

## CHAPTER 37: PERSONNEL; CITY EMPLOYEES

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### Section

#### ***General Provisions***

- 37.01 Scope
- 37.02 Definitions
- 37.03 Duties of Department Heads and Employees
- 37.04 Contracts for Services
- 37.05 Wage Garnishments or Attachments
- 37.06 Travel Expenses of Elected Officials
- 37.07 Appointments/Promotions

#### ***Insurance Benefits***

- 37.10 Health, Dental, Life Insurance and Deferred Compensation
- 37.11 Retirement System
- 37.12 Holiday Pay and Holiday Leave
- 37.13 Overtime Pay and Compensatory Leave
- 37.14 Vacation Leave
- 37.15 Sick Leave
- 37.16 Military Leave
- 37.17 Voting Leave
- 37.18 Civil Leave
- 37.19 Special Leave of Absence; Personal Leave
- 37.20 Unauthorized Absence Without Leave
- 37.21 Fit For Duty Leave

#### ***Salaries and Wages***

- 37.30 Title
- 37.31 Pay Plan, Classification and Compensation
- 37.32 Salary Schedules and Pay Grade Structure
- 37.33 Mayor and Commissioner Salary Rates
- 37.34 Appointment Salaries; Part-time/Seasonal Salaries
- 37.35 Advancement and Pay Firefighters and Police Patrol Officers
- 37.36 Performance Pay
- 37.37 Longevity Salary Adjustments
- 37.38 Cost of Living Adjustments
- 37.39 Personnel Actions and Salary Adjustments
- 37.40 Step-Up Pay
- 37.41 Education Compensation/Assistance Plan
- 37.42 Exceptions to the Pay Plan

## **Disciplinary Actions and Administration**

- 37.50 Employment at Will and Disciplinary Actions
- 37.51 Uniform Allowance for Members of Police and Fire Departments
- 37.52 Uniform to be Worn Only on Duty
- 37.53 Uniforms for Other Personnel

## **GENERAL PROVISIONS**

### **§ 37.01 SCOPE.**

(A) The purpose of Chapter 37 of the City Code of Ordinances is to provide a framework of personnel administration that enhances the City's ability to recruit, retain and motivate an efficient and effective workforce, as well as to assure that a high level of service is provided to the City's citizens and visitors. The ordinances and policies governing the City's personnel administration should be based upon sound and accepted human resources principles that recognize the performance and loyalty of the workforce, and that assure decisions are made that comply with all applicable federal and state laws and rules – including equal opportunity for all applicants and employees.

(B) The annual appropriation/budget ordinance, or any amendment or supplemental appropriation ordinance, approved by the Board of Commissioners will set the maximum number of full-time employees for City Government.

(C) Pursuant to KRS 83A.150, City Ordinance 30.02, and City Ordinance 31.38 the Board of Commissioners authorizes the City Manager to administer the sections of this Chapter, as well as to adopt policies and procedures that clarify any section of the Chapter.

(D) The term of employment of each and all employees of the city shall be at the pleasure of the Board of Commissioners and no employee provided for in this chapter shall be deemed an officer of the city, except as set forth in § 37.02 of this chapter.

### **§ 37.02 DEFINITIONS**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACTIVE SERVICE.** Being present for the performance of the duties to which an officer or employee of the city has been assigned.

**ALLOCATION.** The official determination of the class to which a position in the City service belongs.

**APPOINTING AUTHORITY.** The City Manager, with the confirmation of the Board of Commissioners or such other officer, board, agency, or commission having the power to make appointments to positions in the city service as established by ordinance or

statute.

**APPOINTMENT.** The designation of a person by due authority, to become an officer or employee in a position, and his induction into employment in that position.

**CALENDAR MONTH.** From the first day to and including the last day, of any one of the 12 calendar months.

**CALENDAR WEEK.** Seven consecutive calendar days.

**CLASS.** A position, or group of positions, having similar duties and responsibilities, requiring similar qualifications, which can be properly designated by the same descriptive title and to which the same scale of compensation can be made to apply with equity.

**CLASSIFICATION PLAN.** The collection of job classifications utilized to denote all full-time positions.

**CONTINUOUS SERVICE.** Service shall be considered continuous for an employee except where interrupted for more than 60 days, by resignation, retirement, or discharge for cause. Absence while on approved family medical leave (FMLA), or paid or unpaid Military Leave, shall not be considered as an interruption of service. Resignation in order to immediately accept another position in the city service shall not be considered as an interruption of service.

**DEMOTION.** A change from a position in one class to a position in a different class having a lower pay grade. A demotion may be involuntary, and based upon job performance, employee conduct, and/or disciplinary action. A demotion may be voluntary, and of mutual benefit to the employee and the City.

**DEPARTMENT HEAD.** The employee designated by the City Manager to manage and supervise one of the following departments: Finance, Information Technology, Planning and Building Codes, Parks and Recreation, Public Works, Police, Fire & EMS and Sewer.

**EMPLOYEE.** A person appointed to a position in City government, and who is compensated on a full-time, part-time or seasonal basis.

**FULL-TIME EMPLOYMENT.** Active service in a position of employment, which is scheduled for work at least 37.5 hours per week, or 40 hours per week, or for fire fighters working on a platoon schedule (24 hours on followed by 48 hours off).

**INITIAL PROBATIONARY PERIOD.** The 12 month period following appointment. The Department Head, with the written approval of the City Manager may extend the probationary period an additional six 6 months.

**OFFICERS.** The Mayor, members of the Board of Commissioners, the City Manager, the City Clerk, the City Solicitor, the Chief of Police and the Chief of the Fire Department.

**ORIGINAL APPOINTMENT.** Initial appointment of a person to a position in the city service, or appointment after service has been interrupted by resignation, retirement or discharge.

**PAID STATUS.** Includes time when compensation is received for work performed for employment, and when on authorized leave with pay.

**PART-TIME EMPLOYMENT.** Active service in a position of employment, which is to be performed less than on a full-time basis. Part-time employment shall not exceed 99 hours worked in any calendar month.

**PAY PLAN.** The City Ordinances that determine the classes of positions in the city service and salary schedule for those positions.

**PAY RANGE.** The minimum and maximum pay rates, together with the intermediate rates, if any, established for a class. The term pay grade means the same.

**PLATOON SCHEDULE.** A work schedule whereby the employee is scheduled to work 24 hours, followed by 48 hours off the work schedule.

**POSITION.** Any specific office, employment or job calling for the performance of certain duties, either full time or part time and for the exercise of certain responsibilities by an individual. A position may be either occupied or vacant.

**PROMOTION.** A change from a position in one pay grade to a different position having a higher maximum rate of pay.

**PROMOTIONAL PROBATIONARY PERIOD.** The six (6) month period following promotion. The Department Head, with the written approval of the City Manager may extend the probationary period an additional six (6) months.

**PROVISIONAL APPOINTMENT.** Appointment of an individual without confirmation by the Board of Commissioners, not to exceed 180 days.

**RECLASSIFICATION.** A Change to a position by assigning the position to a different job classification due to a change in the duties and responsibilities of the position, or to correct an error in the original classification.

**REEMPLOYMENT.** Return to duty of a person laid off on account of lack of work or lack of funds.

**REGULAR STATUS.** The Status of an employee who has been appointed to a

position and successfully completed the initial probationary period.

**RESIGNATION.** The voluntary termination of employment of an employee.

**SALARY SCHEDULE.** A chart of salary grades and the minimum, midpoint and maximum salaries payable to employees in a job class assigned to a particular pay grade.

**SEASONAL EMPLOYMENT.** Active service in a position or employment, which is to be performed on a temporary or seasonal basis. Seasonal employment can be either full-time or part-time, but shall not exceed 9 months in any fiscal year. An employee hired in a seasonal position must take a minimum three (3) calendar month break between seasonal appointments.

**TRANSFER.** The movement of an employee from a position in one ~~division and/or~~ department to another position in the same or different department, with the ~~same~~ job classification having the same pay grade.

**WORK WEEK.** In accordance with the Fair Labor Standards Act (FLSA), for payroll and overtime calculation purposes the work for the City begins on Tuesday and runs through the following Monday.

### **§ 37.03 DUTIES OF DEPARTMENT HEADS.**

(A) Any employee designated as the head of the department shall perform the duties of any position in the department when the position created is vacant, as allowed or limited by applicable statutes or regulations or as specified in this section.

(B) The Department Head, in consultation with the HR Director, subject to the approval of the City Manager, shall be authorized to set and modify the duties and responsibilities assigned to each position in the department. When an employee or group of employees is absent from work, or positions are vacant, the Department Head may realign duties and responsibilities to assure the work priorities of the Department are performed.

(C) The Department Heads, subject to the written approval of the City Manager, shall be authorized to set and modify the work schedules for employees in his or her department. In addition to modifying the days worked and assigned shifts, the recommendation may include flexible schedules and/or modified work weeks (e.g. four day work week). Any schedule change from the standard city schedule should improve or maintain the level of service provided to the public, and the schedule should not be modified only for the convenience of the employee.

### **§ 37.04 CONTRACTS FOR SERVICES.**

Any of the duties imposed on any City Department by this title may be performed by contract entered into between the city and the person or organization performing the

duties. All contracts shall be approved by the Board of Commissioners and shall be paid out of the appropriation made for the operation of the department involved by the annual appropriation ordinance, or any emergency appropriation ordinance.

**§ 37.05 WAGE GARNISHMENTS OR ATTACHMENTS.**

The filing of two garnishments or attachments of wages, in connection with two separate debts, of or by or with respect to any city employee may be sufficient cause for disciplinary action, up to and including dismissal, of any city employee who has been a party to any of the aforementioned proceedings. Any action taken regarding this section will be in compliance with related Federal and State laws and regulations.

**§ 37.06 TRAVEL EXPENSES OF ELECTED OFFICIALS.**

The City shall not pay the travel expenses of the Mayor or a Commissioner attending the National League of Cities Conferences, State Municipal League Conferences or other conventions or meetings following the date of the general election at which the officials have not been re-elected.

**§ 37.07 APPOINTMENTS/PROMOTIONS.**

(A) The City shall make every effort to assure that the most qualified, most suitable candidate is selected to fill City job vacancies.

(B) The City Manager is authorized to establish policies and procedures regarding the posting of job vacancies and the filling of vacancies, including any provisions related to fluid positions.

(C) The City Manager may make a provisional appointment to a full-time position. If the appointment is not confirmed by the Board of Commissioners within 180 days the employee shall be terminated.

**INSURANCE AND BENEFITS**

**§ 37.10 HEALTH, DENTAL, LIFE INSURANCE AND DEFERRED COMPENSATION.**

(A) Pursuant to KRS 79.080, the city hereby establishes a program of hospitalization and group health and/or dental insurance benefits for all regular full time city employees and elected officials. The City may choose to self insure these benefits or may purchase insurance products from external vendors and/or providers.

(B) It is the policy of city government to provide group coverage including major medical and dental insurance under the following terms and conditions:

(1) *Initial coverage.*

(a) Full-time regular employees and elected officials will be enrolled in hospitalization and major medical health insurance on the first day of the next month following forty-five (45) days of service after appointment. The employee or elected official must complete and submit appropriate documents to the HR Department in a timely manner in order to enroll or to waive coverage. The City Manager, Human Resources Director and Finance Director are responsible for administering these provisions, negotiating with insurance carriers and/or Third Party Administration vendors; or for purchasing plans or coverage under this section. In addition, The City has the right to structure or change benefits and coverage at any time pursuant to federal or state laws and regulations.

(b) Health insurance coverage may require employees and elected officials to make monthly contributions, and the amount may vary depending upon the type of policy/coverage the employee chooses. The amounts of required employee contributions will be set by the City's budget or Order. The City reserves the right to modify the amounts for employee contribution by annual budget or by budget amendment.

(c) Single dental insurance for the employees and elected officials may be provided by the city in accordance with any restrictions of the carrier. Employees shall be responsible for any deductible or co-pay as established with the carrier. Dental Coverage may require employees and elected officials to make monthly contributions, and the amount may vary dependent upon the type of policy/coverage the employee chooses. The amount of required employee contributions will be set by the City's budget or Order. The City reserves the right to modify the amounts for employee contribution by annual budget or by budget amendment or Order.

(2) *Continuation of Coverage.*

(a) Covered employees and eligible dependents who have participated in the program for at least three months prior to termination may continue coverage after separation under certain terms and conditions set by the carrier and in accordance with the Consolidated Omnibus Budget Reconciliation Act (COBRA) regulations.

(b) Continuation of coverage is dependent on signing of proper notice and prompt payment of premiums in accordance with COBRA requirements.

(C) It is the policy of the city government to provide its employees and qualified retirees with term life insurance as follows. Extent of coverage is defined in annual budget procedures.

(1) Regular full-time employees will be covered as of date of hire.

(2) Coverage will not be available to seasonal, temporary or part-time

employees

(3) Additional coverage is available to qualified employees and retirees up to age 70 at their option and cost.

(4) A qualified retiree is defined as a regular full-time employee who retired after July 1, 1987, and receives retirement benefits from either the Kentucky Retirement Systems/County Employees Retirement System (CERS) or the Police and Firefighters Retirement Fund of the city and a regular full-time employee in good standing at the time of his or her voluntary separation with 20 years of actual city service or one who has attained age 60 and has been employed by the City continuously for the past 10 years (time purchased by the employee for retirement purposes shall not be calculated as part of the ten-years' City service requirement for retiree life insurance).

(D) Under the City's deferred compensation plan for all regular full-time employees and elected officials, and in accordance with federal regulations, each employee and elected official may allocate a portion of his or her salary into an account. In addition, the City, may appropriate an amount annually to all regular full-time employees and elected officials to be allocated. The amount may vary based upon an employee's participation level in the City's employee benefits program. Any appropriation by the City may be changed, modified or eliminated through the annual budget process.

(E) By written policy, and within the constraints of the annual City budget, the City may make a contribution to a Flexible Spending Account (FSA), a Health Savings Account (HSA), a health Reimbursement Account (HRA) or to an employee's individual deferred compensation account if a full-time employee or elected official otherwise eligible to participate in the City hospitalization and group health insurance plan waives coverage under the plan.

### **§ 37.11 RETIREMENT SYSTEM.**

(A) The previous pension plans established for city employees under KRS Chapter 95 were frozen effective August 1, 1988, to participation by those existing employees who were then participating therein and who filed with the city on or before November 1, 1988, a written election to continue participating therein in lieu of participating in CERS.

(B) The City shall continue to fund and manage the former pension plan for the benefit of any employees that elected to continue therein, and for those who are entitled to benefits in that pension plan.

(C) The City elected to participate in CERS effective August 1, 1988. Full-time employees hired after August 1, 1988, who are otherwise eligible to participate in the city pension plan, shall participate in CERS pursuant to the applicable state retirement laws and regulations. Neither part-time nor seasonal employees are eligible for participation in CERS.

(D) The city adopted the terms and provisions of the CERS. The City Manager is hereby directed to certify to the Board of Trustees the name of all employees deemed to be working in a hazardous position for purposes of KRS 61.592, and all police officers and firefighters employed after August 1, 1988, shall, if otherwise qualified, be eligible for CERS hazardous position coverage. The City Manager and HR Department are directed to comply with CERS requirements and authorized to report data to CERS as is necessary.

### **§ 37.12 HOLIDAY PAY AND HOLIDAY LEAVE.**

(A) All regular full-time employees of the City shall receive their regular compensation for the following legal holidays or for any other day proclaimed as a holiday by the Board of Commissioners during which the public offices of the city will be closed:

- (1) The first day of January, plus one extra day (New Year's Day);
- (2) The third Monday in January (Martin Luther King's Birthday);
- (3) Good Friday, one-half day;
- (4) The last Monday in May (Memorial Day);
- (5) The fourth day of July;
- (6) The first Monday in September (Labor Day);
- (7) Tuesday after the first Monday in November in presidential election years (Election Day);
- (8) The eleventh day of November (Veterans Day);
- (9) The fourth Thursday in November and the following Friday (Thanksgiving);
- (10) The fifth Tuesday following the November election in gubernatorial election years (Inauguration Day); and
- (11) The twenty-fifth day of December, plus one extra day (Christmas).

(B) When any of the above-listed holidays fall on a Saturday, the preceding Friday shall be observed as the holiday, and when any of the above-listed days fall on a Sunday, the following Monday shall be observed as the holiday. When one extra day is mentioned above, the City Manager shall designate the extra day.

(C) Public safety departments or other departments or specific work units may be required to remain open and operational regardless of the holiday schedule. Regular

full-time employees in these areas shall accrue Holiday Leave to allow equal time off, as opposed to Holiday Pay as specified in Section (A) above. Holiday Leave shall accrue in an amount to mirror the amount of Holiday Pay granted to other employees, not to exceed eight hours for an all-day holiday. Normal holiday time accrual, except in the years noted in Sections (A)(7) or (10) above is 11 ½ days or 92 hours annually. Holiday accrual is based on an eight-hour maximum working day and shall accrue as per the holiday schedule set forth in Section (A) above. Accrued holiday time should be taken as expediently as possible. Maximum accrual shall be 120 hours. Any Holiday Leave hours in excess of 120 hours as of December 31 each calendar year shall be lost. Any employee who is separated from the service shall be entitled to pay based on his or her rate of pay at time of separation for any unused portion of holiday time, not to exceed 120 hours, except in disciplinary cases which shall be at the discretion of the Board of Commissioners.

(D) The Human Resources Department shall notify all employees of their accrued holiday leave balance as of January 1 of each calendar year, a summary of which shall be sent to the City Manager by February 1 for the previous calendar year.

### **§ 37.13 OVERTIME PAY AND COMPENSATORY LEAVE.**

(A) Accrual and usage of compensatory leave and payment of overtime.

1. All City Departments will comply with the overtime and compensatory leave provisions of the Fair Labor Standards Act (FLSA), and all amendments to the Act, and to all state wage and hour laws.

2. An employee who is directed to, or who requests and is authorized to, work in excess of the scheduled hours of duty shall be granted compensatory leave and/or paid overtime subject to the provisions of the Fair Labor Standards Act, the Kentucky Revised Statutes, this ordinance and applicable City Policies and Procedures. Employees shall seek prior approval of their department head or immediate supervisor whenever practical when it becomes necessary for the employee to work any hours in addition to their assigned work schedule.

3. Unless specified otherwise elsewhere in City Ordinance, only hours actually worked shall be used for computing paid overtime (at the time and one-half rate) or time and one-half (1 ½ ) compensatory time.

4. Work over and above an employee's schedule should be kept to a minimum consistent with maintenance of essential City services. Employees that accrue compensatory time under the provisions of this ordinance should make every effort to manage their compensatory balance and keep it at a minimum.

5. Non-exempt employees of the City, upon approval of the City Manager, that are called out to return to work during periods of emergency shall be paid a minimum of two

and one-half hours for reporting back to work. These hours shall be considered as hours worked, and count toward the 40 hours per week specified in paragraph (B) of this ordinance. This section only applies in situations where the employee is required to report to a work station or incident site during the periods when he or she is not scheduled to work.

(B) An employee deemed to be "nonexempt" by the provisions of the FLSA shall be compensated for hours worked in excess of forty (40) per week as provided by subparagraphs 1 to 3 of this paragraph.

1. An employee shall have the option to accumulate compensatory leave at the rate of an hour and one-half (1 1/2) for each hour worked in excess of forty (40) per week in lieu of paid overtime.

2. The election to receive compensatory leave in lieu of paid overtime shall be in writing on an Overtime Compensation Election Form and shall remain in force for a minimum of six (6) months. The election shall be changed by the submission of a new form. The effective date of a change shall be the first day of the next pay period following receipt of the election.

3. An employee who does not elect compensatory leave in lieu of paid overtime shall be paid one and one-half (1 1/2) times the regular hourly rate of pay for all hours worked in excess of forty (40) hours per week. Hours worked above the scheduled hours that are not in excess of 40 hours per week shall be compensated at the regular hourly rate.

(C) An employee deemed to be "exempt" under the provisions of the FLSA shall accumulate compensatory time on an hour-for-hour basis for hours worked in excess of the regular work schedule.

1. Employees deemed to be "exempt" are not eligible for Block 50 compensatory time payments specified below. However, upon separation from City employment, such "exempt" employees are eligible to be compensated pursuant to paragraph (H) below.

(D) Compensatory leave shall be accumulated or taken off in one-quarter (1/4) hour increments.

(E) The maximum amount of compensatory leave that may be carried forward from one (1) pay period to another shall be 240 hours. A "non-exempt" employee that at the end of a pay period has a balance of 240 hours or more of compensatory leave will be paid for 50 hours at the regular hourly rate of pay. The employee's leave balance shall be reduced accordingly upon payment. An "exempt" employee that has a balance greater than 240 hours would not be compensated, but the balance would be reduced to 240 hours.

(F) An employee who is transferred or otherwise moved from one department of

the City to another department shall retain the compensatory leave in the receiving department.

(G) Reductions in compensatory leave balances.

(1) The City may require an employee who has accrued at least 100 hours compensatory leave to use compensatory leave before using Vacation Leave and shall otherwise allow the use of compensatory leave if it will not unduly disrupt the operations of the department.

(2) The City may require an employee who has accrued more than 150 hours of compensatory leave to take off work using compensatory leave in an amount sufficient to reduce the compensatory leave balance below 100 hours.

(H) Upon separation from City employment, an employee shall be paid for all unused compensatory leave at the greater of his regular hourly rate of pay, or the average regular rate of pay for the final three (3) years of employment.

(I) Special considerations for employees assigned to work platoon schedules

1. Platoon schedules, for purposes of this section of the ordinance, are defined as a schedule where the employee is scheduled for a repeating cycle of 24 hours on duty and 48 hours off duty.

2. Hours worked as part of a Time Trade, pursuant to 803KAR1:063, are only counted toward the 40 hours worked in a week as defined in paragraph (B) of this ordinance for the employee originally scheduled for duty.

3. Compensatory Leave, or other approved leave (e.g. Vacation, Sick, Military and/or Holiday) hours taken off in lieu of regularly scheduled hours (48 or 72 hour week) that would have been compensated at the employee's overtime rate, shall also be paid at the employee's overtime rate. Hours worked outside of the employee's regular schedule will only be compensated at the overtime rate when the employee has actually worked more than 40 hours in the week pursuant to paragraph A(3) of this ordinance.

4. Non-exempt employees assigned to a platoon schedule are not eligible to elect to accrue compensatory leave in lieu of overtime pay pursuant to paragraph B(1) of this Section. However, if an employee has previously accrued compensatory leave in another position, it may be utilized under the terms of paragraph I(3).

**§ 37.14 VACATION LEAVE.**

(A) Accrual of Vacation Leave

1. Vacation Leave will be accrued by eligible employees on the 15<sup>th</sup> day of

every month, provided the employee is in a paid status on that date. Neither part-time nor seasonal employees are eligible to accrue vacation leave. Every full-time employee, except police officers and firefighters, shall accrue Vacation Leave at the following rates:

Continuous Months of City Service	Days/Month	Days/Year
1 – 59	1.00	12
60 – 119	1.25	15
120 – 179	1.50	18
180 +	1.75	21

2. Hours/Month or Days/Year accrued are not affected by flexible or alternative work schedules. For employees scheduled to work 37.5 hours per week, one day equals 7.5 hours. For employees scheduled to work 40 hours per week, one day equals 8 hours.

3. Vacation Leave for Firefighters on platoon schedules shall accrue as follows:

Continuous Mos. of City Service	Hours/Month	Days/Year
1 – 59	8.00	4
60 – 119	12.00	6
120 – 179	16.00	8
180 +	20.00	10

4. Vacation Leave for Police Officers shall accrue as follows:

Continuous Mos. of City Service	Hours/Month	Days/Year
1 – 119	10.00	15
120 – 179	12.00	18
180 +	14.00	21

(B) Retention and Use of Vacation Leave

1. Maximum vacation leave credit that may be carried over into any new calendar year shall be not more than 240 hours for employees with less than 10 years of City service, not more than 270 hours for those employees with more than 10 years of service but less than 20 years, and not more than 300 hours for employees with more than 20 years of City service. Vacation Leave in excess of these maximum amounts shall be converted to sick leave at the end of each calendar year.

2. Vacation Leaves shall be approved or scheduled by heads of departments to accord with operating requirements and insofar as practicable with the requests of

employees. Employees should provide adequate notice of the need to use Vacation Leave whenever possible. Vacation Leave may be used in quarter hour increments.

3. Police officer and firefighter vacation leaves shall be scheduled by the Chief of their respective departments in accordance with operating requirements and insofar as practicable, with the requests of employees. Employees should schedule vacations early in the calendar year. Rank and seniority will determine members whose requests take precedence.

4. Absence on account of sickness, injury or disability in excess of the amount of Sick Leave an employee has available may at the request of the employee be charged against Vacation Leave credit.

5. An employee who is separated from the service shall be entitled to be paid for any unused portion of his or her accumulated annual Vacation Leave, except in disciplinary cases. In disciplinary cases, the Board of Commissioners shall determine whether or not the employee is entitled to pay under this section.

6. An employee who is transferred or otherwise changed from the jurisdiction of one department to another shall be entitled to retain his or her accumulated Vacation Leave in the employing department of the city.

7. Upon the death of any employee, his or her estate shall be entitled to the payment for the unused portion of the employee's accumulated Vacation Leave.

8. Before an employee may be placed on leave of absence without pay, except for unpaid Military Leave or absence due to a work-related injury, he or she must have used any accrued Vacation Leave.

9. An officer or employee who is absent from duty shall report the reason for such absence to his or her department head immediately on the day of absence where possible and in no case later than noon after the first day of absence. All unauthorized and unreported absence shall be considered absence without leave and deduction of pay shall be made for each period of the absence. The absence may be made the ground for disciplinary action and will serve to interrupt continuous service, as defined in these rules. In addition, failure to make a timely request for Vacation Leave pursuant to policies and procedures may result in disciplinary action.

## **§ 37.15 SICK LEAVE.**

### **(A) Accrual of Sick Leave**

Sick Leave will be accrued by eligible employees on the 15<sup>th</sup> day of every month, provided the employee is in a paid status on that date. Neither part-time nor seasonal employees are eligible to accrue Sick Leave. Full-time employees shall accrue Sick Leave at the following rates:

Employee Schedule	Hours/Month
37.5 hours/week	7.50 hours
40 hours/week	8.00 hours
Platoon/56 hours/week	24.00 hours

(B) Retention and Use of Sick Leave

1. Unused sick leave shall be cumulative, and retained at the end of each calendar year with no maximum accrual.

2. An employee that has accrued and maintained a balance of Sick Leave may use the leave, upon approval of his or her department head, for absence due to illness, injury, exposure to contagious disease which could be communicated to other employees, medical appointments, or to assist a sick immediate family member or take the immediate family member to a medical appointment, or for bereavement leave in the case of a death in the immediate family. Sick Leave may be used in quarter hour increments.

3. Any employee fraudulently obtaining or using sick leave, or any department head falsely certifying to sick leave usage for absence from work for reasons not consistent with paragraph (B) 2 above may be subject to disciplinary action. The HR Department shall keep records of sick leave allowance, sick leave taken and balance of sick leave allowance for the individual employees.

4. An employee who is transferred or otherwise changed from the jurisdiction of one department to another shall be entitled to retain his or her accumulated Sick Leave in the employing department of the city.

5. An employee who is separated from the service shall not be entitled to pay for any unused portion of his or her accumulated Sick Leave. If an employee retires, any accrued and unused Sick Leave may be utilized for service credit under the applicable laws and rules governing the County Employees Retirement System.

6. An employee desiring to use Sick Leave shall inform his or her department head or immediate supervisor of the fact and the reason as soon as possible in accordance with Section 37.14 (B) (9), and failure to do so within a reasonable time may be cause for denial of Sick Leave with pay for the period of absence. In addition, failure to make a timely request for Sick Leave pursuant to policies and procedures may result in disciplinary action.

7. The HR Director or an employee's Department Head may require periodic medical certificates or other suitable documentation to support any use of Sick Leave.

(C) Sick Leave Sharing

The City Manager is authorized to develop and administer a policy that establishes a Sick Leave Sharing Program for full-time employees.

### **§ 37.16 MILITARY LEAVE.**

(A) Regular Full-time employees of the city who also are members of the National Guard or any reserve component of the armed forces of the United States will be granted annual military leave up to 15 work days per federal fiscal year pursuant to applicable federal and state laws and regulations. If allowable under the applicable laws, Military Leave earned but not used in a federal fiscal year will roll over one time into the subsequent federal fiscal year.

(B) If an employee is required to miss a shift due to military commitments, the employee shall utilize Military Leave for that shift if it is available. If the employee has exhausted his or her allotment of Military Leave then the employee may substitute any accrued Vacation, Compensatory or Holiday Leave instead.

(C) To qualify for approved Military Leave, employees are required to file a request to his or her Department Head no less than two calendar weeks prior to the commencement of the required leave. Failure to comply with this provision will not result in a denial of the request for Military Leave, but may subject the offending employee to disciplinary action for failure to observe an administrative rule.

(D) Wage and benefit continuation, as well as job security while on Military Leave are hereby recognized as provided by applicable federal or state law or regulation.

### **§ 37.17 VOTING LEAVE.**

All full-time city employees who are registered to vote shall be allowed up to four hours of paid Voting Leave for the purpose of voting in a city, county, state or national election. The Voting Leave absence shall not be charged against leave. Employees who are not scheduled to work during voting hours shall not receive voting leave and shall not be entitled to compensatory leave in lieu of time off to vote. Eligible employees who are permitted or required to work in lieu of taking voting leave shall be allowed to accrue compensatory leave on an hour-for-hour basis.

### **§ 37.18 CIVIL LEAVE.**

(A) A full-time employee shall be entitled to paid Civil Leave for absence from his or her scheduled working hours for the amount of time necessary to serve as a juror.

(B) Civil Leave shall include necessary travel time and compensation received by the employee from the court shall be turned in to the City Finance Department.

(C) When an employee is subpoenaed in private litigation by some party other than

the City to testify not in an official capacity, but as an individual, or if the employee or a member of his family is a party to the proceeding, he or she must take Vacation, Compensatory or Holiday Leave, or leave without pay for the period of absence. Since Vacation Leave or other accrued leave is required in these cases, compensation received by the employee from the court is not to be turned in to the City Finance Department.

(D) If relieved from duty as a juror or witness during his normal working hours, the employee shall return to work or may request to use Vacation Leave, Holiday Leave, or Compensatory Leave for the remainder of the missed shift.

(E) An employee shall not be required to report as Civil Leave attendance at a proceeding that is part of his normal assigned duties. Compensation received by the employee from the court shall be turned in to the City Finance Department.

### **§ 37.19 SPECIAL LEAVE OF ABSENCE: PERSONAL LEAVE**

(A) In addition to other leave as provided in this ordinance the City Manager, upon the recommendation of a Department Head, may authorize an employee to be absent without pay for personal reasons not to exceed 15 working days in any calendar year.

(B) The Board of Commissioners may authorize a special leave of absence not to exceed twelve months for the following purposes:

(1) For assignment to and attendance at college, university or business school for the purpose of training in subjects related to the work of the employee and which will benefit the employee and the city service;

(2) For urgent personal business requiring employee's attention for an extended period such as settling estates or liquidating a business; and

(3) For purposes other than those listed above that are deemed beneficial to the city service.

(C) Leave of absence without pay shall be deducted when computing service credit, but will not be considered as an interruption of continuous service.

### **§37.20 UNAUTHORIZED ABSENCE WITHOUT LEAVE.**

An officer or employee who is absent from duty shall report the reason to his or her department head immediately on the day of absence where possible. All unauthorized and unreported absence shall be considered absence without leave and deduction of pay shall be made for each period of the absence. The absence may be the grounds for disciplinary action and may serve to interrupt continuous service. An employee who has been absent without leave or notice to the supervisor for a period of two (2) working

days shall be considered to have resigned the employment, or may be terminated.

### **37.21 Fit for Duty Leave**

#### **(A) Accrual of Fit for Duty Leave.**

(1) The Chiefs of the Police and Fire Departments, with the approval of the City Manager, may create policies and procedures to implement and operate in their respective Department, a Fit for Duty program as described in FCO 40.06. Employees may accrue Fit for Duty Leave pursuant to the requirements of the Fit for Duty program.

(2) Any leave time that is accrued as a result of the Fit for Duty program will be credited on January 1<sup>st</sup> following the testing date. (Example: Physical Agility Test given October 2012, Fit for Duty Leave hours will be accrued to the employee's leave account on January 1, 2013.)

#### **(B) Retention and use of Fit for Duty leave**

(1) All Fit for Duty Leave hours must be used within the calendar year in which it was accrued. (Example: Time accrued on January 1, 2013 must be used by December 31, 2013 or it will be forfeited.)

(2) Fit for Duty leave shall be approved or scheduled by the Chief of the Department, or his/her designee, consistent with Department operating requirements and, insofar as practicable, with the requests of the employees. Employees should provide adequate advance notice of the request to use Fit for Duty leave whenever possible. Fit for Duty leave may be used in quarter hour increments. Employees may use Fit for Duty leave in lieu of accrued Vacation Leave. Rank, seniority, time of receipt of request and Department needs will determine the order of approval.

(3) Absence on account of sickness, injury or disability in excess of the amount of sick leave an employee has available may, at the request of the employee, be charged against Fit for Duty leave credit.

(4) An employee who is separated from service shall be entitled to be paid for any unused portion of his or her accumulated/earned Fit for Duty leave, except in disciplinary cases. In disciplinary cases, the Board of Commissioners shall determine whether or not the employee is entitled to pay under this section.

(5) An employee who is transferred or otherwise changed from jurisdiction of the Police or Fire Department shall be entitled to retain and utilize any Fit for Duty time that the employee has already earned. However, additional Fit for Duty leave cannot be earned unless the department to which the employee is transferring has adopted a Fit for Duty program. The transferred leave hours must be used in the same calendar year as accrued pursuant to paragraph (1) above.

(6) Upon death of an employee, his or her estate shall be entitled to the payment for the unused portion of the employee's accumulated Fit for Duty leave.

(7) Before an employee may be placed on leave of absence without pay, except for unpaid military leave or absence due to a work-related injury, he or she must have used any accrued Fit for Duty leave.

(8) Failure, by an employee, to make a timely request for the use of Fit for Duty leave pursuant to policies and procedures may result in denial of the request and/or disciplinary action.

## **SALARIES AND WAGES**

### **§ 37.30 TITLE.**

This subchapter shall be known as "The Salary Ordinance."

### **§ 37.31 PAY PLAN; CLASSIFICATION AND COMPENSATION.**

(A) The City Manager and Human Resources Director shall administer a system of classification and compensation applicable to all City employees and described in this salary ordinance. The system should use sound human resources principles. The system will determine the duties, responsibilities and requirements of each job classification by using factors such as, but not limited to, knowledge, skill, effort, responsibility, accountability, problem solving, discretion, challenge/complexity, and working conditions to ensure pay equity and fairness.

#### **(B) Job Class Specifications**

1. Job Class specifications shall describe and explain the job duties and responsibilities typically assigned to a position within a particular class.

2. Class specifications shall indicate the kinds of positions to be allocated to the various job classifications as determined by their characteristics and duties or responsibilities. Characteristics and duties or responsibilities of a job class shall be general statements indicating the level of responsibility and discretion of positions in that job classification. They do not limit or restrict the range of duties and responsibilities that may be assigned or required of an individual in a particular job classification.

3. Minimum requirements shall be comprehensive statements of the minimum background as to education, experience and other qualifications which will be required in all cases as evidence of an appointee's ability to perform the work properly.

4. The HR Director shall maintain a master set of all approved class specifications. These specifications shall constitute the official class specifications in the classification plan. The copies of the specification for each job classification shall indicate the date of adoption or the last revision of the specification. Class specifications shall be available for inspection by an employee under reasonable conditions during business hours.

5. The job class/title to which a position has been allocated shall be used to designate the position in all payroll and other official records and documents. For informal purposes it is permissible to use working titles or other informal titles.

6. The HR Director, with the approval of the City Manager, may modify the job title or other information included in a job classification, other than the pay grade, to more accurately describe job functions that have been or may be assigned to a job class.

#### (C) Position Descriptions

Position descriptions shall be developed and on file for each City employee and/or position. If the duties and responsibilities assigned to a position are to be changed in a material and permanent way, the Department Head making the recommendation shall submit to the HR Director a revised position description stating the duties and responsibilities to be assigned. If the changes to the duties would indicate that the position is not classified appropriately, the position may be reclassified to the most appropriate job classification.

#### (D) Compensation Plan

1. Every job classification utilized by the City, and provided for by Paragraph (E) of this section shall be assigned to a particular pay grade in the salary schedule authorized in Section 37.32

2. Pursuant to City Ordinance 37.01(C) the City Manager, taking into consideration factors (a) through (j) set forth below, is authorized to establish and administer policies and procedures to fairly and effectively administer the provisions of the Salary Ordinance. In the administration of the pay plan, the word "employee" in these sections includes officers, elected officials and employees, unless a specific section otherwise precludes that reading.

(a) Recognize employees that perform at higher levels, and include recognized merit pay principles as a component of the pay plan.

(b) Recognize and value employee loyalty, performance and longevity and have it as a component of the pay plan.

- (c) Recognize that due to periodic economic inflation, it may be necessary to grant cost of living salary adjustments (COLAs) as a component of the pay plan.
- (d) Recognize that employees are sometimes required to respond to emergencies outside their regular work schedule, and that it may be appropriate for the Compensation Policy and Procedure to include provisions for employees required to be on call and to respond in these situations.
- (e) Recognize that employees may continue to develop their knowledge, skills and abilities after being hired by obtaining professional licenses or certifications. When those licenses or certifications bring value to the City as well as the employee, the employee's salary may be adjusted to reflect that added value.
- (f) Recognize and reward employees that submit ideas for ways to improve efficiency and/or effectiveness and that are implemented and that save the City money.
- (g) Recognize that for particular jobs a shift differential may be appropriate for employees required to work night or weekend shifts.
- (h) Recognize that City resources should be utilized in a financially responsible way and within budgetary constraints.
- (i) Recognize that compensation policy is a key factor in being able to recruit and retain employees with valuable knowledge, skills and abilities.
- (j) Other factors the City Manager determines to be relevant.

(E) The following job classifications and their assigned pay grades are authorized, and this list includes the official job code, official job title and the assigned pay grade.

**Administrative Job Family**

1001	Office Assistant	67
1003	Administrative Secretary	68

1005	Administrative Specialist	71
1007	Administrative Aide	73
1009	Office Manager	75
1015	Accounting Clerk	68
1017	Accounting Specialist I	70
1019	Accounting Specialist II	73
1021	License Enforcement Officer I	71
1023	License/Tax Enforcement Officer II	73
1025	License Fee Administrator	76
1027	Accounting Manager	85
1029	Purchasing Agent/Deputy Director	88
1031	HR Assistant	73
1035	HR Specialist	75
1037	Payroll Specialist	74
1051	E911 Telecommunicator I	71
1052	E911 Telecommunicator I Assistant TAC	72
1053	E911 Telecommunicator I TAC	73
1054	E911 Telecommunicator II	73
1055	E911 Telecommunicator II Assistant TAC	74
1056	E911 Telecommunicator II TAC	75
1057	<u>E911</u> Mapping Coordinator/Telecommunicator	73
1058	E911 Manager	86
1061	Project Specialist	82

1063	Grants Manager	84
1071	Computer System Technician I	81
1073	Computer System Technician II	82
1074	Network System Administrator	86
1075	GIS Technician	82
1077	GIS Analyst I	84
1078	GIS Analyst II	85
1079	Computer Specialist	90
1081	Engineering Tech I	82
1083	Engineering Tech II	84
1085	Staff Engineer	85
1087	Senior Engineer	87
1088	City Clerk	91
1089	City Solicitor/Attorney	104
1090	HR Director	97
1091	Finance Director	114
1092	Planning & Building Codes Director	114
1093	Public Works Director/P.E.	114
1094	IT Director	114
1095	Sewer Director/P.E.	114
1096	Parks & and Recreation Director	114
1097	Police Chief	114
1098	Fire Chief	114

1099	City Manager	114
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**Planning and Building Codes Job Family**

2001	Code Enforcement Technician	73
2003	Code Enforcement Inspector I	75
2005	Code Enforcement Inspector II	76
2007	Code Enforcement Suprvr/Bldg Insp	83
2008	Code/Building Inspection Supervisor	84
2011	Building Inspector I	75
2013	Building Inspector II	78
2015	Building Inspector III	80
2021	Electrical Inspector I	79
2023	Electrical Inspector II	81
2031	Staff Planner I	76
2033	Staff Planner II	78
2035	Planning Supervisor	84

**Public Works/Sewer Job Family**

3001	Building Maintenance Worker	64
3003	Public Works Tech I	66
3004	Public Works Tech II	67
3005	Public Works Tech III	71
3006	Public Works Tech IV	75

3007	Deputy Director Public Works	90
3011	Mechanic Assistant	69
3012	Mechanic I	73
3013	Mechanic II	75
3014	Mechanic III	77
3016	Recycle Coordinator	71
3017	Transit Driver	71
3020	Sustainability Coordinator	79
3021	Street Foreman	78
3022	Sanitation Foreman	78
3023	Transit Foreman	78
3024	Garage Foreman	78
3025	Building Maintenance Foreman	78
3026	Street Superintendent	85
3027	Sanitation Superintendent	85
3028	Transit Superintendent	85
3029	Fleet Maintenance Superintendent	85
3030	Plant Operator Trainee	66
3031	Plant Operator I	68
3032	Plant Operator II	71
3033	Plant Operator III	74
3034	Plant Operator IV	77
3035	Licensed Electrician	77

3036	Maintenance Tech I	66
3037	Maintenance Tech II	67
3038	Maintenance Tech III	71
3039	Maintenance Tech IV	75
3040	Sewer Tech I	66
3041	Sewer Tech II	67
3042	Sewer Tech III	71
3043	Sewer Tech IV	75
3044	Field Inspector I	77
3045	Field Inspector II	80
3046	Electrician Assistant	73
3047	Health, Safety & Training Specialist I	75
3048	Health, Safety & Training Specialist II	80
3051	Lab Tech Trainee	66
3052	Lab Tech I	68
3053	Lab Tech II	71
3054	Lab Tech III	74
3055	Lab Tech IV	77
3056	Pre-Treatment Coordinator/Chemist	85
3060	Pump Maintenance Foreman	78
3061	Pump Maintenance Superintendent	85
3062	Collection Maintenance Foreman	78
3063	Collection Construction Foreman	78

3064	Collection System Superintendent	85
3065	Plant Superintendent	85
3066	Wet Weather Coordinator/Engineer	90
3067	Deputy Director Collection System	90
3069	Deputy Director of Operations	90
3075	Electronic Technician I	74
3076	Electronic Technician II	76

### **Parks/Golf Job Family**

4001	Park/Golf Maintenance Worker	66
4003	Park/Golf Maintenance Specialist	68
4004	Park/Golf Maintenance Spec II	70
4005	Golf Course Superintendent	74
4007	Golf Pro/Supervisor	Set by annual contract
4011	Parks Assistant Curator	72
4013	Parks Curator	76
4021	Parks/Forestry Arborist	72
4031	Parks & Recreation Supervisor	80
4032	Parks & Recreation Deputy Director	85

### **Public Safety Job Family**

5001	Community Services Specialist	71
5005	Patrol Officer I	75

5007	Patrol Officer II	77
5009	Patrol Officer III	78
5011	Police Sergeant	80
5013	Police Lieutenant/Asst Shift Com	83
5015	Police Captain/Shift Commander	86
5017	Police Major/Division Commander	90
5051	Firefighter I	20
5053	Firefighter/EMT II	22
5055	Firefighter/EMT III	23
5057	Fire Sergeant	24
5059	Fire Lieutenant	28
5061	Fire Captain	30
5063	Fire Battalion Chief	32
5065	Assistant Fire Chief	90
5071	Emergency Preparedness Coordinator and E911 Manager	87
5075	Fire Marshal (Civilian)	85
5076	Fire Training Officer (Civilian)	85
5077	Fire emergency Medical Services Director (Civilian)	87
5078	Fire Public Education Officer	83

**§ 37.32 SALARY SCHEDULES; PAY GRADE STRUCTURE.**

(A) The Board of Commissioners shall adopt by ordinance a salary schedule applicable for all full-time City employees. The salary schedule should include multiple pay grades. Each pay grade will establish the minimum and maximum salaries to be earned by full-time employees working in a job classification assigned to the specific

salary grade.

(B) Any monthly or annual salary rates displayed in the salary schedule are computed based upon full-time service. Salaries for part-time and seasonal employees shall be hourly and set by the HR Director and City Manager.

(C) The pay ranges and pay grades as shown on the attached schedule marked "Salary Schedule Q" and on file with the City is hereby established, and is to be applied to the several classes of positions as indicated in this chapter, except where otherwise shown in this chapter.

### **§ 37.33 MAYOR AND COMMISSIONER SALARY RATES.**

(A) The Mayor of the city shall be paid an annual salary of \$19,219.98, payable in equal biweekly installments. Effective July 1, 2010, the yearly cost of living increase applied to the compensation of city employees shall also be applied to the compensation of the Mayor, subject to the limitation contained in KRS 83A.075.

(B) Each of the four Commissioners of the City shall be paid an annual salary of \$14,643.20, payable in equal bi-weekly installments. Effective July 1, 2010, the yearly cost of living increase applied to the compensation of City employees shall also be applied to the compensation of each Commissioner, subject to the limitation contained in KRS 83A.075.

### **§ 37.34 APPOINTMENT SALARIES; PART-TIME/SEASONAL EMPLOYEE SALARIES.**

(A) Upon appointment, starting pay rates for full-time employees will typically be made at the pay grade minimum, but due to labor market conditions, or in the case of a highly qualified candidate, it may be necessary to start a new employee at an in-range pay rate up to the grade midpoint. When a new hire is appointed at a rate greater than the pay grade minimum, it will be necessary to conduct a review to assure the protection of existing full-time employees. If there are regular full-time employees in the same job classification and pay grade making less than the new hire, and the existing employee has a similar level of education and experience, the existing employee's pay rate shall be adjusted to 5% above the pay rate paid to the new hire. All appointments at hourly rates above the minimum salary must be approved in advance by the City Manager and HR Director.

(B) The City Manager is hereby authorized to establish hourly rates of pay, which may be below the full-time salary structure authorized by Section 37.32 for part-time or seasonal positions where it is determined the full-time salary schedule is not appropriate. Hourly rates for seasonal and part-time employees should be set taking into consideration the annual City budget.

### **§ 37.35 ADVANCEMENT AND PAY FOR FIRE FIGHTERS AND POLICE PATROL OFFICERS.**

(A) The rank or position of Patrol Officer I is attained upon appointment. Patrol Officer II shall automatically be attained upon satisfactory completion of three years' service at the rank of Patrol Officer I with the City. The rank or position of Patrol Officer III shall automatically be attained upon satisfactory completion of three years service in the rank of Patrol Officer II. The detective salary grade is in accordance with permanent civil service rank.

(B) Order No. 13, 2000 Series, establishes criteria necessary to achieve and maintain the temporary designation of senior and master under a career development program and sets out temporary incentive compensation for program participation.

(C) The Title of Firefighter I is attained upon appointment. Emergency Medical Technical (EMT) certification is not required to be appointed to the rank or position of Firefighter I, however it must be attained within 12 months of appointment as Firefighter I.

(D) The rank or position of Firefighter II – EMT shall automatically be attained upon satisfactory completion of 12 months of service as a Firefighter I with the City and certification as EMT. The rank or position of Firefighter III – EMT shall automatically be attained upon satisfactory completion of five years' service in the rank of Firefighter II – EMT with the City. The EMT certification must remain in effect in order for the employee to retain the rank of Firefighter II or III.

(E) With the exception of the Training Officer, Fire and Safety Inspector/Fire Marshal, and Fire Public Education Officer, all sworn personnel of the fire division at the rank of Captain and below are required to attain and retain state EMT certification.

(F) The pay for special appointments in the Fire Department is as follows:

1. Fire and Safety Inspector/Fire Marshal: at pay level of rank plus 9%.
2. Fire Training Officer: at pay level of rank plus 9%.
3. Fire Public Education Officer: at pay level of rank plus 9%.
4. Emergency Medical Services Director: at pay level of rank plus 9%.

(G) A firefighter, regardless of rank, who attains and maintains Kentucky licensure as a paramedic and is authorized by the department and its Medical Director, as eligible, shall be compensated in addition to regular rate for rank or position at the rate of \$4,000 annually. Such employees shall be assigned duty on an ambulance on a continuous rotating basis. Upon attaining the rank of Sergeant or above, or upon special assignment to position noted in Paragraph (F) above, he or she shall be required to provide direct patient contact care with documented ALS skills and/or complete monthly educational requirements as established by Fire Department Standard Operating Procedures. A paramedic removed from paramedic status by choice or by not meeting Fire Department or Kentucky requirements shall no longer receive the \$4,000 annual compensation. Pursuant to applicable labor laws or rulings the paramedic stipend shall be taken into consideration when calculating overtime pay.

### **§ 37.36 PERFORMANCE PAY.**

(A) Every full-time employee shall have his or her job performance evaluated annually by the immediate supervisor and/or the Department Head. The performance evaluation instrument used in any department must be approved by the City Manager and HR Director.

(B) Performance evaluations shall be completed each year during the months of January and February.

(C) Beginning with performance evaluations completed in January and February 2012, the evaluations may be utilized to determine salary increases for each full-time employee. The city annual budget, starting in Fiscal Year 2012-2013 may include funding to allocate to employees in accordance with performance ratings.

(D) Upon recommendation of a Department Head, the City Manager may authorize specific part-time employees to participate in the performance pay plan under this section.

(E) Part-time or seasonal employees that are not participating in performance pay may have their job performance evaluated on a periodic basis.

### **§ 37.37 LONGEVITY SALARY ADJUSTMENTS.**

Employees are to receive longevity salary adjustments as follows. Longevity for salary adjustment purposes for all full-time employees shall be computed from the date of original employment in a regular full-time budgeted position, unless there has been a break in continuous service as defined in this chapter. When or if there was a break in continuous service, the dates for longevity increases would be based upon the date of rehire. Longevity salary increases may be granted to regular full-time employees upon satisfactory completion of three years of service, and in three year service increments thereafter, up to the maximum rate of their pay range as set forth in Section 37.32. If an employee is issued one or two written reprimands in the three years preceding the effective date of a longevity increase, the employee would only be eligible for the increase if the Department Head justifies the increase and the City Manager approves the request. If the employee has received more than two written reprimands, one or more suspensions, or been involuntarily demoted in the prior three year period then the employee shall not be eligible the longevity increase. For longevity increases granted after July 1, 2009, the increase will be 1%.

### **§ 37.38 COST OF LIVING ADJUSTMENTS (COLA).**

The city's annual budget may allocate funds to grant an across the board COLA salary adjustment to all full-time employees. These increases would not apply to part-time or seasonal employees unless the budget specifically authorizes the COLA

increase for those types of employees.

### **§ 37.39 PERSONNEL ACTIONS AND SALARY ADJUSTMENTS.**

(A) Through June 30, 2012, upon satisfactory conclusion of the 12 month initial probationary period or the 6 month promotional probationary period, employees shall receive a 1% increase in salary. If the probationary period is extended, the salary increase date is delayed as well. Effective July 1, 2012 the amount of salary increase will be the same as for other longevity increases as approved in the annual city budget. If the Department Head chooses to extend the probationary period by up to an additional six months then the salary increase in the section is delayed as well. In the event the employee does not satisfactorily complete his or her initial probationary period, the employee will be separated from City employment. In the event the employee does not satisfactorily complete his or her promotional probationary period, the employee will be reverted back to a lower position, rank or job classification and the salary adjusted accordingly.

(B) When an employee is promoted or reclassified to a job class in a higher pay grade, the employee's salary may be increased by 3% per grade, or to the higher grade minimum, whichever is greater. When promoted from a non-supervisory position to a supervisory position, the minimum salary increase shall be 5%.

(C) When an employee is demoted on an involuntary basis, the employee's pay shall be reduced 3% for each pay grade reduction.

(D) When an employee is demoted on a voluntary basis, the employee's pay may be reduced 3% for each pay grade reduction. If the City Manager authorizes the employee to retain his or her salary rate, then the employee is not eligible for a promotional or reclassification increase until the employee moves to a job classification with a pay grade higher than the one from which voluntarily demoted.

(E) When the pay grade assigned to a job classification is increased or decreased, an employee in the job classification may have his or her salary adjusted up or down by up to 3% for each grade changed.

(F) When an employee changes from a platoon schedule to 37.5 hour per week schedule, or vice versa, the hourly rate shall be adjusted accordingly.

(G) When an employee changes from a position with a pay grade designed for platoon employees (Grades 20-35), to a position with a pay grade designed for 37.5 or 40 hour/week employees, any change in the hourly rate would take into consideration the pay grade equivalents identified in the salary schedule/pay grade structure.

### **§ 37.40 STEP-UP PAY.**

(A) A full-time employee may be assigned by his or her Department Head to serve

in a position of higher capacity on a temporary basis, not to exceed twelve months, due to a vacancy in such a higher level position, with the approval of the City Manager and the Human Resources Director. In unusual circumstances, at the completion of the 12 month period the City Manager may renew the assignment for additional 12 month periods as needed.

(B) Employees shall not be eligible for step-up pay for periods of less than 15 consecutive calendar days.

(C) Employees assigned to a higher level position that is 1-5 pay grades higher than his or her regular position shall be entitled to an increase in compensation of 6% in salary for the period of time in such position beginning with the fifteenth day of serving in a higher capacity.

(D) Employees assigned to a higher level position that is 6 or more pay grades higher than his or her regular position shall be entitled to an increase in compensation of at least 6% in salary for the period of time in such position beginning with the fifteenth day of serving in a higher capacity. With the approval of the City Manager and the Human Resources Director the salary increase may be up to 18% above the employee's salary prior to the step-up assignment.

#### **§ 37.41 EDUCATION COMPENSATION/ASSISTANCE PLAN.**

(A)

(1) Education Assistance Plan. Each full time, regular, confirmed employee, may receive reimbursement of tuition cost for not more than three job related courses at an accredited college or university per calendar year, after proof of completion (with C or above for undergraduate and B or above for graduate); if approved prior to enrollment in course by the Department Director and City Manager. Courses must be taken on employee's own time. Tuition reimbursement shall be for no more than the current rate of in-state tuition per credit hour at the University of Kentucky.

(2) This section shall apply to city personnel employed on or after November 1, 1990.

(B) Those individuals employed prior to November 1, 1990 currently participating in the Education Compensation Plan previously in effect may continue to do so. Employees in this plan may choose at any time during their city tenure to withdraw from the education compensation plan and to participate in the Education Assistance Plan set forth above. An employee selecting this option will terminate all future participation in the Education Compensation Plan.

#### **§ 37.42 EXCEPTIONS TO PAY PLAN.**

In any case where, by reasons of unusual circumstances or labor market conditions,

rigid adherence to the normal provisions of the salary ordinance would cause an injustice or inequity, the Board of Commissioners may approve exceptions to those provisions.

## **DISCIPLINARY ACTIONS AND ADMINISTRATION**

### **§ 37.50 EMPLOYMENT AT WILL AND DISCIPLINARY ACTIONS.**

(A) The term of employment of each and all employees of the City shall be at the pleasure of the Board of Commissioners. For full-time employees, the City Manager is hereby delegated the authority to issue disciplinary decisions, with the exception of dismissal, and for discipline imposed by the City Manager, an employee may appeal the determination to the Board of Commissioners. The Board of Commissioners may grant the request and hear the appeal. For part-time and seasonal employees the City Manager is delegated authority to issue all disciplinary actions including dismissal.

(B) This section is to authorize the City Manager to establish and implement policies and procedures relating to the various types of disciplinary actions. In addition, the Department Heads may establish and implement policies, guidelines, and/or standard operating procedures that provide additional clarity for how to handle the disciplinary process.

(C) For civil service employees (Fire and Police), any disciplinary actions will be handled taking into consideration both City ordinances and policies and the requirements specified in KRS 95.450 and/or KRS 15.520 and other applicable laws.

### **§ 37.51 UNIFORM ALLOWANCE FOR MEMBERS OF POLICE AND FIRE DEPARTMENTS.**

(A) Members of Fire and Police Departments will be furnished with the necessary and approved uniforms in the quantity as shall be determined by the respective Chiefs to be consistent with budgetary limits and appearance requirements.

(B) Each sworn uniformed member of the Departments may be allocated a sum not to exceed \$750 annually, and specified in the annual City budget, for approved uniform clothing and uniform related items. Purchases shall be made by the Department in an amount not to exceed \$750 per person annually from an approved supplier based on established purchase and accounting procedures. The Police and Fire Chiefs, police department officers assigned to the criminal investigation unit, police officers holding the rank of Division Commander (Major), and fire officers holding the rank of Assistant Chief shall be allocated an amount not to exceed \$750 annually for the purchase of "plain" or street clothing."

(C) Quarterly reports shall be submitted to the City Manager and Director of

Finance showing the amount spent per person, balance remaining in each individual's account and the overall Department totals.

(D) All uniforms and related equipment, with the exception of "plain" or street clothing, furnished by the Departments remain the property of the city and are returnable at separation.

**§ 37.52 UNIFORM TO BE WORN ONLY ON DUTY.**

No part of the official uniform of the Police or Fire Departments or any divisions thereof bearing any official insignia shall be used or worn by members of the Police or Fire Departments or any divisions thereof except while on official duty, or as authorized by the Chiefs of the Departments.

**§ 37.53 UNIFORMS FOR OTHER PERSONNEL.**

Uniforms for all civil service and non-civil service employees which are furnished by the city shall be returned to the respective department head, if requested, upon separation from the city's service.