

ORDINANCE # 73

PERSONNEL POLICY

CITY OF HAMPTON

DATE: NOVEMBER 10, 1992

PART I - GENERAL PROVISIONS

PURPOSE:

The purpose of this plan is to establish and maintain a personnel management plan and to establish procedures and regulations concerning the administration of personnel activities and operations. This document has been created by the Mayor and Council in order to encourage and promote a productive work environment through the adoption of written directives designed to inform all employees and management of what is expected by the Mayor and Council.

Under Georgia law, it is presumed that all employment arrangements are terminable at the will of either the employer or the employee. Nothing set forth herein is designed or intended to alter that employment status, nor has any such change been made. To the contrary, it is the express policy of the City of Hampton that all City employees serve at-will and at the pleasure of the City, and may be separated from employment with or without cause. Nothing herein shall be construed to create a "property right" or entitlement to employment; this document is not a contract, and no contractual rights are created or recognized herein. All employees serve on an indefinite basis, are terminable at will, and the City reserves the right to discharge any employee, to take any personnel action it deems appropriate, or to change or repeal the provisions

set forth herein (in whole or in part), at any time, with or without cause or advance notice.

SECTION 1: COVERAGE

The plan shall apply to all persons employed by the City of Hampton with the exception of the following:

- Elected officials
- Members of appointed boards, commissions, authorities; and city judges and city attorneys
- Persons employed or appointed to conduct temporary and special inquiry, investigation, or examination on behalf of the elected officials
- Employees in State Merit System positions
- Persons performing work under contract

SECTION 2: EXCEPTED OFFICIALS AND EMPLOYEES

Excepted employees shall have their pay and other conditions of employment established individually by the Mayor and Council.

SECTION 3: ADMINISTRATION

Pursuant to the City Charter, authority over all City employees is specifically reserved to the Mayor and Council. The Mayor and Council shall have primary responsibility for administration of the Personnel Policy. The Mayor and Council may delegate duties and responsibilities regarding the Personnel Policy as it deems necessary to staff members under its direction.

It is the policy of the City of Hampton that all personnel decisions shall be made on a non-discriminatory basis without regard to race, color, national origin, sex, handicap, disability, age, or political or religious affiliation. The City of Hampton is an Equal Opportunity Employer, and firmly adheres to the provisions of the Americans with Disabilities Act. The City will not refuse to employ a disabled individual who is capable of performing the essential requirements of the job with reasonable accommodations.

SECTION 4: AMENDMENT

The Ordinance adopting this Personnel Policy may be amended at any regular or special meeting of the Mayor and Council by adoption of an appropriate ordinance. Pursuant to the City Charter, the amendment will become effective upon second reading and approval.

SECTION 5: STATUS OF EMPLOYEES

- Full-time employees are those appointed to continuing positions who work 30 or more hours per week.

- Part-time employees are those appointed to continuing positions who work less than 30 hours per week.

- Irregular employees are those who are hired on a temporary or periodic basis and are subject to call to fill in occasionally for regular employees or during peak work load periods.

- Retirement: An employee may retire from employment consistent with the terms and provisions of the City's Retirement Plan. The Mayor and Council may authorize the immediate re-employment of a retired employee as an irregular employee, when it serves the best interests of this government.

SECTION 6: HOLIDAYS

The following paid holidays are observed:

Memorial Day

July 4th

Labor Day
Thanksgiving
Christmas Eve
Christmas Day
New Years Day
The Employee's Birthday

All full-time employees scheduled for duty on a holiday, and whose duties permit, will receive the holiday off with pay. Full-time employees who are required to work on a holiday will receive twice their regular pay for all hours worked during the holiday.

SECTION 7: VACATION LEAVE

Only full-time employees are entitled to paid vacation leave. Vacation leave may be approved to cover vacation, emergency absence, and sick leave after all earned sick leave is exhausted.

Employees are not entitled to vacation leave during the first twelve months of employment. Employees will be credited with leave as follows:

- After one year of uninterrupted employment: Employees will be credited with leave on a monthly basis at the rate of 5 work days per year.

-- After two years of uninterrupted employment: Employees will be credited with leave on a monthly basis at the rate of 10 work days per year.

-- After ten years of uninterrupted employment: Employees will be credited with leave at the rate of one day per year of continuous services, up to a maximum of 20 work days of vacation per year.

Requests for vacation leave must be submitted to the appropriate Department Head at least two (2) weeks prior to the beginning of the requested leave. All requests for vacation are subject to approval or disapproval by the Department Head and Mayor.

Salaried employees shall receive one-thirtieth of their monthly salary for each day of vacation taken. Hourly employees shall receive their hourly rate times eight hours for each day of vacation time taken.

Employees must schedule vacation time during the year in which it is credited. However, a maximum of 30 days of unused leave can be carried over to the next year.

After one year of employment, employees leaving the employment of the City will be paid for unused vacation leave to their credit, up to a maximum of 30 days.

SECTION 8: SICK LEAVE

Only full-time employees are entitled to paid sick leave. In order to be entitled to sick leave, an employee must be incapacitated for work due to illness or injury, pregnancy, or have a doctor or dentist appointment. Employees desiring to use sick leave shall notify their Department Head in advance where possible, but at the latest within one (1) hour of the time the employee is scheduled to be at work. Employees who are absent frequently for short periods of illness, or who are out sick for two (2) or more consecutive days, may be required to produce a doctor's statement attesting to the illness.

An employee must establish to the satisfaction of the Mayor and City Council that he or she is entitled to sick leave benefits before the commencement of the payment of benefits as hereinafter provided. One year to two years of continuous employment with the City entitles an employee to five (5) days of paid sick leave each year. Two years to five years of continuous employment with the City entitles an employee to ten (10) days of paid sick leave each year. Five years to ten years of continuous employment with the City entitles an employee to fifteen (15) days of paid sick leave

each year. Ten years or more of continuous employment with the City entitles an employee to twenty (20) days of paid sick leave each year. An employee may accumulate and accrue up to a maximum of sixty (60) days of sick leave. Employees will not be paid any funds for accrued or unused sick leave days upon separating from employment with the City, regardless of the reason for separation.

SECTION 9: OTHER LEAVE

Civil Leave

- (a) Except for the circumstances described in Subsection (d) below, any employee, regardless of length of service with the City, shall be granted a leave of absence whenever such employee is required to be absent from his or her employment for the purpose of attending a^m judicial proceeding in response to a subpoena, summons for jury duty, or other court order or process which requires the attendance of the employee at the judicial proceeding.

- (b) The civil leave of absence set forth in subsection (a) above shall be with pay for up to and including ten (10) of the employee's scheduled work days per calendar year. After ten (10) work days per year have been exhausted, the employee may elect to use any portion of his or her accumulated vacation leave in order to be compensated for the absence by the City; once the ten (10) work days and

all accumulated leave time are exhausted in any one calendar year, the civil leave of absence shall be without pay.

- (c) Any employee absent from work as the result of a civil leave of absence as defined herein may retain any and all statutory or other compensation paid to the employee on account of the Court service, and the same shall not be deducted from his or her City pay, to the extent the employee is eligible for same hereunder.
- (d) This civil leave of absence policy shall not apply to an employee who has been charged with a crime and is absent from work as a result thereof.
- (e) All employees who are to be absent due to service in a judicial proceeding shall provide at least seven (7) days prior notice to their supervisor, unless the employee can demonstrate he or she did not receive notification within that period of time, in which case the employee shall give immediate and prompt notice upon actual knowledge of the anticipated absence.

Disability Leave

An employee may be entitled to disability leave for the periods of time set forth below if the employee qualifies for said leave as hereinafter set out. In order for an employee to qualify for disability leave, he or she must meet the following requirements:

(1) be totally disabled from performing the job which the employee was performing at the time of disability.

(2) must submit to the Mayor and City Council a medical report from a physician authorized to practice in the State of Georgia certifying that the employee is totally disabled to perform said job.

(3) must have exhausted his/her sick leave and vacation leave.

The period of disability leave will be determined as follows:

(a) zero to one year of continuous employment with the City entitles an employee to no disability leave;

(b) one full year to three years of continuous employment with the City entitles an employee to 20 days disability leave;

(c) three years to ten years of continuous employment with the City entitles an employee to thirty days of disability leave;

(d) over ten years of continuous employment with the City entitles an employee to forty days of disability leave.

The salary to be received by employees for approved disability leave will be as follows:

(a) Salaried employees shall receive one-half of one-thirtieth of his/her monthly salary for each day of disability leave taken.

(b) Hourly employees shall receive one-half of his/her hourly rate times eight hours each day of disability leave taken.

Maternity Leave is paid time off due to pregnancy and is charged against available sick leave time. Once accumulated sick leave is exhausted, an employee may use available paid vacation leave, after which the employee may request disability leave and/or approved leave without pay for any remaining period of maternity leave, and such request shall be treated as any other request for leave due to medical reasons.

Personal Leave

An employee may take a personal leave of absence without pay for a period of two (2) weeks. If the employee does not return to work after the exhaustion of his or her personal leave of absence, the City will be authorized to terminate said employee.

Civil Leave, disability leave, maternity leave and personal leave must be approved in advance by the Department Head and Mayor.

PART II - DISCIPLINE AND ADVERSE ACTIONS

SECTION 1: POLICY

It is the City's responsibility to insure that all ordinances, laws and regulations are observed by all employees. When an employee is unable or unwilling to comply with standards of performance or conduct, it is incumbent upon the City to take prompt corrective action; the City is not required, however, to prove or justify its decision regarding the suitability of any employee.

The City of Hampton and its employees have what is known as an "employment at will" relationship. This means that either the

employee or the City of Hampton may terminate the employment relationship at any time, for any or no reason, with or without cause. These policies are intended solely as a set of management guidelines, and are not intended to change this at-will relationship. The policies in this manual may be changed, altered, revised, or discontinued at any time. No policy in this manual constitutes a contract or confers a property interest in continued employment with the City of Hampton.

SECTION 2: PURPOSE

The purpose of this policy is to inform all employees of the general types of conduct that may result in adverse personnel action, and to prescribe guidelines that should be utilized by supervisors when disciplinary actions are called for due to infractions of work rules or failure to meet standards of performance or conduct. Again, however, there is no "for cause" requirement established by these policies; disciplinary action may be taken at any time, with or without notice, cause or reason, without any requirement that the City prove or justify its actions, and without regard to the prior work record of the employee.

SECTION 3: DEPARTMENTAL RULES

In addition to offenses and infractions of rules contained herein, which have city-wide application, Department Heads may

establish "local" work rules which are unique to a particular department, and are considered necessary for the efficient and safe operation of the department. A Department Head has no authority under this Ordinance to create or vest any employee with a property right to continued employment.

SECTION 4: DEFINITIONS

1. Delinquency - Violation of duty under the job requirement and/or City regulations.

2. Excessive Absenteeism - The habitual or patterned use of sick leave, or leave without pay, unsupported by competent medical evidence or other proof of necessity. On a national average employees experience 2 or 3 incidents of sick leave absence a year. Unsubstantiated absences in excess of the following rule may be an indication of excessive absenteeism:
 - (a) 2 incidents in three months

 - (b) 4 incidents in six months

 - (c) 6 incidents in one year

3. Incompetence - The lack of qualities or the incapability of doing the job; skills, knowledge and abilities are inadequate,

unsuitable, or obsolete to perform at minimally acceptable standards of performance.

4. Inefficiency - Non-productive, wasteful use of time, energy or material; or repeated errors and mistakes.
5. Insubordination - The unwillingness or refusal to perform assigned work, or deliberate failure to comply with written or verbal instructions from a proper supervisory authority.
6. Misconduct - Mismanagement of job responsibilities and City property, intentional improper behavior on the job, or deliberate violation of City regulations.
7. Negligence - Careless disregard for or lack of attention to job-related matters.

SECTION 5: TYPES OF DISCIPLINARY ACTIONS

The following types of disciplinary actions may be taken:

1. Counseling
2. Verbal Warning
3. Written Warning



4. Suspension without pay

5. Demotion

6. Dismissal

The City generally adheres to the concept of "progressive discipline." However, the City is not required or obligated to follow this concept, and disciplinary action of any severity, including dismissal, may be imposed at any time, including upon a "first offense."

SECTION 6: COUNSELING

This is an informal discussion, usually between the Department Head and the employee. It is designed to help the employee improve performance or behavior by clarifying the standards required, stressing the employee's good performance and weaknesses, and subsequently outlining those steps necessary to correct the weak areas. Counseling may be used to further clarify the problem, identify specific ways to improve, and eliminate areas of misunderstanding. A record of such counseling may be kept by the Department Head for future reference.

SECTION 7: VERBAL WARNING

Verbal notices may be issued to employees for minor infractions or offenses, to explain what the offense is, why it is against the rules, and to provide notice that failure to improve will result in formal action. Documentation of a verbal warning is not required; however, supervisors should record highlights of the discussion for possible future reference and guidance.

SECTION 8: WRITTEN WARNING

1. A formal written and dated notice may be issued when an employee fails to heed verbal warnings, or for more serious or repeated infractions and offenses. Written warnings shall be signed by the Department Head and signed by the employee, acknowledging receipt of such notice. The employee shall be permitted to prepare a written response if he so desires.
2. Copies of written warnings and employee responses shall be placed in the employee's personnel file.

SECTION 9: SUSPENSION

1. An employee may be suspended without pay by the Mayor (or his designee in the Mayor's absence) for failure to report to assigned duties; negligence, delinquency or inefficiency in

performing duties; misconduct; insubordination; or for other, unstated reasons. The suspension may be:

(a) For a prescribed length of time, not to exceed 30 days in a 12-month period, as a disciplinary measure for a serious violation, or repeated offenses; or

(b) For an indefinite period of time pending the outcome of an inquiry or investigation of charges.

An employee suspended without pay as a disciplinary measure shall not be entitled to use vacation leave or sick leave in order to receive pay during the period of suspension.

Neither the City of Hampton nor the Mayor are required to state or prove a reason for an employee's suspension.

SECTION 10: DEMOTION

1. An employee may be demoted by the Mayor (or his designee in the Mayor's absence) due to unfitness to perform assigned duties; negligence, delinquency, or inefficiency in performing duties; misconduct; insubordination; or for other, unstated reasons. Neither the City of Hampton nor the Mayor are required to state or prove a reason for an employee's demotion.

SECTION 11: DISMISSAL

1. An employee may be dismissed by the Mayor (or his designee in the Mayor's absence) due to delinquency, misconduct, inefficiency, inability to perform the work in a satisfactory manner, or for other, unstated reasons. Neither the City of Hampton nor the Mayor are required to state or prove a reason for an employee's dismissal.
2. Notice of dismissal to employees shall be dated and in writing.
3. A copy of the dismissal notice shall be placed in the employee's personnel file. As required by law, the City will notify the Peace Officer's Standards and Training Council of the dismissal of any certified police officer, and the dismissed police officer shall be given an opportunity to respond to the dismissal notice.

SECTION 12: REVIEW PROCEDURE

Prior to the effective date of any suspension without pay, demotion or dismissal of a full-time employee, said employee should be afforded an opportunity for an informal hearing before the Mayor or his designee, for the purpose of having the charges which form

the basis for such action explained to him and to respond to any such charges.

If said employee requests, he may be afforded a reasonable time, not to exceed 3 calendar days, to respond to such charges prior to the effective date of the action; provided, however, the Mayor shall treat such time as a suspension with pay to be charged against any accrued annual leave.

If the employee is not satisfied with the Mayor's decision, he may request review by the City Council. Such a request must be made in writing with ten (10) calendar days of the Mayor's decision, and it must be submitted to the City Clerk or Acting City Clerk within that period of time. Review by the Council is discretionary; whether or not a matter will be reviewed shall be decided by majority vote of the Council.

The review procedures set forth herein shall in no way be construed as creating a legally enforceable right to procedural or substantive due process proceedings; there being no property right to continued employment in any City position, these procedures are provided as a matter of courtesy, not of right.

SECTION 13: AUTHORITY TO DISCIPLINE

The authority to impose disciplinary action is reserved to the Mayor and Council. While this authority may be delegated, the final authority on such matters shall at all times reside in the Mayor and Council.

SECTION 14: CLEARING THE RECORD

An employee's personnel file will be cleared of "written warning" disciplinary actions upon completion of a three-year period of service with no further offenses.

SECTION 15: EMPLOYEES CHARGED WITH CRIMES NOT CONNECTED WITH WORK

1. Employees released on bail, or on their own recognizance after being arrested or charged with a misdemeanor, may, at the discretion of the City, continue in their jobs until the outcome of their trial or court appearance is known. Employees charged with a felony, employees charged with crimes (including misdemeanors) involving mishandling of funds, theft, fraud, embezzlement or crimes involving serious moral turpitude, may be suspended from duty without pay (subject to the review procedures set forth in Section 12). Depending upon individual circumstances, consideration may be given to reassignment but must be approved by the Mayor.

2. When an employee is permitted to retain his position but is absent from work due to incarceration and/or court appearances, such absences will be charged against any available annual leave balances, or taken without pay, at the option of the employee.
3. Employees convicted (including a plea of nolo contendere) of a felony, or a misdemeanor involving theft, dishonesty, mishandling of funds, embezzlement, fraud or serious moral turpitude, may be dismissed from the City.
4. Employees convicted in any court for offenses of a nature which tend to cast discredit upon the City and/or a Department will be considered for immediate dismissal, whether incarcerated or not.
5. An employee may (but is not entitled to) be reinstated after being acquitted.

PART III - GRIEVANCE PROCEDURE

PURPOSE:

To establish a fair and impartial procedure by which employees may make known their complaints and dissatisfaction about conditions of employment and have bona fide complaints adjusted.

DEFINITION:

A grievance is any complaint or dispute concerning working conditions or charges of discrimination based on political affiliation, race, color, national origin, religion, sex, age, disability or handicap. Personnel matters such as disciplinary actions and pay classifications are not subject to this grievance procedure.

SECTION 1: EMPLOYEE COVERAGE

This procedure may be used by all employees of the City of Hampton.

SECTION 2: GENERAL

Employees must first verbally notify their Department Head about the complaint. This must be done within three work days after the matter arose; otherwise the complaint will not be acted upon. A complaint may be submitted on a continuing condition or action at any time.

SECTION 3: PROCEDURES

Step (1). The Department Head to whom the complaint is first submitted will meet with the employee no later than 3 work days after receiving the notice and discuss the complaint. The employee should be advised verbally and in person of the decision within 3 work days following the discussion.

Step (2). If the employee is not satisfied with the Step (1) decision, the complaint may be continued to Step (2). The complaint must be submitted to the Mayor (or his designee in the Mayor's absence) within 3 work days after receiving the Step (1) decision. The Mayor (or his designee) and department head should meet with the employee within 3 work days after receiving notification to discuss the complaint. The employee should be advised verbally and in person of the decision within 3 work days following the meeting. This decision is final.

SECTION 4: SEXUAL HARASSMENT

It is the policy of the City that all employees should enjoy a working environment free from all forms of discrimination, including sexual harassment. No employee, either male or female, should be subjected to unsolicited and unwelcomed sexual overtures or conduct, either verbal or physical. Therefore, the City will act positively to investigate alleged sexual harassment claims and to effectively remedy them when an allegation is determined to be valid. The City will not tolerate sexual harassment and will enforce disciplinary action against any employee or supervisor found to be engaging in such conduct.

If anyone feels that unwelcomed sexual advances or language is interfering with their productivity or comfort at the work place, or if they feel that any terms or conditions of employment depend on sexual favors, the employee should report that to his or her Department Head immediately. However, it should be understood that a claim of sexual harassment bypasses the normal grievance procedure and that the claim can first be expressed privately to the Mayor, if necessary. If the claimant feels that reporting to the Mayor may adversely affect his or her employment, the claim may be expressed in writing to the City Attorney.

PART IV - CODE OF EMPLOYEE CONDUCT

PURPOSE:

Employees are expected to conduct themselves, both on and off the job, in a manner which will reflect favorably upon themselves and the City of Hampton. Although the City does not wish to interfere in the private lives of its employees, they are expected to be honest, reliable, trustworthy, and of good character and reputation. The following rules of conduct set forth in general what is expected of employees.

SECTION 1: CONDUCT ON THE JOB

Good taste will dictate employees' conduct. Courtesy and good manners are basic to good relations, both on and off the job. Violations of these two principles could lead to breaches of good conduct which may result in suspension or removal from the job.

SECTION 2: CODE OF ETHICS

Every employee of this government should:

- Uphold the charter, ordinances, resolutions, and regulations of this government and never be a party to their evasion;

- Perform a full day's work for a full day's pay; giving to the performance of your duties your earnest efforts and thought;
- Seek to find and employ more efficient and economical ways of getting tasks accomplished;
- Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for self or family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties;
- Make no private promises of any kind binding upon the duties of office, since a government employee has no private word which can be binding on public duty;
- Never use any information received confidentially in the performance of governmental duties as a means for making private profit;
- Expose corruption wherever discovered;
- Uphold these principles, ever conscious that public office is a public trust.

SECTION 3: WORK RULES

Employees are expected to observe the following rules and practices:

- Be at work on time, and observe the time limits established for meals and break periods;
- Do not leave work during duty hours without proper permission;
- Notify supervisors as soon as possible, but no later than one hour after starting time, if unable to report for work on time due to emergency or illness;
- Do not abuse sick leave privileges;
- Obey all proper orders from superiors. Insubordination includes refusal to obey instruction, or use of abusive, profane, or threatening language towards supervisory personnel;
- Do not coerce or harass fellow employees, or use profane or insulting language or gestures toward them;

- Do not engage in arguing, fighting, horseplay, or conduct violating common decency or morality;
- Do not bring firearms or other weapons to work except after being given proper permission, or when required by your position;
- When required by the position, report for duty in a clean, neat, correct uniform;
- Do not sleep on duty unless authorized;
- Do not use government tools or equipment for personal use or remove them from government premises or control without proper permission;
- Gambling on duty or on government property is forbidden;
- Do not knowingly give false information on reports or other required documents;
- Maintain personal hygiene so as not to offend fellow workers;

- Do not knowingly violate any safety procedure or practice. Perform work so as to protect against accidents to self and others;

- Always observe all rules, regulations, policies, guides and laws issued by the City.

SECTION 4: INTOXICANTS AND DRUGS

Employees should neither possess, consume, or maintain any trace amount of any intoxicating drug or alcohol during work hours.

The following is the Drug Free Policy which has been adopted by the Mayor and Council:

The United States Congress has enacted the Drug Free Workplace Act of 1988. The purpose of this law is to ensure that work done under federal contracts or federal grants is performed in a drug free work environment.

In addition to prohibiting employees from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs in the workplace, this City prohibits its employees from engaging in any such illegal activity at all times and at all places. Such activity, even during non-working hours, clearly affects an employee's ability to perform his public duties.

Therefore, this City has adopted the following as its drug free policy.

I.

No employee of this City may illegally engage in the manufacture, distribution, dispensation, possession, or use of a controlled substance at any time or place, including while at his workplace. Such unlawful activity will be considered a sufficient ground for a serious adverse personnel action, including dismissal from employment.

II.

If an employee is arrested for or convicted (including a plea of nolo contendere) of violating any criminal drug statute of any jurisdiction, regardless of whether the alleged violation occurred at the workplace or elsewhere, the employee must notify the Mayor in writing of each arrest or conviction as soon as possible but in no event more than five (5) days after the arrest or conviction.

III.

Failure to comply with any part of this policy will result in serious adverse personnel action, including possible dismissal from employment.

SECTION 5: DRUG AND ALCOHOL TESTING OF CURRENT EMPLOYEES

The City shall comply with all mandatory drug testing policies required under federal law and regulations.

In addition, the City reserves the right to require any current employee to submit to drug testing upon demand under the following circumstances:

- (A) Whenever there is reasonable, articulable suspicion, as determined by the employee's Department Head or the Mayor that the employee is under the influence of illegal drugs or alcohol while at work or on duty, or
- (B) Whenever an employee is involved in a work-related accident that results in a report of injury by any person.

Any employee who refuses to submit to a drug test when requested to do so under the terms of this section shall be subject to immediate dismissal.

For purposes of this section, the terms "illegal drugs" and "drug test" shall have the same meaning as set forth in Part V, Section 7 of these Personnel Policies.

SECTION 6: OUTSIDE EMPLOYMENT

No employee may engage in any employment or participate in any business venture in addition to his or her employment with the City that interferes with the efficient performance of the employee's duties as a City employee, or which presents an actual or potential conflict of interest, or which presents the appearance of impropriety. Employees engaging in additional employment or outside business ventures must notify their Department Head of that fact at the first opportunity. The Mayor shall have the authority to require any such employee to make an election between City employment and such outside pursuits if, in his judgment, there exists an interference with the performance of City duties, an actual or potential conflict of interest, or an appearance of impropriety.

SECTION 7: GIFTS AND GRATUITIES

An employee shall not accept gifts, gratuities or loans from organizations, business concerns, or individuals with whom he has official relationships when representing this government. These limitations are not intended to prohibit the acceptance of articles of negligible value which are distributed generally, nor to prohibit employees from accepting social courtesies that promote good public relations, nor to prohibit employees from obtaining loans from regular lending institutions. It is particularly

important that inspectors, contracting officers and enforcement officers guard against relationships which might be construed as evidence of favoritism, coercion, unfair advantage or collusion. Violations of this policy will result in disciplinary action.

SECTION 8: POLITICAL ACTIVITY

Because public employees are in positions created for the public and funded by the public, the public has the right to expect that the incumbents in the positions will not abuse the trust placed in them by the public. City employees are expected to observe and honor the laws of the State of Georgia and the ordinances of the City. The following are some of the activities that are specifically prohibited.

The City expects its employees to avoid local public political activities while on duty. Neither their position nor work time should be used for political purposes, nor should the employee actively campaign for any bipartisan candidate while on duty. Employees who decide to run for elective offices shall either resign their position or take a leave-of-absence until the election is decided. No employee shall solicit any contributions or assessments or services, nor publicly endorse any candidate for any local elective office, while on duty. A public endorsement is defined as making a public campaign speech or statements to the news media endorsing a candidate.

Nothing herein shall affect the right of an employee to contribute to, hold membership in, serve as an officer of, or support a political party, to vote as he/she chooses, to support or campaign for local, state or national political candidates while off duty, to express privately his/her opinions on all political subjects and candidates, to maintain political neutrality, or to attend political meetings while off duty.

Any employee who, as a normal and foreseeable incident to his/her principal job or position, performs duties in connection with an activity financed in whole or in part by federal loans or grants, comes under the Federal Hatch Act which prohibits the following:

- A. Use of official authority or influence for the purpose of interfering with an election or nomination for office, or affecting the result thereof.
- B. Directly or indirectly coercing, attempting to coerce, or advising any other such officer or employee to pay, lend, or contribute any part of his/her salary or compensation or anything else of value to any party, committee, organization, agency or person for political purposes.
- C. Active participation in political management or in political campaigns.

PART V - RECRUITING AND HIRING POLICY

SECTION 1: RECRUITMENT AND EXAMINATION ANNOUNCEMENTS

Recruitment activities will be planned to meet the immediate and long range needs of the City. The City may make use of such information as turn-over, budgeted positions, future departmental needs, and under-representation of minorities and females in any job class.

Vacancies may be filled by promotion, transfer, demotion, regular appointment, reinstatement, reappointment, emergency appointment, temporary appointment or part-time appointment. Vacancies normally will be announced publicly for a minimum of one week. During the one week period, applications will be received from applicants and employees seeking promotion or transfer. Vacancies to be filled by promotional appointment normally will be announced within the City for a minimum of one week. The Mayor will determine the method of selection to be utilized in making the appointment. In the event the Mayor determines that an insufficient number of applicants have applied, the Mayor may extend the recruitment period and expand the recruitment effort until sufficient numbers of applicants have applied and adequate

representation has been assured, and he may extend the final date on which applications shall be received.

The Mayor may disregard the notice periods set forth herein when necessary due to compelling circumstances.

SECTION 2: APPLICATION FOR EXAMINATION

All applications shall be made on forms prescribed by the Mayor and must be filed on or before the closing date specified in the announcement, or post-marked before midnight of that date. The City Clerk is the custodian of all applications.

SECTION 3: DISQUALIFICATION OF APPLICANTS

The City may reject any application or refuse to examine an applicant, or after examination, may disqualify an applicant when it has been determined that:

1. The application was not received on or before the closing date established for receiving applications.
2. The application was not filed on the prescribed form.

3. The applicant does not possess one or more of the requirements as specified in the job classification or public announcement for the position.
4. The applicant falsified or did not complete pertinent information on the application form.
5. The applicant has been convicted of a felony, or a misdemeanor involving moral turpitude, and this conviction could affect performance in the position for which application has been made.
6. The applicant has used or attempted to use political pressure or bribery to secure an advantage in the examination or in employment.
7. The applicant has previously been dismissed from a position in the City or other public service.
8. The applicant has taken part in the compilation, administration, or correction of the examination for a position and is an examinee for that position.
9. The applicant has otherwise willfully violated the provisions of these rules or is barred from employment as otherwise outlined herein.

Notwithstanding anything stated or implied herein to the contrary, the appointment of employees shall be a matter committed to the unreviewable discretion of the City, and no appointment decision need be explained or justified at any time.

SECTION 4: INTERVIEWS

Interviews will be practical in nature, constructed to reveal the capacity of the candidate as an examinee for the particular class of position; his or her general background and related knowledge, skills, and abilities; and shall be rated impartially. The City may use any job-related selection methods that will maximize validity, reliability, and objectivity. The selection procedures shall measure or sample job behaviors or knowledge, skills, and abilities required to perform the job. Examinations may consist of written tests, performance tests, representative work samples, rating of training, education and/or experience, structured oral examinations, either singularly or in combination, which in the judgment of the City relates to those matters which will test fairly the ability of the applicant to discharge efficiently the duties of the position to be filled.

SECTION 5: RESULTS OF INTERVIEW

Each applicant will be notified by the City in person or in writing as soon as all interviews are completed as to whether the

applicant was accepted or rejected for hiring. Those extended an offer of employment shall then be required to submit to a physical examination as described in the following section, and the offer of employment may be revoked under the terms set forth therein.

SECTION 7: PHYSICAL EXAMINATIONS; DRUG TESTING

Physical Examinations of New Employees

When an offer of employment has been accepted by an individual, the individual selected shall be required to submit to a physical examination prior to reporting for duty. The examination shall be performed by a physician selected and paid by the City. The examination shall include a medical history questionnaire.

If, in the opinion of the examining physician, there are no medical disabilities that would impair or hinder the individual's ability to satisfactorily perform the essential functions of the job for which he or she has been selected, and there is no history of medical problems which would affect the applicant's ability to perform such essential job requirements, the examining physician shall certify same to the City in writing. At such time as certification is received, the individual may be permitted to begin employment.

If the physical examination and/or medical history indicates the individual cannot perform the essential physical requirements of the job for which he or she has been selected, the offer of employment will be withdrawn unless the City is able to employ the individual by making reasonable accommodations. Under such circumstances, the selected individual and his or her medical care providers will be permitted to suggest any such accommodations for the City's consideration.

If the selected individual falsifies any statements on the job application or makes a false statement regarding his or her physical condition or medical history, either to the examining physician or to any City employee, the individual shall be subject to dismissal.

Drug Testing of New Employees

The City of Hampton strongly adheres to the Drug Free Workplace policy set forth in these Personnel Policies. The City has determined that the use of illegal drugs and/or controlled substances by City employees presents a clear and present danger to the public, other City employees, and public and private property. The City intends to use all lawful means to prevent the use of illegal drugs and/or controlled substances by City employees. While these statements apply equally to all City employees, public safety demands that persons hired for certain "high-risk" positions must

be tested for illegal drugs and/or controlled substances before they may begin employment with the City. Accordingly, any and all persons selected for employment in any of the following positions shall submit to a drug test as a part of the physical examination requirement set forth in this section: Drivers or operators of any city vehicles, including automobiles, trucks, tractors, motor graders, backhoes, street sweepers, forklifts, or any other vehicle used for transportation, construction or maintenance; all police officers having the authority to carry firearms; all employees whose duties require them to be physically present at the scene of an emergency, or who receive calls and/or dispatch emergency personnel to emergency scenes; mechanics responsible for the maintenance and upkeep of safety devices on city vehicles and/or equipment; public safety dispatchers; operators of outdoor power equipment; sanitation truck operators (including employees responsible for operating mechanized equipment thereon); utility plant operators (electrical, gas, water and sewer) and those employees of utility departments who handle hazardous chemicals. The City has determined that the duties and responsibilities associated with these positions are such that inattention to duty or errors in judgment while on duty present a significant risk of harm to the employee, other employees, and the general public. Failure to pass the drug test shall disqualify the individual for the position and will result in a withdrawal of the offer of employment.

For purposes of this section, the terms "illegal drug" and "controlled substance" shall mean marijuana as defined in paragraph (16) of O.C.G.A. § 16-13-21, as amended; a controlled substance as defined in paragraph (4) of O.C.G.A. § 16-13-21, as amended; a dangerous drug as defined in O.C.G.A. § 16-13-71, as amended; or any other controlled substance or dangerous drug that persons are prohibited from using under Georgia or federal law. These terms shall not apply to any drug an individual is authorized to take pursuant to a valid medical prescription or when used as otherwise authorized by state or federal law, provided the physical examination indicates such usage will not interfere with the employee's performance of essential job functions and safety responsibilities. The term "drug test" shall mean the collection and testing of bodily fluids administered in a manner equivalent to that required by the Mandatory Guidelines for Federal Workplace Drug Testing Programs (HHS Regulations 53 Fed. Reg. 11979 et seq.), as amended, or any other professionally valid procedures approved by the Georgia Department of Human Resources.

SECTION 8: MAINTENANCE OF RECORDS

The City Clerk shall be responsible for the maintenance of all records pertinent to examination programs. Applications and other necessary examination records shall be kept for one year unless retention for a longer period of time is required by either Federal or State law, or otherwise specified.