THE CITY OF DORAVILLE
AGENDA ITEM SHEET

Subject: 2010 Amendments to Employment Manual

Date of Meeting: 9/20/10

Budget Impact: ☒ Yes ☐ No

Budget Impact Amount: $ unknown

Funding Source:

- ☒ Annual
- ☐ Capital
- ☐ N/A

- Regular Meeting ☒
- Work Session ☐
- Recommendation ☐
- Policy/Discussion ☐
- Report ☐
- Other ☐

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Action Requested: Review and adopt 2010 amendments to the Employee Manual.

History, Facts, Issues: Last summer, Council adopted a new employee manual. One year of use has gone by and based on the experience of the year, staff and legal are offering changes.

Options: Make the changes or do not.

Recommended Action: Make the changes to the employee manual after discussion of options.

Department: Human Resources **Department Head:** Clerk

Administrative Comments and Recommendation:

Action Taken By Board:

STATE OF GEORGIA

CITY OF DORAVILLE

ORDINANCE NO. 2010-____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF DORAVILLE, GEORGIA AS AMENDED TO ADOPT AMENDED SECTIONS 2-240 THROUGH 2-242, ARTICLE IX PERSONNEL POLICIES, CHAPTER 2 ADMINISTRATION; TO PROVIDE SEVERABILITY; TO PROVIDE PENALTIES; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the City of Doraville, Georgia desires to foster a healthy, efficient, and productive work environment for its staff in their mission to serve the interests of the citizens of the City;

WHEREAS, the City has a duly adopted personnel policy ordinance and corresponding employee manual;

WHEREAS, after due deliberation the Mayor and Council have elected to adopt revisions to the personnel ordinance and corresponding manual in order to update and keep current employment policies for the benefit of City employees and management; and

WHEREAS, the health, safety, welfare and aesthetics of the citizens of the City of Doraville shall be improved and protected by adoption and implementation of this Ordinance.

THE MAYOR AND COUNCIL OF THE CITY OF DORAVILLE, GEORGIA HEREBY ORDAIN:

Section 1.

That the Code of Ordinances, City of Doraville, Georgia is hereby amended by adding a section to be numbered Article IX, Personnel Policies, Chapter 2, Administration, Section 2-240 through 2-242, which said section reads as follows:

"Chapter 2. Administration.

. . .

Article IX. Personnel Policies.

Sec. 2-240. Adoption.

The provisions entitled "City of Doraville Employee Manual Adopted by Ordinance June 15, 2009. Adopted June 29, 2009, Effective Date July 1, 2009" consisting of eleven (11) sections, each inclusive, is re-adopted in its entirety in this article with the following sections being amended on October 4, 2010. A copy of said code provision is maintained in the office of the City Clerk.

Sec. 2-241. Repealer.

All ordinances concerning personnel policies and procedures enacted on or before June 15, 2009 and not included in the aforesaid City of Doraville Employee Manual, or recognized and continued in force by reference therein, are hereby repealed.

Sec. 2-242. Prior policies and revisions.

(a) Policies not revived. The repealer provided for in section 2-241 above shall not be construed to revive any personnel policy, procedure, or part thereof that has been repealed by a subsequent personnel policy, or procedure that is repealed by this article.

(b) 2010.

Revisions.

1. The Table of Contents of the Employee Manual is amended as follows:

EMPLOYEE MANUAL

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2. Section 2.4 is amended as follows:

Section 2.4. Americans with Disabilities Act. *It is the City's policy to provide equal employment opportunity to applicants and employees with covered disabilities under the Americans with Disabilities Act of 1990, as amended, ("ADA"), the Georgia Equal Employment for Persons with Disabilities Act ("GEEPDA"), or other applicable law. This policy applies to all aspects of employment and application for employment. As required by the ADA, the GEEPDA, or other applicable law, the City will provide reasonable accommodations to qualified individuals with a disability in the workplace unless such accommodations present an undue hardship or if the individual is a direct threat to the health or safety of the individual or others.*

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

All requests for accommodations will be addressed in connection with an interactive dialogue with the affected individual. To request an accommodation, an individual should complete an Accommodation Request Form (which is available in the City Clerk's office at City Hall) and return it to the Mayor. Alternatively, an individual may speak to their Department Director informally about a request for accommodation, but may be asked to complete an Accommodation Request Form.

Upon receiving a request for accommodation, the City will seek an interactive process with the individual to clarify his or her needs and identify the appropriate reasonable accommodation. During this process, the City may request reasonable documentation, including medical documentation, of the individual's disability and need for a reasonable accommodation. Failure to provide required medical information or to otherwise participate in a meaningful way in the interactive dialogue process regarding an accommodation request may result in denial of an accommodation. Because of the personal nature of some disability issues, the City will take every reasonable effort to ensure confidentiality during the review process. Individuals will be notified of our decision regarding their request for an accommodation.

Any individual believing that he or she has witnessed or been subject to discrimination or harassment based on a disability or that a reasonable accommodation has not been provided should follow the complaint procedure set forth below in this EEO Policy.

3. Section 3.5 is amended as follows:

Section 3.5. Categories of Employment. *All new employees shall begin their employment with the City on a probationary period. See Section 3.2 above.*

Full-Time Employees work a regular workweek (usually 40 hours) and are eligible for our fringe benefits package as described in the applicable benefit plan documents.

Part-Time Employees normally work 30 hours or less each week and are eligible for statutory benefits only.

Seasonal Employees are hired to perform a specific job for a specified period of time, normally less than one year. These employees are eligible for statutory benefits only.

It is important for all employees to understand that: (1) no employee is guaranteed any certain number of hours per week or a particular schedule; and (2) employees may be shifted from part-time to full-time or vice versa and the City specifically reserves the right to make changes to employees hours and schedule without any advance notice or consent by the employee.

4. Section 4.3.2(A) is amended as follows:

Section 4.3.2. Overtime Compensation.

A. Non-Exempt Employees. Hours worked in excess forty (40) hours in a work week are considered overtime for pay purposes, except for Police Department employees. Only hours actually worked count toward computing weekly overtime (i.e., PTO, compensatory time off, and holidays do not count toward hours worked). Pay for overtime hours worked shall be at the rate of one and one-half (1.5) times the employee's regular hourly rate of pay. Alternatively, an employee may request to receive compensatory time off instead of overtime pay, in which case compensatory time off will be accumulated at the rate of one and one-half (1.5) hours of compensatory time off for each overtime hour worked. Employees requesting compensatory time off in lieu of overtime pay may accrue up to a maximum of eighty (80) hours of compensatory time off at any given time. Any overtime hours worked by an employee after he has accrued eighty (80) hours of compensatory time off will be paid time and a half for additional overtime hours worked.

5. *Section 5.2.4 is amended as follows:*

Section 5.2.4. Carry Over of PTO. *Employees may carry over a maximum of eight (8) days of unused, accrued PTO from one year to the next [option B: nonexempt employees] and also may be paid for up to a maximum of eight (8) additional days of unused, accrued PTO that is not so carried over. Such payment will be made in the amount of eight (8) hours of pay at the employee's regular rate of pay for the year in which the PTO was accrued. [option A: For salaried employees, the regular rate of pay will be determined by computing the hourly equivalent of their total annual base salary for the year in which the PTO was accrued based on an assumption of a forty (40) hour work week for fifty two (52) weeks per year.] Employees may not receive payment for unused, accrued PTO until the maximum eight (8) days of unused, accrued PTO is carried over to the following year and the employee is left with additional unused, accrued PTO. [option B: The availability of payment for up to an additional eight (8) days of PTO shall not apply to salaried, nonexempt employees.] Any unused, accrued PTO that is not carried over to the following year or paid to the employee will be lost.*

6. *Section 5.3.5 is amended as follows:*

Section 5.3.5. ADA, FMLA, or Other Leave. *Employees may be eligible for leave pursuant to federal or state law, and should apply for such leave as allowed by law or in the City's EEO Policy.*

7. *Section 6.6 is amended as follows:*

Section 6.6. Domestic Partnerships. *The application of benefits to employees with a declared domestic partnership is governed by the City's Domestic Partnership Ordinance, which is set forth in Sections 2-250 through 2-258 of the Code of Ordinances, City of Doraville, Georgia. Employees with specific questions should refer to the Domestic Partnership Ordinance. In general, however, an employee who has filed a declaration of domestic partnership with the City Clerk's office, and who has received a certificate of domestic partnership, is entitled to the City's leave benefits with regard to his or her domestic partner. An employee who is eligible to receive City health and dental insurance benefits, who has received a certificate of domestic partnership, also is entitled to the extent allowed by the companies providing the coverage to obtain City health and dental insurance coverage for the employee's domestic partner.*

8. *Section 7.2.2 is amended as follows:*

Section 7.2.2. Expense Reimbursement Policies.

. . .

A. Subsistence.

. . .

2. Meals. Employees are entitled to the per diem rate for meals allowed by the State of Georgia. Per diem rates can be found on the website: http://www.gsa.gov/portal/category/21287.

. . .

D. Reimbursement. All requests for reimbursement of travel expenses shall be submitted on a Travel Expense Report, which may be obtained from the City Clerk's office.

9. *The heading of Section 9.6 is amended as follows:*

Section 9.6. Use of City Technology Resources.

10. *Section 9.9 is amended as follows:*

Section 9.9. Social Media Policy.

Section 9.9.1. Introduction.

In general, the City views social networking websites (e.g., MySpace, Facebook, Twitter), personal websites, and blogs positively and respects the right of employees to use them as a medium of self-expression. However, the use of these types of websites can impact both the City and employees alike. Therefore, the City has created this policy to establish its expectations for employee use of these types of websites.

Section 9.9.2. Applicability.

This policy is meant to apply to social networking sites, personal websites, blogs, photo sharing sites, video sharing sites, podcasts, as well as bulletin boards and comments posted on other websites. For ease of reference, this policy refers to all of these types of websites generically as "social media websites." The absence of an explicit reference to a specific website is not meant to limit the application of this policy. Where

no policy or guideline exists, employees should use their professional judgment and take the most prudent action possible. You should consult with your Department Director if you are uncertain about any of your activities on a social media website.

Section 9.9.3. No Interference with Job Duties.

As set forth in the City's Technology Resources Policy in Section 9.6 of this Employee Handbook, the City's Internet and computer resources are provided to employees to allow them to complete their job duties, and should be used for business purposes only. As such, the City does not allow personal use of social media websites using City equipment or networks or at all during an employee's work time.

Section 9.9.4. Use Outside of Work.

Employees may use social media websites during their personal time outside of work and without the use of City equipment or networks. Employees must be aware, however, that information they display on the Internet reflects not only on themselves, but could be associated with the City as well. Therefore, employees are expected to follow these guidelines when using any social media website:

1. *Employees who wish to identify themselves as employees of the City on any social media website must first obtain written permission from the Mayor. After receiving permission, employees must place a disclaimer in their profile, post, or publication which clearly states that any and all opinions or views expressed are those of the employee and not the City.*

2. *Confidential and proprietary information of the City is not to be discussed or referred to by employees on any social media website, even in private messages between site members who have authorized access to the information.*

3. *Employees are responsible for reading, knowing, and complying with the Terms of Service of the social media websites they use.*

4. *Employees are expected at all times to comply with the law in regard to copyright, trademark, and plagiarism. Posting of someone else's work without permission is not allowed.*

Section 9.9.5. Other City Policies.

All other policies in this Employee Handbook apply with equal force to employee use of social media websites. In particular, employees are expected to follow the City's EEO policy when participating in social

medial websites. The City considers behavior that is inappropriate in the workplace to be inappropriate on the Internet as well, meaning that the City's EEO Policy concerning discrimination, harassment, and retaliation applies equally to the treatment of employees in the workplace or on the Internet.

Section 9.9.6. Disciplinary Action.

While the City respects the right of employees to use social media websites, it has established this policy for the benefit and protection of the City and its employees. Any employee witnessing or who believes a violation of this policy has occurred should utilize the complaint procedure set forth in the City's EEO Policy. The City takes the expectations explained above very seriously. As such, employees are advised that violating this policy may result in disciplinary action, up to and including termination.

Section 9.10. Cell Phones and Portable Communication Devices.

Employees may not use cellular phones or any other type of portable communications device for improper purposes. Therefore, unless it is in pursuit of a legitimate business purpose, employees are not, while acting on behalf of the City on and off City premises, permitted to use a cellular phone or any other type of portable communications device to: (1) take or transmit pictures of employees, visitors, or any other individuals without their expressed consent; and (2) take or transmit pictures of the Company's confidential information and trade secrets.

Further, employees may not use cell phones or any other portable communications device while operating a motor vehicle on behalf of the City. If employees must use cell phones while in their motor vehicle, they must comply with the following safety guidelines: (1) always dial while the car is not moving; (2) do not use the phone in heavy traffic or bad weather; (3) use speed dialing whenever possible; (4) use a hands-free device whenever possible; (5) do not look up phone numbers while driving; (6) do not send text messages while driving; and (7) keep your eyes on the road at all times while on the phone. Of course, employees also must adhere to all federal, state, or local rules and regulations regarding the use of cell phones while driving."

Section 2.

a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section paragraph, sentence, clause or phrase of this Ordinance.

c. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 3.

Penalties provided for violations of this Ordinance as may be relevant are set out in Section 1-12, as amended, of the Code of Ordinances, City of Doraville, Georgia and are hereby incorporated as if set out fully.

Section 4.

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5.

The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 6.

The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Doraville.

Section 7.

It is in the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code Ordinances, City of Doraville, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 8.

This Ordinance shall become effective on August 23, 2010.

SO ORDAINED, this _____ day of _____, 2010.

CITY OF DORAVILLE

_____
Ray Jenkins, Mayor

_____
First Reading

_____
Second Reading

ATTEST:

_____(SEAL)
Rhonda Blackmon, City Clerk

APPROVED AS TO FORM:

_____
Murray J. Weed, City Attorney

	Yea	Nay
Maria Alexander	☐	☐
Brian Bates	☐	☐
Pam Fleming	☐	☐
Karen Pachuta	☐	☐
Donna Pittman	☐	☐
Bob Roche	☐	☐