

**ORDINANCE 2021 –8**

Draft Ordinance 2021-G

**AN ORDINANCE OF THE CITY OF VILLA HILLS, IN KENTON COUNTY, KENTUCKY AMENDING THE VILLA HILLS PERSONNEL POLICIES.**

**WHEREAS**, the current Villa Hills Personnel Policies were adopted in 2013 and amended in 2013, 2015, 2018, 2019, and 2021; and

**WHEREAS**, The city of Villa Hills wishes to update the personnel policies to comply with state law changes, best practices, and to remain competitive in retention and recruitment of employees;

**BE IT ORDAINED BY THE CITY OF VILLA HILLS, KENTUCKY:**

**SECTION I**

The changes to the Villa Hills Personnel Policies contained in Exhibit A, attached hereto and incorporated by reference, are hereby adopted.

**SECTION II**

Any and all Ordinances in conflict with this Ordinance shall be, and hereby are, repealed to the extent of said conflict.

**SECTION III**

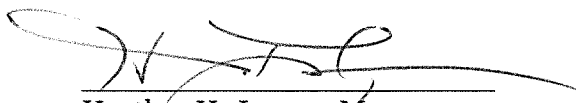
The provisions of this ordinance are severable and the invalidity of any provision of this ordinance shall not affect the validity of any other provisions hereof, and such other provisions shall remain in full force and effect as long as they remain valid in the absence of that provision determined to be invalid.

**SECTION IV**

This Ordinance shall take effect and be in full force from and after its passage, and may be published in summary form, and recording, according to law.

Passed by the City Council this 17th day of November, 2021.

City of Villa Hills, Kentucky  
A Municipal Corporation of the Home Rule Class

  
Heather H. Jansen, Mayor

ATTEST:

  
Jennifer Lipson, City Clerk

Sponsor: Cahill

First Reading: August 18, 2021

Second Reading: November 17, 2021

Published: December 17, 2021

Ayes: Baehner, Cahill, Ringo, Stover, Thompson, Wadsworth

Nays: none

Abstentions: none

Absent: none

# **CHAPTER 1**

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## **OBJECTIVE AND SCOPE**

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### **OBJECTIVE AND SCOPE**

#### Section 1 -- Purpose

These policies and procedures are adopted to provide for the recruitment, development, and retention of employees for each position of employment with the City of Villa Hills (the City). The personnel policy handbook has been developed to serve as a guide for the employer/employee relationship.

#### Section 2 -- Positions Covered

These policies and procedures apply to all regular and provisional positions, unless otherwise indicated.

#### Section 3 -- Interpretation

The policies are intended to cover many personnel issues and actions which arise. Those not specifically covered may be interpreted by the Mayor.

#### Section 4 -- Responsibility and Authority

The responsibility and authority for the implementation and enforcement of these policies are vested in the Mayor.

#### Section 5 -- Delegation

The Mayor is the Personnel Administrator. The Mayor may delegate such duties and functions as he/she deems appropriate to another employee(s).

#### Section 6 -- Equal Opportunity Employer

The City is an equal opportunity employer and prohibits all forms of illegal discrimination. Villa Hills will implement these policies in accordance with laws and regulations that prohibit discrimination on the basis of political affiliation, disability (including discrimination because of HIV or AIDS), race, age (40 or over), national origin, genetic information, pregnancy, sex, religion, sexual preference, and any other protected classes or behaviors. Villa Hills also prohibits retaliation against an employee for: opposing or complaining about discrimination; participating in discrimination legal proceedings; and/or for participating in discrimination investigations. Villa Hills will not retaliate against an employee for exercising a right related to their employment, for refusing to violate the law, or for exercising a constitutional or statutory right. Any concerns about discrimination or retaliation must be reported immediately to the Mayor or Mayor's designee so that the City may review the matter and take appropriate remedial actions.

### Section 7 – American with Disabilities Act statement

Villa Hills is committed to complying with all applicable provisions of the Americans With Disabilities Act ("ADA"). It is the ~~[agency]~~ city's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job. Consistent with this policy of nondiscrimination, the City will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made the City aware of his or her disability, provided that such accommodation does not constitute an undue hardship on the City of Villa Hills

Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job ~~[should]~~ must contact the Mayor or the Mayor's designee immediately upon becoming aware of the issue.

### Section 8 - Disclaimer

These personnel policies are not a contract of employment, and all employees of the City of Villa Hills are at-will employees. The City of Villa Hills is not bound to continue the employment relationship if it chooses at its will, to end the relationship at any time.

- A) In some cases employees may have an employment agreement with the City of Villa Hills. In the event that there are any inconsistencies between the specific terms of the employee's employment agreement and these Personnel Policies, and the inconsistencies cannot be reconciled, then the more specific terms of the employment agreement shall prevail.
- B) It is the employee's responsibility to be familiar with the contents of this manual, and by signing below the employee acknowledges receipt, knowledge, and understanding of the personnel policies and a willingness to be subject to these policies. These contents will help guide the employee toward job behavior which reflects credit upon you and the City of Villa Hills.
- C) These personnel policies cannot anticipate every situation or answer every question about employment. The contents of these policies are subject to change at the discretion of the Mayor and City Council. The City shall attempt to advise all employees of changes in these personnel policies as they occur. However, failure ~~[to notify employees]~~ of employees to receive notice of any change will not affect the validity of the change or the application of a changed policy or benefit to a particular situation.
- D) Generally, employees should not have an expectation of privacy while using City-owned or leased equipment, including, but not limited to desks, cabinets, storage lockers, vehicles, hardware, software, and systems network, even when they are merely using the equipment to store or transport personal items, or to access personal email accounts or other social

media or blogs, or to sync with or access privately-owned devices while on duty. The City retains the right to monitor, audit, or inspect any use of City-owned property if it has reason to suspect that an employee is engaged in illegal activity, or activity or conduct which is in violation of the City's Personnel Policies, Ethics Code, and/or any other state, local, or federal law.

- E) Employees are advised that posts, e-mails and text messages while on duty may be deemed to be a public record and subject to disclosure under the Kentucky Public (Open) Records Act, and/or retention and review under the Kentucky Records Retention Act, or similar state or federal laws.
- F) YOUR USE OF CITY FACILITIES, VEHICLES, AND/OR EQUIPMENT TO STORE OR TRANSPORT PERSONAL ITEMS CONSTITUTES YOUR CONSENT FOR CITY PERSONNEL TO AUDIT, MONITOR YOUR USE OF CITY-OWNED PROPERTY, AND YOU FURTHER CONSENT TO CITY PERSONNEL'S SEARCH OF CITY-OWNED PROPERTY IN FURTHERANCE OF CITY-RELATED BUSINESS PURPOSES.
- G) YOUR USE OF THE CITY OF VILLA HILLS LEASED OR OWNED EQUIPMENT TO ACCESS PERSONAL E-MAIL ACCOUNTS, WEB-BASED ACCOUNTS, PERSONAL CLOUD STORAGE ACCOUNTS, OR SOCIAL MEDIA OR BLOGS, CONSTITUTES YOUR CONSENT FOR CITY PERSONNEL ENGAGED IN CITY-RELATED BUSINESS PURPOSES AND DUTIES, TO AUDIT, MONITOR, AND REVIEW YOUR COMMUNICATIONS TRANSMITTED, RECEIVED, OR STORED ON THE CITY OF VILLA HILLS LEASED OR OWNED EQUIPMENT UNDER TITLE I AND II OF THE ELECTRONIC COMMUNICATIONS PRIVACY ACT OF 1986.

#### Section 9 - Severability Clause

If sections of these personnel policies are held invalid, the remaining sections shall not be affected and shall remain in effect.

#### Section 10 - Repealer

All prior personnel policies, procedures, resolutions, memoranda or other written documents are hereby repealed. All oral statements past, present, and future in conflict with these policies are invalid.

#### Section 11 – Immigration Law Compliance

The City of Villa Hills is committed to employing only United States citizens and Foreign Nationals who are authorized to work in the United States and the City does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986 each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form (I-9) and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed the I-9 with the City within the

past three (3) years, or if their previous I-9 is no longer retained or valid. Employees with questions or seeking more information on immigration law issues are encouraged to contact their Department Head. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

#### Section 12 – Pregnancy Discrimination Act compliance

The City of Villa Hills shall comply with the Pregnancy Discrimination Act (PDA). Pregnant employees shall not be terminated, denied assignments or promotions solely because of their pregnancy, childbirth, or related condition. A pregnant employee who is capable of performing the essential functions of her job as determined by a medical professional shall not be compelled to take leave or accept other assignments. When an employee goes on leave due to pregnancy, childbirth or a related medical condition, her job shall remain open for her return for the same period of time that a similarly situated job is left open for employees who go on disability or sick leave. In addition to rights under the PDA, employees may have additional rights and obligations under the Families Medical Leave Act of 1993 (FMLA).

Employees who are temporarily unable to perform their jobs due to pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes as other employees not so affected but similar in their ability or inability to work. This includes making light duty assignments available, upon request by the affected employee, if other employees who are temporarily unable to perform their duties are afforded the same opportunity for light duty.

## **CHAPTER 4**

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# **ATTENDANCE AND LEAVE**

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### **ATTENDANCE AND LEAVE**

#### Section 1 -- Attendance Policy

Each employee is expected to be at work on time on each day of scheduled work, available for overtime, or if otherwise called into work. If an employee is absent from work without reporting the absence in advance, they may be disciplined, up to and including termination. The only exception to this rule will be if it is impossible for an employee to report the absence in advance. All absences must be reported to the employee's direct supervisor. An employee must explain the reasons for the absence in detail, and the anticipated duration of the absence. If the direct supervisor is not available, this information should be reported to the Human Resource Officer or the Mayor. If not available, an employee should report the absence to any department head. An employee must report the absence in advance of their starting time preferably by at least an hour, or as soon as otherwise possible.

If an employee does not present a sufficient excuse for missing even one day (e.g., illness, emergency, etc.), discipline up to and including termination may occur. Partial days of absence count as an absence under this policy.

Villa Hills may require medical certification of absences if an absence is caused by an illness. The City may require medical certification to justify any period of absence or as otherwise permitted by the FMLA if an absence is FMLA-qualifying. Except as restricted by the FMLA, medical certification can be required to be conducted by a physician chosen by the City or as otherwise required by Villa Hills. The City may require a fitness-for-duty certificate if an employee misses 3 or more days of work, whether consecutive or otherwise, because of the same or a related condition.

#### Section 2 -- Employee Location Status

In order to provide effective organizational communication, it is required that all employees inform the direct supervisor, of the following:

1. Late arrival
2. Absence for the day due to official business meetings
3. Leaving for official business meeting, personal business, or illness
4. Returning from official business meetings, personal business, or illness
5. Leaving before your regularly scheduled departure time and not expected to return.

Repeated violations OR falsification of the records can result in discipline, up to and including termination.

#### Section 3 -- Hours of Work

Each division within the city has their own hours of work. Employees are to adhere to the policies that apply to their department. All staff members will be in attendance during these times each working day unless prior arrangements have been made. Employees classified as non-exempt personnel are hereby limited to forty hours per standard work week unless prior written approval

from the Mayor or mayor's designee has been granted for overtime. All staff members have the obligation to inform their respective supervisor of their whereabouts and anticipated time of return when away from their normal duty location. Exempt personnel are required to work as required by specific projects, work load, and listed hours of duty. Exceptions to this policy may be approved by the mayor.

The work schedule for each department shall be established by the department head with the advice and prior approval of the mayor or the mayor's designee. Office hours may be modified. Approval of the mayor or mayor's designee is required for such modifications.

- (A) Administrative Staff: Regular office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday, and employees are entitled to up to one unpaid hour for lunch. Part-time employees are entitled to a half hour unpaid lunch period if their shift exceeds 6 hours. As a matter of general practice, the ~~[hour]~~ unpaid lunch period should be taken anytime between the hours of 11:00 a.m. to 2:00 p.m.
- (B) Public Works Staff: Regular Hours are 7:00 a.m. to 4:00 p.m. Monday through Thursday and 7:00 a.m. to 1:00 p.m. on Friday. Public works Employees are entitled to up to one unpaid half-hour for lunch. As a matter of general practice, the half-hour unpaid lunch period should be taken between 11:00 a.m. and 12:00 p.m. as practical considering daily workloads and projects. The Mayor may change the hours of the Public Works Department in order to meet project requirements or other work demands.
- (C) Police Officers: Full-time Police personnel regularly work 40 hours per week and are on duty during their lunch break. As a matter of general practice, lunch should be taken near the middle of an officer's shift as duties allow. The Chief of Police or designee shall schedule officers in shifts with the prior approval of the mayor or the mayor's designee so that the city has appropriate coverage at all times. Scheduling shall be done in a manner that keeps the payroll expense within the budgeted resources approved by the Council for the department. The workload of the department shall be as uniform among officers as practical considering daily calls for service and investigations.

#### Section 4 – (Reserved)

#### Section 5 -- Work Breaks

All employees are entitled to one fifteen-minute break during each continuous four-hour period worked.

#### Section 6 -- Holidays

The following holidays are designated as official holidays for all employees:

January 1.....	New Year's Day
<u>Third Monday of January.....</u>	<u>Martin Luther King Jr. Day</u>
<u>Third Monday in February.....</u>	<u>President's Day</u>
Friday before Easter.....	Spring Holiday
Last Monday in May.....	Memorial Day

July 4.....	Independence Day
First Monday in September.....	Labor Day
November 11 .....	Veterans Day
Fourth Thursday in November.....	Thanksgiving Day
Friday after Thanksgiving.....	Fall Holiday
December 24.....	Winter Holiday
December 25.....	Winter Holiday

When any holiday listed above falls on Saturday, the preceding business day is considered the holiday. When any holiday listed above falls on Sunday, the following business day is considered a holiday. Full time regular employees are eligible for holiday pay. Employees cannot work holidays without the approval of the Mayor except for police officers. Employees who work on a holiday will be paid their regular wages and receive 8 hours of holiday pay. Holiday pay is paid at the employee's straight time rate.

#### Section 7 – Paid Time Off

Implementation -- The policies on paid time off (PTO) and holidays will become effective starting January 1, 20~~[14]~~<sup>22</sup>. The previous policy on ~~[sick time, vacation and personal days]~~ shall remain in effect ~~[from the adoption of these policies]~~ through December 31, 20~~[13]~~<sup>21</sup>.

- (A) General -- Employees accrue Paid Time Off (PTO) to cover hours away from work for most reasons. Vacations, sick time, and personal days are the intended uses of PTO. The PTO accrual rates have been set to allow employees to earn enough time within the course of a year to cover routine and customary time away from work. All PTO is accrued during a calendar year.
- (B) Eligibility -- All regular full-time employees are entitled to PTO. No PTO shall be used during the first 90 days of employment except with the Mayor's permission. All part-time and provisional employees are not eligible for PTO leave ~~[based on hours worked]~~.
- (C) Leave Accumulation -- Regular full-time employees in the City's service begin with eighty (80) hours of PTO and ~~[to] accrue PTO [after employment begins and can use PTO after 90 days] immediately~~. Rehired-retired police officers will annually receive a PTO bank per their contract. ~~[Part time or seasonal employees will receive half of the annual amount of a regular employee]~~. PTO shall be accrued on a per-hour-worked basis for the first 40 hours worked during a work week. ~~[Compensatory time and h]~~Holidays will usually count as time worked up to the total 40-hour work week limit. PTO time shall not be accrued on overtime, paid leave, workers compensation, holiday hours paid while also working, or unpaid leave time. Regular full-time employees accumulate PTO according to the following rates:
  - (1) During the first year of employment, 0.0442 hours per hour worked up to 40 hours in a work week (up to ~~[11 days]~~ an additional 88 hours per year);
  - (2) After one year of employment, 0.0656 hours per hour worked up to 40 hours in a work week (up to ~~[16 days]~~ 128 hours per year);

- (3) After five years of employment 0.0879 hours per hour worked up to 40 hours in a work week (up to ~~[21 days]~~ 168 hours per year);
- (4) After ten years of employment, 0.1111 hours per hour worked up to 40 hours in a work week (up to ~~[26 days]~~ 208 hours per year); and
- (5) After fifteen years of employment, 0.1354 hours per hour worked up to 40 hours in a work week (up to ~~[31 days]~~ 248 hours per year).

Employees with prior government service will have that service taken into consideration when determining their PTO accrual rate.

In addition to paid time off, each January 1<sup>st</sup> full time employees will receive 80 hours of sick leave and part-time and/or seasonal employees will receive 40 hours of sick leave to be used in the course of each fiscal year. Sick time cannot be carried forward year to year and unused sick time is forfeited upon separation.

- (D) Requests for Leave -- Approval must be granted prior to taking PTO except for emergency circumstances. A request for PTO is submitted to the immediate supervisor. Leave may be taken only with approval by the immediate supervisor, so that, insofar as practicable, the City can function with minimal overtime and without hiring additional provisional help.

All conflicts in scheduling of PTO leave, which could render a department ineffective, will be determined, insofar as practical, by seniority of service.

~~[Under normal circumstances, approval must be granted prior to taking PTO. Employees within first 90 days of employment are restricted to using PTO only upon the approval of the Mayor. The Mayor may grant exceptions to this rule.]~~

In the case of actual sickness or disability of the employee, or for medical, dental, or eye examination or treatment for which arrangements cannot be made outside of working hours, or when the employee is required to care for a sick or injured spouse, child, foster child or step child, their father, mother, father-in-law, mother-in-law, brother, sister, stepmother, stepfather, or persons living in the employee's household an employee must report all instances of illness requiring absence from work, prior to his/her scheduled work time, or as promptly as practical thereafter. When a request for PTO for medical reasons is foreseeable or planned, the employee shall give at least thirty (30) days written notice prior to commencement of the leave, or as much notice as practicable. When requesting PTO employees must report the reason for the absence, including a description of any illness at issue and the anticipated duration. If an employee does not provide proper notice or reason for missing work, discipline may occur. Additional consideration for the use of PTO may be made by the Mayor or Designee.

- (E) Certification by Physician -- A medical certificate signed by a licensed physician may be required by the Mayor to substantiate a request for PTO for the following reasons:

- (1) To justify any period of absence;
- (2) To justify any duration if absence from duty occurs frequently or habitually.

Failure to provide the certification may result in the absence being unexcused and subject the employee to discipline. The City may require at its expense that the employee obtain other opinions from health care providers selected by the City.

- (F) When Paid Time Off is Exhausted -- An employee may not possess a negative accumulation in their PTO account balance unless specifically authorized by the Mayor. Negative balances for PTO shall not exceed 40 hours. Approved absences once PTO is exhausted will typically be unpaid.

- (G) Maximum Allowable Accumulation -- Employees may accumulate PTO; however, an employee may not accumulate more than 320 hours of PTO. Employees who reach ~~[320 hours]~~ the Maximum Allowable Accumulation of PTO will cease to accumulate additional hours until their accumulated totals drop below ~~[320 hours]~~ the stated amount. It is the intent of these rules to have employees use their PTO ~~[yearly]~~ regularly.

Rehired-retired police officers shall be able to accumulate, use and receive pay upon separation for PTO balances above the Maximum Allowable Accumulation.

- (H) Pay for Unused PTO Leave Upon Separation -- An employee who ~~[completes his/her initial review period and]~~ resigns in good standing upon at least two (2) weeks notice will receive pay in an amount equal to the accumulated PTO balance available at the date of termination, not to exceed ~~[320 hours (40 days)]~~ the Maximum Allowable Accumulation amount. Employees who do not give proper notice or are terminated by the City may forfeit all accrued but unused PTO leave.

- (I) Working During PTO; payment at straight time -- An employee shall not work and receive payment for PTO concurrently. PTO shall always be paid as straight time.

- (J) Forms -- A leave form is to be completed by the employee to be attached to their timesheet and approved by their supervisor for PTO to be paid. Ideally this form shall be completed prior to taking leave, or upon returning to work if the need for leave was unforeseen.

- (K) Record -- The PTO leave record for each employee shall be kept by the City Clerk through the payroll system and is considered official. The City Clerk upon request will inform the employee of PTO days accumulated.

- (L) Sick, Vacation, and Personal leave conversion

- (1) Employees with more than 5 years of service at the adoption of ~~[these]~~ the 2013 Personnel policies will have their compensation for unused sick leave frozen at the dollar value accrued as of December 31, 2013 in accordance with the provisions of Ordinance 2011-10 and placed into a sick bank.

- a. The sick bank will be available for use only after all PTO time has been exhausted. Sick time taken against the sick bank will be in an amount equal to the employee's current regular rate of pay multiplied by the number of hours used. Employees who separate from the City in good standing will be paid the remaining balance in their sick bank.
  - b. "Average rate" for the purposes of calculating the sick bank will be defined as the average of all the regular/straight time rates of pay of the employee on the last pay period of each calendar year of service with the city from the employee's date of hire to December 31, 2013. If a rate of pay for a particular year cannot be identified, then the lowest known regular/straight time rate for any following year will be used for those years.
- (2) Employees with less than five years of service at the adoption of these policies will have all of their accrued and unused sick time converted to PTO time.

(M) PTO Cash out

An employee may cash out up to 40 hours of unused and accrued PTO during each calendar year. ~~[The request for to cash out hours must be submitted to the Mayor or Mayor's Designee by January 31<sup>st</sup>].~~ Employees can request the payout be made anytime during the year upon two weeks' notice to the Mayor or the Mayor's designee. The cash out will be processed through the next regularly scheduled payroll.

(N) Employee Leave Sharing Policy shall be as follows:

**1. Purpose of the Employee Leave Sharing Program**

The City of Villa Hills Employee Leave Sharing Program establishes a system of Paid-time-off (PTO) leave donation to all full-time City employees. This program assists employees who have used their entire accrued PTO leave due to qualified leave to care for either themselves or an immediate family member (see definitions).

To participate in the Employee Leave Sharing Program the need for additional leave must be medically verifiable in addition to other qualifying requirements.

This program is designed to encourage City employees to help each other in times of medical need. Participation in this program is strictly voluntary.

Due to the voluntary nature of this program, the City encourages employees

to ensure their long-term financial needs through a long-term disability program and/or savings plan.

## **2. Definitions**

**Immediate Family:** Immediate Family Member shall be defined as a spouse, child, stepchild, parent, stepparent, sibling, stepsibling, mother/father/sibling in-law, grandparent, grandchild, or any individual in the employee's care. The phrase "any individual in the employee's care" shall mean anyone for which the employee provides primary care, housing, and/or financial support.

**Donee:** A person receiving a gift of PTO leave from another City employee.

**Donor:** A person giving a gift of PTO leave to another City employee.

## **3. Basic Employee Leave Sharing Program Guidelines**

- All requirements/restrictions of the regular PTO leave policy must be followed to participate in the Employee Leave Sharing Program.
- ~~[Full time employees with more than three (3) months service may participate.]~~
- Donors may not donate more than eighty (80) hours of PTO to a Donee during any single occurrence for which time is being donated.
- Both Donee and Donor must be paid City employees.
- ~~[Both Donee and Donor must not be on initial probation].~~
- Donated time shall be in hours not an amount of money from Donor to Donee.
- Donations of specific amounts of time must be made to specific individuals.
- Donations will have the Donor's name, date, and time of donation to establish a first in first used criteria in the administration of the program.
- Only the donated time needed for each week will be turned in to payroll so any unused donations may be returned to Donors upon Donee's return to duty.
- Donations cannot be made unless approved by the Mayor or the Mayor's designee.
- ~~[Employees cannot participate as Donors if their retirement papers are filed with CERS.]~~
- Donated leave will run concurrent with any eligible FMLA leave request.
- Donated time may not reduce the Donors' PTO time below 160 hours.
- Donations are on a one-for-one basis. If the Donee's rate of pay is more than the Donor's rate of pay, it will be paid at the Donee's rate. If the Donee's rate of pay is less than the Donor's rate, it will be paid at the Donee's rate of pay ~~[unless this provision is waived by the Mayor or the Mayor's designee].~~
- Donees must apply to participate in this program by using their chain of command.
- Donors must complete a Leave Sharing Program Donation form to transfer

leave hours. Forms are available from the Administration or department head.

- An employee may receive a maximum of six (6) months of donated leave. Eligibility must be reviewed quarterly by the Administration Department.
- Donee will become ineligible to participate in this program when the employee or immediate family member becomes eligible for any long-term disability pay or other benefit providing three-fifths or more of the employee's normal pay to the employee.
- Holiday pay will be paid according to the City of Villa Hills policies.
- For employees having Sick Bank balances as of December 31, 2013 the Sick Bank must be exhausted before the employee is eligible to receive donated PTO. Sick Bank time cannot be donated to other employees.

To participate in the Employee Leave Sharing Program and receive donated leave an employee (Donee) or their immediate family member must meet the following requirements:

1. Have exhausted all available accrued vacation and sick leave;
2. Not have a previous pattern of sick leave abuse;
3. Have a verifiable serious or debilitating medical condition preventing the employee from working. If the donee is applying to care for an immediate family member, the donee must have written documentation he/she is the primary caregiver; and
4. Submit a program application through their department head to the Administration office for approval/disapproval. The Administration Department shall maintain records of the program. Any medical information shall be maintained confidentially unless released by proper authorization;

If the request is denied by the Administration Department, the Donee may appeal the decision to the Mayor.

Eligibility for the Employee Leave Sharing Program will be determined by the Administration Department. Documentation from a physician is required, and verification will be made to determine the validity of the request. Upon verification, the Administration Department will notify all other City employees of the need for donated leave through department memoranda.

Anyone found soliciting, coercing or forcing an employee to participate in the Employee Leave Sharing Program will be subject to disciplinary action up to and including termination.

Anyone found profiting through the misuse of this program will be subject to disciplinary action up to and including termination or prosecution.

Variance of this program can only be authorized by the Mayor.

Section 8 -- Other Types of Leave

The following types of leave may be granted by the City.

- (A) Military Leave – Villa Hills will grant military leaves and reemployment in accordance with all federal and state laws, including but not limited to the Uniformed Service Employment and Reemployment Act of 1994 and KRS 61.371-61.379, 61.394.

In accordance with KRS 61.394, any employee who is a member of the Kentucky National Guard or any reserve component of the armed forces of the United States shall receive full pay while in the performance of duty or training in the service of the state or nation under competent orders. While state law refers to 21 calendar days, the City will grant 21 working days of military leave per federal fiscal year for personnel working a 40-hour work week. If leave is not utilized within the federal fiscal year, the leave may be rolled over to the next year. Any unused military leave shall expire two years after it has accrued. There shall be no loss of service or benefits while the employee is on approved military leave. Leave shall be earned and used on the federal fiscal year, which starts October 1.

Leave exceeding this limit may be charged to accumulated vacation, holidays (if applicable), or personal days, or the employee may elect to take leave without pay. Employees on short term military leave (not active duty), including related leave without pay, shall continue to accrue PTO.

An employee required to report for military training shall show the appropriate orders to his supervisor. A leave request shall be completed and submitted noting the absence to be charged to military leave, leave without pay, or accrued leave in the event that the absence will exceed the allowed limit.

- (B) Jury Duty Leave -- An employee will be given time off without loss of pay when performing jury duty or when required by proper authority to be a witness in legal proceedings, provided such call of duty is reported in advance to the Mayor or designee. Pay will be for time served on jury duty. A copy of the summons will be given to the City Clerk for placement in personnel file. Additional documentation may be required upon completion of duty.

If the jury duty assignment does not last for the entire workday, the employee is expected to return to work as soon as possible if it is practical to do so.

- (C) Bereavement Leave -- In the event of death in an employee's immediate family, he/she shall be granted paid funeral leave of up to three work days. The employee will receive his/her normal pay for any scheduled work day that occurs during the period. Immediate family is defined as spouse, child, foster child or step child, daughter/son-in-law, father, mother, father-in-law, mother-in-law, brother, sister, stepmother, stepfather, brother-in-law, sister-in-law, grandparents, grandchildren, or any person domiciled in the employee's household. An additional three days

leave may be granted and charged to PTO with the approval of the mayor or the mayor's designee. Up to three days may be granted and charged to PTO for the death of other persons connected through family with the employee with the approval of the mayor or mayor's designee. Additional consideration for funeral leave may be made by the mayor or mayor's Designee.

(D) Leave of Absence Without Pay -- The Mayor may grant a regular employee a leave of absence without pay for a period not to exceed three (3) months, which runs concurrently with FMLA leave if FMLA leave applies. The following will apply:

- (1) Leave without pay will be granted only when all available paid leave has been exhausted, it will not adversely affect the city's work effectiveness, to be determined in the discretion of the City.
- (2) Failure of an employee to return to work at the expiration of approved leave will be considered as absence without leave and grounds for disciplinary action up to and including termination.
- (3) An employee granted leave of absence and who wishes to return before the leave period has expired may be required to give the City at least two weeks' notice. Upon receipt of such written notice, the employee may be permitted to return to work at the discretion of the Mayor.
- (4) No PTO leave or FMLA leave will be accumulated by an employee for the time that the employee is on leave without pay.
- (5) An employee will return from leave without pay to the same rate of pay as at the time of commencement of such leave.
- (6) An employee who obtains either part-time or full-time employment elsewhere, or becomes self-employed while on an authorized leave of absence without pay shall be deemed to have voluntarily resigned his/her employment with the City of Villa Hills. Furthermore, the Employee is required to notify the Mayor in writing within three days of accepting such employment or becoming self-employed. See also the definitions for self-employment. Failure to notify the Mayor shall result in termination of the Employee's employment with the City of Villa Hills.
- (7) An employee desiring a leave of absence without pay must submit a written request to the Mayor detailing the reasons and expected duration.

(E) Absence Without Leave -- An absence of an employee from duty, including any absence for a single day or part of a day that is not authorized by a specific grant of leave of absence under these policies, is deemed to be an absence without leave. Any such absence may result in disciplinary action, up to and including termination.

(F) Voting Leave -- An employee will be given ample time off in order to vote in primary or

general elections. However, such leave will be granted only if requested by employee and approval for such leave is granted by direct supervisor has been made at least one (1) day in advance of the election date, or one (1) day in advance of the date on which the employee appears before the county clerk to request an application for or to execute an absentee ballot. The Mayor reserves the right to specify the time during which an employee may absent themselves to vote. Employees are expected to vote and return to duty as soon as possible. The City may obtain proof of voting from the state or county board of elections and failure to vote while on voting leave may result in disciplinary action, up to and including termination.

(G) Work related injury and illness

(1) Work related injury/illness procedure.

- (a) In the event that a work-related injury/illness occurs, the affected employee must inform his immediate supervisor of the injury/illness immediately. The incident shall be reported to the designated Human Resource Officer as soon as possible, but must be reported within three (3) calendar days of the date of injury/illness. Failure to report an incident in a timely manner can result in denial of worker's compensation benefits. The employee and the supervisor must determine what level of medical treatment, if any, is needed or whether to summon emergency medical service.
- (b) The supervisor must insure that proper medical treatment is sought and received.

(2) Post Accident or Injury Testing

Employees covered by Department of Transportation regulations will be tested in accordance with them. The City, at the department heads', the designated Human Resource Officer's, or Mayor's discretion, may test an employee for controlled substances or alcohol if the employee apparently causes a workplace accident which results in bodily injury for which medical treatment is received by a health care provider, or when property damage has occurred.

(3) Modified duty. (See Chapter 7 Benefits)

(4) Temporary total work related disability.

- (a) In the event an employee experiences a work related injury / illness resulting in a temporary total disability, he or she shall be compensated at the statutory sixty-six and two-thirds percent (66 2/3%) of the total temporary disability rate paid by workers compensation up to the maximum set by state law until he or she is released by a physician to full or modified duty and will be responsible for payment to the city for all otherwise payroll

deducted items such as health insurance, etc.

- (i) The employee may voluntarily request to use accumulated sick time up to thirty-three and one-third percent (33 1/3%) of net pay until he or she is released by a physician to full or modified duty for a period of time not to exceed sixty (60) calendar days.
- (ii) In the event an employee is placed on Workers' Compensation for any period of time they are required to report any secondary employment, including self-employment, to the City.
- (b) Additionally, in the event an employee experiences a work related injury/illness resulting in time away from work, which qualifies for FMLA leave, and the employee is eligible for FMLA leave, the 12-week leave period to which the employee is entitled, begins on the first day the employee is unable to work due to his work related injury/illness. Employees receiving temporary total disability payments will not be able to use PTO time concurrently with FMLA as required for other FMLA leave.

(5) Return to Work.

If an employee who has reached maximum medical improvement is unable to return to work at his/her pre-injury position, and reasonable accommodation for an ADA eligible disability is not possible, the employee may use remaining PTO and any available family and medical leave (FMLA) to the maximum of 12 weeks. An employee may not use PTO for work related injury/illness. After exhausting PTO and any available FMLA leave, the employee may be dismissed from employment.

(H) Family and Medical Leave Act Summary-

FMLA applies to all public agencies, including state, local, and federal employers. The City of Villa Hills is a public agency and hence, a covered employer under the FMLA.

Employee Eligibility

To be eligible for FMLA benefits an employee must meet each of the following criteria:

- Works for a covered employer (The City of Villa Hills is a covered employer)
- Has worked for the City of Villa Hills for a total of twelve (12) months
- Has worked at least 1,250 hours over the previous twelve (12) months for the City of Villa Hills; and
- Works at a location in the United States or in any territory or possession of the United States where at least fifty (50) employees are employed by the City of Villa Hills within seventy-five (75) miles of any city worksite

(1) Basic Leave Entitlement

Employees who meet the eligibility criteria stated above shall be entitled to a total of twelve (12) workweeks of unpaid leave during any twelve (12) month period for one or more of the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

(2) Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is:

- (1) 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\*; or
- (2) A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.\*

**\*The FMLA definitions of "serious injury or illness" for current service members and veterans are distinct from the FMLA definition of "serious health condition".**

(3) Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

(4) Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

#### (5) Use of Leave

For some forms of leave, an employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Villa Hills will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy.

#### (6) Substitution of Paid Leave for Unpaid Leave

Villa Hills requires the use of accumulated paid time off while taking FMLA leave. In order to use PTO for FMLA leave, employees must comply with the employer's normal paid leave policies.

#### (7) Failure to return from FMLA Leave

An employee who fails to return to work following the conclusion of approved FMLA leave may be considered to have voluntarily resigned. Repayment of insurance payments made by the City during the FMLA leave may be required to be paid by the employee to the city.

#### (8) Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures. Employees should discuss all FMLA needs with the Mayor or Mayor's designee.

Employees must provide sufficient information for the employer to determine if

the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

The City may also require that an employee present a certification of fitness to return to work in accordance with the City's policies when an absence is caused by the employee's serious health condition.

#### (9) Employer Responsibilities

We will inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, we will provide a reason for the ineligibility. We will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If we determine that the leave is not FMLA-protected, we will notify the employee.

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

We always want to resolve disputes internally and amicably. However, if we cannot resolve an FMLA dispute, you may file a complaint with the U. S. Department of Labor. FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law which provides greater family or medical leave rights.

#### (I) Continuation of Benefits during unpaid leaves

Employees on leaves that are unpaid from the city (such as Leave without pay, FMLA, and work-related injury/illness leave) must ~~[provide]~~ pay the city ~~[with]~~ for any employee portion of insurance premiums or other deductions that would have been paid by the employee had the employee remained on duty or had received paid leave.

(J) Parental Leave

The city recognizes that employees may need to be absent from work to care for a newborn child or new adopted or foster child or due to a pregnancy-related condition. The city provides parental leave of absence to all eligible employees in accordance with the Pregnancy Discrimination Act (PDA), Americans with Disabilities Act (ADA) and any applicable state law.

An employee adopting or taking into foster care a child under the age of ten shall be granted leave under this policy. This leave is not available for an adoption or placement by fictive kin, stepparent, stepsibling, blood relative, including a relative of a half blood, first cousin, aunt, uncles, nephew, niece, and a person of a preceding generation as denoted by prefixes of grand, great or great-great, or foster parent who adopts a foster child who is already in their care.

If you need to take parental leave for the birth of your child or to care for a new adopted or foster child, you should provide advance notice to your supervisor or the city clerk. When possible, you should give at least a 30-day notice of your request for leave. If a 30-day notice is not possible because of medical necessity or for other reasons, you should give as much advance notice to the city as possible.

If you are suffering from a pregnancy-related disability and require reasonable accommodation (which may include leave) for this purpose, please speak with your department head to discuss a reasonable accommodation. You may be required to submit medical certification of your disability.

The city prohibits and will not tolerate discrimination or retaliation against any employee or applicant because of that person's pregnancy or parental leave. Specifically, no one will be denied employment, reemployment, promotion, or any other benefit of employment or be subjected to any adverse employment action based on that person's pregnancy or parental leave. In addition, no one will be disciplined, intimidated, or otherwise retaliated against because that person exercised rights under this policy or applicable law.

(1) Amount of Parental Leave

During pregnancy and parental leave, employees receive up to six (6) weeks of total parental leave and will be paid their normal rate of pay for up to eighty

(80) hours while on parental leave. The remaining parental leave is unpaid; however, employees may use any or all their accrued but unused PTO or other paid time off during their pregnancy and parental leave.

Upon termination of the individual's employment with the city, he or she will not be paid for any unused paid parental leave for which he or she was eligible.

## (2) Coordination with Other Policies

Paid parental leave taken under this policy will run concurrently with leave under the FMLA; thus, any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth or placement of a child due to adoption or foster care, the leave will be counted toward the 12 weeks of available FMLA leave per a 12-month period. All other requirements and provisions under the FMLA will apply. In no case will the total amount of FMLA leave—whether paid or unpaid—granted to the employee under the FMLA exceed 12 weeks during the 12-month FMLA period. Please refer to the Family and Medical Leave Policy for further guidance on the FMLA.

The city will maintain all benefits for employees during the parental leave period just as if they were taking any other paid leave such as PTO, sick leave, or FMLA.

If a holiday occurs while the employee is on paid parental leave, such day will be counted as a holiday; however, such holiday pay will not extend the total paid parental leave entitlement. Holiday Pay will not be given if an employee who is on unpaid leave.

Nothing in this policy requires the city to reemploy individuals who are not eligible for reemployment rights under applicable law.

## Section 9 --Inclement Weather/Emergency Policy

### (A) Notification

Employees are to keep their immediate supervisor notified of their expected arrival times during inclement weather if they are not able to arrive on-time. Employees have two (2) hours from their scheduled starting time to arrive at work and will receive their regular pay. Police Officers and Public Works employees are to take all reasonable steps necessary to ensure they are able to arrive to work on time during inclement weather.

(B) Paid Time Off Charged

If an employee is unable to come into the office due to inclement weather, ~~[8 hours of]~~ PTO will be charged. If an employee arrives more than two (2) hours late, the entire length of the absence is to be charged to PTO. The absence for inclement weather will be counted as an absence and the employees should follow the notification procedures in section 1. The Mayor may grant exceptions to this rule for unusual weather events.

The Mayor may allow office employees to work remotely during inclement weather as long as a remote connection can be established and phone calls can be returned promptly.

(C) Closing Office

If the office is closed due to an emergency, time off will not be charged to PTO.

## **CHAPTER 8**

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# **Conduct and Appearance**

## **Chapter 8**

### **Conduct and Appearance**

#### Section 1: Personal Conduct and Appearance

Images presented and statements made by all employees of the City can affect the entire organization; therefore, employees are expected to be friendly, courteous, and well-groomed and appropriately dressed at all times. Management may exercise discretion to determine appropriateness in appearance.

Employees must project a professional image and be courteous both on and off duty while wearing any Villa Hills uniform (or parts thereof) or while operating City vehicles which would allow the public to quickly identify the employee as working for the City of Villa Hills. Employees therefore are required to avoid behaviors which would reflect poorly on the city. This policy also applies to employees while traveling for city business. A non-exhaustive list of such activities include:

Drinking Alcohol while on duty, or in uniform whether on or off duty, or when required to operate a city vehicle (see also Chapter 19 DRUG AND ALCOHOL FREE WORKPLACE);

Patronizing a sexually oriented business while in uniform or with a city vehicle is strictly prohibited. This does not include employees responding to a 911 call or conducting an investigation or inspection which would require the employee to enter the property;

Participating in gambling or gaming activities. Employees are not permitted to gamble or participate in gaming activities while on-duty or in uniform or from within city vehicles. Off-duty employees still in uniform or driving a city vehicle may purchase lottery tickets, scratch-offs raffle tickets or similar items but must quickly stow the tickets out of sight while in uniform or while operating the city vehicle;

Using abusive or objectionable language in either public or private settings that are reasonably likely to be perceived as offensive or disparaging of others based on race, national origin, sex, sexual orientation, age, disability, religious or political beliefs;

Performing acts of or making threats of violence, harassment, intimidation, fighting, assault, battery or any other type of altercation, including aggressive driving or "road rage". This section is not to be construed to limit a police officer in the performance of their normal and customary duties within the bounds of legal use of force doctrines.

#### Section 2 – Workplace Safety

The City does not tolerate any sort of workplace violence and strives to provide a safe workplace. This policy extends to acts by employees, visitors, vendors and third parties.

Violence is defined as including but not limited to the following acts: harassment, threats of violence, intimidation, fighting, assault, battery or any other type of altercation. Any time an employee feels threatened by the action or words of another, the act or words will be considered violence under this policy.

Any employee who witnesses or is the victim of any violence or threats of violence is expected to report such actions immediately to a supervisor or other management personnel. Any employee who makes such a report, in good faith, will not be retaliated against in any way.

The City will conduct a prompt and thorough investigation with regard to any reports of violence. The investigation will include interviews with the victim, alleged perpetrator and all witnesses. Employees have a duty to cooperate with such an investigation and to be forthright. Any employee who attempts to impede an investigation will be disciplined up to, and including, termination. At the conclusion of the investigation, appropriate action will be taken against the alleged perpetrator up to, and including, termination.

Any visitor, client or other third party who is reported to exhibit violent behavior will be asked to leave the premises immediately. If necessary, security or law enforcement will be contacted.

### Section 3 - Personal Telephone Calls and Mail

Under no circumstances shall employees use the city's telephone for personal long distance calls charged to the city. Further, all personal calls, whether incoming or outgoing, should be kept to a minimum number and duration. Any personal use of City issued cell phones must be reimbursed and done so in accordance with IRS regulations. Further, under no circumstances should an employee use a postage meter or city purchased stamps for personal mail. Employees shall not use the city address for receipt of personal mail or packages.

### Section 4- Personnel Records

To keep necessary records up to date, it is extremely important that employees notify the City Clerk of any changes in:

Name and/or marital status

Address and/or telephone number

Number of qualifying dependents

Qualifying events for insurance needs within required time frames

Tax deduction information

Person to contact in case of emergency

### Section 5 Fraternization

While the City does not seek to interfere with the personal, off duty conduct of its employees, it is recognized that in a small workforce, romantic relationships between employees is by its nature disruptive to the operations of the City and therefore such relationships are highly discouraged. The City, through either the Mayor or ~~his~~ the Mayor's designee, reserves the right to respond to employee fraternization if such becomes disruptive to the workforce or interferes with the efficient, daily operation of normal business of the City. Those employees serving in a supervisory capacity may not date or become romantically involved with employees who are or may be under their

direct or indirect supervision. Employees who are romantically involved or dating and are not in a supervisory relationship are responsible for ensuring that their personal relationship does not become a distraction or disruption in the workplace.

Possible responsive action by the City to any violation of this policy may, depending upon the circumstances, include disciplinary action up to and including termination, demotion or change of assignments of one or more employees engaged in such conduct.

#### Section 6 -- Cooperation with Investigations and Searches

The City requires all employees to cooperate fully and, when requested, to participate in City investigations. This includes but is not limited to being totally honest and forthright when responding to City inquiries, as well as completing documents and statements requested by the City. The City of Villa Hills may also conduct searches and surveillance of the workplace and employees, including but not limited to searches of persons, property, and/or personal containers. The City's workplace searches will be in accordance with the law. When legally required, searches will be based on reasonable suspicion of a violation of a City policy or directive.

#### Section 7 -- Use of City Owned Vehicles

City owned vehicles shall be used only in the performance of city business. Any employee operating or responsible for a City vehicle must be aware of, and comply with, the City's policy on the operation of vehicles. City owned vehicles shall not be used for personal use. Personal use of a vehicle shall result in discipline up to and including termination. No employee has a privacy interest in any City-owned vehicles and items stored in these vehicles may be subject to search and/or removal or seizure by the City.

Police department personnel assigned a take home vehicle shall adhere to the department's home fleet policy.

#### Section 8 -- Use of City Property, Equipment, and Personnel

No employee shall use or permit the use of any city time, funds, personnel, equipment, or other personal or real property for any purpose unless the use is specifically authorized by a stated city policy or approved by the Mayor.

#### Section 9 -- Criminal Investigations, Audits, and Charges, and Claims made by Members of the Public

All employees are expected to fully cooperate with any criminal investigation, audit, or judicial or quasi-judicial proceedings relating to charges or potential charges that may be brought against them or the City of Villa Hills by Federal, State, city or local government officials who have the authority to conduct such investigations, audits, or proceedings. The City of Villa Hills cannot pay for employees' attorneys or legal services related to these activities.

## **CHAPTER 12**

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## **SEPARATIONS**

## **CHAPTER 12 SEPARATIONS**

Any employee may be separated from the service with the City of Villa Hills by any one of the methods described below.

### Section 1 -- Resignation

To resign in good standing, an employee must give the Mayor a minimum of fourteen calendar day notice. No PTO will be granted during the last two weeks of employment without the approval of the Mayor. Failure to comply with this rule will be entered on the personnel record of the employee and may result in denial of reemployment with the City and the employee will be considered to have left without good standing. Exceptions to this rule may be granted by the Mayor. In such cases a written explanation of such exception will be placed in the personnel record of the employee involved.

### Section 2 -- Compulsory Resignation

An employee who, without valid reason, fails to report to work for one or more days without authorized leave may be separated from the payroll and reported as a compulsory resignation. Such action will be entered on the service record of the employee and may result in denial of re-employment with the City and be considered to have left without good standing.

### Section 3 -- Lay-offs

When, for any reason, it becomes appropriate to reduce the working force of the City, employees will be laid off based upon any one or a combination of the following factors (and in no particular order): line item reductions by Council; documented disciplinary issues; documented poor performance; employees that do not possess the minimum qualifications for the position held (based on the most recently adopted job description); the best interests of the City; [length-of service-in-class]; and length of service with the City.

### Section 4 -- Loss of Job Requirements

Any employee, who is unable to perform their job adequately because of loss of a necessary license or other requirements such as bonding, or for any other reason, shall be treated as a compulsory resignation.

### Section 5 – Dismissal

Provided for in Chapter 9 of these policies.