

Chapter 15

PERSONNEL POLICY AND ORDINANCES

Reviewed January 2, 2009

Note: *Due to the complexity of the subject matter, the following ordinance is a **sample**, not a **model**. It was prepared assuming the municipality is operating under the Lawrason Act with an elected chief of police. This ordinance is only a guide. You should confer with your municipal attorney prior to adopting any ordinance concerning personnel and employment.*

The Louisiana Municipal Association is indebted to Jerry Guillot, chief of staff of the Louisiana Senate and attorney for the Village of Rosedale, for his compilation of this chapter under the sponsorship of the Louisiana City Attorneys Association. This has also been reviewed and updated by Don Strobel of Labor Consultants Central, Inc.

ORDINANCE

AN ORDINANCE TO PROVIDE RELATIVE TO MUNICIPAL EMPLOYMENT; AND TO PROVIDE FOR RELATED MATTERS.

Be it ordained by the Board of Aldermen of the (Village, Town, City) of _____ that this Ordinance is hereby enacted to read as follows:

Section 1. Employment generally

A. Employment is for an indefinite period and unspecified term and neither this Ordinance nor any rule, guideline, or policy promulgated supplemental to this Ordinance is intended to be an employment contract.

B. No person shall, on the basis of race, color, religion, sex, age, national origin, handicap, veteran status, or any other non-merit factor, be discriminated against in any employment practice.

Section 2. Job positions

A. The number and kind of positions shall be determined by the mayor and the board.

B. A job description shall be developed and maintained for each job category by the appropriate department head and approved by the mayor and the board.

Section 3. Work conditions

A.(1) Each municipal area shall be staffed from 8:00 a.m. to 5:00 p.m. on Monday through Friday and such other times as directed or approved by the mayor and the board.

(2) *Work week.* (a) The regular work week for full-time employees shall be forty hours from Monday through Friday, except as otherwise determined and approved by the mayor and the board.

(b) The work week is Saturday through Friday for payroll, accounting, leave, and overtime purposes.

(3) *Work day.* (a) The regular work day for full-time employees, other than police personnel, is 8:00 a.m. to 5:00 p.m. with a one hour lunch period between 11:30 a.m. and 1:30 p.m. Police personnel shall perform their work during hours established by the chief of police.

(b) Except as specifically required by the mayor or the appropriate department head, no employee shall begin work prior to 8:00 a.m., work during the designated lunch hour, or work after 5:00 p.m.

(4)(a) If it is necessary for employees, other than police personnel, to work beyond the regular work day, the mayor or authorized department head may authorize or require overtime work.

(b) If it is necessary for police personnel to work beyond regular work day, the chief of police may authorize or require overtime work.

(5) *Hours worked.* "Hours worked" includes any unscheduled hours worked by an employee, other than police personnel, at the direction of the mayor or authorized department head and is an hour worked by a police department employee at the direction of the chief of police:

(a) On the employee's official holiday.

(b) In excess of the hours in a regular work day.

(c) In excess of the hours in a regular work week.

(d) On a day which the employee's department is closed by direction of the mayor because of a natural emergency.

(6) *Compensatory leave.* (a) Compensatory leave shall be earned at straight time (or at time and one-half rate for overtime hours) and for work required on an observed holiday. However, any non-law enforcement employee who accrues two hundred forty hours of compensatory leave shall, for any additional overtime hours or work, be paid overtime compensation at time and one-half rate. Law enforcement personnel may accrue up to 480 hours of compensatory leave.

(b) Consistent with the needs of the municipality, the appropriate department head shall assure that each employee is allowed compensatory leave for overtime worked. The department head shall also review the work requirements of the department and require the employee use any compensatory time earned as soon as practical in order for the employee to have time off in lieu of a required payment for the extra hours worked.

(d) Upon separation, each employee shall be paid the value of his accrued compensatory leave in a lump sum disregarding any final fraction of an hour at a rate not less than the average regular rate received during the last three years of employment or the final regular rate received, whichever is higher. The payment for such credits shall be computed by converting the applicable rate to an hourly rate with the converted hourly rate being multiplied by the number of hours of accrued compensatory leave.

(7) *Overtime.* It is possible for different overtime standards to be due certain employees under La. State law and the FLSA (Fair Labor Standards Act-federal law) for municipalities with populations over 12,000 or solely under the FLSA for municipalities with populations under 12,000. Employees should consult their personnel department to be advised of their “exempt” or “non-exempt” status for purposes of a premium payment of time and one half for certain “overtime” hours.

B. *Holidays.* (1) Municipal holidays shall include the following days and any other day determined by the mayor and the board of aldermen:

- New Years Day
- Martin Luther King Day
- Mardi Gras Day
- Good Friday
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Christmas Day
- Inauguration Day
- General Election Day (every two years)

(2) Working on a holiday at the direction or with the approval of the mayor or the appropriate department head is a condition of employment.

(3)(a) Any holiday observed by the municipality which occurs during an employee's regular work hours shall be considered as a work day during that week for purposes of calculating the work week.

(b) If a holiday falls on a Saturday, the holiday will be taken on Friday. If a holiday falls on a Sunday, the holiday will be taken on Monday.

(c) If a holiday otherwise occurs on an employee's regular day off, the employee may take the day before or the day after the holiday or accept a later date in the calendar year.

(4) Holidays shall not be counted as annual leave. Employees will receive full pay for such days.

(5) No employee is eligible for compensation on any holiday when the employee is on leave without pay immediately preceding and following the holiday.

C. Employees are not required to come to work or to remain at work during any time when they are released from work by the mayor due to an emergency or bad weather conditions. Employees will be compensated as if they were working, except that any employee who elects to work during normal working hours shall not receive extra compensation.

D. *Pay Period.* Employees shall be compensated on a bi-weekly basis. Checks shall be distributed after 4:00 p.m. on Friday following the Friday concluding the bi-weekly period.

E. *Time accounting.* (1) Time clocks or time sheets shall be provided for the recording of employee time.

(2) Each employee must personally account for his own time. Any employee who asks anyone else to sign or log the employee in or out or who attempts to sign or log in or out anyone other than himself may be dismissed or otherwise disciplined.

(3) Any employee who falsifies a time card or sheet may be dismissed or otherwise disciplined.

Section 4. Compensation and benefits

A.(1) Full-time employees shall be compensated according to the municipal pay plan.

(2) Classification and pay changes affecting an employee shall become effective at the beginning of each municipal fiscal year.

B. The municipality may make the following deductions from an employee's pay when specifically authorized in writing by the employee:

- (1) Insurance premiums.
- (2) Hospital medical plan premiums.
- (3) Charitable contributions.

C. *Worker's compensation.* (1) Employees shall be covered by worker's compensation.

(2) When an employee is absent from work due to disabilities for which he is entitled to worker's compensation benefits, he:

(a) shall, to the extent of the amount accrued to his credit, be granted sick leave not to exceed the amount necessary to receive total payments for leave and worker's compensation equal to his regular salary.

(b) may, to the extent of the amount accrued to his credit, be granted annual leave or a combination of annual and sick leave not to exceed the amount necessary to receive total payments for leave and worker's compensation equal to his regular salary.

(c) may be granted leave without pay.

D. *Insurance.* (1) Through programs selected by the board, the municipality shall offer group hospitalization, accident, and major medical insurance coverage and life insurance coverage for full-time employees. The employee and the municipality shall each pay one-half of the premiums for such insurance.

(2) The municipality may make supplemental insurance programs available to full-time employees. However, the employee shall pay all of the premiums for such supplemental insurance.

(3) Coverage in an insurance program shall be optional for each full-time employee.

E. *Social security.* (1) It is the policy and purpose of the municipality to extend the provisions of Section 1 of Act 204, Regular Session of the Louisiana Legislature of 1952, as amended, providing social security to eligible officers and employees of the municipality. In pursuance of this policy, and for such purpose, the officers of the municipality shall take such action as may be required by applicable state or federal laws and regulations. The coverage of eligible officers and employees shall be effective as of the effective date of this Ordinance.

(2) The mayor may execute any necessary agreement to secure coverage of eligible officers and employees as provided in (1).

(3) Withholdings from salaries or wages of officers and employees for the purposes provided in (1) may be made in the amounts and at the times as may be required by applicable state and federal laws and regulations and shall be paid in the amounts and at the times as are designated by law and regulation.

(4) Employer contributions and assessments for administrative expenses shall be paid from amounts appropriated for such purposes to the state agency in accordance with applicable state law and regulation.

(5) The clerk shall maintain records and submit reports as may be required by applicable state and federal law or regulation.

F. *Retirement.* (1) The municipality desires to extend the provisions of Act No. 788 of 1978 to provide membership in Plan B of the Municipal Employees' Retirement System of Louisiana for its eligible employees on the effective date of this Ordinance.

(2) Withholding from salaries or wages of eligible employees may be made in the amount and at such times as may be required by the Board of Trustees of the Municipal Employees' Retirement System of Louisiana in accordance with Act No. 788 of 1978, or any amendment thereof, and such withholdings shall be transferred to the Board of Trustees of the Municipal Employee's Retirement System of Louisiana in such amounts and at such times as are designated by state law and regulation.

(3) An "authorized agent" shall be appointed to act as the coordinator between the municipality and the Board of Trustees of the Municipal Employees' Retirement System of Louisiana. The agent shall be an employee working on a permanent, regularly scheduled basis of at least thirty-five hours per week or an elected official. The authorized agent shall maintain necessary records and submit such reports as may be required by applicable state law or regulation of the board of trustees.

Section 5. Leave

A. Full-time employees shall be eligible for annual leave, sick leave, family and medical leave, civil leave, funeral leave, military leave, education leave, maternity leave, and leave of absence without pay, as provided in this section.

B. *Annual leave.* (1) "Annual leave" is leave with pay granted to a full-time employee for the purpose of rehabilitation, restoration, and maintenance of work efficiency, or transaction of personal affairs.

(2) For the first five years of full-time employment, each employee shall be credited with eighty hours of annual leave on his employment anniversary date. Each employee with between six and nine years of service as a full-time employee shall be credited with ninety-six hours of annual leave annually on his employment anniversary date. Each employee with between ten or more years of service as a full-time employee shall be credited with one hundred twenty hours of annual leave annually on his employment anniversary date.

(3) An employee may not carry over or accumulate annual leave from one employment anniversary date to another.

(4) Annual leave may be taken as earned by an employee with the approval of the employee's department head. However, annual leave is permissive and may be denied by the employee's department head or the mayor when conditions are such that the ordinary work of the municipality could not be performed adequately if annual leave were granted. Annual leave may not be taken in less than four hour increments.

(5)(a) The mayor or authorized department head may require an employee, other than a police officer, to take annual leave whenever in his administrative judgment such action would be in the best interest of the municipality.

(b) The chief of police may require police personnel to take annual leave whenever in his administrative judgment such action would be in the best interest of the municipality.

(6) No employee shall be granted any annual leave not credited to the employee's account at the time the absence occurs.

(7) Upon termination, all annual leave accrued by an employee for which he is not paid upon termination shall be canceled.

C. *Sick leave.* (1) "Sick leave" is leave with pay granted a full-time employee who is suffering with a disability which prevents him from performing his usual duties and responsibilities or who requires medical, dental, or optical consultation or treatment.

(2) After an employee's first full-time employment anniversary date, sick leave may also be used for immediate family. For this purpose, "immediate family" includes spouse, child, grandchild, mother, father, grandparent, mother-in-law, father-in-law, brother, and sister.

(3) Sick leave with pay is not a right which an employee may demand but a privilege granted by the municipality.

(4) Leave from work with pay may be charged as sick leave if the absence is due to sickness, bodily injury, quarantine, required physical or dental examinations or treatment, or exposure to a contagious disease when continued work might jeopardize the health of others. All such absences except those resulting from intemperance or immorality shall be charged against the sick leave credit of the employee.

(5) Sick leave credits accumulated by each employee as of effective date of this Ordinance shall be retained.

(6) Each full-time employee shall earn sick leave at the rate of eight hours for each month worked. However, no employee may accumulate more than eighty hours of sick leave per year nor accumulate more than two hundred forty hours of sick leave overall.

(7) The mayor shall determine when a doctor's certificate is required and under what conditions certificates are required. Department heads shall be responsible for the application of this provision so that there will be no abuse of sick leave privileges.

(8) Employees who resign or retire or who are dismissed from employment shall not be paid for any accrued sick leave and all such leave shall be canceled.

(9)(a) The mayor or authorized department head may place an employee, other than a police officer, on sick leave when the employee asserts the need to be absent from the work place because of the employee's illness or injury.

(b) The chief of police may place police personnel on sick leave when the employee asserts the need to be absent from the work place because of the employee's illness or injury.

(10) No employee shall be granted any sick leave not credited to the employee's account at the time the absence occurs.

D. Family and medical leave. (1) Each eligible employee under the federal Family and Medical Leave Act of 1993 must substitute accumulated annual leave and sick leave for any part or all of the weeks of leave to which the employee is entitled under that Act.

(2) An employee on family and medical leave shall report periodically during the leave period on his leave status and intention to return to work.

(3)(a) An employee who has taken family and medical leave shall provide a certificate signed by a doctor to support his claim for leave for his own serious health condition or to care for a seriously ill child, spouse, or parent. If the leave is due to the employee's own medical condition, the certificate must also include a statement that the employee is unable to perform the functions of his position. If the leave is to care for a seriously ill child, spouse, or parent, the certificate must include an estimate of the amount of time the employee is needed to care for the child, spouse, or parent.

(b) The municipality may require a second medical opinion and periodic recertification at its own expense.

(c) If the first and second opinions differ, the municipality, at its own expense, may require the binding opinion of a third health care provider, approved jointly by the municipality and the employee.

(4) If an employee takes such leave on an intermittent or on a reduced leave schedule that reduces the employee's usual number of hours worked per week or per work day, the municipality may require the employee to transfer temporarily to an alternative position which better accommodates the leave than the employee's regular position, provided that the position has equivalent pay and benefits.

(5) An employee who takes such leave to care for a newborn child or a child which has been placed with the employee for adoption or foster care may not take leave intermittently or on a reduced leave schedule unless the municipality and the employee agree to such an arrangement.

E. Civil leave. (1) An employee shall be given time off without loss of pay, annual leave, or sick leave when:

(a) Performing jury duty.

(b) Summoned to appear as a witness before a court, grand jury, or other public body or commission, provided that for purposes of this provision a plaintiff or defendant shall not be considered a witness. Nor does this provision apply to an employee summoned as a witness as a result of employment other than municipal employment.

(c) Performing emergency civilian duty in relation to national defense.

(d) The mayor determines that he is prevented by an act of God from performing duty.

(e) The mayor determines that because of local conditions or celebrations it is impracticable for employees to work.

(f) The employee is ordered to report for pre-induction physical examination incident to possible entry into the military forces of the United States.

(g) The employee is a member of the National Guard and is ordered to active duty incident to local emergency, act of God, civil or criminal insurrection, civil or criminal disobedience, or similar occurrences of an extraordinary and emergency nature which threatens or affects the peace or property of the people.

(2) Employees may keep all fees received from jury duty in addition to regular compensation.

(3) Police officers may not receive or keep any witness fees for appearing in mayor's court in connection with their official duties while on duty.

F. *Funeral leave.* An employee may be granted time off without loss of pay, annual leave, or sick leave when attending the funeral or burial rites of a parent, step-parent, child, step-child, brother, step-brother, sister, step-sister, spouse, mother-in-law, father-in-law, grand-parent, or grand-child; provided such time off shall not exceed two days on any one occasion.

G. *Military leave.* (1) An employee who is a member of a reserve component of the Armed Forces of the United States is entitled to military leave with pay when placed on military active duty for training by order of an authority of the Armed Forces of the United States and when given constructive credit for such training.

(2) The maximum military leave with pay for military active duty for training is fifteen working days per calendar year.

(3) An employee may apply for but shall be required to take annual leave or compensatory leave for military purposes. However, the employee shall be entitled to leave without pay for a period for the duration of the military duty:

(a) When ordered to military active duty.

(b) When placed on military active duty for training.

(c) When placed on military training duty and the maximum authorized military leave with pay has been exhausted or is not authorized.

(4)(a) "Military active duty" means full-time duty in the active military service, other than military active duty for training.

(b) "Military active duty for training" means full-time paid duty in the active military service for training purposes.

(c) "Military training duty" includes active and inactive duty for training such as annual two-week summer encampments and cruises, weekly and weekend drills or training meetings, attendance at service schools for refresher training or the upgrading of military skills, field exercises, and the like.

H. *Education leave.* A leave of absence at full or part pay may be granted by the mayor and board to permit a full-time employee to take courses of study which will better equip the employee to perform his duties for the municipality.

I. *Maternity leave.* (1) Absence from work caused by pregnancy, childbirth, or related medical conditions is considered to be a temporary disability which prevents an employee from performing the usual duties associated with employment. An employee may take up to six weeks of sick leave for maternity reasons, unless a doctor certifies, in writing, that an extended amount of time is needed due to medical causes.

(2) If accrued sick leave is exhausted, and additional leave is needed due to illness or disability, compensatory leave or annual leave, or both, may be used, subject to the approval of the appropriate department head.

J. *Leave of absence without pay.* (1) "Leave of absence without pay" means time off from work without pay granted by the mayor, or authorized department head, or imposed by the mayor, or authorized department head, for an unapproved absence.

(2) The mayor, or authorized department head, may extend leave of absence without pay to any employee for a period not to exceed six months, provided that such leave shall not prolong the period of his appointment.

Section 6. Filling vacancies

A.(1) "Vacancy" as used in this section includes a new position and the filing of a vacancy in an existing position.

(2) Vacancies shall be publicized in order that qualified persons shall be encouraged to apply and qualify.

(3)(a) A vacancy in a position listed in R.S. 33:404(3) shall be filled as provided by law.

(b) A vacancy in any other position shall be filled from among qualified applicants.

(4) The appropriate department head, other than the chief of police, shall review the applicants, and if there are more than two qualified applicants, shall submit two names for consideration to the mayor. In such instances, the mayor may request the personnel committee to review the applicants and make recommendations to the mayor.

B.(1) A personnel committee is established which shall consist of two members of the board appointed by the mayor who shall serve as chairman.

(2) The committee shall assure all employees that every effort will be made to see that they are treated fairly, given the opportunity to advance when possible, and have the right to discuss work problems, salary, or any job related subject with the mayor and board by going through proper channels.

C.(1) Applicants shall complete the application form provided by the municipality.

(2) The application form shall require the applicant to disclose the conviction of any crime.

(3) Applicants for a position which requires the operation of a motor vehicle shall provide proof of a valid driver's license.

(4) Any applicant falsifying any information on the application may be dropped for consideration of employment. Any employee who provided false information on the application form may be dismissed or otherwise disciplined.

D.(1) In order to provide a shorter emergency response time, foster loyalty to the municipality, and to support the municipal tax base, full-time employees must reside within the municipality.

(2) Appointments shall be based on merit and fitness. However, in filling a position, an effort shall be made to promote qualified employees before seeking other applicants.

E. *Physical examination.* Each applicant who has been offered employment shall, as a precondition to such employment, take a physical examination.

F. *Drug test.* Each applicant who has been offered employment shall, as a precondition to such employment, take a drug test.

Section 7. Employee orientation

The municipality shall provide, and each new municipal employee shall take part in, an orientation period consisting of reviewing the municipality's personnel ordinances, rules, and policies, safety rules and regulations, employee benefits, job duties, and other pertinent rules, regulations, ordinances, and laws.

Section 8. Orientation period

A. Each appointment shall commence with an orientation period of six months. This period allows the municipality to determine whether the employee's performance meets accepted municipal standards and the employee with an opportunity to determine whether he is satisfied with the position.

B. During this orientation period, no classification or pay change shall occur and employment can be terminated, by the municipality or by the employee, without notice.

C. Successful completion of the orientation period does not require any classification or pay change nor is to be interpreted as a contract with the employee for employment for any definite or specified term.

Section 9. Employee development

A. Training needs and opportunities shall be identified to help employees achieve performance goals. Based on needs indicated in the evaluation of employees, the municipality shall provide in-service training to improve the job-related skills of the employees.

B. Attendance at workshops, conventions, seminars, short courses, or professional meetings which will enhance the development of employees is encouraged. The attendees may be asked to provide a written summary of their activities or to conduct short courses or workshops for other employees when they return. Applications must be made with the appropriate department head before attendance is approved and compensation provided.

Section 10. Employee standards of conduct

A. *Accidents.* Employees are to report the occurrence of any accident while at work, however minor, to the appropriate department head. If the accident happens after 5 p.m. or on weekends or holidays, the report must be made on the next working day.

B. *Alcohol.* (1) No employee or volunteer shall possess, distribute, dispense, sell, use, or ingest any alcoholic beverage during work hours or on municipal premises or in the

immediate premises wherever municipal work is being conducted. "Possess" includes having an alcoholic beverage in the employee's immediate work area.

(2) No employee shall report to work under the influence of alcohol.

C. *Appearance.* Employees are to dress appropriately and be neat, clean, and well-groomed at all times while working. The work being performed by the employee will be considered.

D. *Attendance.* (1) Attendance is expected of all employees. However, when it is necessary to be absent from work, an employee must inform his department head as soon as possible of the absence, the reason for the absence, where he can be reached during his absence, and when he will return to work.

(2) Employees are to report to work on time.

(3) Any employee absent from work for three consecutive days without notifying his department head will be considered to have abandoned and voluntarily resigned his position.

E. *Drugs.* (1) Except for law enforcement purposes, no employee or volunteer shall possess, use, or ingest any controlled substance or controlled dangerous substance.

(2) No employee or volunteer, whether on-duty or off-duty, shall violate the Uniformed Controlled Dangerous Substances Law.

(3) No employee shall report to work, and no volunteer shall report to serve, under the influence of any controlled substance or any controlled dangerous substance.

(4)(a) An employee shall notify his department head, who shall then notify the mayor, of any criminal drug statute conviction for a violation occurring in the municipal workplace no later than five days after such conviction.

(b) If the municipality is subject to the federal Drug-Free Workplace Act of 1988, the mayor shall notify the appropriate federal agency of the conviction no later than ten days after receiving notice as described in (3)(a) from the employee or otherwise receiving actual notice of the conviction.

(c) Within thirty days after receiving notice of a conviction described in (3)(a) and subject to R.S. 33:404(A)(3), the mayor shall take one of the following actions of the employee so convicted:

(i) Take appropriate personnel action against the employee, up to and including termination.

(ii) Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

(5) As used in this section, "controlled substance" is any controlled substance in Schedules I through V of section 202 of the Controlled Substances Act [21 U.S.C. 812].

(6) As used in this section, "controlled dangerous substance" is any controlled dangerous substance in Schedules I through V of the Uniform Controlled Dangerous Substances Law [R.S. 40:964].

F. *Misrepresentation.* No employee shall purport to represent the municipality while engaged in private business.

G. *Municipal property.* (1)(a) An employee shall exercise due care in his use of municipal property and utilize such property only for authorized purposes.

(b) Inventory accountability is conducted each January and at other times at the discretion of the mayor. To assure accurate and timely results, employees shall assist the personnel responsible for the inventory check. Forms containing the office furniture and equipment assigned to, used by, or otherwise in the control or possession of each employee will be distributed. Each employee is to review and revise the form as necessary and then sign the form verifying the inventory on the form is assigned to, used by, or otherwise in his control or possession. At each annual inventory accountability, employees shall submit a copy of their updated inventory listing. If any discrepancies occur and the furniture or equipment is not located, the last employee verifying the item shall be responsible for the missing item.

(c) Unauthorized removal of municipal property from the premises or its conversion to personal use is prohibited.

(2) Municipal property is subject to inspection at any time and without prior warning. "Municipal property" includes, but is not limited to, vehicles, desks, files, containers, and foot lockers. There shall be no expectation of privacy by any employee or volunteer concerning any municipal property. However, any inspection of any employee's or volunteer's locker shall be in the presence of the employee or volunteer.

(3) Municipal property issued to an employee must be returned to the municipality at the time he terminates employment or when it is requested by his department head. The value of any property issued to an employee and not returned may be deducted from an employee's pay check.

H. *Outside employment.* The work of the municipality shall have precedence over the other occupational interests of employees. All outside employment for salary, wages, or commission and all self-employment must be reported to the mayor. Conflicting outside employment is prohibited.

I. *Political activity.* (1) Partisan political activity by an employee while at work, including publicly or privately advocating or lobbying passage or defeat of any matter before the municipality, is prohibited.

(2) No employee shall participate in any activity which would substantially compromise the ability of the employee to discharge with neutrality, efficiency, and integrity his duties and obligations to the municipality. Such prohibited activities shall include, but not be limited to, the following:

(a) Service as an officer of a political party; a member of a national, state, or local committee of a political party; an officer or member of a committee of a partisan political club; or being a candidate for any of these positions.

(b) Organizing or reorganizing a political party organization or political club.

(c) Becoming a candidate for elective public office.

J. *Prescription medicine.* (1) Except for law enforcement purposes, no prescription medicine shall be brought upon municipal premises by any person other than the person for whom the medicine is prescribed by a physician, and such medicine shall be used only in the manner, combination, and quantity prescribed.

(2) Any employee or volunteer required to take a prescription medicine shall notify his department head of the type of medication prescribed and the purpose for the prescription and may be required to provide written verification from the prescribing physician.

(3) No employee or volunteer shall operate a municipal motor vehicle or equipment or carry a firearm while taking prescription medicine, unless the prescribing physician advises the employee's or volunteer's department head in writing that the medication will not impair his abilities.

(4) Any employee or volunteer required to take prescription medicine that may impair his ability to operate a motor vehicle or equipment, carry a firearm, or to make split-second decisions shall report this to his department head who shall alter the employee's or volunteer's assignment without retribution to the employee or volunteer.

K. *Purchasing.* An employee may initiate a request for goods or services through his department head using the form provided by the municipality.

L. *Sexual harassment.* (1) Sexual harassment of or by an employee is prohibited.

(2) Per federal Equal Employment Opportunity Commission guidelines, sexual harassment means any unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature when:

(a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or

(b) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or

(c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(3)(a) Complaints of sexual harassment may be directed to the appropriate department head, or in writing, to the mayor. A complainant is strongly encouraged to consult initially with his department head to attempt informal resolution, but failure to do so will in no way limit the right to utilize fully this grievance procedure if resolution cannot be accomplished through the department head. Complaints must be made within one year after occurrence of the alleged prohibited conduct.

(b) All complaints of sexual harassment, and information and proceedings relating thereto, shall be kept in strict confidence except as otherwise specified herein.

(4)(a) The department head shall, in a timely manner, conduct an investigation of the complaint, interviewing appropriate persons, examining relevant records, and consulting with and utilizing any appropriate employee.

(b) If the department head deems it appropriate, the complainant and the person against whom the complaint is made may be brought together to attempt an informal resolution.

(c) Both the complainant and the person against whom the complaint is made may have counsel present at any interview or other proceeding.

(5)(a) Upon conclusion of the investigation, and within 180 days after the complaint was brought, the department head shall make a written recommendation to the mayor which shall be one of the following:

- (i) A recommendation of a finding that no prohibited conduct has occurred;
- (ii) A recommendation that material facts in dispute be resolved by conducting a formal hearing; or
- (iii) A recommendation of a finding that no facts are in dispute and that prohibited conduct has occurred.

(b) Copies of the department head's written recommendation shall be provided to the complainant and the party against whom the complaint was made.

(6) The mayor may, but need not, adopt the department head's recommendation. The mayor may adopt the department head's recommendation of a finding that prohibited conduct has occurred, and proceed under Paragraph (9) of this subsection. The mayor may adopt the department head's recommendation of finding of no cause, and issue a written determination dismissing the complaint.

(7) Upon adoption of the department head's recommendation to conduct a formal

hearing, or upon written request of a party accompanied by a showing of material facts in dispute, the mayor shall conduct or cause to be conducted a formal hearing. The hearing shall provide a fair opportunity for parties and witnesses to be heard, shall be conducted so as to do substantial justice between the parties, and shall not be bound by statutory provisions or rules of practice, procedure, pleading, or evidence. At the conclusion of the hearing, the mayor shall issue a written statement of findings of facts and conclusions of law, including a determination as to whether or not prohibited conduct has occurred.

(8) The record maintained with respect to each complaint of sexual harassment shall contain: the written complaint, if any; any written statement produced during the investigation; the recommendation of the department head; if a formal hearing is conducted, a record thereof in a form determined by the mayor; the mayor's statement of findings of fact and conclusions of law; and the mayor's written determination. Such record shall be available to either party or the designee thereof.

(9) *Remedies.* If the mayor determines that prohibited conduct has occurred, the mayor shall order one or more of the following remedies:

- (a) An apology by the offender.
- (b) Direct the offender to stop the offensive behavior.
- (c) Require the offender undergo counseling or training.
- (d) Oral censure of the offender.
- (e) Written censure of the offender, to be included in the offender's personnel file.
- (f) Transfer, suspension, with or without pay, or discharge of the offender, or any other action which may be appropriate under the circumstances.

(10) If any party is not satisfied with the outcome of the grievance procedure, appeal may be taken directly to the mayor.

(11) State and federal law provide administrative and judicial remedies which may be pursued by filing a complaint with the Louisiana Commission on Human Rights and the federal Equal Employment Opportunity Commission. A civil action may be filed in district court. However, it is recommended, but not legally required, that the complainant first use the grievance procedure established herein.

(12) No employee shall be subject to retaliation in any form as a result of bringing a complaint or testifying or assisting in a grievance brought pursuant to this procedure. A complaint of such retaliation should be directed to the appropriate department head or in writing to the mayor.

(13) No employee or volunteer shall make an intentionally false complaint.

M. *Solicitation.* Solicitation by and of employees on municipal premises is prohibited.

However, solicitation for gifts for municipal employees (resignations, retirements, weddings, births, etc.) are permitted.

N. Except as otherwise specifically provided, a violation of this section shall be grounds for disciplinary action, including dismissal.

Section 11. Drug and alcohol testing

A. The municipality desires to maintain a safe, healthful, productive, and efficient environment and workplace for its employees and volunteers and the public they serve. The municipality acknowledges that substance abuse increases the potential for accidents, absenteeism, substandard performance, poor employee morale, and damage to the municipality's reputation. Therefore, the municipality adopts a policy against substance abuse, and places in effect a testing program for applicants, employees, and volunteers, as outlined in this section.

B. As used in this section, the following terms have the following meaning:

(1) "Applicant" means a person (a) seeking full-time employment with the municipality or (b) seeking to perform volunteer service to the municipality which involves operating a municipal motor vehicle or equipment or carrying a weapon.

(2) "Appointing authority" means the municipal officer or the municipal body which has the authority to appoint or employ the employee or volunteer.

(3) "Controlled substance" means a controlled substance as defined in 21 U.S.C. 812 in Schedules I through V.

(4) "Controlled dangerous substance" means a drug or other substance or immediate precursor listed in R.S. 40:964 in Schedules I through V.

(5) "Drug" means and includes controlled substances, controlled dangerous substances, and alcohol.

(6) "Employee" means a person employed on a full-time basis by the municipality.

(7) "Physician" means a physician licensed to practice medicine in this state.

(8) "Volunteer" means a person who provides volunteer service to the municipality by operating a municipal motor vehicle or equipment or by carrying a firearm.

C. This section applies to all employees, volunteers, and applicants.

D.(1)(a) The mayor shall establish a drug-free awareness program to inform employees and volunteers about:

(i) The dangers of drug abuse in the workplace.

(ii) The municipal policy of maintaining a drug-free workplace.

(iii) Any available drug counseling, rehabilitation, and employee assistance programs.

(iv) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

(b) The mayor shall implement and maintain the policy set forth in this section.

(2) Any employee or volunteer who has reasonable suspicion to believe that another employee or volunteer is either (a) involved in the manufacture, possession, distribution, dispensing, sale, or use of a controlled substance or controlled dangerous substance or (b) abusing the legal use of prescription or nonprescription medicine shall notify his department head who shall advise the mayor.

(3) The policy and procedures set forth in and under this section shall conform with applicable law.

(4)(a)(i) On and after ninety days after this Ordinance becomes effective, each applicant shall submit to a drug-screening urinalysis as a part of his pre-employment or pre-qualification medical exam.

(ii) In addition, each applicant shall complete a medical questionnaire providing a complete list of all prescription and nonprescription medicines being taken at the time. The questionnaire shall be kept in the mayor's office and shall remain confidential.

(iii) Any applicant found to test positively for a particular controlled substance or controlled dangerous substance, unless caused by a medicine for which a valid prescription was given by a physician and which was made known to the municipality prior to testing, shall be rejected and may not re-apply for employment or volunteer service for a period of one year from the date of notification of the results.

(iv) Any applicant refusing to submit to drug testing during pre-employment or pre-qualification shall be rejected.

(b) Prior to thirty days after this Ordinance becomes effective, each employee and volunteer shall complete a medical questionnaire providing a complete list of all prescription and nonprescription medicines being taken at the time. As medicines change, the employee or volunteer shall update his questionnaire. The questionnaire shall be kept in the mayor's office and shall remain confidential.

(c) On and after ninety days after this Ordinance becomes effective, each employee and volunteer shall submit to tests for any drug as announced by the mayor for the following purposes:

(i) Investigation of possible individual employee or volunteer impairment of each employee or volunteer returning from drug/alcoholic rehabilitation or medical care and at any time there is reasonable suspicion that an employee or volunteer is under the influence of a drug during work or service hours. "Reasonable suspicion" means an articulable belief based upon specific facts and reasonable inferences drawn from those facts that any employees or volunteer is under the influence of a drug. Circumstances which constitute a basis for determining "reasonable suspicion" may include, but are not limited to direct observation of drug use; a pattern of erratic or abnormal behavior and mood changes; information provided by a reliable and credible source; an accident; presence of physical symptoms of drug use, such as slurred speech, glassy eyes, and poor coordination or reflexes; decreased productivity; unusual absenteeism or tardiness; or frequent or prolonged absence from the work area. The department head shall submit to the mayor a written report stating the facts and circumstances upon which the recommended testing is based, and the mayor or his designated representative shall make the final decision as to whether the test will be conducted.

(ii) Investigation of accidents or incidents involving an employee, a volunteer, or municipal property or incidents of workplace theft.

(iii) Maintenance of safety for employees, volunteers, or the general public.

(iv) Maintenance of productivity, quality of products or services, or security of property or information.

(v) Monitoring to assure compliance with the terms of a rehabilitation program.

(vi) Random testing of employees who occupy safety-sensitive or security-sensitive positions.

(d) Tests may be conducted without prior notice.

(e) Any employee or volunteer who refuses to submit to a required drug test shall be relieved from duty or service and be subject to discipline, including dismissal.

E.(1) All drug testing, except as otherwise specifically provided in this section, shall be conducted at medical facilities or laboratories selected by the municipality. To be eligible as a site, a medical facility or laboratory must submit in writing a description of the procedures that will be used to collect, maintain, and test samples and be experienced and capable of quality control, documentation, and chain of custody techniques.

(2) All sample collection and testing shall be performed as follows:

(a) The employee, volunteer, or applicant may be required to go to the facility where the laboratory is located to submit to testing.

(b) Each employee, volunteer, and applicant shall be positively identified by picture identification prior to obtaining a sample.

(c) A form shall be completed prior to the test that will serve to establish current medicines being taken, whether prescription or nonprescription, and any other information which the employee or volunteer considers relevant to the test.

(d) The area where a sample is collected shall be reasonably free from any foreign substance.

(e) Specimen collection shall be witnessed without violating the employee's, volunteer's, or applicant's right to privacy in a setting that will not demean, embarrass, or cause physical discomfort to the employee, volunteer, or applicant.

(f) The specimen taken shall be sealed, labeled, and checked against the identity of the employee, volunteer, or applicant. Such sample shall be properly collected, secured, stored, handled, and transported following appropriate rules of evidence and chain of custody and so as to reasonably preclude the probability of sample contamination or adulteration.

(g) Any employee testing will be done on the municipality's time and the employee required to test while off duty shall be compensated for the time.

(3)(a) The testing methods used shall be capable of identifying marijuana, cocaine, barbiturates, amphetamines, benzediazepines, opiates, methadone, propoxyphenes, and PCP. Personnel utilized for testing shall be qualified and trained to conduct urinalyses.

(b) The test shall consist of a two-step procedure:

(i) initial screening; and

(ii) confirmation by gas chromatography/mass spectroscopy.

(c) An initial screening that proves to be positive shall be reported, not as a positive test, but as a confirmation pending.

(d) The time frame between a confirmation pending and a positive confirmation shall not exceed forty-eight hours.

(e) Notification of the confirmation pending or confirmation positive shall be reported initially to the mayor.

(f) Any sample which proves to be positive upon confirmation shall be retained for a period of at least twelve months to allow the employee, volunteer, or applicant adequate time for further testing in case of dispute.

(g) An employee or volunteer who is found to be drug-free shall be notified in writing and may, if he chooses, have a copy of the notification placed in his personnel file.

F. If the municipality has reasonable suspicion to believe that any employee or volunteer is under the influence of alcohol during work or service hours, the employee or volunteer shall submit to a breath test using the procedures established by the state Department of Public Safety and Corrections. Test results shall be made known to the municipality's designated agent upon completion of the test. If the results are positive (i.e. 0.01% or more), the employee or volunteer shall be subject to disciplinary action. Each employee and volunteer found to be alcohol-free shall be notified in writing and may, if he so chooses, have a copy of the notification placed in his personnel file.

G. The mayor shall provide a copy of this section to each applicant.

H. Prior to a drug test being administered, the employee, volunteer, or applicant shall be requested to sign a consent form authorizing the test and permitting the release of the result to the municipality or its authorized agents, and containing an acknowledgment of notification of the testing policy.

I. If an individual being tested tampers with the testing procedure or attempts to falsify a specimen or invalidate the chain-of-custody, he shall be immediately disallowed from continuing testing and treated as if a positive test result had been obtained.

J.(1) Violation of this section shall be grounds for discipline, including dismissal.

(2) An unexplained positive test result shall be grounds for action by the mayor. This action may require the employee or volunteer to submit to a mandatory substance abuse program, psychological counseling, or medical treatment, all at the employee's or volunteer's expense.

(3) Each case shall be dealt with on an individual basis with all facts and circumstances being taken into consideration.

(4) Discipline, including dismissal, may result from cases of illegal use of a non-prescribed controlled substance or controlled dangerous substance or abuse of prescription medicine.

(5) Any employee with a positive alcohol test result for the first time shall be subject to suspension without pay for a period of five days. A second positive test shall result in dismissal.

K. *Confidentiality of information; exceptions.* Except for proceedings wherein the results are relevant or ordered produced by a court, all information, interviews, reports, statements, memoranda, and test results received by the municipality in its drug testing program shall remain confidential to the municipality, authorized agents or representatives of the municipality, the tested employee, volunteer, or applicant, or those authorized by the employee, volunteer, or applicant to receive such information.

Section 12. Employee evaluation

A. The performance of each employee shall be evaluated between April first and May first annually. Department heads, with the exception of the chief of police, shall be evaluated by the mayor. Every other employee shall be evaluated by his department head.

B. The evaluation of all employees shall be on forms approved by the mayor and the board.

C. Each employee shall receive a copy of his evaluation.

D. Evaluations shall be kept and maintained for three years in the employee's personnel file.

E. The evaluation of an employee may be inspected by the mayor and members of the board whenever the employee is the subject of a proposed personnel action such as a salary increase, promotion, transfer, reprimand, suspension, or termination.

F. The board may refer any personnel action requiring board approval to the personnel committee for hearing and recommendation.

Section 13. Employee discipline

A.(1) Subject to R.S. 33:404(A)(3), the mayor may reprimand, verbally or in writing; suspend with or without pay; demote; dismiss, or deny a salary increase to an employee for any of the following reasons:

(a) Behavior that interferes with the efficient performance of duties by other employees or that is detrimental to the municipality.

(b) Performance which falls below the municipality's standard.

(c) Failure to abide by any requirement of this Ordinance or any rule or policy of the municipality.

(d) Other good cause.

(2) For any cause set forth in (1), an employee's department head may reprimand him, verbally or in writing. In addition, for any cause set forth in (1), an employee's department head may recommend to the mayor that the employee be suspended with or without pay, demoted, dismissed, or denied a salary increase.

(3) Before any disciplinary action referred to in Paragraph (1) is taken, each reason for the action must be compiled in a written statement. The mayor or the employee's department head shall present a copy of the statement to the employee or mail a copy of it to the employee at his last known address. At the request of the employee, the mayor may conduct an informal meeting concerning each reason for the disciplinary action. The informal meeting may be attended by the mayor, the employee's department head, the employee, and any other person who has direct knowledge of any reason and whom the mayor has asked to attend.

(4) When a disciplinary action referred to in (1) is taken, the written statement concerning each reason for the action, any written statement the employee submits in connection with any reason for the action and a notation describing the action taken shall be made a part of the employee's personnel file.

(5) Subject to R.S. 33:404(A)(3), the mayor may dismiss an employee and terminate his employment immediately. If the employee is not available, written notice shall be sent to the employee's last known address.

B. During the investigation, hearing, or trial of an employee on any criminal charge, or during the course of any civil action involving an employee, when suspension would be in the best interest of the municipality, the mayor may suspend the employee without pay for the duration of the proceedings as a non-disciplinary measure. Back pay shall not ordinarily be recoverable; but where the suspension is terminated by full reinstatement of the employee, the mayor may authorize full recovery of pay and benefits for the entire or for any lesser period of the suspension.

C. An employee whose performance is unsatisfactory shall be notified how his work is deficient and what he must do if his work is to be satisfactory. If the employee's work continues to be below standard, the mayor shall demote or dismiss the employee subject to R.S. 33:404(A)(3).

Section 14. Termination from service

A. (1) An employee, other than a department head or employee of the police department, can be dismissed only after approval of the mayor.

(2) A department head can be dismissed only upon recommendation by the mayor and approval by the board of aldermen.

(3) An employee of the police department can be dismissed only upon recommendation of the chief of police and approval by the mayor and the board of aldermen.

B. In the event the municipality must terminate employees through no fault of the employees, the following system will be used:

(1) The employee having the least seniority in the respective department will be laid off first, providing that in the opinion of the department head, that all employees not laid off due to higher seniority are qualified to perform any job that is asked of them. If such employee cannot perform such job then he will be laid off in lieu of a lower ranking seniority employee who can perform any job duties that is asked of him.

(2) A two-week severance notice shall be sent to all prospective lay-off employees.

(3) Each laid-off employee shall, upon reapplying to the municipality, be considered for re-employment.

C. When an employee resigns, he shall submit a letter of resignation to his department head two weeks prior to the date of resignation.

Section 15. Grievance procedure

A. Any full-time employee, other than an employee during the orientation period, may make a complaint about or appeal any decision relating to the circumstances of his employment except:

(1) A salary recommendation, unless an employee can demonstrate both that there has been a significant departure from established office procedures and such departure significantly affected the managerial decision.

(2) A promotional decision, except where an employee can demonstrate that established promotional policies or procedures were either not followed or were unfairly applied.

(3) Work activity accepted by the employee as a condition of employment.

(4) Work activity which reasonably may be expected to be part of the employee's regular job position.

(5) The specific contents (rather than an interpretation of the contents) of any municipal employee personnel ordinance, policy, guideline, or regulation.

(6) The methods, means, and personnel by which managerial and department head employees choose to carry out the responsibilities properly assigned to the division or office.

B. Any question concerning whether a specific complaint or appeal of a decision may be made is within the sole discretion of the mayor.

C.(1) The employee shall first discuss the matter directly with his department head. If, after such discussion, the employee desires to pursue the matter, he shall state the complaint or appeal, in writing. The employee's department head shall meet with and provide a written response to the employee and a copy to the mayor within a reasonable time.

(2) If the employee desires to appeal the decision of his department head, he may do so in writing to the mayor within five work days after receiving the written response of the department head. The mayor may meet with the employee and the employee's department head. At (or prior to) the meeting, the employee may submit written documentation and testimony. Oral testimony shall be provided only by the employee and his department head. The mayor shall provide the employee with his written decision concerning the appeal within a reasonable time after the meeting. The decision of the mayor shall be final.

D. If the employee's department head fails to exercise the responsibilities assigned in this procedure within a reasonable time, without demonstrating good reason to the employee, the employee may appeal to the mayor as provided in (C)(2).

E. If, after having begun this procedure, the employee fails to exercise his responsibilities under any step within the specified time frames and without demonstrating reasonable cause for his failure to do so, the complaint or appeal shall be permanently terminated.

F. At any stage of this procedure, the most recent decision that has been rendered on the complaint or appeal shall remain in full force until such time as that decision has been upheld, reversed, or modified.

Section 16. Travel; expense reimbursement

A. Reimbursable traveling expenses are limited to expenses necessarily incurred in the performance of a municipal purpose subject to the restrictions in this section.

B. No claim for reimbursement shall be made for any lodging and/or meals furnished at no cost to the employee. No mileage or transportation expense will be allowed an employee when gratuitously transported by another person.

C. All employee travel must be approved in advance by the mayor on recommendation

of the appropriate department head.

D. (1) Employee travel requests are to be submitted on forms provided by the municipality. The requesting employee must complete and sign the form and forward the same to his department head.

(2) Employee requests for approved travel that have been recommended by the appropriate department head must be submitted to the mayor at least five days prior to the travel date.

(3) Approval of travel will be based on whether it relates to a specific subject area that currently or is anticipated to be major issues in the municipality, is consistent with the employee's development or training, or is useful for development of the municipality's personnel.

E. All lodging and commercial travel for approved travel must be arranged through the mayor's office.

F. Travel advances are prohibited except for overnight travel.

G. Reimbursement for expenses incurred during approved employee travel shall be in accordance with the following:

(1)(a) Common carrier must be used for out-of-state travel unless it is utilization of another method of travel is more cost-efficient or practical. Commercial air travel will not be reimbursed in excess of coach/economy class rates, unless, space is not available in less than first or business class air accommodations in time to carry out the purpose of the travel in which case the employee will secure a certification from the airline indicating this fact.

(b) A mileage allowance of \$0.32 per mile exists for employees using personally owned vehicles in the approved conduct of municipal business. In addition, an employee will be reimbursed with proper receipt for parking fees, ferry fares, and road and bridge tolls. However, the employee must pay all of the vehicle's operating expenses, such as fuel, repair, replacement of parts, and insurance.

(2)(a) Meal reimbursements (including tips) may be made for day travel if travel is twelve hours or more in duration.

(b) Employees, while on travel on municipal business, shall be allowed \$10.00 per meal according to the following schedule:

Breakfast – when travel begins at/or before 6:00 a.m. on the first day of travel, or extends beyond 9:00 a.m. on the last day of travel, and for any intervening days.

Lunch – No reimbursement will be made for lunch for travel except when travel

extends over at least one night or if traveler is eligible for both the breakfast and dinner meals. If travel extends overnight, lunch may be reimbursed for those days when travel begins at/or before 10:00 a.m. on the first day of travel, or extends beyond 2:00 p.m. on the last day of travel, and for any intervening days.

Dinner – when travel begins at/or before 4:00 p.m. on the first day of travel, or extends beyond 8:00 p.m. on the last day of travel, and for any intervening days.

(3) Only the following expenses incidental to travel shall be reimbursed:

- (a) Communication expense relative to official municipal business. [(Receipts required for over \$3.00)]
- (b) Extraordinary expenses with prior approval from the mayor.
- (c) Registration fees at conferences.
- (d) Charges for storage and handling of equipment.
- (e) Cost of public ground transportation such as buses and taxis is reimbursable when the expenses are incurred as part of approved travel. For each transaction over \$15.00, a receipt is required.
- (f) Tips for baggage handling not to exceed \$1.00 per bag.
- (g) When using a motor vehicle on municipal business, necessary motor vehicle storage and parking fees, ferry fares, and road and bridge tolls. For each transaction over \$5.00, a receipt is required.

(4) Requests for reimbursement are to be submitted on forms provided by the municipality. The requesting employee must sign the completed form and forward the same, along with necessary support data, to his department head who shall review and make a recommendation concerning the request and forward the same to the mayor for approval.

Section 17. The mayor shall provide each employee and volunteer with a copy of this Ordinance.

Section 2. This Ordinance shall become effective on _____.

Said Ordinance having been introduced on _____ by Alderman _____, notice of public hearing having been published on, said public hearing having been held, the title having been read and the

Ordinance considered, on motion by Alderman _____ ,
seconded by Alderman _____ , to adopt the Ordinance, a
record vote was taken and the following result was had:

YEAS:
NAYS:
ABSENT:

Whereupon, the presiding officer declared the above Ordinance duly adopted on

Date

Clerk

Mayor

ADDITIONAL POLICIES TO BE CONSIDERED

HARASSMENT

This represents the corporate policy of "Municipal Name" concerning harassment - both general and sexual. Any questions concerning the context of this policy should be discussed with your department head, personnel director or the Mayor.

It is the "Municipality" belief that its employees are the primary means by which the goals and objectives of the organization will be met. To that end, the rights of all employees must be respected. All employees of the "Municipality" must understand its position on harassment. By definition, harassment is any unwanted attention or action prohibited by law by someone in the workplace that creates an intimidating, hostile, or offensive work environment, including sexual harassment.

The procedure for reporting and dealing with this very sensitive issue is as follows:

- If a person's behavior makes an employee uncomfortable, the employee should feel free to immediately advise the person that, in the employee's opinion, the behavior is inappropriate and that the employee would like it stopped.
- If the employee is not comfortable discussing the issue with the person, or if the person fails to respect an employee's request, the employee should report the incident to his or her supervisor. If, for whatever reason, the employee does not feel that the supervisor is a suitable person to whom to report the incident, the employee should contact the Mayor.

Sexual Harassment may be defined as unsolicited, offensive behavior that inappropriately asserts sexuality over employees including but not limited to the following:

- a) Verbal: Sexual innuendos, suggestive comments, threats, sexual humor;
- b) Non-Verbal: Leering, whistling, obscene gestures;
- c) Physical: Touching, brushing the body, coerced sexual activity, assault.

The management of the "Municipality" strongly disapproves of activity which falls within the definitions of sexual harassment and will take appropriate action to end sexual harassment and/or prevent the recurrence of any such misconduct.

Whether or not a particular incident is sexual harassment requires a complete factual investigation and "Municipality" will conduct such investigations on all complaints in a manner so as not to cause any serious affect on innocent employees who either file a complaint and/or may be the subject of a filed complaint. In all instances, a prompt,

thorough and, fair investigation will take place, giving careful consideration to protect the rights and dignity of all people involved. The “Municipality” will take those steps it feels necessary to resolve the problem, which may include verbal or written reprimand, suspension or termination.

It must be understood also that the “Municipality” will investigate by confidentially gathering information from all concerned parties, and will not retaliate against any employee as a result of reports of alleged harassment or cooperation with any investigation. “Municipality” may consult its legal representative for assistance in determining whether conduct which has occurred does in fact constitute sexual harassment. “Municipality” may also make subsequent inquiries from time to time to ensure offensive conduct does not resume and/or that the subject of harassment has not suffered any retaliation. No retaliation of any kind will occur because an employee in good faith reports an incident of suspected harassment. The supervisor, or other person to whom the complaint was made, will work to establish mutually agreed upon safeguards against retaliation while attempting to mediate any sexual harassment complaint.

Any employee who believes he or she has been subjected to sexual harassment should report the alleged act immediately or as soon as possible to the employee’s immediate supervisor or to the Mayor. It is not necessary to complain to an offending supervisor in order to report sexual harassment.

Any employee, manager, or supervisor found by the company to have sexually harassed another employee will be subject to appropriate discipline, up to and including termination.

INTERNET, INTRANET, EMAIL AND DATABASE USE POLICY

The “Municipality” currently has made available systems that will allow access to, and use of, e-mail, databases, the Internet, and a Municipal Intranet system, which will be used by employees.

Following are policies and conditions regarding the use of, and access to, any of Systems. This policy applies to all those employees using Systems, including those who are employed in a contract or temporary basis and may not meet the full legal definition of employee.

Systems are intended for Municipal business. Although occasional personal use is not prohibited, any use that interferes with normal business activities, interferes with the functioning of the network or does not abide by the restrictions of this policy, is strictly prohibited.

1. “Municipality” encourages employee use of the Systems:

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

2. E-mail is the property of “Municipality” and is intended for carrying out Municipal business. Employees should exercise the same care in drafting e-mail, communicating in chat groups, or posting items to newsgroups as they would for any other written communication. Anything created on the computer or the Internet may, and likely will, be reviewed by others.

3. “Municipality” is to be considered as the recipient of all e-mail messages received by Association employees, regardless of whether the e-mail message was originated from outside or inside of “Municipality.”

4. Management can rightfully enter the e-mail system and view, copy or delete any messages, whether they have been held, sent, or received, and disclose such messages to others. The use of passwords to gain access to e-mail is for the protection of “Municipality”, not the employee; therefore, the employee should not assume that messages are confidential even though a private password is used.

5. While “Municipality” is allowing occasional personal use of the Systems, at no time may employees of “Municipality” use Systems or resources which has been deemed unacceptable by management including but not limited to the following:

- Sending, receiving, storing, viewing, printing, or otherwise disseminating material that is fraudulent, harassing, illegal, embarrassing, sexually explicit, obscene, excessively violent, intimidating, or defamatory.
- Displaying, disseminating, downloading, printing, or in any way using copyrighted materials (including articles and software) in violation of copyright laws.
- Sending, receiving, viewing, storing, printing, disseminating or soliciting sexually oriented messages and images.
- Using any of these systems and resources for commercial or personal advertisements, solicitations, promotions, destructive programs (i.e. viruses and/or self-replicating code), political material, or any other unauthorized or personal use.
- Sending, viewing, storing or otherwise using offensive or harassing statements, sexually explicit language, obscene or crude language, graphic depictions of violence, threat of harm to persons or their property, profanity, or language including disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religious or political beliefs.
- Making any personal purchases that do not abide by federal, state, and local laws and regulations including paying appropriate sales taxes. “Municipality” is not to be involved in any personal purchases. No personal purchases should be made of an inappropriate nature including but not limited to items of a sexual nature or items related to the activities prohibited herein.
- Engaging in any form of gambling that has the potential to transfer anything of value whether the potential transfer is immediate or in the future.

****Note: While receiving unsolicited information cannot always be controlled, employee should make every effort to comply with the intent of these policies.

6. “Municipality” reserves the right to monitor the Internet, Intranet, e-mail, and database systems to ensure they are being used properly and for Association business.

7. “Municipality” databases contain confidential information therefore, it is mandatory that all confidential information be guarded with utmost diligence.

8. All material downloaded from the Internet or from computers or networks that

does not belong to "Municipality" must be scanned for viruses and other destructive programs before being placed on any of "Municipality" computer systems, networks or other equipment.

9. Because of export restrictions, programs or files containing encryption technology are not to be placed on the Internet or transmitted in any way outside of the United States without prior written authorization from the author.
10. "Municipality" will not be responsible for any damages, direct or indirect, arising out of the use of any of the systems mentioned above.
11. "Municipality" has the right, but not the duty, to monitor any and all aspects of its computer system, including, but not limited to, monitoring sites employees visit on the Internet, even those visited during the employee's personal use outside of business hours, monitoring the frequency and length of site visits and overall Internet use, monitoring chat groups and newsgroups, reviewing material downloaded or uploaded by employees, and reviewing e-mail sent and received by employees. Employees waive the right to privacy in anything they create, view, store, send, or receive on any "Municipality" System or computer, or through the Internet.
12. Employees must comply with all software licenses, copyrights, and all other state and federal laws governing intellectual property and online activity.
13. These policies and conditions may be amended or revised from time-to-time. Employees will be provided with written copies of all amendments and revisions to these policies and conditions.
14. Any violation of these policies and conditions may result in disciplinary actions, including possible termination, and/or legal action.

Employee Acknowledgment

As an employee and/or a services user of "Municipality", I, _____, authorize that I have read and that I understand the Internet, Intranet, Email and Database Use Policy. I am aware that violations of the policy may subject me to termination of services and/or disciplinary action, up to and including discharge from employment as the circumstances may warrant.