and involuntary termination, reductions in force and job abandonment.

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Section 1100.000—Return of City Property

At the time of separation, all records, assets and property of the City held by the employee must promptly be returned to their Department Head. The Department Head will sign certification regarding receipt and clearance to this effect. Any amount due because of a shortage in the above shall be paid by the employee. In the case of a Department Head being terminated, all records, assets and property of the City held by the employee must be submitted to the City Manager.

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Section 1200.000—Notice of Resignation

In order to resign in good standing, an employee must give a two week written notice to their Department Head. Failure to comply with this policy shall be noted in the employee's personnel record. An employee who resigns in good standing may be eligible for rehire at the discretion of the City.

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Should you decide to leave your employment with the City, you are asked to provide at least two weeks' advance notice of your

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Section 1300.000— Job References

The City's reference policy is that employees are not to provide any reference regarding a current or former employee's employment with the City. Any request for a reference or employment history of any kind should be directed to the Human Resources Manager. For your information, the Human Resources Manager or his/her designee's response will be limited to providing dates of employment, position history and salary history. No one other than the Human Resources Manager may respond to a job reference inquiry.

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Reduction in Force

A lay-off or reduction in force is an involuntary separation of an employee from employment with the City, which has been made necessary due to shortage of funds or work, the elimination of the employee's job position, changes in the duties or organization of the position or department, or for other reasons which are generally outside the employee's control.

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When a reduction in force becomes necessary, the City Manager shall confer with other appropriate officials to ensure that the

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Page 97

reduction and layoff. The following rules shall apply:

1.— The City Manager, upon direction by the Mayor and City Council, will determine the number of positions to be affected in each department.

2.— The City Manager will prepare a list of all employee(s) within each department. The list should identify each employee's name along with his or her date of hire with the City, current status (e.g., regular, probationary period, temporary, part-time, full-time, etc.), job title, and exempt/non-exempt status.

3.— The City Manager will provide each department's list to the appropriate Department Head with instructions to select the required number of employees for layoff or reduction. Each Department Head will then review the list and any other information he or she deems relevant, and identify the required number of employees for layoff or reduction. Such layoff or reduction decisions may be based on any and all factors deemed relevant to the Department Head, and may include, but are not limited to, the following: consideration of the value of employees to the City in terms of meeting operating requirements, the qualifications and performance of individuals, performance appraisal history, job criticality, any information contained in each employee's personnel file, information and/or recommendations received from the City Manager or other sources, and length of employment with the City.

4.— Each Department Head will meet with the City Manager and provide him or her with the names of the employees selected for layoff and reduction and the reasons for their selection. The

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~~5. Generally, non regular status employees within a particular classification, and those in emergency and temporary positions, should be the first to be separated, unless circumstances require otherwise.~~

~~6. If a regular status employee is scheduled to be separated and there is a vacancy in a lower classification, the employee will have the opportunity to apply for the vacancy and be considered to demote into the lower classification if he or she is qualified to fill the position and is otherwise in good standing with the City. The determination of qualifications and good standing shall be made by the City Manager.~~

~~The Mayor and City Council retain final authority over all reallocations, reorganizations, and reductions in force or other changes in human resource matters within the City. Any lay-off or reduction in force shall be conducted in accordance with applicable federal and state law.~~

Termination Procedure for Job Abandonment

~~After it has been determined by the hiring manager that an employee has abandoned his/her position (has not shown up or communicated with the department for three consecutive scheduled workdays) the supervisor should move to terminate employment. The hiring manager should work with Human Resources to conduct the following procedures (these procedures~~

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should be followed within 24 hours of determining an employee has abandoned his job):

Contact Human Resources to draft a termination letter to the employee and to discuss other steps that need to be taken in the termination process (i.e. return of equipment, etc.)

Chapter Six: Compensation and Performance

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Section 630.000 — Work Weeks and Hours of Work

A normal work day and work week for full-time employees generally is considered eight (8) hours per day, five (5) days per week. The work week is defined as running from Sunday through Saturday. Actual work hours during each day, and work days during each week, may vary depending on an employee's job position.

Section 600.000 — Overtime

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The City complies with the requirements of the Fair Labor Standards Act and any applicable local law with respect to wages and hours. Please understand that there may be times when you will need to work overtime. However, all overtime must be approved in advance by your supervisor. Any employee, who works unauthorized hours or overtime, including arriving early or staying late, working through meal or break periods, or working from home, may be subject to disciplinary action, up to and including termination of employment.

Non-exempt hourly employees will be paid overtime at a rate of one and one-half times their regular hourly rate for all hours worked over 40 in a week. Exempt salaried employees do not receive overtime pay. Exempt salaried employees are subject to deductions from their salaries only for lawful reasons.

If an employee feels he or she has been subject to an improper salary deduction, has been improperly classified as exempt or non-exempt, or has not been paid overtime for any hours worked over 40 in a week, the employee should notify the City using the Complaint Procedure set forth in this Handbook. In

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the event it is determined that an improper salary deduction was made or that an employee was not paid any overtime due, the City will reimburse the employee.

Section 610.000 — Meal/Break Periods

Meal and/or break periods are not required by the Fair Labor Standards Act and are not formally designated by the City, but City but may be authorized by a Department Head. Any meal and/or break period may only be taken as approved by the employee's Department Head. Breaks from 0 to 20 minutes in length will be treated as hours worked. However, any breaks longer than 20 minutes or bona fide meal periods of 30 minutes or more in which an employee is totally relieved of duties will not count as hours worked, and employees are responsible for clocking in and out, or otherwise accurately recording their time, for such break or meal periods. Employees in public view of customers must leave their work area during a lunchmeal period. Employees may not eat in their work area.

Nursing Mothers:

It is the policy of the City of Villa Rica to provide reasonable break time for an employee to express milk for her nursing child for one (1) year after the child's birth. Each time such employee has need to express the milk, the City will make reasonable effort to provide a clean place or location, in close proximity to the work area, where the employee can express her milk in privacy. In addition, the City will make an effort to provide electrical outlets for an electric breast pump. It will be the employee's responsibility to keep the location clean after each use and remove any personal items. Any breast milk stored in the refrigerator must be labeled with the name of the employee. Any nonconforming products stored in the refrigerator may be disposed of. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration and tampering. Employees who work offsite or in other locations will be accommodated with a private area as necessary.

Nursing Mothers

Section 620.000 — Attendance Policy

All employees are expected to be present and on time to perform the duties for which they were hired. If an employee is going to be late or absent from work, the employee must notify his or her immediate supervisor at least 30 minutes prior to their starting time. The employee is required to speak with his or her supervisor directly, or, if the supervisor is not available, with the Department Head. It is not acceptable

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for an employee to leave a voicemail with the supervisor or Department Head, to have another person call for him or her, or for the employee to leave a message or a voicemail with a co-worker.

Excessive absenteeism or tardiness will result in disciplinary action, up to and including termination. The following guidelines do not apply to pre-approved medical appointments or pre-approved vacation.

Excessive absenteeism or tardiness is generally considered:

- More than one occasion of unexcused absence;
- Three occasions of excused absence or tardiness in a ~~three~~one-month period;
- Six or more occasions of excused absence or tardiness within a ~~twelve six months~~six-month period; or
- An unacceptable pattern of absences and/or tardiness over an individual's employment history.

It is important to understand that individual circumstances may dictate that fewer tardies or absences than listed above still may be considered excessive absenteeism or tardiness. An employee's attendance simply is one aspect of job performance and will be considered together with overall performance and attitude.

Employees who are absent for three (3) days without notifying the City, will be assumed to have voluntarily abandoned their employment with the City and will be removed from the payroll.

Interim Appointments and Salary Adjustment Calculation

Termination Procedure for Job Abandonment

Upon appointment to an Interim Position the employee's pay will be adjusted to the minimum of the paygrade associated with the vacant position. If the employee already is compensated at or above the minimum of the paygrade then no more than ten

After it has been determined by the hiring manager that an employee has abandoned his/her position (has not shown up or communicated with the department for three consecutive scheduled workdays) the supervisor should move to terminate employment. The hiring manager should work with Human Resources to conduct the following procedures (these procedures should be followed within 24 hours of determining an employee has abandoned his job):

Contact Human Resources to draft a termination letter to the employee and to discuss other steps that need to be taken in the termination process (i.e. return of equipment, etc.)
percent (10%) of thheir current compensation rate will be added.

Section 640.000, Performance Reviews

Every employee's job performance is important to the City and is critical to the services we provide to

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New employees and employees in new job positions will generally be reviewed at the end of their ~~introduction period~~ **Probationary Periods**. In addition, all employees will receive an annual performance review from their supervisor and/or Department Head, which will be conducted on or around the anniversary date of their employment with the City or date of their last promotion, transfer, or demotion into their current job position. Normally, this review will be postponed or delayed beyond an employee's anniversary date or date of promotion, transfer, or demotion into their current position to reflect any period of time greater than 30 days in which an employee was out of work during the prior year. These reviews will be completed on an approved form and provide an assessment of each employee's job performance and progress.

Section 650.000 Compensation Administration

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overtime regulations, in addition to the stipend.

On-call Stipend forms must be filled out completely, signed by both employee and supervisor and submitted to the Human Resources Department no later than 5:00pm the Friday prior to payroll processing. Stipend forms will not be accepted without both authorized signatures. If the stipend form is received after 5:00pm the Friday before payroll is processed, the stipend will be added to the following regularly scheduled payroll cycle.

Payroll Advances

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Pay Frequency

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All employees are paid on a bi-weekly basis. When the payday is on a holiday, employees normally will be paid on the last working day before the holiday. Upon receipt of your paycheck, each employee shall review it for accuracy. If there is a discrepancy in your paycheck, including any vacation/sick time balances, you must advise your Department Head immediately. On pay day, paychecks may be given to the Department Head or his or her designee but will not be given to another person unless authorized in writing.

Payroll Deductions

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Federal and state laws require the City to make certain deductions from your earnings, including income tax and Federal Insurance Contributions Act (FICA) withholdings. The City may also be required to make deductions from your earnings pursuant to any garnishment proceedings filed against you. No deductions, other than those legally required, will be made from your paycheck without your consent. You may authorize deductions for participation in medical, dental insurance, and other benefits the City offers. If you believe any improper deductions have been made from your paycheck, you should report the matter in writing to the Human Resources Department.

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applicable financial budget for the year in which the pay change is made.

On Call/Call out Pay

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On call pay is paid at the rate of \$125.00 per week that an employee is on call, whether they are called out or not. When an emergency occurs and more workers are necessary to mitigate the situation those employees who are called to report will receive one half (\$62.50) of the on call stipend. Hourly employees called out will be paid for hours worked according to the Fair Labor Standards Act (FLSA) overtime regulations, in addition to the stipend.

Section 650.400 Payroll Advances

Pay advances will not be granted to employees.

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Section 660.000 Recording Your Time

All employees are required to complete a time card to honestly and accurately report all hours worked. Every employee is responsible for keeping an honest and accurate record of his/her time worked. In preparing their time record, employees must record the time they begin and end each work day, and also record the beginning and ending time of any unpaid break, meal period, or other period of departure from work. All absences (including vacation, illness, accidents, death in the family, etc.) also must be reported on the employee's time record. Failure to keep honest or accurate time records will subject an employee to

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~~disciplinary action, up to and including termination. Exempt or salaried employees will report exception time.~~

~~Falsifying time records is a serious matter. Employees may not change time after it is already recorded, enter a false time on purpose, tamper with time records, or record other employees' time for them. Any changes to a timecard must be made by the employee's supervisor, signed by both the employee and the supervisor, and then digitally recorded in the payroll system. Employees falsifying a time record or engaging in any other conduct that violates this policy may be subject to disciplinary action, up to and including termination.~~

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~~Section 670.000 Pay Period~~

~~All employees are paid on a bi-weekly basis. When the payday is on a holiday, employees normally will be paid on the last working day before the holiday. Upon receipt of your paycheck, each employee shall review it for accuracy. If there is a discrepancy in your paycheck, including any vacation/sick time balances, you must advise your Department Head immediately. On pay day, paychecks may be given to the Department Head or his or her designee, but will not be given to another person unless authorized in writing.~~

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~~Section 680.000 Payroll Deductions~~

~~Federal and state laws require the City to make certain deductions from your earnings, including income tax and Federal Insurance Contributions Act (FICA) withholdings. The City may also be required to make deductions from your earnings~~

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~~pursuant to any garnishment proceedings filed against you. No deductions, other than those legally required, will be made from your paycheck without your consent. You may authorize deductions for participation in medical, dental insurance, and other benefits the City offers. If you believe any improper deductions have been made from your paycheck, you should report the matter to the City using the Complaint Procedure set forth in this Handbook.~~

Section 690.000 On Call/Call out Pay

~~On call pay is paid at the rate of \$125.00 per week that an employee is on call, whether they are called out or not. When an emergency occurs and more workers are necessary to mitigate the situation those employees who are called to report will receive one half (\$62.50) of the on call stipend. Hourly employees called out will be paid for hours worked according to the Fair Labor Standards Act (FLSA) overtime regulations, in addition to the stipend.~~

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Chapter Seven: Employee Expectations

Section 700.000 Employee Privacy Policy

It is the City's policy to respect the privacy of employee personnel and payroll records to the extent possible while at the same time complying with the City's operational needs and all obligations regarding the public availability of open records and required production of records pursuant to a subpoena, court order, or otherwise. Therefore, absent the consent of the individual involved, a request made under the Georgia Open Records Act, or a subpoena, court order, or other circumstances requiring production, employee personnel and payroll records will only be made available for inspection and review to authorized individuals on a "need to know" basis.

In addition, an employee will be given access to inspect his own personnel and payroll records upon his request and scheduling an appointment at appropriate time, outside of his or her work hours, that is approved by the Human Resources Manager/Human Resources Director. The employee will be charged for any copies he or she requests at the same rate the City charges for copying documents pursuant to an Open Records Request. An employee may request, through his or her Department Head, the correction, amendment or supplementation of records that they believe are not accurate, timely or complete. However, such corrections, amendments, or supplementation is not guaranteed and will only be made at the discretion of the City Manager.

Section 710.000 Search and Inspection of City Property

Employees shall have no expectation or right of privacy with respect to City facilities, property, and equipment including computers, desks, cabinets, drawers, and lockers. Employees shall not affix any personal locks to any City facilities, property, and equipment. The City reserves the right to search all City facilities, property, and equipment at any time with or without notice and for any reason, and to search employee personal items that are located or stored in any City facility, property, and equipment for work-related reasons, upon reasonable suspicion for such reasons.

Please also refer to the City's Use of Technology Resources Policy.

Section 720.000 Code of Conduct

Since its inception, the City and its employees have been committed to ethical practices, honesty, fair dealing, and full compliance with all the laws affecting the City's activities. This code of conduct is general in nature and is not meant to cover all possible situations. In order to support the mission of the City, employees are committed to the following principles:

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consistent with generally accepted accounting principles, with no omissions.

1. Conflict of Interest: Never engage in business with the City government, either directly or indirectly, which is inconsistent with the conscientious performance of your City governmental duties. We are held to a high standard to avoid the appearance of dispensing special favors or privileges to anyone.

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Section 730.000 Standards of Conduct

Each employee has an obligation to observe and follow the City's policies and to maintain proper standards of conduct at all times. If an individual's behavior interferes with his/her job performance, the job performance of others, or the orderly and efficient operation of a department or the City's services, corrective disciplinary measures will be taken. All employees also share an obligation to safeguard the integrity of the City's reputation and assure the continuation of ethical business practices.

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Disciplinary action may include a verbal counseling, written warning, suspension without pay, and termination from employment. However, the City reserves the right to impose whatever discipline it chooses, or none at all, in a particular instance. The City will deal with each situation individually and nothing in this Handbook should be construed as a promise of specific treatment in a given situation or any policy that one form of disciplinary action will necessarily precede another.

By way of illustration only, the following misconduct may result in disciplinary action, up to and including termination:

1. Misconduct;
2. Violation of the City's policies set forth in this Handbook or in the City's charter or any City resolution or ordinance;
3. Insubordination;
4. Excessive absenteeism or tardiness;
5. Violation of the City's Drug Free Workplace Policy, including possession, use or sale of drugs or alcohol during working hours, reporting to work under the influence of drugs or alcohol, or unlawful use of drugs or alcohol;
6. Possession of dangerous instruments on City property, including illegal firearms;
7. Unsatisfactory job performance;
8. Suspicion of theft or dishonesty;
9. Violation of the City's Equal Employment Opportunity Policy or disrespect toward fellow employees, customers, visitors or other members of the public;
10. Violation of the City's Workplace Violence Policy;
11. Gossiping or discussing/disclosing confidential business or personnel matters;
12. Failure to work with a positive attitude;
13. Failure to help and support other employees;

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- ~~These examples are not all inclusive. The City emphasizes that discipline and termination decisions may be based on an assessment of all relevant factors, including the severity of the infraction and the employee's work record, as determined by the City.~~

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receiving notice from the employee, the supervisor will contact Human Resources and determine what action, if any, is warranted.

Criminal Determinations: Within three (3) days of the employee receiving a disposition of the criminal charges, he or she will notify his/her supervisor and provide documentation of the disposition. Within three (3) days of receiving notice from the employee, the supervisor will contact Human Resources so a determination can be made as to what action, if any, is warranted. Failure to report under this policy may result in disciplinary action, including termination of employment.

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Employee Benefits

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Note: The information in this Handbook is current when published but the benefits provided may have changed since publication of this Handbook. The benefits below may be added to, terminated or changed by the insurer at any time. Please consult the insurance broker or provider, if you have a question about your benefits or coverage.

Employee Benefits

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The City may offer certain benefits to its employees and their dependents. Benefits are not offered to spouses of City employees who are employed and offered coverage through their employer. All benefits are accompanied by eligibility requirements which must first be met by the employee and dependents (if applicable) before being eligible for coverage. All provisions for the various benefits and eligibility for same are governed by each benefit plan instrument which may be a plan document or certificate of coverage, or both. All employees will receive information explaining the plans in detail. This information also may be available in Human Resources at City Hall. In general, however, the following summarizes certain benefits the City may offer to employees. Any conflicting provisions contained in the applicable plan documents are controlling over the summaries provided below.

Elected and Mayoral or City Council Appointed Officials may be eligible for different or additional benefits not available to regular employees, in accordance with the provisions of the applicable benefit policy.

All rights and benefits are determined in accordance with the provisions of the applicable benefit policy, and employee, elected official, and appointed official benefits are effective only if such individuals are eligible for the benefit (including any insurance) and remain covered or insured in accordance with policy terms. Any benefit policy is subject to amendment, suspension, modification, or termination in accordance with any provision thereof or at the discretion of the City without the consent, notice to or concurrence of any person covered or insured thereunder.

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Group Health, Dental and Vision Insurance

The City may offer, if economically feasible, medical, dental, and/or vision coverage for eligible employees and their eligible dependents. Medical insurance may be offered for purchase by the employee and may be subsidized by the City at a level approved by the City Council on an annual basis. Employees are eligible to be covered for medical insurance on the first (1st) of the month following thirty (30) days of employment.

Life Insurance

The City may offer, if economically feasible, basic life insurance to eligible employees to help them protect their family in the event of the employee's death. Basic life insurance may be offered for purchase by the employee and may be subsidized by the City at a level approved by the City Council on an annual basis. In addition to the basic life insurance, the City may offer eligible employees the opportunity to purchase supplemental life and accidental death and dismemberment insurance on themselves and dependent life insurance on their eligible dependents. Employees are eligible to be covered for life insurance on the first (1st) of the month following thirty (30) days of employment.

Supplemental Insurance

The City may offer, if economically feasible, supplemental insurance for eligible employees and their eligible dependents. Supplemental insurance coverage may be offered for purchase by the employee and may be subsidized by the City at a level approved by the City Council on an annual basis. Employees are eligible to be covered for supplemental insurance on the first (1st) of the month following thirty (30) days of employment.

Deferred Compensation Plan - 457(b)

The City may make available a deferred compensation program. The Deferred Compensation Program is a voluntary, tax-deferred program designed to help supplement eligible employees' income at retirement. Through this program, eligible employees may designate an amount to be deducted from their gross salary on a before-tax basis each pay period and placed in an investment account selected by the employee. Currently, the City will contribute one half of the employee's contribution, not to exceed 3% of the employee's salary. Employees are eligible to contribute after successfully completing the initial 180-day new hire probationary period of six (6) months.

Disability Insurance

The City may offer, if economically feasible, Short Term Disability (STD) and/or Long-Term Disability (LTD) coverage to eligible employees to provide them a portion of their salary when they are unable to work as a result of an off-the-job disability. STD and/or LTD insurance may be offered for purchase by the employee and/or subsidized by the City at a level approved by Council on an annual basis. Employees are eligible to be covered for STD or LTD insurance on the first (1st) of the month following

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thirty (30) days of employment. Currently the City provides Long Term Disability for eligible employees.

Retirement

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The City maintains a pension plan with the Georgia Municipal Assn (GMA). The City currently pays for the employees' pension plan at 100%. This is a non-matching plan and the employee is vested after ten (10) years of employment.

Employee Assistance Program

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The City of Villa is dedicated to the health and wellbeing of their employees. The City offers an Employee Assistance Program (EAP) through Tanner Medical Center. This service provides counseling for issues such as personal and family concerns, job stress, alcohol or drug problems, and emotional trauma. This program is confidential and results will not be shared with the City or your supervisor unless you give permission to do so. More information is available in Human Resources or you can contact Tanner EAP at 770-834-8327.

Discounted Participation Fees and Facility Rentals

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Effective January 1, 2019 City employees of the City of Villa Rica may use employees will be eligible for a free facility rental once per calendar year. City facilities and enroll in City programs for a reduced fee. Employees will receive a 50% discount on fees for facility rentals, team sports, summer day camp, and merchandise, etc. There is not a limit on the number of times you can take advantage of this discount.

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Educational Assistance

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The City recognizes that the skills and knowledge of its employees are critical to the success of the organization. The educational assistance program encourages personal development through formal education so that employees can maintain and improve job-related skills or enhance their ability to compete for reasonably attainable jobs within the City.

The City offers educational assistance in the form of seminars, workshops, and job related courses to all eligible employees. To maintain eligibility employees must remain in an active pay status and be performing their job satisfactorily through completion of each course. Regular full-time employees are eligible for education assistance.

The City has the sole discretion to determine whether a course relates to an employee's current job duties or a foreseeable-future position. Employees should contact Human Resources for more information or questions about educational assistance.

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Employees who wish to attend job-related classes/courses/seminars that are directly related to their current position, are responsible for submitting requests to their Department Head/Manager, who will obtain approval from the City Manager. When the request is approved, all arrangements, including travel arrangements, will be made by the Finance, who will notify the requesting department once arrangements are complete. All training and testing must be approved in advance by the City Manager.

The City will pay the cost of courses for all required, job-related training/certification as specified here: (i.e., water or wastewater certification programs)

Course/training/certification	one (1) time
Course/training/certification test	one (1) time
Refresher Course for re-test	one (1) time

If an employee fails to acquire certification required for their position, a determination will be made whether the employee should be reassigned or terminated.

Courses will be scheduled after work hours if possible. If the course is only offered during working hours, the city will pay the employee's base pay rate at the time of the course and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.

While educational assistance is expected to enhance employee performance and professional abilities, the City cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment, or pay increases. If an employee terminates employment with the City within six months of completing training, all expenses incurred will be reimbursed to the City. Successful completion of training or college degrees, certifications may result in pay adjustments at the discretion of the City Manager.

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Training Policy

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The City of Villa Rica has an obligation to provide professional services to the community. In fulfilling this responsibility, it is essential that city personnel be properly trained. This is true not only at the entrance level where personnel must receive basic training prior to their assumption of their responsibilities, but throughout their careers. Not all training that is requested will be approved.

Department Managers/Directors are responsible for planning, designating, and implementing all training programs for the city of Villa Rica. Training may be held in the City or at other locations. All training must be directly relevant to the employee's current position and be approved by the City Manager in advance of registration.

EDUCATION Tuition- Reimbursement Program

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The City of ~~Rome~~ Villa Rica believes strongly in the benefits of education. In an effort to provide incentive and assistance toward continuing education, ~~effective January 1, 2001 (Revised: May 22, 2007)~~, educational reimbursement is available to career service employees to reimburse a portion of pre-approved expenses for educational courses which directly relates to the employee's present job or a reasonably attainable promotional objective. ~~ALL COURSES MUST BE PRE-APPROVED~~ All courses must be pre-approved.

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Approval of educational reimbursement shall be subject to the availability of funds in the current fiscal year.

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Eligibility Requirements for Tuition Assistance Conditions Of Educational Reimbursement Eligibility

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A. Only full time (minimum of 30 hours) regular status employees who have successfully completed their probationary period; who are rated as satisfactory or better on their last evaluation; and have completed one (1) year of service are eligible to apply for assistance. Specific mandated training is not included under this program.

B. Educational training must be obtained at an accredited educational institution. Accredited institutions include public and private school systems, colleges, and universities as approved by the U. S. Department of Education's Office of Postsecondary Education. Each of the postsecondary educational institutions and programs contained within the database is, or was, accredited by an accrediting agency or state approval agency recognized by the U. S. Secretary of Education as a "reliable authority as to the quality of postsecondary education" within the meaning of the Higher Education Act of 1965, as amended (HEA). The database does not include a number of postsecondary educational institutions and programs that elect not to seek accreditation but nevertheless may provide a quality postsecondary education. The goal of accreditation is to ensure that education provided by institutions of higher education meets acceptable levels of quality.

Vocational and business schools/colleges are accredited by the Council of Higher Education Accreditation through the U. S. Secretary of Education.
Correspondence schools/colleges are accredited by the Distance Education and Training Council (DETC) and DETC Accrediting Commission and recognized by the U. S. Secretary of Education.

A. Note: Students should research the accreditation process to ensure that the degree of education is above a minimum level of quality.

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C. Courses must be taken on the employee's own time, unless the course is required by the City as part of an in-service training program, technical courses required by the City to keep the employee continuously updated in a professional or highly technical field or otherwise authorized by the Department Director.

D. Qualifying courses must:

1. directly relate to duties and responsibilities of the employee's current position or position or
2. must enhance the employee's potential for advancement to a position with the

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City to which the individual has a reasonable expectation of advancing.

3. approved courses may range from obtaining GED certification to technical courses such as electronics, engineering, computers through Master level studies.

— Employee eligibility will be determined by the Division Director; or Chief of Police; or Chief of Fire; and the Human Resources Director; City Manager prior to enrollment in the course. Applications received after the course(s) have begun shall not be considered for educational reimbursement.

E.

— There will be no duplicate payments for the same course. If the course is reimbursable under any State or Federal Educational benefits (including V.A.) or any other outside agencies, grants (HOPE Grant), etc., the City will provide educational reimbursement only for the cost above those paid by the other outside sources. The employee is required first to apply for any outside benefits for which he/she is eligible. The employee must provide proof of other benefits granted or denied before applying for educational reimbursement through the City.

F.

— Actual tuition fees, laboratory fees, technology fees (10-2-12), distance learning fees (6-16-16), instructional fees, (6-16-16) computer rentals (in the event that the educational institution charges for computer use during class time); and work manuals necessary to the course, are reimbursable. Application fees, miscellaneous administrative fees, graduation fees, test and examination fees, evaluation fees, parking fees, activity fees, athletic fees (6-16-16), data cards, (6-16-16), student services fees (6-16-16), health fees, food, mileage, lodging, etc. are not subject to reimbursement.

G.

H. Upon successful completion of the course, educational reimbursement will be as follows for pre-authorized expenses:

GRADE	REIMBURSEMENT
A	100%
B	75%
C	50%
Below C	0%

I. Any course that is provided on a pass/fail basis only, as approved by the City under this program, will be eligible for 75% educational reimbursement for successful completion of the course.

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J. Course books are considered permanent property of the student and are not subject to reimbursement.

B.—

K. Reimbursement shall follow the employee's presentation of eligible reimbursement expenses and the employee's grade reports upon receipt to the Human Resources Department. Reimbursement requested more than ninety (90) days after completion of course will not be honored.

L. —If an employee terminates employment with the City within six two years-months of completing a training program of study or six months from completing a course, all expenses incurred will be reimbursed to the City.

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Discounted Participation Fees and Facility Rentals

Employees of the City of Villa Rica may use City Parks facilities and enroll in City programs, for a reduced fee. Employees will receive a 50% discount on fees for facility rentals, team sports, summer day camp, and merchandise, etc.

There is not a limit on the number of times you can take

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~~Employees who work on the actual day of a holiday will be paid at their regular rate for the first eight (8) hours worked on the holiday (holiday pay) and be compensated in accordance with the Fair Labor Standards Act for all time worked on a holiday. All hours worked on a day the City is closed to observe a holiday, but which is not the actual holiday itself will be paid at the employee's regular rate.~~

Employees who work on the actual day of a holiday will be paid at their regular rate for the first eight (8) hours worked on the holiday (holiday pay) and be compensated in accordance with the Fair Labor Standards Act for all time worked on a holiday. All hours worked on a day the City is closed to observe a holiday, but which is not the actual holiday itself will be paid at the employee's regular rate.

Permanent Part Time employees will be eligible for Holiday Pay based on their regular work commitment, provided they are in pay status the day before and the day after the Holiday

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Note: The information in this Handbook is current when published but the benefits provided may have changed since publication of this Handbook. The benefits below may be added to, terminated or changed by the insurer at any time. Please consult the insurance broker or provider, if you have a question about your benefits or coverage.

Section 800.000 Employee Benefits

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The City may offer certain benefits to its employees and their dependents. Benefits are not offered to spouses of City employees who are employed and offered coverage through their employer. All benefits are accompanied by eligibility requirements which must first be met by the employee and dependents (if applicable) before being eligible for coverage. All provisions for the various benefits and eligibility for same are governed by each benefit plan instrument which may be a plan document or certificate of coverage, or both. All employees will receive information explaining the plans in detail. This information also may be available in Human Resources at City Hall. In general, however, the following summarizes certain benefits the City may offer to employees. Any conflicting provisions contained in the applicable

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plan documents are controlling over the summaries provided below.

Elected and Mayoral or City Council Appointed Officials may be eligible for different or additional benefits not available to regular employees, in accordance with the provisions of the applicable benefit policy.

All rights and benefits are determined in accordance with the provisions of the applicable benefit policy, and employee, elected official, and appointed official benefits are effective only if such individuals are eligible for the benefit (including any insurance) and remain covered or insured in accordance with policy terms.

Any benefit policy is subject to amendment, suspension, modification, or termination in accordance with any provision thereof or at the discretion of the City without the consent, notice to or concurrence of any person covered or insured thereunder.

Section 810.000 Health, Dental and Vision Insurance

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The City may offer, if economically feasible, medical, dental, and/or vision coverage for eligible employees and their eligible dependents. Medical insurance may be offered for purchase by the employee and may be subsidized by the City at a level approved by the City Council on an annual basis. Employees are

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~~eligible to be covered for medical insurance on the first (1st) of the month following thirty (30) days of employment.~~

Section 820.000 — Life Insurance

~~The City may offer, if economically feasible, basic life insurance to eligible employees to help them protect their family in the event of the employee's death. Basic life insurance may be offered for purchase by the employee and may be subsidized by the City at a level approved by the City Council on an annual basis. In addition to the basic life insurance, the City may offer eligible employees the opportunity to purchase supplemental life and accidental death and dismemberment insurance on themselves and dependent life insurance on their eligible dependents. Employees are eligible to be covered for life insurance on the first (1st) of the month following thirty (30) days of employment.~~

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Section 830.000 — Supplemental Insurance

~~The City may offer, if economically feasible, supplemental insurance for eligible employees and their eligible dependents. Supplemental insurance coverage may be offered for purchase by the employee and may be subsidized by the City at a level approved by the City Council on an annual basis. Employees are~~

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~~eligible to be covered by supplemental insurance benefits (1st) of the month following the (30) days of employment~~

Section 840.000 — Deferred Compensation Plan

~~The City may make available a deferred compensation program.~~

~~The Deferred Compensation Program is a voluntary, tax-deferred program designed to help supplement eligible employees' income at retirement. Through this program, eligible employees may designate an amount to be deducted from their gross salary on a before-tax basis each pay period and placed in an investment account selected by the employee. Currently, the City will contribute one half of the employee's contribution, not to exceed 3% of the employee's salary~~

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Section 850.000 — Disability Insurance

~~The City may offer, if economically feasible, Short Term Disability (STD) and/or Long Term Disability (LTD) coverage to eligible employees to provide them a portion of their salary when they are unable to work as a result of an off-the-job disability. STD and/or LTD insurance may be offered for purchase by the employee and/or subsidized by the City at a level approved by Council on an annual basis. Employees are eligible to be covered for STD or LTD insurance on the first (1st) of the month~~

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following thirty (30) days of employment. Currently, the City provides Long Term Disability for eligible employees

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Section 860.000 — Retirement

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The City currently pays for the employees' pension plan at 100%. This is a non-matching plan and the employee is vested after ten (10) years of employment.

Section 870.000 Employee Assistance Program

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The City of Villa is dedicated to the health and wellbeing of their employees. The City offers an Employee Assistance Program (EAP) through Tanner Medical Center. This service provides counseling for issues such as personal and family concerns, job stress, alcohol or drug problems, and emotional trauma. This program is confidential and results will not be shared with the City or your supervisor unless you give permission to do so. More information is available in Human Resources or you can contact Tanner EAP at 770-834-8327.

314 EDUCATIONAL Section 880.000 — Educational Assistance

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The City recognizes that the skills and knowledge of its employees are critical to the success of the organization. The educational assistance program encourages personal development through formal education so that employees can

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~~maintain and improve skills and technical competence in jobs within the City.~~

~~The City offers educational assistance in the form of seminars, workshops, and job related courses to all eligible employees. To maintain eligibility employees must remain in an active pay status and be performing their job satisfactorily through completion of each course. Regular full-time employees are eligible for education assistance.~~

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~~The City has the sole discretion to determine whether a course relates to an employee's current job duties or a foreseeable future position. Employees should contact the Human Resources Manager for more information or questions about educational assistance.~~

~~Employees who wish to attend job related classes/courses/seminars are responsible for submitting requests to the City Safety/Training Manager to their Manager, who will obtain approval from the department manager and the City Manager. When the request is approved, all arrangements, including travel arrangements, will be made by the City Safety/Training by Finance Department, who will notify the requesting department once arrangements are complete. All~~

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training and testing must be approved in advance by the City Manager.

The City will pay the cost of courses for all required, job-related training/certification as specified here: (i.e., water or wastewater certification programs)

Course/training/certification — one (1) time

Course/training/certification test one (1) time

Refresher Course for re-test — one (1) time

If an employee fails to acquire certification required for their position, a determination will be made whether the employee should be reassigned or terminated.

Courses will be scheduled after work hours if possible. If the course is only offered during working hours, the city will pay the employee's base pay rate at the time of the course and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.

While educational assistance is expected to enhance employee performance and professional abilities, the City cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment, or pay increases. If an employee terminates employment with the City

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Implementing Training Programs for City of Villa Rica Training may be held in the City of Villa Rica

Section 900.000 — Holidays

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The City observes the following holidays during the year:

New Year's Day	January 1
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Good Friday	Friday before Easter Sunday
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving	Fourth Thursday in November
Friday after Thanksgiving	Friday after Thanksgiving
Christmas Eve	December 24th
Christmas Day	December 25th

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If a holiday falls on a Sunday, it will normally be observed on the following Monday, and if the holiday falls on a Saturday, it will normally be observed on the preceding Friday. An employee who is not on approved leave and who fails to report on his or her scheduled work days before and after the holiday will not be paid for the holiday. Holidays that occur during an employee's approved annual or sick leave will not be charged against the employee's annual or sick leave. An exempt employee who is required to work on a designated holiday during the regular

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~~Employees who work on the actual day of a holiday will be paid at their regular rate for the first eight (8) hours worked on the holiday (holiday pay) and be compensated in accordance with the Fair Labor Standards Act for all time worked on a holiday. All hours worked on a day the City is closed to observe a holiday, but which is not the actual holiday itself will be paid at the employee's regular rate.~~

~~Employees who work on the actual day of a holiday will be paid at their regular rate for the first eight (8) hours worked on the holiday (holiday pay) and be compensated in accordance with the Fair Labor Standards Act for all time worked on a holiday. All hours worked on a day the City is closed to observe a holiday, but which is not the actual holiday itself will be paid at the employee's regular rate.~~

Permanent Part Time employees will be eligible for Holiday Pay based on their regular work commitment, provided they are in pay status the day before and the day after the Holiday.

Section 910.000 — PaPaid Time OffPaid Time Off

Paid Holidays

The City observes the following holidays during the year:

New Year's Day	January 1st
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Good Friday	Friday before Easter Sunday
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Veteran's Day	November 11th
Thanksgiving	Fourth Thursday in November
Friday after Thanksgiving	Friday after Thanksgiving
Christmas Eve	December 24th
Christmas Day	December 25th

If a holiday falls on a Sunday, it will normally be observed on the following Monday, and if the holiday falls on a Saturday, it will normally be observed on the preceding Friday. An employee who is not on

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approved paid leave status and who fails to report on his or her scheduled work days before and after the holiday will not be paid for the holiday. Holidays that occur during an employee's approved annual or sick leave will not be charged against the employee's annual or sick leave. An exempt employee who is required to work on a designated holiday during the regular work cycle may receive a commensurate day off at a later date. This date must be agreed upon by the Department Head and City Manager and scheduled within three (3) months of the holiday worked.

Employees who work on the actual day of a holiday will be paid at their regular rate for the first eight (8) hours worked on the holiday (holiday pay) and be compensated in accordance with the Fair Labor Standards Act for all time worked on a holiday. All hours worked on a day the City is closed to observe a holiday, but which is not the actual holiday itself will be paid at the employee's regular rate.

Permanent Part-Time employees will be eligible for Holiday Pay based on their regular work commitment, provided they are in pay status the day before and the day after the Holiday

Section 910.100 — Purpose

The purpose of Paid Time Off (vacation and sick leave) is to provide employees with paid time off from work that employees may use at their discretion. The City's goal in providing employees vacation is to provide them with the ability to take vacation at their discretion so as to support work-life balance and flexibility, to reduce unscheduled absences, and to reduce the need for supervisory oversight.

Vacation and Sick Leave

Section 910.200 — Eligibility

All regular, full-time employees are eligible to accrue vacation and sick leave.

Use of Vacation

Requests for vacation leave must be made in writing ten (10) days in advance and will be granted at the discretion of your supervisor or department

~~Vacationhead. Vacation may only be taken with approval. An employee who wishes to take vacation must provide three (3) days advance notice to his or her supervisor by submitting a vacation request; unless the vacation is used for a legitimate, unexpected illness or emergency.~~

The City appreciates as much notice as possible, preferably thirty (30) days, when an employee knows he or she expects to miss work for an extended scheduled absence, such as a planned vacation. When possible, vacation will be allowed in accordance with employee requests, taking operating requirements into account. Generally speaking, length of employment determines priority when scheduling vacation.

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employment may receive unused, accrued vacation if they provide two weeks' notice of their termination and depart on good terms, as determined in the sole discretion of the City.

~~as possible, preferably thirty (30) days, when an employee knows he or she expects to miss work for an extended scheduled absence, such as a planned vacation. When possible, vacation will be allowed in accordance with employee requests, taking operating requirements into account. Generally speaking, length of employment determines priority when scheduling vacation.~~

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Section 910.800 — Use of Sick Leave

Full-time employees will begin to accrue sick leave immediately upon employment. Eligible employees will accrue sick leave at the rate of 12 days per year, one day for every full month of service. In the event that sick leave is not used by the end of the benefit year, employees may carry forward any a maximum of 504 hours or sixty three days. unused sick leave with no limit on the number of hours that can be carried forward up to 720 hours or 90 days. When the unused sick leave reaches 504 hours, additional accruals will stop, until the accrued balance falls below 504 hours. Upon termination of employment the employee shall not be paid for any sick leave earned and not taken. Sick leave must be earned prior to being used. Any employee who is out for three (3) consecutive days requires a return to work note release from a licensed medical provider.

Paid sick leave can be used in a minimum increment of 30 minutes. Eligible employees may use sick leave for an absence due to their own illness or injury or that of a dependent. A dependent is defined as a family member that resides in the employee's household.

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Personal Leave

Employees will be able to convert up to three days or 24 hours of sick leave to personal leave at the end of each year. This leave is designed to allow the employee to attend to personal business without using vacation time. In order to convert sick leave to personal leave, the employee must have at least 40 hours remaining after the conversion. Personal leave must be approved by the department supervisor/Department Head in advance. If personal leave is not used by December 31 of the year in which it was converted, it will be forfeited.

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Section 910.000 — Donation of Leave Time

The city allows employees to donate a portion of their accrued vacation or sick leave to another who has exhausted all accrued leave and compensatory time due to a serious health condition experienced by the employee or their immediate family members. Employees interested in donating leave to another employee should obtain a "Donor Form" from Human Resources. This form request must be approved by the City Manager. This program is for exceptional instances only.

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Section 920.000 — Jury, Civil, and Voting Leave

An employee shall be given time off without loss of pay when performing jury duty or when subpoenaed to appear before a court, public body, or commission in connection with City business. Employees must provide notice of jury summons or subpoena and should make arrangements with their supervisor as soon as a summons or subpoena is received. Employees are expected to promptly return to work if they are excused from jury duty or appearance for testimony during their regular working hours.

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Employees also may be given up to two (2) hours of unpaid leave to vote on the day of an election. However, such leave may only be taken during the hours specified by your Department Head. This provision does not apply to employees whose hours of work begin at least two hours after the polls open or end at least two hours before the polls close.

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Section 930.000 — Bereavement Leave

Upon approval by the Department Head, bereavement leave up to three (3) consecutive working days per calendar year typically will be granted with pay for an employee's absence from duty in the event of death in the immediate family, as defined below. Bereavement leave will be granted for the death of any of the following persons: spouse, parent or stepparent, child or stepchild, sibling, grandparent, grandchildren, or any of the above listed members of the employee's current spouse's family, or any person who is domiciled in the employee's household. Employees who must travel over 200 miles four hours from their

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home, away may be granted and additional two days of bereavement leave. Employees must be scheduled to work during the time they are off for bereavement leave. Any additional approved time off will be taken without pay or may be charged against the employee's available vacation. The City reserves the right to deny any request based on operational and staffing needs and further reserves the right to require an employee to document the death of a family member.

Section 940.000 Military Leave

The City will comply with its obligations for those employees who serve in any branch of the United States uniformed military services, including providing any necessary time off, in accordance with federal, state, and local law. Military duty, for the purpose of this policy, includes any ordered military duty in the service of the State of Georgia or the United States of America. This includes schools conducted by the armed forces of the United States.

Regular full-time employees are entitled to 14 days of leave with pay while engaged in the performance of military duty including going to and from such duty during normal working hours. The portion of any military leave in excess of 14 days will be unpaid. However, employees may use any available vacation for the absence. If the Governor calls out the unit, full pay can be awarded for a thirty-day period at the City Manager's discretion.

Subject to the terms, conditions and limitations of the plan, the service member will be allowed to continue health insurance benefits for the term of the military leave. Employees returning from military duty will be treated as though they were continuously employed for purposes of determining benefits based on length of service, such as job seniority and pension status.

Currently, the Uniformed Services Employment and Reemployment Rights Act provides for unpaid leave and reemployment rights to veterans whose cumulative period of uniformed service does not exceed five (5) years while employed by the same employer; however, employees should contact the [Human Resources Manager/Human Resources Director](#) to discuss current leave allotments and application to their individual situation. Employees on such leave will be required to follow any timeliness, notice, and/or reapplication requirements of USERRA or other applicable law with respect to their return to work. In addition, the Family and Medical Leave Act ("FMLA") also contains provisions regarding certain types of military leave. This is addressed in detail in the Family and Medical Leave Policy in this Handbook. If you believe you have been denied leave to which you are entitled, you may file a complaint pursuant to the City's Complaint Procedure set forth in this Handbook.

Personal Leave

Employees will be able to convert up to three days or 24 hours of sick leave to personal leave at the end of each year. This leave is designed to allow the employee to attend to personal business without using Vacation Time. In order to convert sick leave to personal leave you must have at least 40 hours after the conversion.

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Progressive Discipline

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Progressive Discipline

The Progressive Discipline process is designed to be constructive and corrective and to promote employee success. It gives employees the information necessary to understand what aspect of work performance, attendance and/or behavior is unacceptable, identifies the improvements that are expected, and provides the opportunity for employees to demonstrate the expected improvements. The goal is to improve performance, attendance, or behavior of employees and to assist employees in taking ownership of their performance, attendance, or behavior.

It is the responsibility of the employee to adhere to the expectations outlined by the supervisor and to adhere to the standards of conduct. It is recommended that employees whose performance or behavior is unsatisfactory, be provided an opportunity to go through the progressive discipline process. However, there are circumstances that warrant immediate termination. In addition, there is no required number of instances that a supervisor must warn or reprimand an employee before termination is warranted.

Progressive Discipline Steps

When an employee's performance or behavior is unsatisfactory, a progressive process is strongly advised. The steps involved in the process may include verbal discussion, written warning, suspension without pay, and termination. It is required that department management document all steps of the corrective discipline process as they occur. Including warnings and ramifications if the unacceptable performance and/or behavior are not corrected.

During each step, department management is advised to state the next step to be taken if the performance does not improve. However, in cases of serious misconduct (please see the section on serious misconduct below); the employee may be immediately terminated or suspended from the work force. All disciplinary material must be part of the official personnel file in Human Resources.

Verbal Disciplinary Action

The initial disciplinary action should be verbal, whenever possible. The discussion should be firm but fair and should ensure that the employee clearly understands the established standards and expectations with respect to the unacceptable performance or behavior. A written record of the date and content of such discussions should be maintained in the appropriate files within the department and a signed copy provided to the Human Resources Department. See Appendix D for *Verbal Counseling Record* form. This document is also available on the City's website, under Human Resources.

Written Disciplinary Action

The initial situation indicates a need for stronger action, or if verbal disciplinary action fails to improve the employee's performance, the supervisor may issue a written disciplinary warning. The written

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warning outlines the undesired behavior, states expectations and lists consequences if issues continue. If necessary, the Human Resources Department is available to assist department management with the composition of the warning document. Copies of the warning document should be maintained in the appropriate departmental file and also a copy forwarded to Human Resources to be placed in the official employee file. The employee has the right to grieve the disciplinary action in certain situations. Please see the Staff Grievance procedures for further information. All disciplinary material must be part of the official personnel file in Human Resources. See Appendix E for the **Written Disciplinary Action** form. This document is also available on the City's website, under Human Resources.

Suspension without Pay

Suspension without pay follows a verbal or written disciplinary warning if the desired results have not been accomplished. The length of the suspension should depend upon the facts of each case, (e.g., type and severity of the behavior, previous work record of the employee, and previous disciplinary actions). The suspension should be clearly explained in a written disciplinary warning to the employee and should indicate any possible consequences of further performance, attendance, or behavior issues.

Dismissal

Dismissal is advised when, among other reasons, an employee has engaged in serious misconduct or an employee has not corrected performance and/or behavior. Prior to dismissing an employee, department management must review the situation and related information with the Human Resources Department and supply appropriate documentation. The recommendation of termination will be forwarded to the City Manager for final approval.

Serious Misconduct

If serious misconduct is the cause of the dismissal, the employee will be given the reason for the dismissal and be given a chance to explain his conduct prior to the supervisor making the decision to dismiss him/her. Dismissal actions must be approved by Human Resources and the City Manager.

Appeal Process

Any employee demoted, terminated, suspended, or reduced in pay shall have the right to appeal such disciplinary action. The appeal shall be in writing and must be received by the respective department head within five (5) calendar days following the effective date of the disciplinary action. Upon the decision of the department head, the employee may appeal to the City Manager. The appeal shall be in writing and must be received by the City Manager within (5) calendar days from the decision of the department head. Upon receipt of a request for appeal to the City Manager or his/her designee shall within ten (10) days of the notice, schedule the interview after consultation with the affected employee.

Complaint Procedure

All employees should help ensure that the City avoids any form of unlawful or inappropriate conduct. If you feel that you have experienced or witnessed (1) harassment, (2) discrimination, (3) improper denial

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of a request for accommodation, (4) denial of requested leave under the FMLA, ADA, or otherwise, (5) violation of any policy of the City or policy in this document, or (6) failure to pay overtime or other violation of the FLSA or wage payment laws, or (7) any other unlawful or inappropriate conduct by anyone, including employees, supervisors, coworkers, contractors, subcontractors, vendors, or citizens, you are specifically authorized to by-pass your supervisor and are to immediately notify (preferably in writing and within 24 hours) the Human Resources Director, whose office is located in City Hall. The address and telephone number for the Human Resources Director is 571 West Bankhead Highway, Villa Rica Georgia 30180, 678-840-1223. If you are not contacted promptly about your complaint or are not satisfied with the response, you are to re-file it with the Human Resources Director and also send notification of your complaint in writing to the City Manager. If you are not comfortable discussing the matter with the Human Resources Director or otherwise do not wish to discuss the matter with the Human Resources Director, you are to file your complaint directly with the City Manager.

Retaliation

The City prohibits unlawful retaliation against anyone who has made a complaint or provides information related to a complaint under this policy. Any employee who feels that he or she has experienced or witnessed retaliation should immediately notify the City by using this Complaint Procedure.

Review of Complaint

The City will undertake an objective and appropriate review of any complaint, and expects all employees to fully cooperate with internal investigations that may be conducted by the City. To the extent practicable and appropriate, the City will keep any complaint and the terms of its resolution confidential. The City will take corrective action as deemed appropriate, including such discipline up to and including termination of employment. The City will undertake corrective action to stop inappropriate conduct before it rises to the level of an unlawful action. You will be notified about the outcome of your complaint. If you have any questions about the status of your complaint at any time, you should contact the Human Resources Director at the above telephone number and address. Each employee also should be aware that he or she has the right to file a charge of discrimination with the Equal Employment Opportunity Commission (EEOC) or other state agency as provided by law. According to the EEOC, the deadline for filing any such charge runs from the last date of unlawful conduct, not from the date that the complaint is resolved.

Intentionally False Claims

The City recognizes that intentional or malicious false accusations of misconduct can have a serious effect on innocent men and women. Individuals making such false accusations of misconduct will be disciplined in accordance with the nature and extent of his or her false accusation. The City encourages any employee to raise questions he or she may have regarding misconduct or this Policy with the Human Resources Director.

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Chapter Ten: Separations

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Section 1000.000 — Types of Separation

The following identifies the types of separations that may occur from one's employment with the City: voluntary resignation, compulsory resignation, layoff, disability, death, retirement, involuntary termination, reductions in force and job abandonment. ~~All disciplinary material must be part of the official personnel file in Human Resources.~~

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Section 1100.000 — Return of City Property

At the time of separation ~~Upon termination of employment for any reason, employees must promptly return all City property that is in their possession, custody, or control to their Department Head. This policy specifically requires employees to return all City property (including electronically stored information) that employees may have taken outside of the office (e.g., personal residence) or transferred to or stored on non-City computers and other electronic storage devices during the course of their employment.~~

Employees should clearly understand that, upon termination of their employment, they are without authorization to access or use any such City property, whether through a City computer or non-City computer. Further, for the avoidance of doubt, this policy makes clear that no employee is authorized to access the City's computer systems or networks, including City email services, after termination of employment, unless such post-termination access is expressly authorized in writing by the City Manager.

At the time of separation, all records, assets, passwords, applications associated with the job and any other property of the City held by the employee must promptly be returned to their Department Head. The Department Head will sign certification regarding receipt and clearance to this effect. Any amount due because of a shortage in the above shall be paid by the employee. In the case of a Department Head being terminated, all records, assets and property of the City held by the employee must be submitted to the City Manager.

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Section 1200.000 — Notice of Resignation

In order to resign in good standing, an employee must give a ~~two-week~~two-week written notice to their Department Head. Failure to comply with this policy shall be noted in the employee's personnel record. An employee who resigns in good standing may be eligible for rehire at the discretion of the City.

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Should you decide to leave your employment with the City, you are asked to provide at least two weeks' advance notice of your resignation. Your thoughtfulness will be appreciated and will be noted favorably should you ever wish to reapply for employment with the City or seek a favorable reference from the City. Additionally, all resigning employees may complete a brief exit interview prior to leaving. Upon termination, you must return the Employee Handbook and all City property to the City.

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Section 1300.000 — Job References

The City's reference policy is that employees are not to provide any reference regarding a current or former employee's employment with the City. Any request for a reference or employment history of any kind should be directed to the Human Resources ManagerHuman Resources Director. For your information, the Human Resources ManagerHuman Resources Director or his/her designee's response will be limited to providing dates of employment, position history and salary history. No one other than the Human Resources ManagerHuman Resources Director may respond to a job reference inquiry.

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Reduction in Force

A lay-off or reduction in force is an involuntary separation of an employee from employment with the City, which has been made necessary due to shortage of funds or work, the elimination of the employee's job position, changes in the duties or organization of the position or department, or for other reasons which are generally outside the employee's control.

When a reduction in force becomes necessary, the City Manager shall confer with other appropriate officials to ensure that the reduction is carried out appropriately and orderly. The following guidelines and procedures shall apply to any reduction in force:

1. 1-The City Manager, upon direction by the Mayor and City Council, will determine the number of positions to be affected in each department.
2. 2-The City Manager will prepare a list of all employee(s) within each department. The list should identify each employee's name along with his or her date of hire with the City, current status (e.g., regular, probationary period, temporary, part-time, full-time, etc.), job title, and exempt/non-exempt status.
3. 3-The City Manager will provide each department's list to the appropriate Department Head with instructions to select the required number of employees for layoff or reduction. Each Department Head will then review the list and any other information he or she deems relevant, and relevant and identify the required number of employees for layoff or reduction. Such layoff or reduction decisions may be based on any and all factors deemed relevant to the Department Head, and may include, but are not limited to, the following: consideration of the value of employees to the City in terms of meeting operating requirements, the qualifications and performance of individuals.

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performance appraisal history, job criticality, any information contained in each employee's personnel file, information and/or recommendations received from the City Manager or other sources, and length of employment with the City.

4. Each Department Head will meet with the City Manager and provide him or her with the names of the employees selected for layoff and reduction and the reasons for their selection. The City Manager will review and evaluate the Department Head's selections and reasons. The City Manager may accept, reject, or modify the selections recommended by the Department Head. All selections must be approved by the City Manager in order for the layoff or reduction to occur. The City Manager's decision may be based on any and all factors deemed relevant to the City Manager, including all of the factors set forth above regarding the Department Head's decision.
5. Generally, non-regular status employees within a particular classification, and those in emergency and temporary positions, should be the first to be separated, unless circumstances require otherwise.
6. If a regular status employee is scheduled to be separated and there is a vacancy in a lower classification, the employee will have the opportunity to apply for the vacancy and be considered to demote into the lower classification if he or she is qualified to fill the position and is otherwise in good standing with the City. The determination of qualifications and good standing shall be made by the City Manager.

The Mayor and City Council retain final authority over all reallocations, reorganizations, and reductions in force or other changes in human resource matters within the City. Any lay-off or reduction in force shall be conducted in accordance with applicable federal and state law.

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Termination Procedure for Job Abandonment

After it has been determined by the hiring manager that an employee has abandoned his/her position (has not shown up or communicated with the department for three consecutive scheduled workdays) the supervisor should move to terminate employment. The hiring manager should work with Human Resources to conduct the following procedures (these procedures should be followed within 24 hours of determining an employee has abandoned his job):

Contact Human Resources to draft a termination letter to the employee and to discuss other steps that need to be taken in the termination process (i.e. return of equipment, etc.).

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Complaint Procedure and Progressive Discipline

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Section 200.000 — Complaint Procedure

All employees should help ensure that the City avoids any form of unlawful or inappropriate conduct. If you feel that you have experienced or witnessed (1) harassment, (2) discrimination, (3) improper denial of a request for accommodation, (4) denial of requested leave under the FMLA, ADA, or otherwise, (5) violation of any policy of the City or policy in this Handbook, or (6) failure to pay overtime or other violation of the FLSA or wage payment laws, or (7) any other unlawful or inappropriate conduct by anyone, including employees, supervisors, coworkers, contractors, subcontractors, vendors, or citizens, you are specifically authorized to by pass your supervisor and are to immediately notify (preferably in writing and within 24 hours) the Human Resources ManagerHuman Resources Director, whose office is located in City Hall. The address and telephone number for the Human Resources ManagerHuman Resources Director is 571 West Bankhead Highway, Villa Rica Georgia 3180, 678-840-1223. If you are not contacted promptly about your complaint or are not satisfied with the response, you are to re file it with the Human Resources ManagerHuman Resources Director and also send notification of your complaint in writing to the City Manager. If you are not comfortable discussing the matter with the Human Resources ManagerHuman Resources Director or otherwise do not wish to discuss the matter with the Human Resources ManagerHuman Resources Director, you are to file your complaint directly with the City Manager.

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Section 210.000 — Retaliation

The City prohibits unlawful retaliation against anyone who has made a complaint or provides information related to a complaint under this policy. Any employee who feels that he or she has experienced or witnessed retaliation should immediately notify the City by using this Complaint Procedure.

Section 220.000 — Review of Complaint

The City will undertake an objective and appropriate review of any complaint, and expects all employees to fully cooperate with internal investigations that may be conducted by the City. To the extent practicable and appropriate, the City will keep any complaint and the terms of its resolution confidential. The City will take corrective action as deemed appropriate, including such discipline up to and including termination of employment. The City will undertake corrective action to stop inappropriate conduct before it rises to the level of an unlawful action. You will be notified about the outcome of your complaint. If you have any questions about the status of your complaint at any time, you should contact the Human Resources ManagerHuman Resources Director at the above telephone number and address.

Each employee also should be aware that he or she has the right to file a charge of discrimination with the

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Equal Employment Opportunity Commission (EEOC) or other state agency as provided by law. According to the EEOC, the deadline for filing any such charge runs from the last date of unlawful conduct, not from the date that the complaint is resolved.

Section 230.000 — Intentionally False Claims

The City recognizes that intentional or malicious false accusations of misconduct can have a serious effect on innocent men and women. Individuals making such false accusations of misconduct will be disciplined in accordance with the nature and extent of his or her false accusation. The City encourages any employee to raise questions he or she may have regarding misconduct or this Policy with the Human Resources Manager/Human Resources Director.

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Section 240.000 — Progressive Discipline

The Progressive Discipline process is designed to be constructive and corrective and to promote employee success. It gives employees the information necessary to understand what aspect of work performance, attendance and/or behavior is unacceptable, identifies the improvements that are expected, and provides the opportunity for employees to demonstrate the expected improvements. The goal is to improve

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performance, attendance, or behavior of employees and to assist employees in taking ownership of their performance, attendance, or behavior.

It is the responsibility of the employee to adhere to the expectations outlined by the supervisor and to adhere to the standards of conduct. It is recommended that employees whose performance or Behavior is unsatisfactory, be provided an opportunity to go through the progressive discipline process. However, there are circumstances that warrant immediate termination. In addition, there is no required number of instances that a supervisor must warn or reprimand an employee before termination is warranted.

Progressive Discipline Steps

When an employee's performance or behavior is unsatisfactory, a progressive process is strongly advised. The steps involved in the process may include verbal discussion, written warning, suspension without pay, and termination. It is required that department management document all steps of the corrective discipline process as they occur. Including warnings and ramifications if the unacceptable performance and/or behavior are not corrected.

In each step, department management is advised to state the next step to be taken if the performance does not improve. However, in cases of serious misconduct (please see the section on serious misconduct below); the employee may be immediately terminated, or suspended from the work force.

Verbal Disciplinary Action

The initial disciplinary action should be verbal, whenever possible. The discussion should be firm but fair and should ensure that the employee clearly understands the established standards and expectations with respect to the unacceptable performance or behavior. A written record of the

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date and content of such discussions should be maintained in the appropriate files in the department.

Written Disciplinary Action

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Dismissal

Dismissal is advised when, among other reasons, an employee has engaged in serious misconduct or an employee has not corrected performance and/or behavior. Prior to dismissing an employee, department management must review the situation and related information with the Human

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Resources Department and supply appropriate documentation. The recommendation of termination will be forwarded to the City Manager for final approval.

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Serious Misconduct

If serious misconduct is the cause of the dismissal, the employee will be given the reason for the dismissal and be given a chance to explain his conduct prior to the supervisor making the decision to dismiss him/her. Dismissal actions must be approved by Human Resources and the City Manager.

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Appeal Process

Any employee demoted, terminated, suspended, or reduced in pay shall have the right to appeal such disciplinary action. The appeal shall be in writing and must be received by the respective department head within fiveten (10 (5) calendar days following the effective date of the disciplinary action. Upon the decision of the department head, the employee may appeal to the City Manager. The appeal shall be in writing and must be received by the City Manager within ten(5) calendar days from the decision of the department head. Upon receipt of a request for appeal to the City Manager or his/her, designee shall within ten (10) days of the notice, schedule the interview after consultation with the affected employee. Section 960.000 Family and Medical Leave Act (FMLA)

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Section 960.100 Scope of Policy

The Family and Medical Leave Act of 1993 ("FMLA") provides unpaid, job-protected leave to eligible employees for certain family and medical reasons, without loss of health insurance benefits. The existence of this Policy shall not alter or expand the statutory requirements of the FMLA, and application

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151

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of this Policy is correspondingly limited to those employers and employees who are protected based on the provisions of the FMLA.

In addition to the information on the Notice following this Policy (identified as Employee Rights and Responsibilities), the following information is provided to explain the employee's rights and obligations when requesting a family or medical leave.

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POLICY

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It is the policy of The City of Villa Rica to provide eligible employees up to twelve (12) weeks of unpaid leave under the FMLA for one or more of the following reasons:

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(1) Birth of a child and to care for the newborn child;

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(2) Adoption or foster placement of a child with the employee;

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(3) To care for the employee's spouse, son, daughter or parent, if that person has a serious health condition;

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(4) Serious health condition of employee that prevents the employee from performing the job functions; and

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(5) Any qualifying exigency arising from the fact that the employee's family member (the covered military member) is on active duty or has been notified of an impending deployment in support of a contingency operation. Qualifying exigencies are defined as short-notice deployment (seven or less calendar days); military events and related activities; childcare and school activities; financial and legal arrangements; counseling; rest and recuperation (up to five days per instance); post-deployment activities; additional activities where the City and employee

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152

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agree that the leave is an exigency and agree to both timing and duration of the leave.

The City of Villa Rica will provide eligible employees up to twenty-six (26) weeks of unpaid Military Caregiver Leave under the FMLA to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member. Please note that this leave is available for the care of current service members and covered veterans.

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FMLA leave may be taken intermittently or on a reduced leave schedule under certain circumstances. Eligible employees may take FMLA leave on an intermittent or reduced schedule basis when medically necessary due to the serious health condition of a covered family member or the employee or the serious injury or illness of a covered service member. Eligible employees may also take FMLA leave on an intermittent or reduced schedule basis when necessary because of a qualifying exigency. If an employee needs leave intermittently or on a reduced leave schedule for planned medical treatment, then the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the City's operations.

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All requests for intermittent or reduced leave schedule for FMLA purposes must be submitted to Human Resources for review.

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DEFINITIONS

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"Active duty or call to active duty status" means a call or order to active duty in support of a contingency operation pursuant to various sections of Title 10 of the United States Code as defined in 29 C.F.R. § 825.800.

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"Contingency Operation" means a military operation designated by the Secretary of Defense as one in which Armed Forces members are or may be involved in military actions, operations, or hostilities against an enemy of the U.S. or an opposing military force, or a military operation that results

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153

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in the call or order to, or retention on, active duty as defined in 29 C.F.R. § 825.800.

"Covered military member," means the employee's spouse, son, daughter, or parent on active duty or call to active duty status.

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"Covered Service member" means a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty.

Health care provider means:

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(1) The FMLA defines health care provider as:

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(i) A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or

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(ii) Any other person determined by the Secretary to be capable of providing health care services.

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(2) Others "capable of providing health care services" include only:

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(i) Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the State and performing within the scope of their practice as defined under State law;

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(ii) Nurse practitioners, nurse-midwives, clinical social workers and physician assistants who are authorized to practice under State law

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154

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and who are performing within the scope of their practice as defined under State law;

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(iii) Christian Science Practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts. Where an employee or family member is receiving treatment from a Christian Science practitioner, an employee may not object to any requirement from an employer that the employee or family member submit to examination (though not treatment) to obtain a second or third certification from a health care provider other than a Christian Science practitioner except as otherwise provided under applicable State or local law or collective bargaining agreement.

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(iv) Any health care provider from whom an employer or the employer's group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; and

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(v) A health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law.

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(3) The phrase "authorized to practice in the State" as used in this section means that the provider must be authorized to diagnose and treat physical or mental health conditions.

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"Intermittent leave" is FMLA leave taken in separate blocks of time due to a single qualifying reason.

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means the nearest "Next of Kin" of a covered service member blood relative other than the covered service member's spouse, parent, son or daughter, in the following order of priority: blood relatives granted legal custody, brothers and sisters, grandparents, aunts and uncles, and first

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cousins, unless the covered service member has specifically designated in writing another blood relative for purposes of FMLA caregiver leave

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"Outpatient Status," with respect to a covered service member, means the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

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"Parent" means a biological parent or one who acted in place of a parent when the employee was a child. The term "Parent" does not include parent "in-law".

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"Parent of covered service member" means a biological, adoptive, step or foster parent or any other individual who acted in place of a parent of the covered service member. The term does not include parents "in law."

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"Reduced Leave Schedule" is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday. A reduced leave schedule is a change in the employee's schedule for a period of time, normally from full-time to part-time.

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"Serious Health Condition" means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility or continuing treatment by a health care provider.

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"Serious Injury or Illness" means, an injury or illness incurred by a covered service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of the member's office, grade, rank, or rating.

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"Son or daughter" means a biological, adopted or foster child, a stepchild, a legal ward, or a child for whom the employee acts as a parent. The son or daughter must be under age 18 or, if the son or daughter is age 18 or older,

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156

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he/she must be incapable of self-care on a daily basis due to a mental or physical disability.

"Son or daughter of a covered service member" means a covered service member's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member acted in the place of a parent, and who is of any age.

"Spouse" means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex or common law marriage that either:

(1) Was entered into in a State that recognizes such marriages; or

(2) If entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.

"TRICARE" is the health care program serving active duty service members, National Guard and Reserve members, retirees, their families, survivors, and certain former spouses worldwide.

PROCEDURES

Employee Submits the "Family & Medical Leave Request Form

If the need for FMLA leave is foreseeable, an employee requesting leave must provide at least 30 days advance notice to his/her supervisor. If such advance notice is not possible, the employee must give notice to his/her supervisor as soon as practicable, ordinarily within one or two working days of learning of the need for leave. When planning medical treatment, the employee should make a reasonable effort to schedule the treatment,

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157
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subject to the approval of the health care provider, so that any corresponding leave will not unduly disrupt the operations of The City of Villa Rica. Supervisors must immediately report all requests for FMLA leave to Human Resources to ensure all requests are reviewed in a timely manner. Employees must provide sufficient information for the City to reasonably determine whether the FMLA may apply to the leave request. When an employee seeks leave due to an FMLA-qualifying reason for which the City has previously provided FMLA leave, the employee must specifically reference either the previous qualifying reason for leave or the need for FMLA leave.

The City of Villa Rica will provide a "Family & Medical Leave Request Form" to employees requesting FMLA leave. The "Family & Medical Leave Request Form" should include an expected return date, if known, and bear the original signature of employee requesting leave.

For military exigency, the City may require that a first request for leave because of a qualifying exigency arising from active duty or a call to active duty be supported by a copy of the covered service member's active duty orders or other documentation issued by the military. A certification form requesting the required information to support a request for exigency leave will be provided by the City upon request.

Supervisors should provide any employee absent due to a health condition for three or more consecutive days with a Medical Leave Packet that informs employees of their FMLA rights and responsibilities. This packet shall include detailed information regarding the City's leave policies, the "Family & Medical Leave Request Form," certification documentation to be provided to the employee's health care provider,

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return to work documentation and such other information as the Human Resources Director or his/her designee deems appropriate.

Communicating Eligibility and Rights and Responsibilities

An employee is eligible for FMLA leave only if the employee meets all three of the following eligibility requirements:

- (1) Has been employed by the City for at least 12 months (which do not have to be consecutive) prior to the date of leave*;
- (2) Has worked at least 1,250 hours during the 12-months immediately before the date FMLA leave begins; and
- (3) Is employed at a worksite within 75 miles of which the City employs at least 50 people.

*The City need not count employment prior to a break in service of seven years or more unless there was a written agreement between the employer and employee or the break in service was due to fulfillment of military service in the National Guard or Reserves.

Under normal circumstances, the Human Resources Director or his/her designee will notify the employee of eligibility within 5 business days of the request for FMLA leave utilizing the WH-381 form promulgated by the United States Department of Labor or a similar form approved by the Human Resources Director. If the employee is ineligible for FMLA leave, the City will inform the employee of at least one reason why he/she is

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ineligible for FMLA leave (e.g., the employee has not been employed for 12 months).

The City's response to the employee's FMLA leave request will establish whether the employee is eligible for FMLA leave and notify the employee of his or her rights and responsibilities under the FMLA.

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Certification

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Upon determination that the employee is eligible for FMLA leave consideration, the Human Resources Department will provide the employee with one of the following certification forms promulgated by the United States Department of Labor, or a comparable form approved by the Human Resources Director, along with the Notice of Eligibility and Rights & Responsibilities (WH-381) to obtain health care provider certification or other documentation in support of the leave:

-Certification of Health Care Provider for Employee's Serious Health Condition (WH-380E), or
-Certification of Health Care Provider for Family Member's Serious Health Condition (WH-380F), or
-Certification of Qualifying Exigency for Military Family Leave (WH-384), or
-Certification for Serious Injury or Illness of Current Service member for Military Family Leave (WH-385), or
-Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave (WH-385-V).

Employees are allowed up to 15 calendar days from receipt of the Notice of Eligibility and Rights & Responsibilities to complete and return the appropriate certification form.

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-Certification of Qualifying Exigency for Military Family Leave

The City may require that an employee's request for qualifying exigency leave be supported by an appropriate certification. The City may require that the certification include a copy of the military member's active duty

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orders. However, the employee is only required to provide this information to the City once for a military member on a specific deployment.

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The City may also require the employee to submit certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought. For example, if the employee is taking leave to meet with an alternate childcare provider or a financial consultant, the City may require the employee to provide the contact information of the third party with whom the employee is meeting. Where an employee seeks leave to spend time with a military member on Rest and Recuperation leave, the City may request a copy of the military member's Rest and Recuperation orders, or other documentation confirming the dates of the member's leave.

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The City may not require second and third opinions or recertification for qualifying exigency leave. When the leave involves meeting with a third party, the City may contact the third party to confirm that the meeting is taking place and the nature of the meeting, but the City will not request additional information. The City also may contact the Department of Defense to verify a military member's covered active duty status.

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Certification for Serious Injury or Illness of Current Service member for Military Family Leave

The City may require that leave to care for a covered service member be supported by a certification completed by an authorized health care provider or by a copy of an Invitational Travel Order (ITO) or Invitational

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confirmation of family relationship and documentation of discharge date and status for a complete certification

An authorized health care provider is a

(1) United States Department of Defense ("DOD") health care provider;

(2) United States Department of Veterans Affairs ("VA") health care provider;

(3) DOD TRICARE network authorized private health care provider;

(4) DOD non-network TRICARE authorized private health care provider; or

(5) Non-military-affiliated health care provider.

The City may request a second and third opinion of a covered veteran's serious injury or illness only when a certification is provided by a non-military-affiliated health care provider.

Clarification

If an employee submits a complete and sufficient certification form signed by a health care provider, no additional request for information from the health care provider will be made by the City. However, the City may contact the health care provider for purposes of clarification and authentication of the medical certification. Authentication means providing the health care provider with a copy of the certification and requesting verification that the information contained on the certification form was completed and/or authorized by the health care provider who signed the document. Clarification means contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of a

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response. The City shall not ask the health care provider for additional information beyond that contained on the medical certification form.

Designation

Within five days of receipt of all requested information, the Human Resources Director, or his/her designee will mail a cover letter and Designation Notice form (WH-382) to notify the employee whether his or her FMLA request has been approved or denied. The cover letter will address specific information related to the need for leave or benefit changes.

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In some circumstances, the Designation Notice may be provided contemporaneously with the Notice of Eligibility and Rights & Responsibilities (WH-381) form when adequate information has been obtained regarding both the employee's eligibility for FMLA leave and the absence's qualification for FMLA leave.

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Effect on Leave

Employees who are granted FMLA leave will be required to use accrued leave balances concurrently with the FMLA leave. Additionally, any workers' compensation leave that qualifies as a FMLA event will run concurrently with the FMLA leave.

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Missed Deadlines

If the City does not designate FMLA leave within the applicable timeframe as required by 29 C.P.R. § 825.300(d), the leave may be retroactively designated as FMLA leave with appropriate notice to the employee; provider, however, that the failure to timely designate leave does not cause harm or injury to the employee. In all cases deadlines missed by the City, where leave would qualify for FMLA protections, the leave will be retroactively designated as FMLA leave. In such cases, the employee

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will be provided the same leave benefits and job guarantees he or she should receive under the FMLA.

Recertification

In most cases, the City will request recertification no more often than every 30 days, unless:

(1) the medical certification indicates that the minimum duration of the condition is more than 30 days; or

(2) the employee requests an extension of leave that has been certified to have a duration of less than 30 days; or

(3) circumstances described by the previous certification have changed significantly (e.g., the duration or frequency of the absence, the nature or severity of the illness, complications); or

(4) the City receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification.

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[April 16, 2018](#)[April 16, 2018](#)[April 16, 2018](#)[April 15, 2018](#)[April 5, 2018](#)[April 5, 2018](#)[March 23, 2018](#)[March 23, 2018](#)[March 6, 2018](#)[February 26, 2018](#)[February 23, 2018](#)[February 23, 2018](#)[February 23, 2018](#)[February 23, 2018](#)[February 23, 2018](#)[February 22, 2018](#)[February 22, 2018](#)[February 22, 2018](#)[February 22, 2018](#)[February 22, 2018](#)[February 22, 2018](#)[February 13, 2018](#)

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Updates to Employee Handbook

2019

Changes

- **Page 3:** Sexual or Other Unlawful Harassment: “Any person who feels that he or she has witnessed or been subject to harassment is obligated to report to supervision and should follow the City’s Complaint Procedure set forth in this Handbook.”
- **Page 5:** At Will Policy: Removed “as defined on O.C.G.A 34-7-1”
- **Page 7:** Safety Policy: This City is committed to a strong safety program that protects its staff, its property and the public from accidents. Employees at every level, including management, are responsible and accountable for the company’s overall safety initiatives. All employees are responsible for maintaining a safe working environment. Employees and supervisors will regularly review all safety manuals that are applicable for their job duties and adhere to them at all times. If the job duties require the use of Personal Protective Equipment (PPE), employees will utilize all PPE equipment for the duration of the job duties assigned. Supervisors will be held accountable for the health and safety of workers under their supervision and are required to report any safety policy violations. Supervisors are responsible to ensure that machinery and equipment are safe and that workers work in compliance with established safe work practices and procedures. Workers must receive adequate training in their specific work tasks to protect their health and safety. Employees will be subject to discipline, up to and including termination from employment, for violating this policy.
- **Page 9 & 10:** All transfers, promotions, demotions are subject to a 180 day (six month) probationary period.
- **Page 26:** Dress Code: Business casual dress is defined as follows:
Shirts: All shirts with collars, business casual crewneck or V-neck shirts, blouses, sweaters and collared shirts bearing the City’s logo. Examples of inappropriate shirts include T-shirts, shirts with inappropriate slogans, tank tops, crop tops or any other tops that reveal undergarments.
Pants/skirts/dresses: Casual slacks and trousers without holes, frays, etc. Skirts and dresses that come below the knee. Examples of inappropriate items include leggings or jeggings, mini skirts, shorts, pants worn below the waist or hip line, and any other bottoms that reveal undergarments.
Footwear: Casual slip-on or tie shoes, dress sandals, and clean athletic shoes. Examples of inappropriate footwear include flip-flops and construction or hunting boots
- **Page 28:** Operating City equipment: Tobacco use and the use of vaporizers are prohibited in City vehicles or equipment.
- **Page 32:** On Call/Call Out Policy: On call status is a privilege, therefore an employee must in close proximity to the City in order to arrive quickly and access the situation. When on call the employee is not allowed to drink alcoholic beverages or use any substance that impairs their ability to drive legally or perform their required job duties.

On call pay is paid at the rate of \$125.00 per week that an employee is on call, whether they are called out or not. When an emergency occurs and more workers are necessary to mitigate the situation those employees who are called to report will receive one half (\$62.50) of the on-call stipend. Hourly employees called out will be paid for hours worked according to the Fair Labor Standards Act (FLSA) overtime regulations, in addition to the stipend.

On-call Stipend forms must be filled out completely, signed by both employee and supervisor and submitted to the Human Resources Department prior to payroll processing. Stipend forms will not be accepted without both authorized signatures. If the stipend form is received after payroll is processed, the stipend will be added to the following regularly scheduled payroll cycle.

- **Page 34:** Deferred Compensation Plan -457(b): Employees are eligible after successfully completing new hire probationary period of six (6) months.
- **Page 38:** Payment for Unused, Accrued Vacation: Employees “will” be paid has been changed to employee “may” be paid.
- **Page 38:** Use of Sick Leave: Any employee out for three (3) consecutive days requires a return to work note from a licensed medical provider.
- **Page 39:** Bereavement Leave: removed “consecutive” from defining the three (3) days of leave.
- **Page 44-46** – Progressive discipline, complaint and appeal procedures, added back from procedures manual.



CITY OF VILLA RICA

City Council Packet

SUBJECT: South Candler Drainage Improvements

CITY COUNCIL AGENDA DATE: October 8, 2019

DATE: September 26, 2019

PREPARED BY: Bobby C. Elliott P.E.

FISCAL IMPACT:

ANNUAL –

CAPITAL –

OTHER –

FUNDING SOURCE: Carroll County SPLOST

PURPOSE: The purpose of this project is to improve the drainage in the area of 314 South Candler Street. Currently street water is not being contained in the existing storm system.

BACKGROUND: Over the course of many years, Villa Rica has areas of deteriorated storm sewer infrastructure. Along with this aged infrastructure, overland and street storm flows are getting harder to manage and to keep inside the existing system as is the case with this project. This project proposes to upgrade the storm system in the area surrounding 314 South Candler Street to help improve the street drainage and to provide collection points for overland flows.

We have solicited proposals for labor only to make improvements to this system. Improvements consist of upgrading piping, installing concrete curb/gutter, installing two additional catch basins and landscaping disturbed areas. Materials for this project will be bought by the City from our regular approved vendors and should not exceed \$15,000.00. Final costs will depend on actual field quantities. Labor proposals were received from the following contractors:

HNC Construction LLC	\$15,708.50
Hudder Grading and Utilities Inc.	\$19,900.55
Dean Grading and Pipeline	\$15,854.00
Classic Curb Inc.	\$14,840.00

STAFF RECOMMENDATION: Staff recommends selecting the low bid from Classic Curb, Inc. for the amount of \$14,840.00 for this project. They are currently a vendor we use for catch basin repairs. Funding for this project including labor and materials will come from Stormwater Improvements in Carroll County SPLOST.

IMPACT:

MOTION: I make a motion to select Classic Curb, Inc. for the South Candler Drainage Improvements Project for the low bid on labor only for \$14,840.00.

South Candler Drainage Improvements

Proposer	Bid Price
HNC Construction LLC 2403 Rainey Road Temple, GA 30179 Randall W. Hathcock: 404-719-8372	\$15,708.50
Hudder Grading and Utilities Inc. P.O. Box 542 Temple, GA 30179 Eric Hudder: 770-560-4640	\$19,900.55
Dean Grading and Pipeline 3862 Pool Road Winston, GA. 30187 Jerry Dean: 678-796-4631	\$15,854.00
Classic Curb Inc. 731 Austin Bridge Rd Douglasville, GA 30134 Terry Hawkins: 770-920-8963	\$14,840.00



Agenda Item: _____

CITY OF VILLA RICA

City Council Meeting Agenda Item Cover Sheet

SUBJECT: Request for Open Container and Use of Main Street for a Fundraiser Hosted by Uncorked and Los Cowboys

AGENDA DATE: October 8, 2019
PREPARED BY: Tom Barber

DATE PREPARED: September 26, 2019

AMOUNT: n/a
FUNDING SOURCE: n/a

GL ACCOUNT #: n/a
BUDGETED ITEM? n/a

PURPOSE: The operators of two downtown restaurants have approached the City about hosting a fundraiser on Main Street.

BACKGROUND: Uncorked on Main and Los Cowboys wish to host a fundraising event on Saturday, November 9, 2019 for the owner of Los Cowboys, Humberto Melendez, to help pay for his medical expenses. They would like to temporarily barricade Main Street from 141 Main Street at Another's Treasures to 113 Main Street at Los Cowboys Restaurant from 3:00 pm until 11:00 pm. There will be musical entertainment on the street in front of these two businesses from 4:00 pm until 10:00 pm.

The second request would be to allow the consumption of beer, wine and mixed drinks purchased only from Uncorked on Main and Los Cowboys. Only plastic cups obtained from the two restaurants may be carried in the areas listed above on Saturday, November 9, 2019 from 4:00 pm until 10:00 pm.

STAFF RECOMMENDATION: Staff recommends approval of the open consumption of alcohol and the use of Main Street from 141 Main Street to 113 Main Street for a fundraising event to be held Saturday, November 9, 2019 from 4:00 pm until 10:00 pm to help raise funds for Los Cowboys owner Humberto Melendez.

IMPACT: Street closures during road races or events at The MILL Amphitheater typically generate few complaints from local businesses.

MOTION: I move that we allow Uncorked on Main and Los Cowboys to jointly host a fundraising event on Saturday, November 9, 2019 from 4:00 pm until 10:00 pm. I move that we allow 113 Main Street to 141 Main Street to be barricaded from 3:00 pm to 11:00 pm. I further move that we allow an open container of beer, wine or mixed drink to be purchased only from Uncorked on Main and Los Cowboys to be consumed only from plastic cups in the area detailed above from 4:00 pm until 10:00 pm.



Agenda Item: _____

CITY OF VILLA RICA

City Council Meeting Agenda Item Cover Sheet

SUBJECT: Request for engineering services for the water line extension along Highway 78 from Dairy Queen to Dollar Tree.

AGENDA DATE: October 8, 2019

DATE PREPARED: September 26, 2019,
PREPARED BY: Pete Zorbanos

AMOUNT: \$25,550.00
GL ACCOUNT #: 505-4440-541450
FUNDING SOURCE: Water/Sewer Fund
BUDGETED ITEM? Yes

PURPOSE: To engage an engineer to perform the following tasks for the water line upgrade:

1. Project Administration & Coordination
2. Field Surveying/Utility Locates
3. Engineering Design
4. Permitting & Approvals
5. Bidding
6. Construction Phase Services/Construction Observation

BACKGROUND: Currently, there is no water line along the north side of Highway 78 between the Dairy Queen and the Dollar Tree. As a result, undersized and inadequate water service connections have been installed in this area, and in some cases down private drives. In order to remedy this situation, it is recommended that a new 8 inch water line be extended from the existing 8 inch water line located at the Dairy Queen and connect to the 8 inch water line located at the Dollar Tree. This will provide a continuous run of 8 inch water line on that side of Highway 78.

STAFF RECOMMENDATION: Staff recommends engaging Carter & Sloope, Inc. for the above-mentioned engineering services for the water line along the north side of Highway 78 from the Dairy Queen to the Dollar Tree in an amount not to exceed \$25,550.00.

IMPACT: The addition of the 8 inch water line extension will help eliminate the undersized water service connections in that area by providing for the installation of properly sized water taps and meter sets at the right of way. It will also, provide adequate flow, pressure, and capacity if this area further develops in the future.

MOTION: I make a motion to engage Carter & Sloope, Inc. for engineering services for the water line along the north side of Highway 78 from the Dairy Queen to the Dollar Tree in an amount not to exceed \$25,550.00.



September 13, 2019

Mr. Pete Zorbanos
Public Works Director
City of Villa Rica
571 W. Bankhead Highway
Villa Rica, GA 30180

RE: City of Villa Rica, Georgia
Addendum No. 5 to Water Treatment Plant Improvements Proposal
C&S Project No. V8150.001
Water Main Extension Along Hwy 78

Dear Mr. Zorbanos:

Carter & Sloope, Inc. (C&S or Engineer) is pleased to submit this Addendum No. 5 to the Proposal/Scope of Services letter for the referenced project (Project) to provide engineering services to the City of Villa Rica (Client or Owner) for the proposed Water Treatment Plant Improvements (proposal letter originally dated March 19, 2018). This addendum covers additional engineering design, permitting, bidding assistance, and construction phase services including general contract administration and periodic onsite construction observation services for work described as Water Main Extension Along Hwy 78. More specifically, the proposed water main replacement is from the Dairy Queen driveway to the west side of Hwy 61. The scope of services described below is based on our understanding of the project from discussions and meetings with Client's personnel.

Scope of Work (Basic Services)

Phase I: Project Administration & Coordination

C&S will meet with personnel from the *City of Villa Rica* to review the scope of the project, develop a project schedule, and confirm deliverables. We will also gather available information about the project routes and existing features including coordination with the existing utility companies. This preliminary work will also include a site visit to verify existing conditions and fully gain an understanding of the project requirements. During this preliminary phase, C&S will evaluate the permitting requirements based on experience with similar projects and discuss how the necessary permits impact the project timeline with the City.

Phase II: Field Surveying/Utility Locates

C&S will utilize a survey crew to provide a field run, topographic survey of the project route. The survey will include all existing features including roadway, drainage, utilities, right-of-way, and any other pertinent topography required for the plans.

Prior to field survey, C&S will call in all utility locates so they can be accurately surveyed and represented with the rest of the existing features and will conduct thorough research to obtain all available utility documents for the project area. Existing road right-of-ways will also be researched and confirmed by the registered surveyor. Required easement documents will also be provided for any sections of the proposed water line that would need to be installed outside of the GDOT right-of-way on personal property.

Phase III: Engineering Design

C&S understands that detailed engineering, construction drawings are required to complete this project. Using data gathered during Phase I and II, C&S shall prepare detailed construction drawings for the water line. The construction drawings will include a cover sheet, general layout map, construction plans, and standard details. Construction plans will be generated using AutoCAD Version 2020.

As work progresses, C&S will submit to the City for review and approval 60% and 100% construction drawings. The drawings will show the proposed location of the new water mains and connections to existing or proposed services. In addition, C&S will submit engineering estimates of probable cost with a summary of bid items and address any construction concerns or other key issues with the City.

Phase IV: Permitting and Approvals

Based on experience with similar projects, C&S understands there will be multiple permits and approvals required by state agencies for this project. The proposed improvements will not disturb more than one acre, so a Land Disturbance Permit or NPDES General Permit GAR100002 will not be required. However, best management practices will be incorporated into the plans and specifications.

It is understood that permits will be required for GDOT and EPD. These permits will be submitted as soon as possible in order to obtain the approval before construction begins. All comments and revisions shall be incorporated into the final construction plans and specifications. Any application fees will be paid by the City.

Based on the current information, it is not expected that a United States Army Corps of Engineers (USACOE) permit and/or a Stream Buffer Variance permit from the GA EPD would be required for this project.

Phase V: Bidding

C&S will assist the Client in advertising and obtaining competitive and qualified bids for the project in accordance with local and State law. The advertisement period shall last a minimum of 30 days and the Client will pay all necessary advertising fees. C&S will provide the Client with the necessary Bidding Documents, which will include two (2) full-size hard copy set of final design Drawings and Specifications to be kept on file during the advertisement period. The client may place a copy of the Advertisement for Bids (Section 00100) on their website during the advertisement period, however, electronic copies of the entire set of Bidding Documents shall not be placed on the Client's website, FTP site or other electronic platform during Bidding for download by bidders or any third party without the Engineer's consent and approval.

C&S will maintain a record of prospective bidders to whom Bidding Documents have been issued and receive and process nominal fees or charges from bidders to compensate the Engineer for costs

associated with printing, reproduction and shipping the Bidding Documents to bidders. We will respond to Requests for Information (RFIs) and issue Addenda as appropriate to clarify, correct, or change the Bidding Documents. We will also consult with the Client and participate in all decisions as to the acceptability of substitute materials, subcontractors, suppliers, and other individuals and entities proposed by prospective contractors for those portions of the project as to which such acceptability is required by the Bidding Documents. Because of the project complexity, we anticipate hosting a pre-bid conference at City Hall to allow Bidders an opportunity to see the project site before bidding.

C&S will attend and manage the Bid Opening, review bids, and prepare a Certified Bid Tabulation. We will provide a Letter of Recommendation to the Client regarding award of the contract as appropriate and assist in assembling and executing the contracts for the Project.

C&S will prepare the Notice of Award and Contract Documents and forward them to the selected Contractor for execution. We will receive the executed contracts, bonds and insurance documents from the contractor and forward them to the Client for their review and approval.

Phase VI: Construction Phase Services

1.1 Construction Administration

Management of construction efforts (i.e. "construction management" services) are specifically excluded from our Scope of Work; however, during construction, C&S will provide professional services in the general administration of the construction contract and act as the Client's representative to the extent and limitations of the duties, responsibilities and authority of the Engineer as established in this written Agreement and in the Contract Documents. After the contracts have been executed by all parties, C&S will complete, with reasonable promptness, the following tasks as needed during construction of the project:

- a. Pre-Construction Conference:* Attend and lead one (1) pre-construction conference that will be hosted by the Client at their office and issue a Notice to Proceed to the selected Contractor.
- b. Baselines and Benchmarks:* As appropriate, establish baselines and benchmarks for locating the Work which, in the Engineer's judgment, are necessary to enable the Contractor to proceed.
- c. Clarifications and Interpretations (Field Orders):* Respond in writing with reasonable promptness to Requests for Information (RFI's) and issue necessary clarifications and interpretations of the Contract Documents as appropriate to the orderly completion of Contractor's work. Such clarifications and interpretations will be consistent with the intent of and reasonably inferable from the Contract Documents and shall be provided as part of the Engineer's Scope of Services; however, if the Contractor's request for information, clarification, or interpretation are, in the Engineer's professional opinion, for information readily apparent from reasonable observation of field conditions or a review of the Contract Documents, or are reasonably inferable there from, the Engineer shall be entitled to compensation for Additional Services for the Engineer's time spent responding to such request provided the Engineer notify Client in advance that it deems such request to be so apparent, seek compensation for such clarification and interpretation and Client does not timely instruct the Engineer not to undertake the clarification or interpretation. Should the Client agree to reimburse the Engineer

for these Additional Services, the Engineer shall prepare a Change Order for the Client that will deduct the cost of these Additional Services from the Client's contract with the Contractor.

- d. *Change Orders:* Review and recommend Change Order justifications and prepare change orders to modify the Contract Documents as may be necessary.
- e. *Shop Drawings and Samples:* Review and approve or take other appropriate action in respect to Shop Drawings and Samples and other data which Contractor is required to submit, but only for general conformance with the information given in the Contract Documents and compatibility with the design concept of the completed Project as a functioning whole as indicated by the Contract Documents. Such reviews and approvals or other action will not extend to means, methods, techniques, sequences, or procedures of construction or to safety precautions and programs incident thereto.
- f. *Schedules:* Review and determine the acceptability of schedules which the Contractor is required to develop and submit to Engineer, including the Progress Schedule, Schedule of Submittals, and Schedule of Values.
- g. *Substitutes and "or equal":* Evaluate and determine the acceptability of substitute or "or-equal" materials and equipment proposed by the Contractor, but subject to the provisions outlined in Additional Services.
- h. *Progress Meetings:* C&S will attend progress meetings at the jobsite as needed, but at a minimum, on a monthly basis. We will prepare meeting agendas, lead the progress meetings and issue meeting minutes for review and approval by the Client and Contractor. We have assumed twelve (12) meetings – one per month as the basis for estimating of fees.
- i. *Applications for Payments:* Based on Engineer's observations as an experienced and qualified professional and on review of Applications for Payment and accompanying supporting documentation:
 - 1) Determine the amount that Engineer recommends Contractor be paid. Such recommendations of payment will be in writing and will constitute Engineer's representation to Client, based on such observations and review, that, to the best of Engineer's reasonable knowledge, information and belief, Contractor's Work has progressed to the point indicated, the quality of such Work is generally in accordance with the Contract Documents, to the results of any subsequent tests called for in the Contract Documents, and being entitled to such payment appear to have been fulfilled in so far as it is Engineer's responsibility to observe Contractor's Work. In the case of unit price work, Engineer's recommendations of payment will include final determinations of quantities and classifications of Contractor's Work (subject to any subsequent adjustments allowed by the Contract Documents).
 - 2) By recommending any payment to the Contractor, Engineer shall not thereby be deemed to have represented that observations made by Engineer to check the quality or quantity of Contractor's Work as it is performed and furnished have been exhaustive, extended to every aspect of Contractor's Work in progress, or involved detailed or special inspections of the Work beyond the responsibilities

specifically assigned to Engineer in this Agreement. Neither Engineer's review of Contractor's Work for the purposes of recommending payments nor Engineer's recommendation of any payment including final payment will impose on Engineer responsibility to supervise, direct, or control Contractor's Work in progress or for the means, methods, techniques, sequences, or procedures of construction or safety precautions or programs incident thereto, or Contractor's compliance with Laws and Regulations applicable to Contractor's furnishing and performing the Work beyond the responsibilities specifically assigned to the Engineer in this Agreement. It will also not impose responsibility on Engineer to make any examination to ascertain how or for what purposes Contractor has used the moneys paid on account of the Contract Price, or to determine that title to any portion of the Work in progress, materials, or equipment has passed to Client free and clear of any liens, claims, security interests, or encumbrances, or that there may not be other matters at issue between Client and Contractor that might affect the amount that should be paid.

- j. *Record Drawings:* C&S will prepare and furnish the Client one (1) set of reproducible and one (1) electronic copy in Adobe Acrobat PDF format of the Project Record Drawings showing appropriate record information that is annotated and furnished to us by the Contractor in accordance with the Contract Documents after construction is complete.
- k. *Contractor's Completion Documents:* Receive from the Contractor and transmit to the Client operating and maintenance manuals, schedules, guarantees, bonds, certificates or other evidence of insurance required by the Contract Documents, certificates of inspection, tests and approvals, Shop Drawings, Samples and other data, including the annotated Record Documents and Record Drawings which are to be assembled by Contractor and furnished to us.
- l. *Substantial Completion:* After receiving notice from Contractor that they consider the entire Work complete and ready for its intended use, we will conduct one (1) pre-final observation in company with the Client and Contractor to observe the Contractor's work to determine if, based on the Engineer's professional opinion and belief and based only on information available at the time of pre-final on-site observation, the Work is substantially complete. If we do not consider the Work substantially complete, we will notify the Contractor in writing giving reasons therefore. If, after considering any objections of Client, Engineer considers the Work substantially complete, Engineer shall deliver a certificate of Substantial Completion to Client and Contractor in accordance with the provisions in the Contract Documents. Attached to the certificate will be a punch-list of items that, in the Engineer's professional opinion, knowledge and belief, are deficient and must be completed or corrected before we recommend final payment be made to the Contractor by the Client. The certificate of Substantial Completion is intended to be interpreted only as an expression of professional opinion and therefore does not constitute an expressed warranty or guarantee.
- m. *Final Notice of Acceptability of the Work:* After receiving notice from the Contractor that the punch-list items are completed, we will conduct one (1) final on-site observation in company with Client and the Contractor to determine if the completed Work of Contractor is acceptable in the Engineer's professional opinion, reasonable knowledge and belief and based only on information available at the time of final on-site

observation and to the extent of the services provided by Engineer under this Agreement, so that Engineer may recommend, in writing, final payment to Contractor. We will notify the Contractor and the Client in writing of any particulars in which the final observation reveals that the Work is incomplete or defective.

- n. Limitation of Responsibilities:* Engineer shall not be responsible for the acts or omissions of any Contractor, or of any subcontractors, suppliers, or other individuals or entities performing or furnishing any portions of the Work, or any agents or employees of any of them. The Engineer shall not be responsible for the failure of any Contractor to perform or furnish the Work in accordance with the Contract Documents or any laws, codes, rules or regulations.

1.2 On-site Construction Observation:

C&S will provide visits to the Project site at intervals appropriate to the various stages of construction, as Engineer deems necessary, or as otherwise agreed to in writing by the Client and the Engineer, during construction, to observe the progress and quality of Contractor's executed Work. Such visits and observations by Engineer, and/or his representative, if any, are not intended to be an exhaustive check or to extend to every aspect of Contractor's Work in progress or to involve detailed inspections or Special Inspections or tests of Contractor's Work in progress beyond the responsibilities specifically assigned to the Engineer in this Agreement and the Contract Documents, but rather our site visits will be limited to spot checking and similar methods of general observation of the Work based on Engineer's exercise of professional judgment. Based on information obtained during such visits and general observations, Engineer will determine, in general, if the Work is proceeding in accordance with the Contract Documents, and Engineer shall keep the Client informed of the progress of the Work. Continuous onsite observation by a Resident Project Representative at the Project site will not be included in our budget, unless requested by the Client and agreed to by the Engineer as Additional Services in accordance with the terms of this Agreement and the Agreement amended accordingly. The purpose of Engineer's visits to, and representative's visits, if any, at the Project site will be to enable Engineer to better carry out the duties and responsibilities assigned to and undertaken by Engineer during the Construction Phase, and, in addition, by the exercise of Engineer's efforts as an experienced professional, to become generally familiar with the Work in progress and to determine, in general, if the Work is proceeding in accordance with the Contract Documents and that Contractor has implemented and maintained the integrity of the design concept of the completed Project as a functioning whole as indicated in the Contract Documents. The Engineer and/or his representative will not supervise, direct or have control over Contractor's work during such visits or as a result of such observations of Contractor's Work, nor will we have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected or used by Contractor's furnishing and performing the Work. These rights and responsibilities are solely those of the Contractor in accordance with the Contract Documents. Accordingly, we will neither guarantee the performance of any Contractor nor assume responsibility for any Contractor's failure to furnish and perform the Work in accordance with the Contract Documents.

- a. Jobsite Safety:* Neither the professional activities of the Engineer, or the presence of the Engineer or its employees and sub-consultants at the construction site / Project site, shall impose any duty on the Engineer, nor relieve the Contractor of its obligations, duties and responsibilities including, but not limited to, construction means, methods, sequence, techniques or procedures necessary for performing, superintending and

coordinating the Work in accordance with the Contract Documents and any health or safety precautions required by any regulatory agencies. The Engineer and its personnel have no authority to exercise any control over any construction contractor or its employees in connection with their work or any health or safety programs or procedures. The Client agrees that the Contractor shall be solely responsible for jobsite safety, and warrants the intent shall be carried out in the Client's contract with the Contractor. The Client also agrees that the Contractor shall defend and indemnify the Client, the Engineer and the Engineer's sub-consultants and they shall be made additional insureds under the Contractor's policies of general liability insurance.

- b. Inspections and Tests:* The Engineer will require special inspections or tests of Contractor's work as deemed reasonably necessary, and receive and review all certificates of inspections, tests, and approvals required by Laws and Regulations or the Contract Documents. Engineer's review of such certificates will be for the purpose of determining that the results certified indicate compliance with the Contract Documents and will not constitute an independent evaluation that the content or procedures of such inspections, tests, or approvals comply with the requirements of the Contract Documents. Engineer shall be entitled to rely on the results of such tests.
- c. Defective Work:* The Engineer will recommend to Client that the Contractor's Work be rejected while it is in progress if, on the basis of Engineer's or his representative's observations, Engineer believes that such Work will not produce a completed Project that conforms generally to the Contract Documents or that it will threaten the integrity of the design concept of the completed Project as a functioning whole as indicated in the Contract Documents.
- d. Disagreements between Client and Contractor:* The Engineer will render formal written decisions on all duly submitted issues relating to the acceptability of Contractor's work or the interpretation of the requirements of the Contract Documents pertaining to the execution, performance, or progress of Contractor's Work; review each duly submitted Claim by Client or Contractor, and in writing either deny such Claim in whole or in part, approve such Claim, or decline to resolve such Claim if Engineer in its discretion concludes that to do so would be inappropriate. In rendering such decision, Engineer shall be fair and not show partiality to Client or Contractor and shall not be liable in connection with any decision rendered in good faith in such capacity.

Fee Basis

We propose to complete our work for Basic Services described herein for the lump sum amounts or hourly, not-to-be exceeded, amounts as scheduled below. Hourly, not-to-exceed amounts shall be determined in accordance with our Hourly Fee Schedule. No fee amount may be exceeded without prior written approval from the Client.

<u>Task No.</u>	<u>Description</u>	<u>Fee Basis</u>	<u>Basis</u>
1	Engineering Design & Permitting	Lump Sum \$	15,550
2	Bidding	Lump Sum \$	2,500
3	Contract Admin/Construction Observation	Lump Sum \$	7,500

Total Estimated Fee, Task 1-3 = \$25,550

Additional Services

Services not included within the Basic Scope of Services above, which are considered Additional Services, are specifically excluded from the Scope of the Engineer's services, but can be provided on an hourly basis in accordance with our Hourly Fee Schedule or as agreed to in writing by the Client and the Engineer. Additional Services include, but are not limited to, the following:

- a. Services resulting from significant changes in the scope, extent, or character of the portions of the Project designed or specified by Engineer or its design requirements including, but not limited to, changes in size, complexity, Client's schedule, character of construction, or method of financing; and revising previously accepted reports, Drawings or Specifications, or other project related documents when such revisions are required by changes in Laws and regulations enacted subsequent to the date of this proposal or are due to any other causes beyond Engineer's control.
- b. Services required as a result of Client providing incomplete or incorrect Project information to Engineer.
- c. Furnishing services of Engineer's Sub-Consultants, if any, for other than Basic Services.
- d. Preparing for, coordinating with, participating in and responding to structured independent review processes, including, but not limited to construction management, cost estimating, project peer review, value engineering, and constructability review requested by Client; and performing or furnishing services required to revise studies, reports, Drawings, Specifications, or other Bidding Documents as a result of such review processes.
- e. Preparing additional Bidding Documents or Contract Documents for alternate bids or prices requested by Client for the Work or a portion thereof.
- f. Assistance in connection with bid protests, rebidding, or renegotiating contracts for construction, materials, equipment, or services.
- g. Providing Construction Phase services beyond the construction Contract Times.
- h. Preparing to serve or serving as a consultant or witness for Client in any litigation, arbitration, or other dispute resolution process related to the Project. Preparation time for deposition and trial testimony or arbitration will be charged at hourly rate multiplied by 1.25. Actual time for deposition, trial testimony or arbitration including travel time will be charged at hourly rate multiplied by 2.0. Reimbursable expenses will be charged at actual cost multiplied by 1.15.

- i. Providing more extensive services required to enable Engineer to issue notices or certifications requested by Client and not specifically provided in the Basic Services.
- j. Services in connection with Work Change Directives and Change Orders to reflect changes requested by Client so as to make compensation commensurate with the extent of the Additional Services rendered.
- k. Services in making revisions to Drawings and Specifications occasioned by the acceptance of substitute materials or equipment other than "or-equal" items; and services after the award of the Construction Contract in evaluating and determining the acceptability of a substitution which is found to be inappropriate for the Project or an excessive number of substitutions.
- l. Additional or extended services made necessary by (1) emergencies or acts of God endangering the Work, (2) the presence at the Site of any Hazardous Materials and/or Environmental Conditions (the presence of asbestos, PCBs, petroleum, hazardous substances or waste, and radioactive materials), (3) Work damaged by fire or other cause during construction, (4) a significant amount of defective, neglected, or delayed work by Contractor, (5) acceleration of the progress schedule involving services beyond normal working hours, or (6) default by Contractor.
- m. Reviewing Shop Drawings more than two (2) times as a result of repeated inadequate submissions by Contractor. In such an event, the Engineer shall prepare a Change Order for the Client that will deduct the cost of these Additional Services from the Client's contract with the Contractor.
- n. Archeological and Historical Preservation consulting;
- o. Delineating wetlands or flood plain determinations.
- p. U.S. Army Corps of Engineering Permitting;
- q. Providing topographic surveys or construction surveys and/or staking to enable Contractor to perform its work and any type of property or boundary surveys or easements or related engineering or surveying services needed for the transfer of interests in real property; and providing other special field surveys not specifically detailed in the Basic Services.
- r. Assistance with funding alternative including, but not limited to, loan/funding applications, grant writing, engineering reports, rates studies, etc. unless specifically included in the Basic Services;
- s. Environmental Surveys including, but not limited to, wetlands, endangered species, cultural resources, historic preservation resources or special sub-consultants for permits; work related to obtaining a NONSI.
- t. Preparing for and participating in public meetings and/or public hearings unless specifically included in the Basic Services;
- u. Other services performed or furnished by Engineer not otherwise detailed or provided for in this Agreement.
- v. All permit fees

Hourly Fee Schedule

The hourly fee schedule is reflected in the original proposal letter dated March 19, 2018.

Reimbursable Expenses/Sub-Consultants

There are no fees for reimbursable expenses from Carter & Sloope, Inc. for the Basic Services of the Engineer. All costs associated with normal travel, meals, printing/reproduction, etc. are included in our lump sum fees on/or hourly; however, direct reimbursable expenses for Additional Services, if any, including, but not limited to, fees from sub-consultants.

If you have any questions or concerns regarding our proposed Scope of Work and/or proposed fee schedule, please contact me. I would welcome the opportunity to discuss this with you. If the Scope of Services is acceptable, please sign, date, and return one (1) copy to us for our files. Once approved, Carter & Sloope can begin work on this project immediately.

September 13, 2019

Sincerely,



Matt Smith, P.E.

cc: File

Client Acceptance:

I hereby acknowledge review of this Scope of Services and authorize Carter & Sloope, Inc. to proceed with the work defined in this agreement.

Signature

Date

Title

TERMS AND CONDITIONS

The Client hereby accepts the following general terms and conditions ("Terms and Conditions") applicable to Carter & Sloope, Inc.'s performance of the services described in the attached Proposal (the "Services"):

- I. **Method and Terms of Payment:** Invoices will be submitted by Carter & Sloope, Inc. ("Carter & Sloope", "C&S", or "Engineer") monthly in proportion to services performed and are due upon receipt. Any amounts not paid by the Client within thirty (30) days of the date of such invoices shall be considered past due and shall accrue interest at a rate of one-and-one-half percent (1.5%) per month or the maximum allowed by law, whichever is less, of the past due amount per month until such time as such amounts are paid in full. Payment thereafter shall first be applied to accrued interest and then the unpaid principal. If the Client fails to make payment to the Engineer in accordance with the payment terms herein, this shall constitute a material breach of this Agreement and the Engineer shall have the right, upon seven (7) days written notice, to suspend performance of all or part of the Services in accordance with Paragraph 2 "Suspension" until 1.) all past due amounts are paid, and 2.) satisfactory assurance of prompt future payment is received by the Engineer. The above right is in addition to all other rights and remedies Engineer may have at law or in equity including termination of this Agreement by the Engineer for cause in accordance with Paragraph 3 "Termination" herein.
 - A. *Collection Costs:* If the Client fails to make payments when due and the Engineer incurs any costs in order to collect overdue sums from the Client, the Client agrees that all such collection costs incurred shall immediately become due and payable to the Engineer. Collection costs shall include, without limitation, legal fees, collection agency fees and expenses, court costs, collection bonds and reasonable Engineer staff costs at standard billing rates for the Engineer's time spent in efforts to collect. This obligation of the Client to pay the Engineer's collection costs shall survive the term of this Agreement or any earlier termination by either party.
 - B. *Set-offs, Backcharges, Discounts:* Payment of invoices shall not be subject to any discounts or set-offs by the Client unless agreed to in writing by the Engineer. Payment to the Engineer for services rendered and expenses incurred shall be due and payable regardless of any subsequent suspension or termination of this Agreement by either party.
 - C. *Disputed Invoices:* If the Client objects to any portion of an invoice, the Client shall so notify the Engineer in writing within seven (7) calendar days of receipt of the invoice. The Client shall identify in writing the specific cause of the disagreement and the amount in dispute and shall pay that portion of the invoice not in dispute in accordance with the other payment terms of this Agreement. Any dispute over invoiced amounts due which cannot be resolved within ten (10) calendar days after presentation of invoice by direct negotiation between the parties shall be resolved within thirty (30) calendar days in accordance with the Dispute Resolution provision of this Agreement. Interest as stated above shall be paid by the Client on all disputed invoice amounts that are subsequently resolved in the Engineer's favor and shall be calculated on the unpaid balance from the date of the invoice.
 - D. *Legislative Action:* If after the Effective Date of this Agreement, any governmental entity takes legislative action that imposes taxes, fees or charges on Engineer's services or compensation under this Agreement, then the Engineer may invoice such new taxes, fees, or charges as a Reimbursable Expense to which a factor of 1.0 shall be applied. Client shall reimburse Engineer for the cost of such invoiced new taxes, fees and charges in addition to the compensation agreed to herein.
2. **Suspension:** The Client may suspend all or part of the Project for up to ninety (90) days upon seven (7) days written notice to the Engineer. The Engineer may, after giving seven (7) days written notice to the Client, suspend services under this Agreement if Engineer's performance has been substantially delayed through no fault of the Engineer. In the event the Project is suspended for period(s) totaling more than ninety (90) days, Client agrees to pay reasonable costs incurred by the Engineer in: 1.) preserving and documenting services performed or in progress, and 2.) demobilizing and remobilizing services. The Engineer shall have no liability whatsoever to the Client for any costs or damages as a result of such suspension caused by any breach of this Agreement by the Client. Suspended projects may change in many ways due to the passage of time, changes in the size or environment, regulatory modifications, or other issues outside of Engineer's control. Engineer is not and shall not be responsible for any such changes, except to the responsibility or otherwise becomes aware of such issues and the Engineer may rely on information received from the Client or others regarding such issues. Upon payment in full by the Client, the Engineer shall resume services under this Agreement; however, a reassessment of the project scope, fee, and project schedule may be performed by the Engineer as an Additional Service. Upon the conclusion of the project reassessment, the time schedule and Engineer's compensation shall be equitably adjusted to compensate for the period of suspension plus any reasonable time and expense necessary for the Engineer to resume performance.

3. **Termination:** In the event of termination of this Agreement by either party, the Client shall, within fifteen (15) calendar days of termination, pay the Engineer for the services rendered and fees provided in the invoice and all reimbursable expenses incurred by the Engineer, its agents and subcontractors up to the termination date in accordance with the payment provisions of this Agreement. In the event of any termination that is not the fault of the Engineer, the Client shall pay the Engineer, in addition to payment for services rendered and reimbursable costs incurred, for all expenses reasonably incurred by the Engineer in connection with the orderly termination of this Agreement, including but not limited to demobilization, to complete tasks whose value would otherwise be lost, to prepare notes as to the status of completed and uncompleted tasks, to assemble Project Materials in orderly files, reassignment of personnel, associated overhead costs and all other expenses directly resulting from the termination.

The obligation to provide further services under this Agreement may be terminated as follows:

- A. *For Cause:* Either party may terminate the Agreement for cause upon giving the other party not less than thirty (30) days written notice in the event of substantial failure by the other party to perform in accordance with the terms of this Agreement and through no fault of the terminating party.
1. Assignment of this Agreement or transfer of the Project by either party to any other entity without prior written consent of the other party; or
 2. If, through any cause, the Engineer shall fail to fulfill in timely and proper manner any material obligations under this Agreement, or if the Engineer shall violate any of the covenants, agreements, or stipulations of this Agreement, the Client shall thereupon give written notice to the Engineer of such failure, violation or breach. If Engineer has not or cannot remedy such failure, violation or breach within thirty (30) days of the giving of such notice by the Client, the Client shall thereupon have the right to terminate this Agreement by giving written notice to the Engineer of such termination and specifying the effective date thereof, at least ten (10) days before the effective date of such termination. In such event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports prepared by the Engineer under this Agreement shall, at the option of the Client subject to the requirements in Paragraph 11 herein, become its property and the Engineer shall be paid within fifteen (15) calendar days of termination for all services rendered and all reimbursable expenses incurred by the Engineer up to date of termination. Engineer shall have no liability to Client on account of such termination.
 3. Suspension of the Project or the Engineer's services by the Client for more than ninety (90) calendar days, consecutive or in the aggregate; or
 4. If Client demands that Engineer furnish or perform services contrary to Engineer's responsibilities as licensed professional; or
 5. Material changes in the conditions under which this Agreement was entered into, the Scope of Services or the nature of the Project, and the failure of the parties to reach agreement on the compensation and schedule adjustment necessitated by such changes.
- B. *For Convenience:* Either party shall have the right to terminate this Agreement at any time for convenience and without cause upon thirty (30) days written notice.
4. **Changes.** The Engineer's commitment as set forth in this Agreement is based on the expectation that all of the services described in this Agreement will be provided. The Client may, from time to time, request changes in the scope of the services of the Engineer to be performed hereunder. In the event the Client elects to reduce the Engineer's Scope of Services, the Client hereby agrees to release, hold harmless, defend and indemnify the Engineer from any and all claims, damages, losses or costs associated with or arising out of such reduction in services. Such changes, including any increase or decrease in the amount of the Engineer's compensation, which are mutually agreed upon by and between the Client and the Engineer, shall be incorporated in written amendments to this Contract.
5. **Personnel:** The Engineer represents that he has, or will secure at his own expense, the personnel required in performing the services under this Agreement. Such personnel shall not be employees of or have any contractual relationship with the Client. All of the services required hereunder will be performed by the Engineer or his sub-consultants under his supervision and personnel engaged in the work shall be fully qualified and shall be authorized or permitted under State and Local Law to perform such services.
6. **Reports and Information.** The Engineer, at such times and in such forms as the Client may require, shall furnish the Client such periodic reports as it may request pertaining to the work or services undertaken pursuant to this Agreement, the costs and obligations incurred or to be incurred in connection therewith, and any other matters covered by this Agreement.

7. Certifications. As used herein and throughout this Agreement, the words “certify” and/or “certification” shall mean an expression of the Engineering Consultant’s professional opinion to the best of its information, knowledge and belief, and therefore does not constitute a warranty or guarantee by the Engineer.
8. Records and Audits. The Engineer shall maintain accounts and records, including personnel, property and financial records, adequate to identify and account for all costs pertaining to the Agreement. These records will be made available for audit purposes to the Client or any authorized representative, and will be retained for three years after, the expiration of this Contract unless permission to destroy them is granted by the Client.
9. Findings Confidential. All of the reports, information, data, etc., prepared or assembled by the Engineer under this Agreement are confidential and the Engineer agrees that they shall not be made available to any individual or organization without the prior written approval of the Client unless required by law, court order, or for use in connection with legal or administrative proceedings, mediation, or arbitration.
10. Standard of Care, Disclaimer of Warranties. Engineer will strive to perform Services under this Agreement in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions. NO OTHER REPRESENTATION AND NO WARRANTY OR GUARANTEE, EITHER EXPRESS OR IMPLIED, IS INCLUDED OR INTENDED BY THIS AGREEMENT.
11. Ownership of Documents & Copyright. All documents, including electronic files, prepared or furnished by Engineer are instruments of service, and Engineer retains all common law, statutory and other reserved rights, ownership and property interest (including the copyright and the right of reuse) in such documents, whether or not the Project is completed. The Client may make and retain copies of them for information and reference in connection with the use of the Project; however, such copies are not intended or represented to be suitable for reuse by others, and may not be used by others unless otherwise required by law, court order, or for use in connection with legal or administrative proceedings, mediation, or arbitration. The Client agrees not to distribute, publish or otherwise disseminate Engineer’s documents without first obtaining Engineer’s prior written consent. The Client may request and negotiate with the Engineer to acquire ownership of the documents for a mutually agreed amount. If Client acquires ownership of Documents prepared by Engineer, Client agrees: 1.) that any subsequent reuse or modification of them by Client or any party obtaining them through Client will be at Client’s sole risk and without liability to engineer, and 2.) Client will defend, indemnify and hold harmless Engineer from and against any claims, damages, and liabilities arising from or related to any use, reuse or modification of Documents by Client or any party obtaining them through Client. Client agrees that Engineer may retain copies of all documents for its files. Electronic communications and CADD data transferred by Email, websites or computer disks (collectively “E-Data”) are provided only as an accommodation by Engineer for the benefit of Client. Signed paper prints of documents constitute the contract deliverables. Client assumes the risk that E-Data may differ from the paper deliverable. Client agrees to indemnify and hold harmless Engineer from and against Client, damages, and liabilities for defects or inappropriate use of E-Data created or transmitted by Engineer.
12. Third-Party Beneficiaries and Reliance Upon Documents. Nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favor of a third-party against either the Client or the Engineer. Engineer’s performance of the Services, as set forth in this Agreement, is intended solely and exclusively for the Client’s benefit and use. No party may claim under this Agreement as a third-party beneficiary, unless otherwise required by law, court order, or for use in connection with legal or administrative proceedings, mediation or arbitration. Client agrees not to distribute, publish or otherwise disseminate Engineer’s Documents, without first obtaining Engineer’s prior written consent. No third-party may rely upon Engineer’s documents or the performance or non-performance of services unless Engineer has agreed to such reliance in advance and in writing. The Client and Engineer agree to require a similar provision in all contracts with contractors, subcontractors, sub consultants, vendors and other entities involved in this Project to carry out the intent of this provision.
13. Compliance with Local Laws. The Engineer shall exercise usual and customary professional care in its effort to comply with applicable laws, codes and regulations as of the date of the execution of this Agreement. Design changes made necessary by newly enacted laws, codes and regulations after this date shall entitle the Engineer to a reasonable adjustment in the schedule and additional compensation in accordance with the Additional Services provisions of this Agreement.
14. Public Responsibility. Both the Client and the Engineer owe a duty of care to the public that requires them to conform to applicable codes, standards, regulations and ordinances, principally to protect the public health and safety. The Client shall make no request of the Engineer that, in the Engineer’s reasonable opinion, would be contrary to the Engineer’s professional responsibilities to protect the public. The Client shall take all actions and render all reports required of the Client in a timely manner. Should the Client fail to take any required actions or render any required notices to appropriate public authorities in a timely manner, the Client agrees that the Engineer has the right to exercise its professional judgment in reporting to appropriate public officials or taking other necessary action. The Client agrees to

take no action against or attempt to hold the Engineer liable in any way for carrying out what the Engineer reasonably believes to be its public responsibility. Furthermore, the Client agrees the Engineer shall not be held liable in any respect for reporting said conditions. Accordingly, the Client agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Engineer, its officers, directors, employees and sub-consultants (collectively, Engineer) against all damages, liabilities or costs arising out of or in any way connected with the Engineer's notifying or failing to notify appropriate public officials.

15. Accessibility. It is recognized that the Client has certain obligations under local, state and Federal accessibility laws and regulations that could affect the design of the Project. It is further recognized that Federal accessibility laws and regulations are not part of, or necessarily compatible with, State or local laws, codes and regulations governing construction. Consequently, the Engineer will be unable to make recommendations or professional determinations that will ensure compliance with the Federal accessibility laws and regulations, and the Engineer shall, accordingly, not have any liability to the Client in connection with the same. The Engineer strongly advises the Client to obtain appropriate legal and financial counsel with respect to compliance with the appropriate disability access laws. The Engineer will endeavor to design for accessibility by persons with disabilities in conformance with the provisions and references in applicable State or local building codes and the technical design requirements of the Americans with Disabilities Act (ADA) and/or the Fair Housing Act (FHA) in effect as of the date of completion of the design to the extent those statutes apply to the Project. The Client will determine the full extent of its obligations under the ADA and Fair Housing Act Amendments (FHAA), including whether the ADA and/or the FHAA apply to the Project, the extent that modifications are readily achievable under the ADA, and the extent that modifications to improve disability access are necessary during an alteration and provide the Engineer with such information. The Client acknowledges that it has been advised by the Engineer to retain a consultant (Accessibility Consultant) to review the project plans, specifications, and construction for compliance with the Americans with Disability Act, the Fair Housing Act, and other Federal, state, and local accessibility laws, rules, codes, ordinances, and regulations (hereinafter referred to as "Accessibility Issues"). If Client fails to retain an Accessibility Consultant, the Client agrees to release defend, indemnify and hold harmless the Engineer, its officers, directors, employees and subconsultants (collectively, Engineer) from any claim, damages, liabilities or costs arising out of or in any way connected with Accessibility Issues.
16. Specification of Materials. The Client understands and agrees that products or building materials that are permissible under current building codes and ordinances may, at some future date, be banned or limited in use in the construction industry because of presently unknown hazardous and/or defective characteristics. The Engineer is only expected to meet current industry standards and may rely on manufacturers' information and representations. The Client agrees that if any product or material specified for this Project by the Engineer shall, at any future date be suspected or discovered to be defective or a health or safety hazard, then the Client shall waive all claims as a result thereof against the Engineer. The Client further agrees that if the Client directs the Engineer to specify any product or material after the Engineer has informed the Client that such product or material may not be suitable or may embody characteristics that are suspected of causing or may cause the product or material to be considered a hazardous substance in the future, the Client waives all claims as a result thereof against the Engineer, and the Client agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Engineer from any damages, liabilities or costs, including reasonable attorneys' fees and defense costs, arising in any way from the specification or use of any products or materials which, at any future date, become known or suspected health or safety hazards
17. Opinions or Estimates of Costs. If included in the Services, the Engineer will provide preliminary opinions of probable costs of materials, installation, remediation or construction and/or total project costs based on the Engineer's experience on similar projects, which are not intended for Client's or others' use in developing firm budgets or financial models, or making investment decisions. Client agrees that any opinion of cost is still merely an estimate.
18. Limit of Liability. The inclusion of this Limitation of Liability provision is a material consideration for the Engineer's willingness to perform the services. In recognition of the relative risks and benefits of the Project to both the Client and the Engineer, the risks have been allocated such that, to the fullest extent permitted by law, Client and Engineer: 1.) waive against each other, and the other's employees, owners, partners, officers, directors, shareholders, agents, insurers, and sub-consultants, any and all claims for or entitlement to special, incidental, indirect, or consequential damages of any nature whatsoever or claims expenses from any cause or causes, including attorney's fees and costs and expert-witness fees and costs arising out of, resulting from, or in any way related to the Project; and 2.) **agree that Engineer's total aggregate liability to Client under this Agreement shall be limited to the total amount of compensation received by Engineer on this Project or \$50,000, whichever is greater.** This limitation shall apply to any and all liability regardless of the cause of action or legal theory placed or asserted unless otherwise prohibited by law. Upon Client's request, Engineer may negotiate an increase to this limitation in exchange for an additional agreed consideration for the increased limit. Client and Engineer agree to limit liability to the other in the following respects to the fullest extent permitted by law: Neither party will have liability to the other for any specials, indirect or consequential, incidental, exemplary, or penal losses or damages including, but not limited to, loss of use, loss of profit, loss of business, loss of income, loss of reputation, unavailability of the other party's property or facility, shutdowns or

service interruptions, and any other consequential damages or claims related to the Project that either party may have incurred from any cause of action including negligence, strict liability, breach of contract and breach of strict or implied warranty. Both the Client and the Engineer shall require similar waivers of consequential damages protecting all the entities or persons named herein in all contracts and subcontracts with others involved in this Project.

19. Insurance. Throughout the term of this Agreement, Engineer shall maintain insurance in amounts not less than shown:
- | | |
|---------------------------|--|
| a) Worker's Compensation | Statutory amount where services are performed |
| b) Automobile | \$1,000,000 combined single limit |
| c) General Liability | \$1,000,000 per occurrence / \$2,000,000 General Aggregate |
| d) Professional Liability | \$1,000,000 per claim and aggregate |
| e) Excess Umbrella | \$5,000,000 on "b" & "c" |

Client agrees to require all third parties engaged by or through Client in connection with the Project to provide Engineer with current Certificates of Insurance Endorsed to include Engineer as an additional insured on their "b", "c" and "e" policies of insurance and authorizes Engineer to enforce this provision directly with all Project related third parties.

20. Indemnification.

- A. Indemnification of Client: Subject to the provisions and limitations of this Agreement, Engineer agrees to indemnify and hold harmless Client, its shareholders, officers, directors and employees from and against any and all liabilities, damages, expenses (including without limitation reasonable attorney's fees) or other losses (collectively "Losses") to the extent caused by Engineer's negligent performance of its Services under this Agreement.
- B. Indemnification of Engineer: To the extent allowed to a municipality by Georgia law and subject to the provisions and limitations of this Agreement, Client agrees to defend, indemnify and hold harmless Engineer from and against any and all claims by third parties related to services provided by Engineer under this Agreement, and against any and all Losses to the extent caused by the negligence of Client, its employees, agents and contractors. In addition, except to the extent caused by Engineer's sole negligence, Client expressly agrees to defend, indemnify and hold harmless Engineer from and against any and all Losses arising from or related to the existence, disposal, release, discharge, treatment or transportation of Hazardous Materials, or the exposure of any person to Hazardous Materials, or the degradation of the environment due to the presence, discharge, disposal, release of or exposure to Hazardous Material.

21. Dispute Resolution. Claims, disputes, and other matters in controversy between Engineer and Client caused by or any way related to this Agreement will be submitted to non-binding mediation as a condition precedent to litigation. The Client and the Engineer further agree to include a similar mediation performed with rules as established by The American Arbitration Association provision in all agreements with independent contractors and consultants retained for the Project and to require all independent contractors and consultants also to include a similar mediation provision in all agreements with their subcontractors, subconsultants, suppliers and fabricators, thereby providing for mediation as the primary method for dispute resolution among the parties to all those agreements. The cost for mediation including the mediator's fees, reproduction of documents, and miscellaneous out-of-pocket expenses will be borne equally by each party to this Agreement. The laws of the State of Georgia will govern the validity of these terms, their interpretation and performance. Client and Engineer agree that venue for any litigation will be in the courts of the State of Georgia and Engineer and Client both hereby waive any right to initiate any action in or remove any action to, any other jurisdiction.
22. Severability. This agreement reflects the entire agreement of the parties with respect to its terms and supersedes all prior agreements, whether written or oral. If any portion of this Agreement is void or voidable, such portion will be deemed stricken and the Agreement reformed to as closely approximate the stricken portions as the law allows.



Agenda Item: _____

CITY OF VILLA RICA

City Council Meeting Agenda Item Cover Sheet

SUBJECT: Replacement of 12 inch butterfly valve and automatic valve actuator at the Conners Road booster pump station.

AGENDA DATE: October 8, 2019

DATE PREPARED: September 26, 2019

PREPARED BY: Pete Zorbanos

AMOUNT: \$10,535.00

GL ACCOUNT #: 322-4440-541430

FUNDING SOURCE: Douglas County SPLOST

BUDGETED ITEM? Yes

PURPOSE: To engage a contractor to provide and install a 12 inch butterfly valve with an automatic valve actuator.

BACKGROUND: The existing 12 inch discharge butterfly valve and automatic actuator is inoperable. The Conners Road booster pump station has been idle for approximately 12 years and water intrusion has corroded the valve and damaged the electrical components of the actuator.

STAFF RECOMMENDATION: Staff recommends that we engage Goforth Williamson, Inc. to provide and install a new 12 inch butterfly valve with an automatic valve actuator in an amount not to exceed \$10,535.00.

IMPACT: The new replacement will allow the Conners Road booster pump station to operate properly and control the valve remotely from the Water Plant.

MOTION: I make the motion that we engage Goforth Williamson, Inc. to provide and install a new 12 inch butterfly valve with an automatic valve actuator in an amount not to exceed \$10,535.00.



Goforth Williamson, Inc.
 Mail To: 373 O'Dell Road
 Ship To: 377 O'Dell Road
 Griffin, GA 30224
 United States of America

Ph: 770-467-0303

Fax: 770-467-0301

Quote

ID: 212833

Date: 12-Sep-19

To

Villa Rica, City of
 571 West Bankhead Hwy
 Villa Rica, GA 30180
 United States of America

Quote To

City of Vila Rica
 Van Wert Lift station
 206 N Van Wert Rd.
 Temple, GA 30180
 United States of America

Ph: 770-459-7000

Terms		Ship Via		Salesperson
Net 30 Days		GWI Truck		JGBOS
Quantity	Description	Unit Price	Amount	
	Reference: Actuator & Valve PER YOUR REQUEST, WE ARE PLEASED TO QUOTE THE FOLLOWING:			
1	Line: 001 Part: ACTUATOR Auma Actuator Expiration Date: 12-Oct-19 Rev: BUDGET Scope of Work: 1. Provide the following: a) 1 ea. – Auma Actuator Quote Prepared by Nathan Beasley / Project Manager For the above scope of work, GWI Quotes: 1 ea	\$4,495.00	\$4,495.00	
1	Line: 002 Part: BUTTERFLY VALVE 12" Valve Expiration Date: 12-Oct-19 Rev: BUDGET Scope of Work: 1. Provide the following: a) 1 ea. – 12" Butterfly Valve Quote Prepared by Nathan Beasley / Project Manager For the above scope of work, GWI Quotes: 1 ea	\$2,915.00	\$2,915.00	



Goforth Williamson, Inc.
 Mail To: 373 O'Dell Road
 Ship To: 377 O'Dell Road
 Griffin, GA 30224
 United States of America

Ph: 770-467-0303

Fax: 770-467-0301

Quote

ID: 212833

Date: 12-Sep-19

To

Villa Rica, City of
 571 West Bankhead Hwy
 Villa Rica, GA 30180
 United States of America

Quote To

City of Vila Rica
 Van Wert Lift station
 206 N Van Wert Rd.
 Temple, GA 30180
 United States of America

Ph: 770-459-7000

Terms		Ship Via		Salesperson
Net 30 Days		GWI Truck		JGBOS
Quantity	Description	Unit Price	Amount	
1	Line: 003 Part: LABOR Install Valve & Actuator Expiration Date: 12-Oct-19 Rev: BUDGET Scope of Work: 1) Travel to sites. 2) Remove existing valve and actuator. 3) Install new valve, actuator, pipe spacer, and gaskets. 4) Clean up site and return to GWI Service Center. Quote Prepared by Nathan Beasley / Project Manager For the above scope of work, GWI Quotes:	\$3,125.00	\$3,125.00	
	PLEASE NOTE: 1. Freight: FOB Origin, ground freight prepaid and charged to curbside of first location. 2. Price "does not" reflect Sales Tax, Documentation, Drawings, or Special Paperwork. 3. We can now accept Visa, Mastercard, American Express and Discover. Please contact us if you would like to pay via credit card. A 5% surcharge will be added to the invoice amount. 4. GWI will provide 1-year warranty on workmanship and materials from the date of delivery THANK YOU FOR THE OPPORTUNITY TO PROVIDE THIS QUOTE. PLEASE CALL 770-467-0303, OR YOUR SALES REP, IF YOU HAVE ANY QUESTIONS.	Total:	\$10,535.00	

See attached

Erin Lewis
Water Plant Manager
City of Villa Rica
571 W. Bankhead Hwy
Villa Rica, GA 30180
Direct Line: 470-389-9043
esims@villarica.org

Begin forwarded message:

From: Alan Gravel <agravel@wilocon.com>
Date: September 12, 2019 at 9:33:24 AM EDT
To: Erin Lewis <elewis@villarica.org>
Subject: Villa Rica - Douglas Isolation Valve

Erin

The existing Auma operator is obsolete and close-coupled to the valve so our recommendation would be to replace the entire unit.

Willow can replace the existing motor-operated butterfly valve in the valve vault for \$21,900. We have included the demolition of concrete around the valve, pipe materials and labor, purchase of the valve and operator, and electrical disconnect and re-connect. We did not include connection of the SCADA signal wiring or re-programming of the SCADA link. Delivery on a new 12-inch BFV with open-close motor operator is about 14 weeks.

As a quicker alternate, we can install a new manually operated butterfly valve for \$13,900. This valve can be configured to accept a motor operator at a later date. There might be a small additional cost for adding the operator but the total cost should not exceed the \$21,900 quoted above by more than \$1,000. Delivery of the manual valve would be 4-6 weeks.

I hope this helps. Let us know if we can help you in any way.

Alan C. Gravel
Willow Construction, Inc.
3970 Flint Hill Road
Powder Springs, GA 30127-2809

Office - 770-222-1555
Fax – 770-222-9139
Cell – 404-535-4342

agravel@wilocon.com



Agenda Item: _____

CITY OF VILLA RICA

City Council Meeting Agenda Item Cover Sheet

SUBJECT: Resident Construction Observation services identified as Addendum # 6 to Water Treatment Plant Improvements Proposal dated March 19, 2018 by Carter & Sloope Engineers.

AGENDA DATE: October 8, 2019

DATE PREPARED: September 26, 2019

PREPARED BY: Pete Zorbanos

AMOUNT: \$25,000.00

GL ACCOUNT #: 505-4440-541450

FUNDING SOURCE: Water/Sewer Fund

BUDGETED ITEM? Yes

PURPOSE: To engage an engineer to perform Resident Construction Observation services for various water system improvement projects.

BACKGROUND: Due to the fact there are several water system improvement projects starting construction, it is imperative that oversight is provided to ensure the installations are done correctly and per specifications.

STAFF RECOMMENDATION: Staff recommends that we engage Carter & Sloope, Inc. to assist the City in providing Resident Construction Observation services for various water system improvement projects.

IMPACT: The Resident Construction Observation service will help ensure a quality installation for the construction projects by utilizing the expertise of the engineering firm and eliminating the need for the distribution staff to provide this oversight.

MOTION: I make a motion to engage Carter & Sloope, Inc. to assist the City in providing Resident Construction Observation services for various water system improvement projects in an amount not to exceed \$25,000.00.



September 17, 2019

Mr. Pete Zorbanos
Public Works Director
City of Villa Rica
571 W. Bankhead Highway
Villa Rica, GA 30180

RE: City of Villa Rica, Georgia
Addendum No. 6 to Water Treatment Plant Improvements
C&S Project No. V8150.001
Resident Observation for Water System Improvements

Dear Mr. Zorbanos:

Carter & Sloope, Inc. (C&S or Engineer) is pleased to submit this Addendum No. 6 to the Proposal/Scope of Services letter for the referenced project (Project) to provide engineering services to the City of Villa Rica (Client or Owner) for the proposed Water Treatment Plant Improvements (proposal letter originally dated March 19, 2018). This addendum covers onsite construction observation services for various water system improvement projects. The scope of services described below is based on our understanding from discussions and meetings with Client's personnel.

Scope of Work (Basic Services)

Construction Phase Services

1.1 On-site Construction Observation:

C&S will provide a representative(s) to visit the Project site at intervals appropriate to the various stages of construction, as agreed to in writing by the Client and the Engineer, during construction, to observe the progress and quality of Contractor's executed Work. Such visits and observations by the Engineer's representative(s) are not intended to be an exhaustive check or to extend to every aspect of Contractor's Work in progress or to involve detailed inspections or Special Inspections or tests of Contractor's Work in progress beyond the responsibilities specifically assigned to the Engineer in this Agreement and the Contract Documents, but rather our site visits will be limited to spot checking and similar methods of general observation of the Work based on Engineer's exercise of professional judgment. Based on information obtained during such visits and general observations, Engineer will determine, in general, if the Work is proceeding in accordance with the Contract Documents, and Engineer shall keep the Client informed of the progress of the Work. The purpose of Engineer's representative's visits at the Project site will be to enable Engineer to better carry out the duties and responsibilities assigned to and undertaken by Engineer during the Construction Phase, and, in addition, by the exercise of Engineer's efforts as an experienced professional, to become generally familiar with the

Work in progress and to determine, in general, if the Work is proceeding in accordance with the Contract Documents and that Contractor has implemented and maintained the integrity of the design concept of the completed Project as a functioning whole as indicated in the Contract Documents. The Engineer and/or his representative will not supervise, direct or have control over Contractor's work during such visits or as a result of such observations of Contractor's Work, nor will we have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected or used by Contractor's furnishing and performing the Work. These rights and responsibilities are solely those of the Contractor in accordance with the Contract Documents. Accordingly, we will neither guarantee the performance of any Contractor nor assume responsibility for any Contractor's failure to furnish and perform the Work in accordance with the Contract Documents.

- a. *Jobsite Safety:* Neither the professional activities of the Engineer, or the presence of the Engineer or its employees and sub-consultants at the construction site / Project site, shall impose any duty on the Engineer, nor relieve the Contractor of its obligations, duties and responsibilities including, but not limited to, construction means, methods, sequence, techniques or procedures necessary for performing, superintending and coordinating the Work in accordance with the Contract Documents and any health or safety precautions required by any regulatory agencies. The Engineer and its personnel have no authority to exercise any control over any construction contractor or its employees in connection with their work or any health or safety programs or procedures. The Client agrees that the Contractor shall be solely responsible for jobsite safety, and warrants the intent shall be carried out in the Client's contract with the Contractor. The Client also agrees that the Contractor shall defend and indemnify the Client, the Engineer and the Engineer's sub-consultants and they shall be made additional insureds under the Contractor's policies of general liability insurance.
- b. *Inspections and Tests:* The Engineer will require special inspections or tests of Contractor's work as deemed reasonably necessary, and receive and review all certificates of inspections, tests, and approvals required by Laws and Regulations or the Contract Documents. Engineer's review of such certificates will be for the purpose of determining that the results certified indicate compliance with the Contract Documents and will not constitute an independent evaluation that the content or procedures of such inspections, tests, or approvals comply with the requirements of the Contract Documents. Engineer shall be entitled to rely on the results of such tests.
- c. *Defective Work:* The Engineer will recommend to Client that the Contractor's Work be rejected while it is in progress if, on the basis of Engineer's or his representative's observations, Engineer believes that such Work will not produce a completed Project that conforms generally to the Contract Documents or that it will threaten the integrity of the design concept of the completed Project as a functioning whole as indicated in the Contract Documents.
- d. *Disagreements between Client and Contractor:* The Engineer will render formal written decisions on all duly submitted issues relating to the acceptability of Contractor's work or the interpretation of the requirements of the Contract Documents pertaining to the execution, performance, or progress of Contractor's Work; review each duly submitted Claim by Client or Contractor, and in writing either deny such Claim in whole or in part, approve such Claim, or decline to resolve such Claim if Engineer in its discretion concludes that to do so would be inappropriate. In rendering such decision, Engineer

shall be fair and not show partiality to Client or Contractor and shall not be liable in connection with any decision rendered in good faith in such capacity.

Fee Basis

We propose to complete our work for Basic Services described herein for the lump sum amounts or hourly, not-to-be exceeded, amounts as scheduled below. Hourly, not-to-exceed amounts shall be determined in accordance with our Hourly Fee Schedule. No fee amount may be exceeded without prior written approval from the Client.

Description

Construction Observation (Assumes 25-30
hours/week over 10 week period*)

Fee Basis

Hourly, Not-to-Exceed \$ 25,000

Total Estimated Fee = \$25,000

*Number of hours per week and number of weeks for construction time can be adjusted if desired by the City.

Additional Services

Services not included within the Basic Scope of Services above, which are considered Additional Services, are specifically excluded from the Scope of the Engineer's services, but can be provided on an hourly basis in accordance with our Hourly Fee Schedule or as agreed to in writing by the Client and the Engineer. Additional Services include, but are not limited to, the following:

- a. Services resulting from significant changes in the scope, extent, or character of the portions of the Project designed or specified by Engineer or its design requirements including, but not limited to, changes in size, complexity, Client's schedule, character of construction, or method of financing; and revising previously accepted reports, Drawings or Specifications, or other project related documents when such revisions are required by changes in Laws and regulations enacted subsequent to the date of this proposal or are due to any other causes beyond Engineer's control.
- b. Services required as a result of Client providing incomplete or incorrect Project information to Engineer.
- c. Furnishing services of Engineer's Sub-Consultants, if any, for other than Basic Services.
- d. Preparing for, coordinating with, participating in and responding to structured independent review processes, including, but not limited to construction management, cost estimating, project peer review, value engineering, and constructability review requested by Client; and performing or furnishing services required to revise studies, reports, Drawings, Specifications, or other Bidding Documents as a result of such review processes.
- e. Preparing additional Bidding Documents or Contract Documents for alternate bids or prices requested by Client for the Work or a portion thereof.
- f. Assistance in connection with bid protests, rebidding, or renegotiating contracts for construction, materials, equipment, or services.
- g. Providing Construction Phase services beyond the construction Contract Times.
- h. Preparing to serve or serving as a consultant or witness for Client in any litigation, arbitration, or other dispute resolution process related to the Project. Preparation time for deposition and trial testimony or arbitration will be charged at hourly rate multiplied by 1.25. Actual time for

deposition, trial testimony or arbitration including travel time will be charged at hourly rate multiplied by 2.0. Reimbursable expenses will be charged at actual cost multiplied by 1.15.

- i. Providing more extensive services required to enable Engineer to issue notices or certifications requested by Client and not specifically provided in the Basic Services.
- j. Services in connection with Work Change Directives and Change Orders to reflect changes requested by Client so as to make compensation commensurate with the extent of the Additional Services rendered.
- k. Services in making revisions to Drawings and Specifications occasioned by the acceptance of substitute materials or equipment other than "or-equal" items; and services after the award of the Construction Contract in evaluating and determining the acceptability of a substitution which is found to be inappropriate for the Project or an excessive number of substitutions.
- l. Additional or extended services made necessary by (1) emergencies or acts of God endangering the Work, (2) the presence at the Site of any Hazardous Materials and/or Environmental Conditions (the presence of asbestos, PCBs, petroleum, hazardous substances or waste, and radioactive materials), (3) Work damaged by fire or other cause during construction, (4) a significant amount of defective, neglected, or delayed work by Contractor, (5) acceleration of the progress schedule involving services beyond normal working hours, or (6) default by Contractor.
- m. Reviewing Shop Drawings more than two (2) times as a result of repeated inadequate submissions by Contractor. In such an event, the Engineer shall prepare a Change Order for the Client that will deduct the cost of these Additional Services from the Client's contract with the Contractor.
- n. Archeological and Historical Preservation consulting;
- o. Delineating wetlands or flood plain determinations.
- p. U.S. Army Corps of Engineering Permitting;
- q. Providing topographic surveys or construction surveys and/or staking to enable Contractor to perform its work and any type of property or boundary surveys or easements or related engineering or surveying services needed for the transfer of interests in real property; and providing other special field surveys not specifically detailed in the Basic Services.
- r. Assistance with funding alternative including, but not limited to, loan/funding applications, grant writing, engineering reports, rates studies, etc. unless specifically included in the Basic Services;
- s. Environmental Surveys including, but not limited to, wetlands, endangered species, cultural resources, historic preservation resources or special sub-consultants for permits; work related to obtaining a NONSI.
- t. Preparing for and participating in public meetings and/or public hearings unless specifically included in the Basic Services;
- u. Other services performed or furnished by Engineer not otherwise detailed or provided for in this Agreement.
- v. All permit fees

Hourly Fee Schedule

The hourly fee schedule is reflected in the original proposal letter dated March 19, 2018.

Reimbursable Expenses/Sub-Consultants

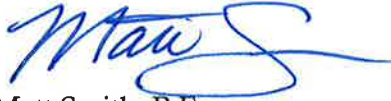
There are no fees for reimbursable expenses from Carter & Sloope, Inc. for the Basic Services of the Engineer. All costs associated with normal travel, meals, printing/reproduction, etc. are included in our lump sum fees on/or hourly; however, direct reimbursable expenses for Additional Services, if any, including, but not limited to, fees from sub-consultants.

If you have any questions or concerns regarding our proposed Scope of Work and/or proposed fee schedule, please contact me. I would welcome the opportunity to discuss this with you. If the Scope of

September 17, 2019

Services is acceptable, please sign, date, and return one (1) copy to us for our files. Once approved, Carter & Sloope can begin work on this project immediately.

Sincerely,



Matt Smith, P.E.

cc: File

Client Acceptance:

I hereby acknowledge review of this Scope of Services and authorize Carter & Sloope, Inc. to proceed with the work defined in this agreement.

Signature

Date

Title

TERMS AND CONDITIONS

The Client hereby accepts the following general terms and conditions ("Terms and Conditions") applicable to Carter & Sloope, Inc.'s performance of the services described in the attached Proposal (the "Services"):

- I. **Method and Terms of Payment:** Invoices will be submitted by Carter & Sloope, Inc. ("Carter & Sloope", "C&S", or "Engineer") monthly in proportion to services performed and are due upon receipt. Any amounts not paid by the Client within thirty (30) days of the date of such invoices shall be considered past due and shall accrue interest at a rate of one-and-one-half percent (1.5%) per month or the maximum allowed by law, whichever is less, of the past due amount per month until such time as such amounts are paid in full. Payment thereafter shall first be applied to accrued interest and then the unpaid principal. If the Client fails to make payment to the Engineer in accordance with the payment terms herein, this shall constitute a material breach of this Agreement and the Engineer shall have the right, upon seven (7) days written notice, to suspend performance of all or part of the Services in accordance with Paragraph 2 "Suspension" until 1.) all past due amounts are paid, and 2.) satisfactory assurance of prompt future payment is received by the Engineer. The above right is in addition to all other rights and remedies Engineer may have at law or in equity including termination of this Agreement by the Engineer for cause in accordance with Paragraph 3 "Termination" herein.
 - A. *Collection Costs:* If the Client fails to make payments when due and the Engineer incurs any costs in order to collect overdue sums from the Client, the Client agrees that all such collection costs incurred shall immediately become due and payable to the Engineer. Collection costs shall include, without limitation, legal fees, collection agency fees and expenses, court costs, collection bonds and reasonable Engineer staff costs at standard billing rates for the Engineer's time spent in efforts to collect. This obligation of the Client to pay the Engineer's collection costs shall survive the term of this Agreement or any earlier termination by either party.
 - B. *Set-offs, Backcharges, Discounts:* Payment of invoices shall not be subject to any discounts or set-offs by the Client unless agreed to in writing by the Engineer. Payment to the Engineer for services rendered and expenses incurred shall be due and payable regardless of any subsequent suspension or termination of this Agreement by either party.
 - C. *Disputed Invoices:* If the Client objects to any portion of an invoice, the Client shall so notify the Engineer in writing within seven (7) calendar days of receipt of the invoice. The Client shall identify in writing the specific cause of the disagreement and the amount in dispute and shall pay that portion of the invoice not in dispute in accordance with the other payment terms of this Agreement. Any dispute over invoiced amounts due which cannot be resolved within ten (10) calendar days after presentation of invoice by direct negotiation between the parties shall be resolved within thirty (30) calendar days in accordance with the Dispute Resolution provision of this Agreement. Interest as stated above shall be paid by the Client on all disputed invoice amounts that are subsequently resolved in the Engineer's favor and shall be calculated on the unpaid balance from the date of the invoice.
 - D. *Legislative Action:* If after the Effective Date of this Agreement, any governmental entity takes legislative action that imposes taxes, fees or charges on Engineer's services or compensation under this Agreement, then the Engineer may invoice such new taxes, fees, or charges as a Reimbursable Expense to which a factor of 1.0 shall be applied. Client shall reimburse Engineer for the cost of such invoiced new taxes, fees and charges in addition to the compensation agreed to herein.
2. **Suspension:** The Client may suspend all or part of the Project for up to ninety (90) days upon seven (7) days written notice to the Engineer. The Engineer may, after giving seven (7) days written notice to the Client, suspend services under this Agreement if Engineer's performance has been substantially delayed through no fault of the Engineer. In the event the Project is suspended for period(s) totaling more than ninety (90) days, Client agrees to pay reasonable costs incurred by the Engineer in: 1.) preserving and documenting services performed or in progress, and 2.) demobilizing and remobilizing services. The Engineer shall have no liability whatsoever to the Client for any costs or damages as a result of such suspension caused by any breach of this Agreement by the Client. Suspended projects may change in many ways due to the passage of time, changes in the size or environment, regulatory modifications, or other issues outside of Engineer's control. Engineer is not and shall not be responsible for any such changes, except to the responsibility or otherwise becomes aware of such issues and the Engineer may rely on information received from the Client or others regarding such issues. Upon payment in full by the Client, the Engineer shall resume services under this Agreement; however, a reassessment of the project scope, fee, and project schedule may be performed by the Engineer as an Additional Service. Upon the conclusion of the project reassessment, the time schedule and Engineer's compensation shall be equitably adjusted to compensate for the period of suspension plus any reasonable time and expense necessary for the Engineer to resume performance.

3. **Termination:** In the event of termination of this Agreement by either party, the Client shall, within fifteen (15) calendar days of termination, pay the Engineer for the services rendered and fees provided in the invoice and all reimbursable expenses incurred by the Engineer, its agents and subcontractors up to the termination date in accordance with the payment provisions of this Agreement. In the event of any termination that is not the fault of the Engineer, the Client shall pay the Engineer, in addition to payment for services rendered and reimbursable costs incurred, for all expenses reasonably incurred by the Engineer in connection with the orderly termination of this Agreement, including but not limited to demobilization, to complete tasks whose value would otherwise be lost, to prepare notes as to the status of completed and uncompleted tasks, to assemble Project Materials in orderly files, reassignment of personnel, associated overhead costs and all other expenses directly resulting from the termination.

The obligation to provide further services under this Agreement may be terminated as follows:

- A. *For Cause:* Either party may terminate the Agreement for cause upon giving the other party not less than thirty (30) days written notice in the event of substantial failure by the other party to perform in accordance with the terms of this Agreement and through no fault of the terminating party.
 1. Assignment of this Agreement or transfer of the Project by either party to any other entity without prior written consent of the other party; or
 2. If, through any cause, the Engineer shall fail to fulfill in timely and proper manner any material obligations under this Agreement, or if the Engineer shall violate any of the covenants, agreements, or stipulations of this Agreement, the Client shall thereupon give written notice to the Engineer of such failure, violation or breach. If Engineer has not or cannot remedy such failure, violation or breach within thirty (30) days of the giving of such notice by the Client, the Client shall thereupon have the right to terminate this Agreement by giving written notice to the Engineer of such termination and specifying the effective date thereof, at least ten (10) days before the effective date of such termination. In such event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports prepared by the Engineer under this Agreement shall, at the option of the Client subject to the requirements in Paragraph 11 herein, become its property and the Engineer shall be paid within fifteen (15) calendar days of termination for all services rendered and all reimbursable expenses incurred by the Engineer up to date of termination. Engineer shall have no liability to Client on account of such termination.
 3. Suspension of the Project or the Engineer's services by the Client for more than ninety (90) calendar days, consecutive or in the aggregate; or
 4. If Client demands that Engineer furnish or perform services contrary to Engineer's responsibilities as licensed professional; or
 5. Material changes in the conditions under which this Agreement was entered into, the Scope of Services or the nature of the Project, and the failure of the parties to reach agreement on the compensation and schedule adjustment necessitated by such changes.
 - B. *For Convenience:* Either party shall have the right to terminate this Agreement at any time for convenience and without cause upon thirty (30) days written notice.
4. **Changes.** The Engineer's commitment as set forth in this Agreement is based on the expectation that all of the services described in this Agreement will be provided. The Client may, from time to time, request changes in the scope of the services of the Engineer to be performed hereunder. In the event the Client elects to reduce the Engineer's Scope of Services, the Client hereby agrees to release, hold harmless, defend and indemnify the Engineer from any and all claims, damages, losses or costs associated with or arising out of such reduction in services. Such changes, including any increase or decrease in the amount of the Engineer's compensation, which are mutually agreed upon by and between the Client and the Engineer, shall be incorporated in written amendments to this Contract.
 5. **Personnel:** The Engineer represents that he has, or will secure at his own expense, the personnel required in performing the services under this Agreement. Such personnel shall not be employees of or have any contractual relationship with the Client. All of the services required hereunder will be performed by the Engineer or his sub-consultants under his supervision and personnel engaged in the work shall be fully qualified and shall be authorized or permitted under State and Local Law to perform such services.
 6. **Reports and Information.** The Engineer, at such times and in such forms as the Client may require, shall furnish the Client such periodic reports as it may request pertaining to the work or services undertaken pursuant to this Agreement, the costs and obligations incurred or to be incurred in connection therewith, and any other matters covered by this Agreement.

7. Certifications. As used herein and throughout this Agreement, the words “certify” and/or “certification” shall mean an expression of the Engineering Consultant’s professional opinion to the best of its information, knowledge and belief, and therefore does not constitute a warranty or guarantee by the Engineer.
8. Records and Audits. The Engineer shall maintain accounts and records, including personnel, property and financial records, adequate to identify and account for all costs pertaining to the Agreement. These records will be made available for audit purposes to the Client or any authorized representative, and will be retained for three years after, the expiration of this Contract unless permission to destroy them is granted by the Client.
9. Findings Confidential. All of the reports, information, data, etc., prepared or assembled by the Engineer under this Agreement are confidential and the Engineer agrees that they shall not be made available to any individual or organization without the prior written approval of the Client unless required by law, court order, or for use in connection with legal or administrative proceedings, mediation, or arbitration.
10. Standard of Care, Disclaimer of Warranties. Engineer will strive to perform Services under this Agreement in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions. NO OTHER REPRESENTATION AND NO WARRANTY OR GUARANTEE, EITHER EXPRESS OR IMPLIED, IS INCLUDED OR INTENDED BY THIS AGREEMENT.
11. Ownership of Documents & Copyright. All documents, including electronic files, prepared or furnished by Engineer are instruments of service, and Engineer retains all common law, statutory and other reserved rights, ownership and property interest (including the copyright and the right of reuse) in such documents, whether or not the Project is completed. The Client may make and retain copies of them for information and reference in connection with the use of the Project; however, such copies are not intended or represented to be suitable for reuse by others, and may not be used by others unless otherwise required by law, court order, or for use in connection with legal or administrative proceedings, mediation, or arbitration. The Client agrees not to distribute, publish or otherwise disseminate Engineer’s documents without first obtaining Engineer’s prior written consent. The Client may request and negotiate with the Engineer to acquire ownership of the documents for a mutually agreed amount. If Client acquires ownership of Documents prepared by Engineer, Client agrees: 1.) that any subsequent reuse or modification of them by Client or any party obtaining them through Client will be at Client’s sole risk and without liability to engineer, and 2.) Client will defend, indemnify and hold harmless Engineer from and against any claims, damages, and liabilities arising from or related to any use, reuse or modification of Documents by Client or any party obtaining them through Client. Client agrees that Engineer may retain copies of all documents for its files. Electronic communications and CADD data transferred by Email, websites or computer disks (collectively “E-Data”) are provided only as an accommodation by Engineer for the benefit of Client. Signed paper prints of documents constitute the contract deliverables. Client assumes the risk that E-Data may differ from the paper deliverable. Client agrees to indemnify and hold harmless Engineer from and against Client, damages, and liabilities for defects or inappropriate use of E-Data created or transmitted by Engineer.
12. Third-Party Beneficiaries and Reliance Upon Documents. Nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favor of a third-party against either the Client or the Engineer. Engineer’s performance of the Services, as set forth in this Agreement, is intended solely and exclusively for the Client’s benefit and use. No party may claim under this Agreement as a third-party beneficiary, unless otherwise required by law, court order, or for use in connection with legal or administrative proceedings, mediation or arbitration. Client agrees not to distribute, publish or otherwise disseminate Engineer’s Documents, without first obtaining Engineer’s prior written consent. No third-party may rely upon Engineer’s documents or the performance or non-performance of services unless Engineer has agreed to such reliance in advance and in writing. The Client and Engineer agree to require a similar provision in all contracts with contractors, subcontractors, sub consultants, vendors and other entities involved in this Project to carry out the intent of this provision.
13. Compliance with Local Laws. The Engineer shall exercise usual and customary professional care in its effort to comply with applicable laws, codes and regulations as of the date of the execution of this Agreement. Design changes made necessary by newly enacted laws, codes and regulations after this date shall entitle the Engineer to a reasonable adjustment in the schedule and additional compensation in accordance with the Additional Services provisions of this Agreement.
14. Public Responsibility. Both the Client and the Engineer owe a duty of care to the public that requires them to conform to applicable codes, standards, regulations and ordinances, principally to protect the public health and safety. The Client shall make no request of the Engineer that, in the Engineer’s reasonable opinion, would be contrary to the Engineer’s professional responsibilities to protect the public. The Client shall take all actions and render all reports required of the Client in a timely manner. Should the Client fail to take any required actions or render any required notices to appropriate public authorities in a timely manner, the Client agrees that the Engineer has the right to exercise its professional judgment in reporting to appropriate public officials or taking other necessary action. The Client agrees to

take no action against or attempt to hold the Engineer liable in any way for carrying out what the Engineer reasonably believes to be its public responsibility. Furthermore, the Client agrees the Engineer shall not be held liable in any respect for reporting said conditions. Accordingly, the Client agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Engineer, its officers, directors, employees and sub-consultants (collectively, Engineer) against all damages, liabilities or costs arising out of or in any way connected with the Engineer's notifying or failing to notify appropriate public officials.

15. **Accessibility.** It is recognized that the Client has certain obligations under local, state and Federal accessibility laws and regulations that could affect the design of the Project. It is further recognized that Federal accessibility laws and regulations are not part of, or necessarily compatible with, State or local laws, codes and regulations governing construction. Consequently, the Engineer will be unable to make recommendations or professional determinations that will ensure compliance with the Federal accessibility laws and regulations, and the Engineer shall, accordingly, not have any liability to the Client in connection with the same. The Engineer strongly advises the Client to obtain appropriate legal and financial counsel with respect to compliance with the appropriate disability access laws. The Engineer will endeavor to design for accessibility by persons with disabilities in conformance with the provisions and references in applicable State or local building codes and the technical design requirements of the Americans with Disabilities Act (ADA) and/or the Fair Housing Act (FHA) in effect as of the date of completion of the design to the extent those statutes apply to the Project. The Client will determine the full extent of its obligations under the ADA and Fair Housing Act Amendments (FHAA), including whether the ADA and/or the FHAA apply to the Project, the extent that modifications are readily achievable under the ADA, and the extent that modifications to improve disability access are necessary during an alteration and provide the Engineer with such information. The Client acknowledges that it has been advised by the Engineer to retain a consultant (Accessibility Consultant) to review the project plans, specifications, and construction for compliance with the Americans with Disability Act, the Fair Housing Act, and other Federal, state, and local accessibility laws, rules, codes, ordinances, and regulations (hereinafter referred to as "Accessibility Issues"). If Client fails to retain an Accessibility Consultant, the Client agrees to release defend, indemnify and hold harmless the Engineer, its officers, directors, employees and subconsultants (collectively, Engineer) from any claim, damages, liabilities or costs arising out of or in any way connected with Accessibility Issues.
16. **Specification of Materials.** The Client understands and agrees that products or building materials that are permissible under current building codes and ordinances may, at some future date, be banned or limited in use in the construction industry because of presently unknown hazardous and/or defective characteristics. The Engineer is only expected to meet current industry standards and may rely on manufacturers' information and representations. The Client agrees that if any product or material specified for this Project by the Engineer shall, at any future date be suspected or discovered to be defective or a health or safety hazard, then the Client shall waive all claims as a result thereof against the Engineer. The Client further agrees that if the Client directs the Engineer to specify any product or material after the Engineer has informed the Client that such product or material may not be suitable or may embody characteristics that are suspected of causing or may cause the product or material to be considered a hazardous substance in the future, the Client waives all claims as a result thereof against the Engineer, and the Client agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Engineer from any damages, liabilities or costs, including reasonable attorneys' fees and defense costs, arising in any way from the specification or use of any products or materials which, at any future date, become known or suspected health or safety hazards
17. **Opinions or Estimates of Costs.** If included in the Services, the Engineer will provide preliminary opinions of probable costs of materials, installation, remediation or construction and/or total project costs based on the Engineer's experience on similar projects, which are not intended for Client's or others' use in developing firm budgets or financial models, or making investment decisions. Client agrees that any opinion of cost is still merely an estimate.
18. **Limit of Liability.** The inclusion of this Limitation of Liability provision is a material consideration for the Engineer's willingness to perform the services. In recognition of the relative risks and benefits of the Project to both the Client and the Engineer, the risks have been allocated such that, to the fullest extent permitted by law, Client and Engineer: 1.) waive against each other, and the other's employees, owners, partners, officers, directors, shareholders, agents, insurers, and sub-consultants, any and all claims for or entitlement to special, incidental, indirect, or consequential damages of any nature whatsoever or claims expenses from any cause or causes, including attorney's fees and costs and expert-witness fees and costs arising out of, resulting from, or in any way related to the Project; and 2.) **agree that Engineer's total aggregate liability to Client under this Agreement shall be limited to the total amount of compensation received by Engineer on this Project or \$50,000, whichever is greater.** This limitation shall apply to any and all liability regardless of the cause of action or legal theory placed or asserted unless otherwise prohibited by law. Upon Client's request, Engineer may negotiate an increase to this limitation in exchange for an additional agreed consideration for the increased limit. Client and Engineer agree to limit liability to the other in the following respects to the fullest extent permitted by law: Neither party will have liability to the other for any specials, indirect or consequential, incidental, exemplary, or penal losses or damages including, but not limited to, loss of use, loss of profit, loss of business, loss of income, loss of reputation, unavailability of the other party's property or facility, shutdowns or

service interruptions, and any other consequential damages or claims related to the Project that either party may have incurred from any cause of action including negligence, strict liability, breach of contract and breach of strict or implied warranty. Both the Client and the Engineer shall require similar waivers of consequential damages protecting all the entities or persons named herein in all contracts and subcontracts with others involved in this Project.

19. Insurance. Throughout the term of this Agreement, Engineer shall maintain insurance in amounts not less than shown:
- | | |
|---------------------------|--|
| a) Worker's Compensation | Statutory amount where services are performed |
| b) Automobile | \$1,000,000 combined single limit |
| c) General Liability | \$1,000,000 per occurrence / \$2,000,000 General Aggregate |
| d) Professional Liability | \$1,000,000 per claim and aggregate |
| e) Excess Umbrella | \$5,000,000 on "b" & "c" |

Client agrees to require all third parties engaged by or through Client in connection with the Project to provide Engineer with current Certificates of Insurance Endorsed to include Engineer as an additional insured on their "b", "c" and "e" policies of insurance and authorizes Engineer to enforce this provision directly with all Project related third parties.

20. Indemnification.

- A. Indemnification of Client: Subject to the provisions and limitations of this Agreement, Engineer agrees to indemnify and hold harmless Client, its shareholders, officers, directors and employees from and against any and all liabilities, damages, expenses (including without limitation reasonable attorney's fees) or other losses (collectively "Losses") to the extent caused by Engineer's negligent performance of its Services under this Agreement.
- B. Indemnification of Engineer: To the extent allowed to a municipality by Georgia law and subject to the provisions and limitations of this Agreement, Client agrees to defend, indemnify and hold harmless Engineer from and against any and all claims by third parties related to services provided by Engineer under this Agreement, and against any and all Losses to the extent caused by the negligence of Client, its employees, agents and contractors. In addition, except to the extent caused by Engineer's sole negligence, Client expressly agrees to defend, indemnify and hold harmless Engineer from and against any and all Losses arising from or related to the existence, disposal, release, discharge, treatment or transportation of Hazardous Materials, or the exposure of any person to Hazardous Materials, or the degradation of the environment due to the presence, discharge, disposal, release of or exposure to Hazardous Material.
21. Dispute Resolution. Claims, disputes, and other matters in controversy between Engineer and Client caused by or any way related to this Agreement will be submitted to non-binding mediation as a condition precedent to litigation. The Client and the Engineer further agree to include a similar mediation performed with rules as established by The American Arbitration Association provision in all agreements with independent contractors and consultants retained for the Project and to require all independent contractors and consultants also to include a similar mediation provision in all agreements with their subcontractors, subconsultants, suppliers and fabricators, thereby providing for mediation as the primary method for dispute resolution among the parties to all those agreements. The cost for mediation including the mediator's fees, reproduction of documents, and miscellaneous out-of-pocket expenses will be borne equally by each party to this Agreement. The laws of the State of Georgia will govern the validity of these terms, their interpretation and performance. Client and Engineer agree that venue for any litigation will be in the courts of the State of Georgia and Engineer and Client both hereby waive any right to initiate any action in or remove any action to, any other jurisdiction.
22. Severability. This agreement reflects the entire agreement of the parties with respect to its terms and supersedes all prior agreements, whether written or oral. If any portion of this Agreement is void or voidable, such portion will be deemed stricken and the Agreement reformed to as closely approximate the stricken portions as the law allows.



Agenda Item: _____

CITY OF VILLA RICA

City Council Meeting Agenda Item Cover Sheet

SUBJECT: First Amendment to the Lease Agreement with Norfolk Southern

AGENDA DATE: October 8, 2019

DATE PREPARED: September 26, 2019

PREPARED BY: Tom Barber

AMOUNT: \$10,000 per Year Plus CPI

GL ACCOUNT #: 100-6120-522310

FUNDING SOURCE: General Fund

BUDGETED ITEM? Only Partially

PURPOSE: To approve an amendment to the land lease agreement with Norfolk Southern.

BACKGROUND: The City leases a portion of downtown from Norfolk Southern, which allows us to maintain the railroad park and nearby improvements on the north side of the railroad track. During 2017-2019 the lease payments were \$6,337, \$6,460, and \$6,508, respectively. We budgeted \$6,500 for fiscal year 2020. The new base amount, which will increase annually based on CPI, is \$10,000.

The review of the lease agreement and subsequent increase in the lease amount was triggered by the request for a permit to improve the sidewalk in the block containing Hixtown Brewery.

STAFF RECOMMENDATION: Staff recommends that we approve the lease agreement and then forward it to the Downtown Development Authority for their consideration.

IMPACT: A budget adjustment of \$3,500 in the General Fund will be required.

MOTION: I move that we approve the attached first amendment to the land lease agreement with Norfolk Southern in the amount of \$10,000, effective November 3, 2019.



Activity Number 1273292

FIRST AMENDMENT TO LEASE AGREEMENT

THIS FIRST AMENDMENT TO LEASE AGREEMENT (this “**Amendment**”) is made as of the _____ day of _____, _____ by and between **NORFOLK SOUTHERN RAILWAY COMPANY**, a Virginia corporation (the “**Landlord**”) and **CITY OF VILLA RICA**, a government entity of the State of Georgia, & **VILLA RICA DOWNTOWN DEVELOPMENT AUTHORITY**, (collectively, the “**Tenant**”).

W I T N E S S E T H:

WHEREAS, Landlord and Tenant entered into that certain Lease Agreement dated November 3, 2005, (the “**Lease**”), for real property located at Milepost 670.00 in Villa Rica, Carroll County, Georgia, having an area of 133,700 square feet, more or less (the “**Premises**”);

WHEREAS, Landlord and Tenant desire to modify the rental payable by Tenant under the Lease and to make certain other changes to the Lease as hereinafter stated.

NOW THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Lease is hereby amended, and the parties hereto do agree as follows:

1. Adjustment of Base Rental. Commencing on November 3, 2019 (the “**Commencement Date**”), Tenant shall pay unto Landlord, without offset, abatement or demand, base rental in the amount of **TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00)** per annum, payable in advance. Commencing on the first anniversary of the Commencement Date and thereafter on each anniversary thereof during the term of the Lease, the amount of the base rental shall be increased (and not decreased) on an annual basis by the percentage of increase, if any, in the United States, Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U)(1982-1984 = 100) U.S. City Average, All Items (the “**Index**”) as set forth below. If the Index has changed so that the base year differs from that used in this Paragraph, the Index shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics, to the 1982-84 base. If the Index is discontinued or revised during the term of the Lease, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the Index had not been discontinued or revised. The “**Adjustment Date**” shall mean the first anniversary of the Commencement Date and each anniversary thereof during the term of the Lease. The Index published nearest to the Commencement Date shall be the “**Base Index**”. The Index published nearest to the date three (3) months prior to the then current Adjustment Date shall be the “**Adjustment Index**”. On each Adjustment Date, the base rental shall be adjusted by multiplying the base rental payable under the Lease at the Commencement Date by a fraction, the numerator of which fraction is the applicable Adjustment Index and the denominator of which fraction is the Base Index. The amount so determined shall be the base rental payable under the Lease beginning on the applicable Adjustment Date and until the next Adjustment Date (if any).

2. Change of Purpose. The Premises shall be used for public parking, beautification and the use and maintenance of paved parking areas and sidewalks in connection with the Tenant’s downtown

development and for no other purpose. The Premises shall not be used for any illegal purposes, for the storage of unlicensed vehicles, nor in any manner to create any nuisance or trespass. No smoking is permitted in or about the Premises. Landlord reserves unto itself and its permittees, the permanent right to construct, maintain or replace upon, under, or over the Premises, any pipe, electrical, telecommunications, and signal lines, or any other facilities of like character now installed or hereinafter to be installed. Landlord further reserves unto itself and its permittees the right to enter upon the Premises at any and all times for the purposes of operating, maintaining, constructing or relocating any trackage or railroad facilities located on, or in the vicinity of, the Premises.

3. Notice. Any notice given pursuant to the Lease shall be in writing and sent by certified mail, return receipt requested, by hand delivery or by reputable overnight courier to:

(a) Landlord: c/o Director Real Estate, Norfolk Southern Corporation, 1200 Peachtree Street, NE – 12th Floor, Atlanta, Georgia 30309-3579 or at such other address as Landlord may designate in writing to Tenant.

(b) Tenant: City of Villa Rica, Attention: Downtown Development Manager, 571 West Bankhead Highway, Villa Rica, Georgia 30180, or at such other address as Tenant may designate in writing to Landlord.

Any notice sent in the manner set forth above shall be deemed delivered three (3) days after said notice is deposited in the mail if sent by certified mail (return receipt requested), or upon receipt if sent by hand delivery or reputable overnight courier. Any change of notice address by either party shall be delivered to the other party by the manner of notice required hereby.

4. Ratification; Successors and Assigns. Landlord and Tenant acknowledge and agree that the Lease, as amended by this Amendment, is hereby ratified and confirmed and in full force and effect. This Amendment shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

5. Signature. The parties agree that if an authorized officer of a party fully signs this Agreement in the appropriate location(s) below and then returns that signature to the other party via electronic means with a pdf or similar scanned copy of that signature, then that scanned signature shall serve as that party's signature for the Agreement, and, upon full execution of the Agreement by all parties, shall create a legally binding Agreement.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the parties hereto have executed this Amendment in duplicate, each part being an original, as of the _____ day of _____, 20_____.

Witness: As To Landlord

Signature
Name:_____

Witness: As To Landlord

Signature
Name:_____

Witness: As To Tenant

Name:_____

Witness: As To Tenant

Signature
Name:_____

Witness: As To Tenant

Signature
Name:_____

Witness: As To Tenant

Signature
Name:_____

LANDLORD:

NORFOLK SOUTHERN RAILWAY COMPANY
a Virginia corporation

By:_____
Name:_____
Title:_____

Date of Landlord Signature:_____

[SEAL]

TENANT:

CITY OF VILLA RICA Signature
a government entity of the State of Georgia

By:_____
Name:_____
Title:_____

Date of Tenant Signature:_____

[SEAL]

**VILLA RICA DOWNTOWN DEVELOPMENT
AUTHORITY**

By:_____
Name:_____
Title:_____

Date of Tenant Signature:_____

[SEAL]



Agenda Item: _____

CITY OF VILLA RICA

City Council Meeting Agenda Item Cover Sheet

SUBJECT: To Approve an Agreement for Professional Services with Dan McRae of SeyFarth Shaw

AGENDA DATE: October 8, 2019

DATE PREPARED: September 27, 2019

PREPARED BY: Tom Barber

AMOUNT: up to \$59,500

GL ACCOUNT #: 321-4210-541411

FUNDING SOURCE: 2015 Carroll SPLOST

BUDGETED ITEM? Yes

PURPOSE: To approve an agreement with Seyfarth Shaw for assistance with the creation of a redevelopment plan and the establishment of a Tax Allocation District for the Mirror Lake Connector.

BACKGROUND: The State Legislature approved Redevelopment Powers for the City of Villa Rica in 2018. This measure was approved by the voters during the subsequent November referendum. The City now has to create a redevelopment plan and then define a Tax Allocation District (TAD).

The first such district to be defined will be for the Mirror Lake Connector, which will connect North Carroll Road to Shoreline Parkway. The City will then be able to issue bonds to fund the construction of the road, adjacent utilities, and other improvements. The increase in property tax revenue from all subsequent development in the TAD around the new road will be used to pay off the bonds. Dan McRae of Seyfarth Shaw is one of the state's leading experts on this type of increment-based financing.

STAFF RECOMMENDATION: Staff recommends that we engage Dan McRae of Seyfarth Shaw to assist us with the creation of a redevelopment plan and the establishment of our first Tax Allocation District as detailed in the attached scope of work.

IMPACT: The Mirror Lake Connector should spur new development in the vacant area between downtown and Shoreline Parkway on both sides of Cleghorn Street and up to Old Stone Road.

MOTION: I move that we authorize the City Manager to engage Seyfarth Shaw, LLP to assist with the creation of a development plan and a tax allocation district for an amount not to exceed \$59,500.00.

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(404) 888-1883
Writer's e-mail
dmcrae@seyfarth.com

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BOSTON
ATLANTA

September 10, 2019

Via Email and U.S. First Class Mail

Tom Barber, City Manager
City of Villa Rica
571 West Bankhead Highway
City of Villa Rica, Georgia 30180

Re: Scope of Work for Tax Allocation Districts Assistance

Dear Tom:

Introduction

I am writing as you requested with our scope of work ("**Scope**") concerning the terms that would be applicable to our engagement by the City of Villa Rica ("**the City**") in connection with its creation of one or more Tax Allocation Districts (the "**TADs**"). As background for this Scope, we have had discussions of the TADs with you, and we have reviewed the documents you provided.

Status of the TADs

Per our discussions, we understand that the City already has redevelopment powers under the Redevelopment Powers Law. As we understand it now, the potential redevelopment areas are the Mirror Lake Connector area (which might be combined with the future industry complex area for TAD purposes), the Avemore area, and a fourth area that, because of jurisdictional issues, may not be actively considered until next year.

The Mirror Lake Connector area has elements of a "Project TAD". However, because of size (particularly if combined with the future industry complex area), and additional considerations, the applicable Redevelopment Plan might be structured more for an "Area TAD."

This Proposal is based on our proceeding this year with the first two redevelopment areas, and addressing the second two redevelopment areas next year. We will assume that the first two will involve a single TAD encompassing both redevelopment areas, unless factual due diligence indicates otherwise. We will refer to this TAD as "**TAD Number 1.**"

Scope of Work

The attached Schedule provides milestones¹ for the work involved in the creation of TAD Number 1. Seyfarth will perform the tasks indicated for us on this Schedule. We have also attached a budget estimate for the costs of our legal services (see “Budget”, below), based on a single TAD.

The Schedule is aimed at creation of TAD Number 1 as of December 31, 2019.

The creation of TAD Number 1 naturally consists of four phases²:

Phase 1: the inception of the work through the distribution of the Requests for Information. In this Phase, we engage with City staff and provide legal assistance in determining the type and parameters of TAD Number 1. We also identify and request data needed for us to proceed with the preparation of the Redevelopment Plan.

Phase 2: the preparation and finalization of the Redevelopment Plan and County and Board of Education IGAs. This Phase is largely devoted to the drafting and finalization of the Redevelopment Plan, working in concert with City staff. A school system impact study from a consultant³ will be needed, and this Phase includes sourcing, obtaining and incorporating it.

The extent to which City staff can provide technical details when needed will have a very significant impact on costs incurred for our legal services. More or less legal work on our part will be required depending on the extent that City staff can provide requested Plan data and Plan text. This will be a cooperative and interactive process in any event.

Note that interaction with third parties such as the Assessors, the County and the Board of Education will also be necessary. The requirements and responsiveness of these third parties will also materially affect the budget. We expect that County and Board of Education consents and any additional requirements will be evidenced by IGAs, between these bodies, respectively, and the City. Our scope in this Phase includes the documentation of these Intergovernmental Agreements (“IGAs”).

Phase 3: local procedural matters. Included in this Phase are the ads, hearing and meetings needed for the City to adopt the Redevelopment Plan. A minimum of one hearing, after notice, is required, but, of course, more hearings can be conducted if desired. The City staff will be able to handle much of this in-house, with our support as necessary.

¹ The dates on the Schedule can be adjusted to suit the City’s preferred timing and more time can be allowed between milestones if preferred (all subject to statutory notice requirements).

² We are excluding tasks related to tax allocation bonds at this point. However, the Redevelopment Plan will allow TAD bond financing. Our assisting with the issuance of tax allocation bonds will be covered in a separate Proposal.

³ The costs of the consultant will be a City expense that is not included in our budget estimate. We will provide a quotation for your approval once we are engaged.

Phase 4: State procedural matters. In this Phase, the necessary tax digest data are obtained from the Assessors and submitted to the State Department of Revenue, and certification of the tax allocation increment base of the TAD from the DOR Commissioner is obtained. We will work with City staff to insure all of this takes place in a timely manner.

Developer

There are normally a couple of consequences when, as in this case, the creation of a TAD is motivated, at least in part, by a developer's project.

First, a developer's project, if it will be supported to any extent by the TAD, will need to be within the scope of the Redevelopment Plan. This means that data will be needed from the developer, and so there must be interaction with the developer.

Also, normally the local government will at some point negotiate and document a Memorandum of Understanding ("MOU") or Development Agreement with the developer. This document will provide for the level of support or subsidy to be provided by the local government, and how that support or subsidy will be delivered. Such delivery depends on the TAD being effective. If desired, an MOU/Development Agreement can be negotiated or even executed prior to the TAD being effective, but its effectiveness must be dependent on the TAD being effective.

We are assuming that creation of the MOU/Development Agreement can be postponed until after TAD Number 1 has been created. That being so, our Proposal and budget estimate include matters related to developer data, but not creation of an MOU/Development Agreement.

Budget

Our work is subject to hourly billing, payable monthly. We will need an initial retainer of \$5,000, payable upon your acceptance of this proposal, which will be applied to hourly billing as incurred. The hourly rates of the attorneys expected to be involved with your work are included herein for your reference.

In consideration of your public nature, and as a token of our keen desire to work with you, billing will be at our discount rates, offering you a discount of approximately 15% from our standard rates.

Because we understand it is important for you to be able to budget your legal costs, we offer the attached estimate for your budgeting purposes only.

In our budget estimate, we have provided a range of costs, but we are not able to guarantee that your legal fees will not be higher, especially in the event of circumstances or events beyond our reasonable control, such as a change in the Redevelopment Plan requested by the City, or unexpected, repetitive or unbudgeted requirements of the City or the developer. Rather, these

estimates are our reasonable estimation based on our experience and the knowledge that we have of this matter at this time.

At the point of creation of an MOU/Development Agreement, we suggest that you consider arranging for the developer to pay a portion of the related costs. Those costs are not included on the attached budget estimate, but a normal range is \$12,500 - \$17,500, depending on how close the parties are initially. Of course, this will not change the attorney-client relationship. We will always represent and protect the City's interests.

Conclusion

We trust that the information set forth above is helpful.

We look forward to working with the City of Villa Rica. If this Scope is accepted, please sign below as indicated and return your acceptance. We will then complete our normal new client in-take process, including conflicts checks and issuing a formal engagement letter.

Please let us know if you have any questions or comments.

Very truly yours,

SEYFARTH SHAW LLP



Daniel M. McRae

Enclosures

Acceptance:

City of Villa Rica

By: _____

Title: _____

Date: _____

Professional

2019 Hourly Rates

Daniel M. McRae	\$780
Harrison Sullivan	\$445
Pier Fearonce	\$310

PROJECT BUDGET ESTIMATE

VILLA RICA TAD CREATION- PRO FORMA

Scope of Work

Phase 1 - Inception through distribution of Requests for Information	\$12,500	\$7,500
Phase 2 - Preparation and Finalization of Redevelopment Plan and County & Board of Education Intergovernmental Agreements	\$34,000	\$25,000
(includes assist City staff with requirements: obtain school analysis, meets qualifications, not above 10%)		
Phase 3 - Local Procedural Matters	\$8,500	\$6,500
(includes- working with City staff- submit Plan to City for approval, place ads and conduct hearings, attend meetings of BOE and County, walk Plan through)		
Phase 4 - State Procedural Matters	\$4,500	\$2,500
(includes obtain TAD data from Assessors, submission to DOR, obtain DOR certification)		
TOTAL	\$59,500	\$41,500

Note: Does not include out-of-pocket expenses or charges of third parties such as school system impact analysis consultant billed directly to City.

