



# **CITY OF BRIDGEPORT**

## **PERSONNEL/HR POLICY**

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## ***PURPOSE***

This policies and procedures manual outlines certain policies, programs, and benefits available to eligible City of Bridgeport employees.

Employees should familiarize themselves with the contents of this Manual for it will answer questions about employment with the City of Bridgeport. This manual cannot cover every situation that may arise, but should be a helpful guide in most cases.

The intent of the manual is to:

- Promote high morale and foster good working relationships by providing uniform Personnel/HR policies and procedures, equal opportunities for advancement, and consideration for employee needs;
- Maintain recruitment and internal promotional practices which enhance the attractiveness of a career with the City and encourage each employee opportunities for advancement, and consideration;
- Encourage courteous and dependable service to the public;
- Provide fair and equal opportunity for qualified persons to enter and progress in the City service based on merit and fitness as determined through objective and practical Personnel/HR management methods; and
- Ensure all City operations are conducted in an ethical and legal manner.
- Policies in this manual shall not conflict with Federal, State or Civil Service Laws or with City ordinances.

Whenever the term City is used herein, it shall be deemed to include all affiliated entities in which the City of Bridgeport has a direct or indirect controlling interest.

The City of Bridgeport may make changes to this manual at any time. The City reserves the right to exercise its discretion in resolving all employment issues. This manual is not in any way a contract or a guarantee of continued employment. In the event of changes to this manual, the most recent version will control.

# ***INTRODUCTION***

## ***EMPLOYEE EXPECTATIONS***

All City employees are expected to maintain the highest possible ethical and moral standards and to perform within the laws of the United States, the State of West Virginia, and other rules and regulations as may be set forth by the City Council, the City Manager and other Boards as may be established from time to time.

It is important to remember that the compensation of all employees is paid through taxes and user fees. Therefore, each City employee assumes responsibility to serve the public in an honest, effective and cheerful manner.

The performance of each City employee affects the customer's evaluation of the City as a whole. All employees are expected to take ownership and demonstrate responsibility for personal and City commitments to customers and fellow workers.

- Employees of the City are hired to meet the needs of City's customers, not just to perform specific job tasks. Employees need to understand that every job that is performed must be dedicated to providing a quality product and service to the City's customers.
- City employees are expected to be individual performers as well as team players. While individuals perform, it is a highly functioning team that works together. Employees must be able to work in a team-based environment where responsibility, dependability, creativity, and a strong work ethic are critical elements while demonstrating initiative as required by each circumstance and situation.
- Employees must support the goals and missions of the City as directed by the City Council and City Administration.

## ***CITY OF BRIDGEPORT MISSION STATEMENT***

### ***Mission***

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The mission of the City of Bridgeport is: to provide municipal services that enhance the quality of life of our residential and business community while efficiently managing all community resources; and to protect all persons within the jurisdiction of City government

We will accomplish our mission while:

- Adhering to ethical standards;
- Maintaining an open line of internal and external communication;
- Continually exploring innovative ideas;
- Providing equal development opportunities for our employees;
- Working cooperatively with other governmental agencies

# **Personnel/HR Administration Policies**

## ***Authority***

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These policies are established by the City Manager under authority contained in the City charter; and any amended, revised, or new policies must be approved by the City Manager.

In addition to these Personnel/Human Resource (HR) policies, Department Directors may establish departmental rules and regulations that relate specifically to their departments. Departmental rules and regulations shall not conflict with these rules and regulations and must be submitted and reviewed by the Director of Personnel/HR prior to the submission to the City Manager for approval.

The provisions of these policies are severable, and if any provision or part of a provision is held invalid, illegal, or unenforceable, this shall not affect the validity of the remaining provisions or parts of provisions, which shall remain in force and effect.

## ***Responsibility for Implementation of Personnel/HR Policies***

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The City Manager is responsible for the administration of the Personnel/HR policies and procedures. The City Manager may delegate authority to appropriate staff members to act in his or her behalf in the administration of these policies and procedures.

With the exception of matters of appointments and any other Personnel/HR actions reserved to the City Council by statute or ordinances, final authority on appointments and Personnel/HR decisions is reserved to the City Manager.

Neither the council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officer or employee whom the Manager or any of his/her subordinates are authorized to appoint. However, the council may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of City administrative officers or employees as long as it does not violate any law or regulation pertaining to the employee's legal rights.

# ***Employment***

## ***At-Will Employment***

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This manual does not represent an employment contract between the City of Bridgeport and its employees. The policies contained herein are for informational purposes only and may be changed by the City at its sole discretion. The City is also not bound by any oral promises concerning employee's length of employment or conditions of employment. The policies and procedures set forth in this manual, then, are for the purpose of providing employees general information and guidelines about the City's operating policies concerning employment matters.

Employees who do not have a written individual employment contract signed by the City Manager for a specific, fixed term of employment who do not fall under Civil Service provisions are "at-will" employees.

# ***Job Descriptions and Performance Evaluations***

## ***Job Descriptions***

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The City Manager shall establish and periodically review an official job description for each position in the City. Every City position must have a job description which describes the essential functions, duties, responsibilities or the position, and FLSA exemption status.

### **Distribution**

During the employee's orientation, the job description and performance evaluation form for each employee's position will be:

1. Given to the employee
2. Reviewed by the employee
3. Placed in the employee's Personnel/HR file along with a certification that the employee has reviewed them.

In addition, each employee should be given a copy of the job description and the performance evaluation form.

### **Requests for Clarification**

In the absence of any formal request for clarification, it is assumed that each employee understands the responsibilities assigned to his/her position.

## ***Employee Performance Evaluation***

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A written performance evaluation and an evaluation interview shall be conducted with each City employee at least annually, as scheduled. The purpose of a performance evaluation is to help improve the employee's understanding of his or her progress on the job and the supervisor's understanding of the employee's viewpoints about factors that affect his/her performance during the period covered by the evaluation.

Scheduled evaluations provide an opportunity to **assess progress** and to **plan for future performance improvements**, but should **never replace** day-to-day communication between the supervisor and employee regarding performance expectations and actual performance.

The City Manager shall conduct an annual evaluation with each Department Director, who reports directly to him/her and with each employee under the City Manager's direct supervision. All other supervisory staff shall conduct an annual evaluation for each employee under their direct supervision.

The annual evaluation will also be utilized by City administrative staff to make recommendations to the City Manager regarding merit and step increases.

Supervisors and department heads are also encouraged to conduct additional employee performance evaluations during the probationary period to assess new and promoted employees' compatibility with their jobs.

Performance evaluation records are maintained in each employee's Personnel/HR file or electronically within the City's secure digital media storage network located and managed by the Office of the Director of Personnel/HR.

# ***Personnel/HR Files***

## ***General***

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Personnel/HR files are maintained in a central location as designated by the City Manager. The record copy of all Personnel/HR information related to an employee shall be filed in the employee's Personnel/HR file and/or scanned into a secured digital medial format.

Any release of information on employees (past or present) will be provided through the office of the Office of the Director of Personnel/HR. The only information to be released will be dates of employment and position held. If the request is in writing, with a notarized release, other information may be released. All information released must be done in accordance with the Freedom of Information Act. At no time will any medical information be released without an authorization that complies with HIPAA.

Some information in an employee's Personnel/HR file is public information and must be disclosed upon request unless specific items are exempted from disclosure by law. If it is unknown if disclosure of a particular item is required by law, consultation with the City Attorney or the Attorney General's Office should be made. No information from any record placed in an employee's file will be communicated to any person or organization except by the City Manager or the Director of Personnel/HR.

An employee, or his/her representative designated in writing, may examine any item contained in the employee's Personnel/HR file, not exempted from disclosure by law, upon request during normal working hours at the City offices as long as the time is scheduled in advance and an understanding that the Director of Personnel/HR or his/her designee shall be present during the review.

Employees are required to inform their supervisors of any changes in or corrections to information recorded in their individual Personnel/HR files such as home address, telephone number, person to be notified in case of emergency, or other pertinent information.

## ***Contents of Personnel/HR Files***

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An employee's Personnel/HR file contains:

- An employment record
- A copy of the employee's application for employment
- A signed copy of the employee's acknowledgement of and review of this manual, the job description for the position s/he currently occupies, and a copy of the City's performance evaluation form
- Personnel/HR Action Forms
- Performance evaluation records
- Records of any citation for excellence or awards for good performance
- Copies of any grievances and the results
- Any other pertinent information having a bearing on the employee's status with the exception of Internal Investigation documents
- Any written statements from the employee explaining, rebutting, or clarifying other items in the file.
- All medical records will be maintained in a separate, confidential file or electronic file.

## ***Leave Records***

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Official records of vacation leave accrued and of leave usage are kept for each employee. Leave records are updated at the end of each month. Leave balances are shown on the official record to reflect any remaining leave to which an employee is entitled. It is the responsibility of each Department Director to provide accurate information on leave usage to the finance office. Any employee questions on accrued annual leave should be directed to the employee's supervisor.

# ***EMPLOYEE RESPONSIBILITIES***

## ***General Responsibilities***

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The City of Bridgeport is a public, tax-supported organization. Its employees must adhere to high standards of public service that emphasize professionalism, courtesy, and avoidance of even the appearance of illegal or unethical conduct at all times. Employees are required to carry out their work assignments efficiently, to conduct themselves ethically, and to do their part in maintaining good relationships with the public, City officials, their supervisors, and their fellow employees.

## ***Appearance/Promoting a Positive Public Image***

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It shall be the responsibility of all employees to represent the City to the public in a manner that will be courteous, efficient, and helpful.

City employees should always be well groomed and should be dressed in a manner suitable for the public service environment while representing the City. They should always reflect favorably on the City's image.

The employee's supervisor will discuss the subject of personal appearance with the employee if it is felt his/her appearance does not positively reflect on the image of the City. Specific department standards will be established and adhered to.

Employees shall conduct themselves, whether on or off the job, in a manner that does not damage or have the probable expectation of damaging or bringing the public image, integrity, or reputation of the City into discredit or disrepute.

Due to the nature of and complexity of the various departments throughout the City organization, individual departments may implement other guidelines and/or restrictions relating to appearance with the approval of the Director of Personnel/HR and/or the City Manager.

## ***Timeliness***

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Department Directors shall establish work schedules and maintain daily employee's attendance records with the approval of the City Manager.

Employees are to be punctual in reporting to work, keeping appointments, and meeting schedules for completion of work.

Tardiness is not tolerated unless emergency conditions exist and can be thoroughly and properly documented.

## ***Outside Employment***

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Full-time employees may engage in outside employment or enterprise with written approval of the Department Administrator, Director of Personnel/HR and City Manager. Said employment or enterprise shall not:

1. Be inconsistent or incompatible with employment with the City;
2. Affect the employee's job performance adversely; No outside employment shall be done within 8 hours of the beginning of the employee's regular starting time. Unless prior approval is obtained in writing from the City Manager.
3. Be performed during City work time;
4. Involve the use of City property unless authorized by the City Manager.

Approval must be in writing and provided to the Personnel/HR Department to be placed in the employee's Personnel/HR file.

## ***Gifts***

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Employees will not accept personal gifts from contractors, vendors, or other persons who have business dealings with the City. Any questions in this regard should be addressed immediately to the Department Director who will contact the Director of Personnel/HR for consultation.

## ***Conflict of Interest***

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An officer or employee of the City shall not have financial interests in the profits of any contract, service, or other work performed by the City, nor have any personal profit directly or indirectly from any contract, purchase, sale, or service between the City and any person or company.

An employee of the City shall not:

1. Solicit or accept or agree to accept a financial benefit, other than from the City, that might reasonably tend to influence his or her performance of duties for the City or that s/he knows or should know is offered with the intent to influence the employee's performance;

2. Accept employment or compensation that might reasonably induce him/her to disclose confidential information acquired in the performance of official City duties;
3. Accept outside employment or compensation that might reasonably tend to impair independence of judgement in performance of duties for the City;
4. Make any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and duties for the City;
5. Solicit or accept or agree to accept a financial benefit from another person in exchange for having performed duties as a City employee that will benefit that person;
6. Engage in an illegal work slow down or strike;
7. Fail to perform a duty because of personal interests.

### ***Political Activity***

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Employees of the City are encouraged to vote and to exercise other prerogatives of citizenship consistent with State and Federal laws and these policies.

A City employee may not:

1. Use his or her official authority or influence to interfere with or affect the result of an election or nomination for public office;
2. Directly or indirectly coerce, attempt to coerce, command, or advise a local or state officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political purpose.
3. Be a candidate in an election for a position on the Bridgeport City Council.

City employees are subject to the Hatch Act restrictions if their principal employment is connected with an activity which is financed in whole or in part by loans or grants made by the Federal Government.

An employee's political activity, if it does not violate this section, shall not be considered in determining his or her compensation, eligibility for promotion or demotion, work assignment, leave or travel request, or in applying for any other employment.

### ***Communications and Chain of Command***

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In order for the City to function properly as an organization, it is necessary that employees adhere to the City's chain of command. Employees are to follow the chain of command in seeking administrative or operational decisions. (*Refer to the City of Bridgeport Organization Chart*).

The intent of this policy is to protect City employees from being diverted from their primary jobs and tasks unnecessarily. It shall also serve to build confidence in the

quality and accuracy of information dispersed to the citizenry as well as the information circulated within the City that represents positions of their elected and appointed officials.

Matters that involve City policy, operations, and organization are brought before the City Council by the City Manager, or by a person designated to do so.

### **Communication with the Public**

-Communication with the public: Communication with the public about City of Bridgeport business or problems is the responsibility of the City Council and the City Manager. Employees are to refer the public to their Department Director or to the City Manager if a question is non-routine, controversial, or outside the scope of an employee's normal duties.

-Requests for Information: In order that each department may perform its primary functions of daily service and planning, all requests for information, not directly related to normal daily activities, or requests for historical information and documents, should be sent to the City Clerk.

-Final Responses: When the final response or documents are completed, they will be returned to the City Manager for appropriate action.

### **Communication to City Council**

A City employee may request that a matter be considered by the City Council or by the City Manager by submitting the matter in writing to his/her Department Director who will forward the communication to the City Manager. If the suggestion is being requested for City Council consideration, the City Manager will review the request and may forward the communication to the Council.

### **Communication Outside Chain of Command**

Employees, from time to time, may be given directions from persons outside the normal chain of command. In such cases, unless directed not to by the City Manager or the Director of Personnel/HR, the employee must notify his or her immediate supervisor about the direction, its purpose, and the relevant facts of the situation. Failure to do so in a timely manner may result in disciplinary action.

### ***Solicitation of Funds for City Projects***

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At times, projects may be undertaken whereby funds are solicited from private citizens, businesses, and organizations on behalf of the City. Before any solicitation of funds commences, the Director of the affected department must notify and receive the approval of the City Manager.

Participation on the part of any City employee in fund raising efforts on behalf of the City is strictly voluntary.

## ***Use of City Technical Equipment***

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Computer and Technology Resource Usage Policy for the City of Bridgeport provide a variety of electronic communications systems for use in carrying out its business. All communication and information transmitted by, received from or stored in these systems are the property of the City of Bridgeport and, as such, are intended to be used for job-related purposes only.

Employees are required to sign an acknowledgment of receiving this handbook before receiving access to the various systems in use at the City of Bridgeport.

The following summary guidelines regarding access to and disclosure of data on any City of Bridgeport electronic communication systems will help you better determine how to use these systems in light of your own and the city's privacy and security concerns. The following are only summary guidelines; employees should contact the Information Technology (IT) department for more detailed information.

The HR department maintains the Computer and Technology Resource Usage Policy on behalf of the City of Bridgeport. However, other departments may develop supplemental policies and controls to accommodate specific requirement so long as these policies do not compromise City policies and controls and must gain the approval of the Director of Personnel/HR and/or the City Manager prior to implementation.

**Monitoring:** The City of Bridgeport provides the network, personal computers, electronic mail and other communications devices for your use on city business. The City of Bridgeport may access and disclose all data or messages stored on its systems or sent over its electronic mail system. The City of Bridgeport reserves the right to monitor communication and data at any time, with or without notice, to ensure that City property is being used only for business purposes. The City also reserves the right to disclose the contents of messages for any purpose at its sole discretion. No monitoring or disclosure will occur without the direction of either the human resources department, unless otherwise approved by the City Manager.

**Retrieval:** Notwithstanding the city's right to retrieve and read any e-mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any e-mail messages that are not sent to them and cannot use a password, access a file, or retrieve any stored information unless authorized to do so.

**Passwords:** Initial passwords are assigned by the IT department and should not be given to other staff or persons outside the organization. Employees should change the provided passwords as soon as possible using the instructions provided by the IT staff. The City of Bridgeport reserves the right to override any employee-selected passwords and/or codes. Employees are required to provide the city with any such codes or passwords to facilitate access as needed. Periodically, staff may be required to change their passwords. At no time should the City of Bridgeport employee allow a temporary, contractor or another employee use of their login. In the case where an employee does provide another person access to their account, they will be responsible for the actions

of the individual using their account. Passwords should not be stored in computer data files, on the network, or be displayed openly at any workstation.

**Message Content:** The e-mail system is not to be used to solicit or proselytize for commercial ventures. The system is not to be used to create any offensive or disruptive messages. Among those which are considered offensive are any messages which contain sexual implications, racial slurs, gender-specific comments or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin or disability. The organization's overall employee manual or code of conduct shall be considered the prevailing authority in the event of possible misconduct.

Employees should note that any data and information on the system will not be deemed personal or private. In addition, the e-mail system may not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization.

**Legal Proceedings:** Information sent by employees via the electronic mail system may be used in legal proceedings. Electronic mail messages are considered written communications and are potentially the subject of subpoena in litigation. The City of Bridgeport may inspect the contents of electronic mail messages in the course of an investigation, will respond to the legal process and will fulfill any legal obligations to third parties.

**Network Security:** IT will monitor network security on a regular basis. Adequate information concerning network traffic and activity will be logged to ensure that breaches in network security can be detected. IT will also implement and maintain procedures to provide adequate protection from intrusion into the City of Bridgeport computer systems from external sources. No computer that is connected to the network can have stored, on its disk(s) or in its memory, information that would permit access to other parts of the network. Staff should not store personal, business, member or other credit card/account information, or passwords within word processing or other data documents.

**Personal Computer Security:** Only legally licensed software will be installed on the City of Bridgeport computers. Users are expected to read, understand and conform to the license requirements of any software product(s) they use or install. Software cannot be copied or installed without the permission or involvement of the IT department. IT will configure all workstations with virus protection software, which should not be removed or disabled. Each employee is responsible for protecting their computer against virus attack by following IT by not disabling the anti-virus application installed on their workstation. Staff should lock the computer when they will be away from their desk for an extended period.

**Internet Use:** The Internet is to be used for business purposes only. Employees with Internet access are expressly prohibited from accessing, viewing, downloading, or printing pornographic or other sexually explicit materials. In addition, employees should be mindful that there is no assurance that e-mail, texts and attachments sent within the company and on the Internet will not be seen, accessed or intercepted by unauthorized parties. However, department heads may permit employees to use the City's computers for Internet usage, e-mails, social networking sites, etc., as long as the

employee utilizes his/her own personal time, i.e. lunch, after hours, etc. and realizes that the usage is subject to the monitoring rules set forth in this policy. The City reserves the rights to control the access to the internet as deemed necessary.

**Software Usage:** Employees are expected to use the standard software provided by IT, or identify applications they need in the course of their work. Staff members are not permitted to download applications, demos or upgrades without the involvement of IT. Employees will use the standard e-mail system provided by the City of Bridgeport for official e-mail communications, and should not install their own e-mail systems. Additionally, use of instant messaging programs, such as ICQ, AOL Instant Messenger, Microsoft Messenger, etc., is prohibited unless otherwise approved by management or the IT department.

Failure to comply with all components of the Computer and Technology Resource Usage Policy may result in disciplinary action up to and including termination of employment. Any employee who does not understand any part of the policy is responsible for obtaining clarification from his or her manager or the Human Resource department.

## **USE OF PERSONALLY-OWNED MOBILE COMMUNICATION DEVICES/RECORDING DEVICES ON CITY PREMISES**

The use of personal mobile communication devices and other electronic devices has expanded rapidly in the workplace. The City does not wish to unreasonably constrain the use of these devices; however, it has a broader responsibility to: (1) ensure that they are used in an appropriate manner; (2) ensure the integrity of proprietary information; (3) preserve the privacy of fellow employees and (4) ensure that unauthorized surveillance does not breach the reasonable expectation of privacy in the workplace.

This policy applies to all staff and employees while on City owned or leased property and/or facilities in which the City conducts business.

Mobile Communication device is defined as any Cell Phone, Pager, Personal Digital Assistant (PDA), MP3 player, headphone, Bluetooth device, or any other wireless device that could be used to access the City's network.

Recording device is defined as any device used to record or intercept any wire, electronic, oral, or visual communication, to include, but not limited to, mobile communication devices, including those with picture messaging, tape recordings, other photo devices and the transmission of images through e-mail systems.

- A. Mobile Communication Devices - Employees are required to exercise discretion and restrict the use of personal mobile communication devices while on duty, or in the workplace. Excessive calls via personal mobile communication devices and/or the use of its multi-media functions (games, internet, videos, music) can interfere with productivity and can be distracting to fellow workers. For safety purposes, use of mobile communication devices while driving on City business should be done in compliance with state law requiring the use of hands-free equipment. In addition, the use of head sets and wireless head set technology while operating work-related equipment is a safety hazard and is not allowed.
- B. Recording Devices - As a general rule, recording devices and camera-equipped devices (including mobile communication devices) and their uses are restricted in accordance with state and federal regulatory guidelines concerning unauthorized surveillance. Employees shall not use the picture-taking functionality of mobile communication devices in the workplace unless authorized for approved City business. Unauthorized use of cameras at any City-owned facility, including designated work areas, restrooms, or exercise areas without the express written consent of the department manager is not allowed.
- C. Taping Conversations - Taping conversations is prohibited, unless all parties have prior notice that the conversation will be monitored or taped and have given consent. Covert/secret taping of any conversation or meeting occurring at the workplace or, conversations or meetings offsite that deal with workplace matters of official concern are prohibited. Examples of such meetings are promotion interviews, meetings with a counselor or investigator, meetings between a supervisor and a subordinate, etc.
- Employees are also prohibited from arranging for others, including non-employees, to do any recording of conversations, phone calls or other work activities.
- D. In compliance with the privacy regulations contained in the Health Insurance Portability & Accountability Act (HIPAA), visual and recording devices shall not be used in patient care areas.

The following are the only exceptions to the above provisions:

- Camera-equipped devices issued by the City to designated employees as part of their performance of certain duties;
- When required as an accommodation for an employee who has a documented hearing-impairment or physical challenge and who is otherwise unable to write or conveniently record information or data;
- When authorized by a meeting chairperson for the purpose of facilitating the recording of meeting minutes or the taking of notes; or, the recording of investigatory or other hearings;
- When an authorized department head or his/her designee grants prior written approval and notice of the recording of an activity restricted to their department. Copies of the written approval must be maintained in the department's files.
- When cell phones are used in employee break areas during an employee's scheduled break or at City-sponsored social events.
- The City shall not be liable for the loss or damage of personal cell phones, multimedia devices or other recording devices brought into the workplace.

Failure to comply with the provisions of this policy may result in disciplinary action up to and including termination depending on the severity of the infraction.

## ***Uniforms***

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Some departments require employees to wear uniforms. It is the employee's responsibility to keep the uniforms neat and clean. Uniforms are provided to many City departments. The costs of the uniforms are covered through the departmental uniform allowance policies. If an employee is provided with a uniform, he/she is required to wear it while on duty. Accordingly, no employee, with the exception of seasonal employees, shall be permitted to wear shorts while on duty unless authorized by his/her department head with approval by the Director of Personnel/HR and/or the City Manager.

For specific questions, refer to specific departmental rules and regulations regarding uniforms.

## ***Harassment***

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It is the policy of the City of Bridgeport to employ positive business and Personnel/HR practices designed to ensure the full realization of equal employment opportunity. The City prohibits harassment of its employees, in any form, and by any person.

Accordingly, harassment is also a form of discrimination. Prohibited sexual harassment, is defined as unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment.
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals.
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Specifically forbidden is harassment of a sexual, racial, ethnic, or religious nature, or based upon an individual's disability. Such harassment includes unwelcome remarks, gestures, or physical contact; display, or circulation of written materials or pictures derogatory to either gender or to racial, disabled, ethnic, or religious groups; or basing Personnel/HR decisions on an employee's response to sexually-oriented requests. Any employee who experiences conduct of this sort shall bring it to the attention of the Director of Personnel/HR, the City Manager, or the City Attorney. Any employee violating the City's rule against harassment of employees may be subject to discipline, up to and including dismissal.

## **Procedure**

1. The Director of Personnel/HR will serve as the Harassment Complaint Coordinator and will assist employees with complaints of harassment. All harassment claims will follow the City's grievance policy.
2. Each supervisor and Department Director is responsible for maintaining the work place free of sexual harassment. This duty includes discussing this policy and procedure with all employees.
3. Investigation of all alleged sexual harassment shall be done by the Harassment Complaint Coordinator or an appointed impartial third party on the assigned case. S/he shall report the findings of the investigation only to the City Manager and/or the Director of Personnel/HR in order to protect the rights of both the complaining and offending parties.

The City forbids retaliation against any individual who files a charge of discrimination, reports harassment, or who assists, testifies or participates in an equal employment proceeding. Employees are required to report to a member of management, Personnel/HR representative or the General Counsel of any apparent violation of this policy. The report should be made as soon as possible of the incident for discrimination or harassment. The Personnel/HR representative should promptly notify the General Counsel of all incidents or reports of discrimination or harassment.

Violations of this policy, regardless of whether or not an actual law has been violated, will not be tolerated. The City will promptly and thoroughly investigate every issue that is brought to its attention in this area and will take appropriate disciplinary action, up to and including termination of employment.

## ***Workplace Violence***

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The City does not tolerate violence within its workplace. No person employed with the City shall be the instigator of, or participate in, any of the following:

1. Obscenities, ethnic slurs, or epithets directed toward other individuals.
2. Threats of bodily harm or damage to one's property.
3. Actual bodily harm or damage to one's property.
4. Callous or intentional disregard for the physical safety or well being of others, including horseplay.
5. Possession of any weapon or the brandishing of any object that could reasonably be perceived as a weapon in the work place (police officers and other authorized Personnel are exceptions).
6. Any other conduct that any reasonable person would perceive as constituting a threat of violence.

Any such behavior, comments, and/or weapon possession shall be reported immediately to one's supervisor or the Director of Personnel/HR. Supervisors shall be required to take appropriate, immediate action to curtail any such behavior or

comments. Any known weapon possession or potential serious violent situations shall be reported immediately to the Police Department by the supervisor.

Violations of this policy will lead to immediate disciplinary action up to, and including, termination and any appropriate legal action.

Supervisors may require a psychological evaluation of the offending employee, along with disciplinary action, depending upon the severity of the offense.

### ***Expense Reimbursement***

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City employees will be reimbursed for allowable and reasonable expenses incurred while performing official City business. Expenses will not be reimbursed without prior authorization from the Director of Personnel/HR.

Reimbursement for expenses may be requested one of two ways:

- Actual costs incurred (cost reimbursement) except for meals
- Per diem
  - when traveling to any area in the State of West Virginia for training and education and meeting the reimbursement criteria as outlined in this policy, employees shall be entitled for a daily per diem of \$51. The per diem of \$10.00 for breakfast, \$15.00 for lunch, and \$26.00 for dinner is the maximum allowable reimbursement to the employee when traveling in the State of West Virginia. Additionally, if a meal is included in the registration fee, employees will not receive a per diem for that portion of the meals reimbursement.

Additionally, when traveling outside of the State of West Virginia for training and education and meeting the reimbursement criteria as outlined in this policy, employees will receive a per diem based upon the Federal Government's meal expense allowances for that specific City/State. This can be obtained by contacting the Director of Personnel/HR prior to your trip.

### **Cost Reimbursement**

Employees should be frugal in the use of City funds and they may be required to justify all expenditures.

Receipts must be attached to the reimbursement request form. Expense reports will be filled out by employees detailing all costs and will attach associated receipts. The following items are reimbursable:

- Commercial flights only when the cost is less than the cost of automobile mileage or where the travel time by automobile is of significance.
- Bus, limousine, or taxi; determined by the most economical means available
- Automobile: use of City vehicle for travel to and from City related business is encouraged. When a City vehicle is not available and an employee uses his/her own vehicle, s/he will be reimbursed at a rate of the current IRS allowable rate per mile. Passengers traveling in the same vehicle for the same purposes will not receive mileage reimbursement. Car rental is not

reimbursable without approval of the City Manager. When multiple employees are attending the same training, they are encouraged to ride together. If the employee elects to use his/her own vehicle for transportation when a city vehicle is available, he/she may not be compensated or may be paid at a lesser value. If it is deemed that an airline flight would cost less than the vehicle travel allowance, the employee may only be reimbursed the value of the commercial flight.

- Registration fees
- Meals: City per diem amounts must be used as guidelines for meal expenses. Excessive amounts must be justified and may be denied. For meals provided to employees while working within the City of Bridgeport, prior approval from the Director of Finance must be obtained to ensure compliance with the State's Auditing procedures and the WV Ethics Act.
- Lodging: Reasonable and necessary lodging expenses at the single room rate are reimbursable unless rooms are shared by multiple employees.
- Phone calls: Calls necessary for official City business are reimbursable.
- Parking and tolls: Parking, highway and bridge expenses are reimbursable provided the employee is on official City business.
- Internet access fees.

The following items are NOT reimbursable:

- Alcoholic beverages
- Entertainment
- Laundry and dry cleaning
- Room service charges
- Expenses of spouse traveling with employee

### **Per Diem**

Per diems may be claimed in one of two ways. An employee may request pre-payment of per diems prior to the travel activity or s/he may request per diem reimbursement following the travel activity.

Reimbursements based on per diem do not require presentation of receipts. Per diem reimbursement requires the employee to justify the need for travel and the beginning and ending time/date of the activity with his/her immediate supervisor. Requests should be submitted to the Finance Department within a reasonable amount of time prior to expected reimbursement time-lines.

The only expenses that may be reimbursed as per diems are meals and mileage. A reimbursement form must be filled out by the employee and signed by the Department Head and approved by the Director of Personnel/HR prior to any disbursements regardless of whether the request is for pre-payment or payment following the travel

activity. For pre-paid per diems, should the travel activity change from the original request, the employee must reimburse the per diem received for the travel activity that was altered.

Meal reimbursement is as follows:

<u>Meal</u>	<u>Time Leaving</u>	<u>Time Returning</u>	<u>Amount Reimbursable</u>
Breakfast	Prior to 6:00AM	After 10:00AM	\$ 10.00
Lunch	Prior to 10:00AM	After 2:00PM	\$ 15.00
Dinner	Prior to 3:00 PM	After 7:00PM	\$ 26.00

For an employee who is on travel status for a continuous 24 hour period of time, the per diem reimbursement is \$51.00/day. Meals covered under registration or conference fees are not eligible for per diem reimbursement. Special circumstances may arise that the City Manager has the discretion to deviate from this policy; however, any requests that deviate from this policy, must be approved by the City Manager prior to taking the trip.

These rates are based upon today's cost projections and may change from time to time at which time the Director of Personnel/HR will provide updates to this policy to be distributed by the Finance Department for expense reimbursement calculations.

## ***Vehicle Use***

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With proper authorization of the Department Head, City employees are permitted to use City vehicles for official City business. Vehicles may not be kept overnight unless approved by the Department Head in consultation with the City Manager. City vehicles will not be used for commuting to and from work except when authorized in advance with the exception of those approved for take home vehicles.

It is the responsibility of all City employees to maintain and service the vehicles assigned to their individual departments.

Should any employee be involved in a traffic accident involving a City vehicle, he/she must notify the Police Department immediately and provide all necessary information. If the accident takes place outside of the City's jurisdiction, a police report from the applicable police agency must be obtained.

Employees who use City vehicles for commuting purposes shall inform the Finance Department within ten (10) days of starting such practice and comply with the reporting requirements specified by that Department and by state and federal laws.

## **Utilization of Assigned City Vehicles**

City vehicles that are assigned to Personnel for emergency use and for on-call status after normal working hours, may be taken to the employee's place of residence for 24-hour response. City vehicles shall not be used for personal business.

City owned vehicles authorized to be taken to a private residence after working hours are to be taken to the place of residence for the sole purpose of insuring that transportation is available if that employee must respond to an emergency or request from the City Manager.

With the exception of vehicles used by public safety Personnel, the Internal Revenue Service considers the use of a vehicle to commute a fringe benefit and the employee will be taxed on the value of that use. Under the Internal Revenue Service regulations, a per-day value is specified for every day the employee is required to commute. This value will be included in that employee's income.

Employees who have assigned city vehicles should try to utilize his/her vehicle at all times including travel for training. If the assigned city vehicle is not going to be used, prior approval must be obtained from the City Manager.

### **Seat Belts**

Compliance with State seat belt law while driving a City vehicle is mandatory. In addition, City policy requires the use of seat belts in all City vehicles in which seat belts are provided, regardless of size or type of vehicles.

### **Locking Of Vehicles**

All unattended City vehicles shall be locked. Do not leave keys in unattended, unlocked vehicles.

### **Other Instances**

In those instances when the employee is not available to respond, i.e. vacation, schooling, illness, no telephone, etc., the City vehicle will be temporarily reassigned to the employee who substitutes for the person that is temporarily absent. In those instances when there is no substitute, the vehicle will be left at the duty location or the City maintenance yard.

### **Care of City vehicles**

Smoking in City vehicles is not permitted.

All employees who take City vehicles to their residences are required to wash and provide basic maintenance of the vehicle.

The practice of keeping the engine running in a vehicle should be kept at a minimum. Department procedures should be followed in all of these instances.

## **Clean Indoor Air Policy**

The United States Surgeon General has determined that involuntary inhalation of tobacco smoke is (a) a cause of numerous diseases in healthy nonsmokers; and (b) is a major contributor to indoor air pollution; and (c) that children, elderly people, individuals with cardiovascular and/ or respiratory disease are at special risk. The Harrison-Clarksburg Board of health has found that the regulation of smoking is necessary and proper for the protection of the general health of Harrison County, West Virginia.

It is the City of Bridgeport's responsibility to its employees to provide a smoke-free workplace for all employees. Therefore, the City shall post this written policy throughout each department; and it shall be made part of the City's Personnel/HR policy.

The City shall prohibit smoking in all enclosed facilities without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities. Smoking shall also be prohibited from occurring within 20 feet of any entrance of any enclosed area.

There shall be "no smoking" signs posted clearly, sufficiently and conspicuously in every building or other area where smoking is prohibited. Every public place where smoking is prohibited, the City will post "no smoking" signs at each entrance clearly stating that smoking is prohibited. This posting shall include the posting of "no smoking" signs in every city vehicle.

Any proven violation by any employee of the City of Bridgeport under this policy can result in direct disciplinary action taken by the City and could lead to termination of employment by the City Manager. In addition, The Harrison County Health Department can impose penalties for violation of the County's clean air regulation that could include being guilty of a misdemeanor and, upon conviction, be punished by a fine of not less than fifty dollars and not more than one thousand dollars.

## **Driver/operator Standards**

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All employees (and prospective employees who will) who operate a vehicle and or drive a machine or piece of equipment for the City of Bridgeport are subject to this policy.

- ❑ A motor vehicle report (MVR) will be reviewed prior to any applicant's consideration for employment.
- ❑ Applicants will not be considered for employment that involves the operation of company vehicles or personal vehicles for city business if they
  - Have been convicted of a DUI or reckless driving violation within the past three (3) years;
  - Have had any combination of three (3) moving violations and/or accidents in the past three (3) years;

- Have had more than one (1) at fault accident in the past three years.
- MVR's will be requested and reviewed at least annually or periodically as needed for all employees authorized to operate a company owned vehicle.
- All current and prospective employees authorized to operate a City owned or personal vehicle for the City must maintain MVR's that
  - Do not contain a conviction of a DUI or reckless driving violation with the past three (3) years
  - List no more than any combination of three (3) moving violations and/or accidents within the past three (3) years
  - List no more than one (1) at fault accident within the past three (3) years.

A current employee will be placed on six months probation and required to attend a defensive driving school, at their expense, if a MVR search reveals any combination of two moving violations and/or at fault accidents.

A third moving violation, additional at fault accident or DUI conviction may result in the loss of your privilege to operate a City owned vehicle, suspension or termination of employment.

Reckless use of a city owned vehicle or an at fault accident involving a City owned vehicle may result in probation, loss of city driving privileges, suspension or termination of employment.

It is the City's mutual responsibility to insure that all vehicles used for city business are operated as safely as possible. This includes the hiring of employees who are safe drivers and requiring current employees to operate all vehicles used for city business in the safest manner possible.

# ***HIRING PRACTICES***

## ***Equal Employment Opportunity***

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The City of Bridgeport is an equal opportunity employer. As required by Title IX of the Education Amendments of 1972, it is the policy of the City to prohibit discrimination and harassment of any type and to afford equal employment opportunities to employees and applicants, without regard to race, color, religion, sex, national origin, age, disability, genetic information, or veteran status. The City will conform to the spirit as well as the letter of all applicable laws and regulations. The City will take action to employ, advance in employment, and treat qualified veterans and disabled veterans without discrimination in all employment practices.

The policy of equal employment opportunity and anti-discrimination applies to all aspects of the relationship between the City and its employees, including but not limited to:

- Recruitment
- Employment
- Promotion
- Transfer
- Training
- Working conditions
- Wages and salary administration
- Employee benefits and application of policies

The policies and principles of equal employment opportunity also apply to the selection and treatment of independent contractors, Personnel working on our premises who are employed by temporary agencies and any other persons or firms doing business for or with the City.

The Department Directors of the City will be responsible for the dissemination of this policy. Directors, managers and supervisors are responsible for implementing equal

employment practices within each department. The Personnel/HR Department is responsible for the City's overall compliance, and shall maintain Personnel/HR records in compliance with applicable laws and regulations.

The City will also support this policy by practicing the following:

- The City displays posters regarding equal employment opportunity in areas highly visible to employees.
- All advertising for job applicants includes the statement "An Equal Opportunity Employer -----M/F/D/V."

## ***Disability Accommodation***

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The City is committed to complying fully with the Americans with Disabilities Act (ADA) and the WV Human Rights Act and ensuring equal opportunity in employment for qualified persons with disabilities. All of the City's hiring procedures provide persons with disabilities meaningful employment opportunities.

The City follows the ADA guidelines in defining a qualified employee or applicant with a disability as an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question.

The City follows Title I of the ADA in defining a person with a disability as a person who:

- Has a physical or mental impairment that substantially limits one or more major life activities
- Has a record of such an impairment; or
- Is regarded as having such impairment.

The City follows ADA's guidelines when defining reasonable accommodation. Such accommodation includes, but is not limited to:

- Making existing facilities used by employees readily accessible to and usable by persons with disabilities;
- Job restructuring, modifying work schedules, reassignment to a vacant position
- Acquiring or modifying equipment or devices, acquiring or modifying examinations, training materials, or policies, and providing qualified readers or interpreters.

The City will make an accommodation to the known disability of a qualified applicant or employee if it would not impose an 'undue hardship' on the operation of the City's business. Undue hardship is defined, as significant difficulty or expense when considered in light of factors such as an employer's size, financial resources and the nature and structure of its operation.

- The City is not required to lower quality or production standards to make an accommodation, nor is the City obligated to provide personal use items such as glasses or hearing aids.
- Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in job assignments, classification, organizational structures, position descriptions, lines of progression, and seniority lists.

This policy is neither exhaustive nor exclusive. The City is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA, the WV Human Rights Act and all other applicable federal state, and local laws.

### ***Physical / Psychological Standards***

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Knowledge of physical conditions and existing health problems of employees is necessary to avoid occupational injuries and to ensure that it will be possible to differentiate any future job-related injuries from existing medical problems.

For these reasons, the City requires prospective new employees in any Regular Full-time position, after the offer of employment is given, to have a physical examination prior to employment as a condition of their employment.

In addition to the required physical examination, the City also requires prospective new employees who are in any Regular Full-time positions to be tested by a licensed physician and to be declared by the physician in writing to show no trace of alcohol or illegal drug abuse.

Prospective new employees for active or reserve police officer or Fire Fighter/EMT and or Paramedic certification must meet the physical requirements mandated by City, State and Federal laws and regulations. They must also undergo a psychological examination by a licensed/certified-testing agency. They must be declared in writing by the agency to be in satisfactory psychological and emotional health to be a law enforcement officer or Fire Fighter/EMT/Paramedic. The required examination will be made by a physician and a psychologist or psychiatrist of the City's choice and is paid for by the City. Physical examinations will be pursuant to the requirements, rules and regulations of the Police and Fire Civil Service Commissions and the applicable State Regulations.

### ***Nepotism***

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The City forbids the practice of nepotism in hiring practices or in awarding contracts. Nepotism exists when a City employee, who has the responsibility to hire or to promote, is a 'relative' to the individual being hired or promoted. No person may be hired, promoted, supervised by or supervise another employee if there is a violation of the City's nepotism policy. For the purpose of this policy, the City follows the guidelines provided by the WV Ethics Act as it defines "Relatives" as individuals who are related to the public official or public employee as father, mother, son, daughter,

brother, sister, spouse, grandmother, grandfather, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law or daughter-in-law.

## **Exceptions**

No person may be hired or continue City employment who is a relative to another City employee, unless:

1. The individual to be hired is a minor child of the City employee, is to be hired as a temporary employee only, and such employment would not violate the "Direct Supervision" portion of this section.
2. A marriage occurs that causes employees to become related in such a way that the original employment would have been prohibited. In this case, employees should be reassigned to an available position within the City which will cause the violation not to exist. Said exception will be allowable if the employee is qualified for the position, and approval is given by the City Manager.

The City Manager will have ultimate authority to determine questions on nepotism violations, resolutions to those violations and any other interpretation of this policy.

## **Vacancies**

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The City encourages employees to apply for any vacant City position for which they are qualified

Department Heads shall notify the Director of Personnel/HR of any vacancy that occurs in his/her department. The Director of Personnel/HR may advertise either internally, externally or both for applicants to fill any City vacancy for the exception of Police/Fire Civil Service.

Vacancies in City positions are filled on the basis of merit, whether by promotion, transfer or by initial appointment. Selections of the most qualified persons are made only on the basis of occupational qualifications and on job-related factors such as skill, knowledge, education, experience, and ability to perform the essential functions of the specific job. Employees may be given preference over another applicant in these decisions, only if all other factors are equal or greater.

Vacancies are filled such that they do not violate the City's nepotism policy.

Vacancies filled in positions within the Police and Fire Civil Service must be filled within the guidelines as set forth by the applicable Civil Service Commission.

## **Application Form**

Each applicant for employment, including current City employees, is required to submit a written application on the City's official application form prior to being hired. The applicant should also submit any other pertinent information regarding training and experience. Each applicant will also sign a Release of Information Form giving the City permission to make appropriate inquiries to verify experience, character, and suitability, and to check references.

## **Age Requirements**

Persons under 18 years of age will not be employed in any Regular Full-time or Permanent Part-time position. Individuals 14 years of age or older may be hired as Part-time, temporary employees.

Other age limitations will apply as required by the City's Police and Fire Civil Service Rules and Regulations as well as all state and/or federal laws.

## **Qualifications**

The City maintains job descriptions that describe the required knowledge, skills, and abilities as well as the acceptable levels of experience and training for each staff position in the City. The job description sets forth the minimum acceptable qualifications to fill the position.

Prior to being offered a position, each prospective new employee also must provide proof of citizenship or legal work status in the United States as required by the Immigration Reform and Control Act of 1986.

## **Selection**

Except for appointments reserved to the City Council by statute or ordinance, the City Manager has exclusive authority to fill all City vacancies including Department Director positions. The Departments have authority to employ department Personnel/HR, subject to approval by the City Manager and the Director of Personnel/HR within the limits of these policies and the City budget. Other supervisors may be asked for recommendations as appropriate.

## ***Method of Recruitment and Selection***

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The City may utilize several methods of recruiting and selecting persons to fill vacancies; they are, but are not limited to:

1. Promotion From Within
2. Lateral Transfer From Within
3. Public Announcement and Competitive Consideration of Applicants for Employment
4. Selection From Valid Current Eligibility Lists
5. Selection from existing applications on file.
6. Employment Agencies.

The City Manager or the Director of Personnel/HR in consultation with the Department Director determines the method of selection to be used in filling each vacancy. Consideration may first be given to promotion from within when the hiring authority feels that a sufficient number of viable candidates are available.

Public announcements of vacant positions at the City, for which there will be competitive consideration, are disseminated by the Director of Personnel/HR in the manner most appropriate for the particular position being filled.

### **Applications/resumes**

Applications and/or resumes will only be accepted for vacant positions. Unsolicited resumes will be disregarded and destroyed. Applications/resumes received when solicited, will remain active for 90 days and on file (hard copy or electronically) for one year and then be destroyed.

### ***Prior Service with City***

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Employees entering service with the City who have had prior service with the City may be considered for reappointment only with the specific approval of the City Manager. (See "Rehire" definition)

### **Reemployment**

Employees who resign from the City in good standing may be eligible for reemployment consideration. These individuals must follow all application procedures.

If a former employee is rehired under these conditions, no credit will be given for former service with respect to benefit accruals or other forms of longevity entitlements that are normally associated with an employee's continuous service. Each reemployment will accrue benefits as would any other new employee. However, s/he should be placed in step two in the appropriate grade.

In accordance with the Police Civil Service Act, police officers are eligible for reemployment within 24 months of the date of voluntary separation.

Employees who are re-employed can "buy back" credited service under the West Virginia Employees Retirement System as outlined by the WV State Code.

### **Reinstatement**

Employees who are laid off from their jobs with the City, and who had at least a rating of satisfactory performance in each category on their last formal appraisal, may be eligible for rehire within twenty-four (24) months from the date of their employment separation. Since Employment Application forms are kept active for a period of twelve months, those who file for reinstatement may have to renew their application to keep it active.

If a former employee is reinstated under these conditions, credit will be given for former service with respect to vacation, sick leave, and years of service that would have accrued had the employee not had a break in service. Additionally, each reinstatement will be assigned a pay rate commensurate with the rate

received at the time of separation. However, a new anniversary date will be established on the basis of the date of reinstatement even though a probationary period of employment will not be required. Health insurance will begin as a new employee.

## ***Testing***

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Certain department positions may require selection testing.

To the degree possible, any selection tests that are administered should relate directly to the actual duties and conditions of the job in a way that fairly and accurately measures the applicant's capabilities to perform the essential functions of the job. Consequently, selection tests may include, but shall not be limited to:

- Written examinations of the applicant's job knowledge, abilities, and actions;
- Performance and achievement tests;
- Personal interviews;
- Work samples;
- Medical and/or medically related tests; or
- Polygraphs when permitted by law;
- Any combination of these tests or other requirements that may be deemed suitable by the Personnel/HR Department.

It will be the responsibility of the Director of Personnel/HR, in consultation with Department Heads, to determine the manner and methods of selection tests to be used, and to make arrangements for the use of facilities and City resources necessary for conducting such examinations. No applicant taking a selection test will be treated in any preferential way to any other applicant participating in the same selection test to the extent that such treatment would compromise the impartiality of the testing process. Applicants participating in selection tests who are found to cheat, falsify information, or be disruptive to others will be subject to immediate disqualification from further consideration. If such applicants are current employees of the City, they may have their employment terminated.

Testing, both for initial employment and promotion for police officers and fire fighter/EMT or fire fighter/paramedic, is the responsibility of the Police Civil Service Commission or the Fire Civil Service Commission.

Certain City positions may require that employees obtain and maintain certain certifications or licenses. Each position's job description will outline these requirements when applicable. Employees who fail to maintain required certifications or licenses may be dismissed.

# ***EMPLOYEE COMPENSATION AND ADVANCEMENT***

## ***Salary Classification and Compensation Plan***

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### **Pay Periods**

City employees are paid biweekly. Checks or direct deposits are issued every other Friday or if a payday falls on a holiday, checks or direct deposits will be issued on the last working day preceding the holiday.

### **Pay Checks/Direct Deposits**

Paychecks/direct deposits may be issued on days other than the days set forth above at the discretion of the Director of Personnel/HR and/or the City Manager.

Discharged employees must be paid within 72 hours of the final hour of employment; laid-off employees must be paid no later than the next regular payday.

Employees who quit or resign without notice must be paid no later than the next regular payday, either through the regular pay channels, or by mail if requested by the employee. If the employee has given at least one pay period's notice of intention to quit, the final pay is due at the time of quitting.

No pay advances or loans will be made to any employee for any reason unless allowed by this policy.

### **Classification and Pay Grades**

The City Manager maintains a classification plan by which each class of positions is assigned a pay grade.

Bridgeport's City Council shall establish a salary ordinance on a year-to-year basis.

## Compensation Plan

a) Description The City compensation plan consists of a step program of salary increases designed to allow an employee to progress laterally in an orderly, predictable manner from the base rate through retirement for his/her particular job classification. This plan establishes minimum standards for step and grade advancement as well as provisions for merit adjustments. All employee salaries are considered public information; however, no salary information will be provided to any individual unless the request is in writing and authorized by the Director of Personnel/HR.

Regular cost of living or across the board salary increases are not affected by this program. All permanent, full-time employees and all permanent part-time employees are eligible for additional compensation under this plan. - Seasonal employees may receive a \$.25 increase for their 2<sup>nd</sup> returning year of work, and \$.15 increase for every year thereafter as long as the employee is performing essentially the same job functions with the City.

All employee action regarding the compensation plan must be approved by the City Manager.

b) New Employees

(1) Each new employee will be required to serve a probationary period of at least six-months. The probationary period of new employees begins on the day their job duties commence. Upon satisfactory completion of the probationary period, with positive evaluations and recommendations from the department head, the employee may be upgraded to step 2 of the step schedule, which will increase the employee's pay approximately 5%. Probationary employees can be terminated at any time during the probationary period without cause. Civil Service employees shall adhere to the policies established by their applicable Civil Service Commissions. State Code provides that all police/fire civil service employees must have a one-year probationary period; however, for pay increase purposes, the civil service employees shall move to step 2 in the pay plan after successful completion of a six-month period as all other employees. Successful completion of the probationary period does not alter the employee's at-will status.

(2) All lateral step advancements take effect the last pay period in June and will be paid on the first paycheck of July. A new employee will be eligible for his/her step advancement to step 3 on the first payday in July, following satisfactory completion of the probationary period, regardless of when employment begins.

c) Lateral Advancement for Existing Employees

(1) To be eligible for an annual lateral step advancement between steps an employee must receive an overall satisfactory rating and cannot receive any 'does not meet' or unsatisfactory/below average remarks on his or her annual performance review. This appraisal shall be performed by the department head or person having direct supervision of the employee and must be approved by the City Manager if the step is not being granted. This review covers a twelve-month period ending December 31<sup>st</sup> of each year.

(2) An employee must be formally recommended for lateral advancement by his/her supervisor. This recommendation must be based on performance.

(3) An employee who receives a written reprimand or suspension during the period of the evaluation shall not be eligible for lateral step advancement for that particular year.

(4) If the step increase is approved in the budget by the City Council and the employee receives a favorable evaluation, he/she will qualify for an advancement in step and will receive a salary increase of one step above their current step on the first payday of the July following the evaluation date.

d) Merit Salary Adjustments An employee may receive merit pay for excellent service and positive morale and image provided to the City. Request for merit pay must be made in writing by the employee's department head or supervisor to the Director of Personnel/HR. A merit review committee, consisting of the Director making the request, the Director of Personnel/HR and the City Manager, will review and approve/disapprove this request.

A merit pay involves a lump sum payment at the time the merit pay is granted. The amount of the lump sum merit pay will be approved annually by the City Manager and approved during the budget process by City Council. Each employee is eligible for one merit pay per fiscal year.

dd. Gift Certificates An employee may receive a \$25 gift certificate for doing a good job overall and/or performing duties outside of his/her regular duties. The Director issuing the gift certificate shall issue the Director of Personnel/HR a separate written memorandum for each employee receiving the gift certificate. The memorandum shall demonstrate and acknowledge the reason the certificate was issued and contain the certificate # listed on the certificate.

e) Promotions Employees who are promoted to a higher-grade classification shall be placed in the step in the new grade which best reflects the base differential between the current grade and the new grade classification.

f) Demotions If an employee voluntarily takes a demotion or is involuntarily demoted to a lower grade and position, there will be an automatic reduction in that employee's step and/or grade. In most cases, s/he will be placed in no less than the step in the new grade which reflects the base wage differential between the old and the new grade. However, circumstances might warrant further adjustments in placement in step as determined by the City Manager.

g) Wage/Step Schedule

- 1) The wage/step schedule includes the annual or hourly rates for all steps within each job classification and grade.
- 2) The wage/step schedule is subject to annual adjustments to reflect cost of living increases, etc.

h) Salary Reclassification - In situations where an employee's position has been re-evaluated by the Personnel/HR Director and a pay reclassification is approved by the City Manager and through the budget process has been approved by City Council, the City Manager has the discretion to place the employee in a different grade and (or) step.

i) Other Considerations

**Temporary to permanent**—The effective date of the reclassification shall be the date used to determine eligibility for the group insurance.

**Part-time to full-time**—The effective date of the reclassification shall be the date used to determine eligibility for group insurance.

**Full-time to part-time**—The first day of the month following reclassification will be used to determine cancellation of all benefits for which part-time employees are ineligible. When an employee makes such a conversion, s/he will receive a vacation payout as if s/he is terminating employment and will also receive a Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA) notification to allow for continuance of insurance.

j) City Manager Discretion There may be circumstances that surface from time to time when it makes monetary, common or logistical sense to make adjustments in hiring, promotion or general compensation. The City Manager shall have the discretion to make these types of adjustments.

## **Payroll Deductions**

Deductions will be made from each employee's pay as required by law.

In accordance with policies and procedures approved by the City Manager, deductions from an employee's pay may be authorized by the employee for:

- Group health/medical insurance premiums;
- Retirement
- Deposits to a Credit Union;
- Deferred Compensation
- Such other deductions as may be authorized by the City Manager and in compliance with the WV Wage Payment and Collection Act.

# ***WORK SCHEDULE AND TIME REPORTING***

## ***Administrative Work Week or Work Period For Most Departments***

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Generally, the official work period for administrative employees in City departments for which separate work periods are not established elsewhere in these policies is a seven-day period beginning on Friday at 7:30AM and ending at 7:29AM on the following Friday.

Normal working hours are Monday through Friday from 7:30AM to 4:00PM with one-half hour for lunch, for a total of 40 hours per week.

Other hours of work and official work periods for individuals or groups of employees may be set by the Department Director with the approval of the City Manager in accordance with the Fair Labor Standards Act.

Department Heads can allow their employees to work flexible scheduled hours as long as it does not interrupt the services being provided to all customers. All flexible scheduling must be approved by the City Manager or his designee, generally the Director of Personnel/HR.

### **Exemptions from FLSA (Overtime Compensation)**

Executive, administrative, and professional employees are exempt from the overtime provisions of FLSA and are expected to render necessary and reasonable overtime services with no additional compensation. The salaries of these positions are established with this assumption in mind. Extra hours worked are FLSA exempt. However, some schedule flexibility may be inherent in executive, administrative, and professional positions. This flexibility is administered by the City Manager.

Each City job description will designate whether persons hired in that classification are exempt from or covered by (nonexempt) the overtime provisions of FLSA.

## ***Overtime Compensation***

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The policy of the City is to keep overtime to a minimum. However, employees may be required to provide services in addition to their normal hours or on weekends or holidays. Overtime is defined under the Fair Labor Standards Act (FLSA).

For most employees who are covered by the overtime provisions of the Fair Labor Standards Act (FLSA), the policy of the City is to compensate the employee with:

1. **Payment** at the rate of **one and one-half times** the employee's regular hourly rate; or
2. **Compensatory time off** within the next **120 days** at one and one-half times the number of hours worked up to a maximum number of hours, which may be accrued. Comp time off must be used or paid for by June 30<sup>th</sup> of the fiscal year in which the time has been earned.

The City discourages the accumulation of compensatory time off. The maximum allowed compensation time accrued will be 120 hours. Any hours accrued after the 120 hours will be paid in overtime. All accrued and used compensation time will be filed with time sheets at the end of each time period and will be turned in to the Finance Director.

Holidays, vacations, and sick leave may all have an impact in the determination of how overtime is accrued, paid or given as compensatory time off. See each of those sections for details.

In most cases, the employee should obtain written permission from his/her department director prior to working overtime. Emergency situations and employees on call would be exempt from obtaining prior overtime approval.

## ***Holidays Worked***

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Each full-time, regular employee receives a specified number of paid holidays per year. If an employee is normally scheduled to work on a holiday, s/he will be given an alternate day off. Holidays are not considered in the same manner as "hours worked" under FLSA. For this reason, holiday hours will not be used when determining the overtime hours if the employee is receiving paid time off. For additional information on the holidays worked, see the chapter of these policies on Holidays.

## ***Leave or Holidays Taken and Overtime***

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Employees may be required to work extra hours during a work period (or work week) in which they have used sick leave, vacation leave, or any other type of leave time (including holiday time off). Under these circumstances, the employees will be paid for the extra hours, which bring the total hours worked to 40 hours or less, at the regular, straight-time rate of pay.

However, if the extra hours worked brings the total hours worked to over 40 hours, the employee will be paid at one and one-half times the regular rate of pay for the number of extra hours worked which caused the total hours to exceed 40 hours in a given week.

Special consideration may be given to the Fire and Police Departments by virtue of their intricacies.

### ***Time Reporting***

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Supervisors must keep records of all hours worked. Forms are provided by the City for this purpose. Time records must be reviewed and signed by the employee and by the employee's immediate supervisor. Each Department Director is responsible for ensuring that all hours worked and leave time taken are accurately reported on the time sheets sent to the finance office.

### ***On Call" Time***

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The vital nature of certain City services requires that some employees be available on an "on call" status in the evenings, over holidays and on weekends. This is required in order to ensure that there is a continuity of vital City services to the community.

Advances in technology such as cellular phones, pagers, etc. have given employees, who are "on call," much flexibility in terms of personal decisions and activities while "on call." Consequently, just being "on call" or "subject to call out" does not require that an employee be compensated.

Compensation for just being "on call," regardless of whether actual work is done or not in response to a call, depends on the departmental response time requirements as well as on the amount of expected "on call" activity during an average week. Response time requirements refer to the moment a call is received related to the amount of time that can elapse before the employee is required to physically respond to the call. Those departments that have a shorter response time requirement limit the personal activities of their employees more than other departments that have longer response time expectations. The following constitutes City policy with regard to compensation for "on call" services for departments who have "on call" employees:

DEPARTMENT	COMPENSATION
Public Works	\$50/week
Wastewater Plant	\$25/week

Employees who are on "on call" status may be called to duty from time to time to resolve problems. These employees will be paid for a minimum of 30 minutes per call out **if** they are called to duty while they are "on call."

Should the time on call out duty exceed the 30 minutes, the employee will be paid for the number of hours s/he actually works. An employee may choose to take that time as compensatory time at the supervisor's discretion.

If an affected employee has worked the full workweek without using leave time, s/he will be paid for actual time worked at one and one-half times the employee's regular rate of pay. If the employee has used any type of leave time, including holiday time off, during the work period in which s/he is "on call", the employee will receive straight-time pay for any call out time until the actual number of hours worked during that week exceeds 40 hours.

The Police and Fire Department have a minimum two hour call out procedure. If the employee is called into work on his regularly scheduled day off, and causes the employee to exceed 40 hours (212 hours for firemen) of actual work time during the pay period he/she will be compensated at a rate of 1 ½ times his/her salary for a minimum of two hours or the total number of hours actually worked exceeding two hours.

# ***BENEFITS***

## ***Medical and Life Insurance***

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The City provides medical and life insurance coverage for regular full-time employees. Premiums for employees are paid by the City. An eligible employee may add medical/hospitalization coverage for his or her spouse and dependents at partial expense to the employee. Any insurance company surcharges assessed on employees who use tobacco will be the responsibility of the employee.

Upon employment, each regular employee is given a booklet containing detailed information about the City's insurance programs and amendments as provided by the City's insurance carrier.

Benefits start on the first day of the month following the hire date.

Benefits terminate on the last day of the month of termination.

## ***Long-term Disability***

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The city provides long-term disability insurance coverage for regular full-time employees in conjunction with the Public Employee's Retirement System (PERS).

## ***Optional Insurance Program***

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Effective January 1, 2001, employees have the option of opting out of the City's health insurance program. There are two (2) methods in which an employee may elect to opt out of the program.

An employee may elect to drop his/her insurance coverage entirely with the City of Bridgeport. If an employee has family coverage and/or single coverage and has health insurance by another private major medical health insurance provider, he/she can elect to opt out of the City's insurance coverage and receive a monthly incentive less applicable payroll deductions based upon the budget amount approved by City council on a year to year basis. In order to qualify for this program, the employee must provide a certificate of insurance stating that he/she has other private major medical health insurance coverage. Medical cards offered through State agencies such as the Department of Human Services do not qualify a person for this optional insurance program. If at any time the employee loses his/her other coverage, he/she will be

required to notify the payroll department in writing within thirty (30) days, and renew at least the employee's single coverage with the City.

An employee who elects to come back into the City's insurance program for single and/or dependent coverage will be required to meet the eligibility requirements established in the City's current policy in effect at the time the employee is returning.

If an employee chooses to participate in the optional insurance program and for any reason he/she loses eligibility for the program and fails to notify the payroll department, the employee will be required to refund any payments the employee has received while being ineligible.

Health insurance and this incentive program are a fringe benefit and not a contractual right. This program may be amended and/or terminated at the discretion of City Council.

### ***Social Security***

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All employees of the City are covered by Social Security. The City contributes to the Social Security System for each employee and deducts employee contributions from payroll.

### ***Retirement***

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The City is a member of the West Virginia Public Employees Retirement System (PERS). Membership in the retirement system is mandatory for all regular full-time employees. Both the employee and the City contribute to the employee's retirement account. Employees who leave City employment prior to retirement will, after filing a request with PERS, be refunded their portion of the retirement account plus interest earned on their portion.

City employees are vested in the PERS system after five years of service. Retirement benefits are determined by a formula that involves years of service and the final average salary as provided by WV State Code. Each new employee receives a brochure about the City's specific retirement coverage and options under PERS at the time of employment. Additional information about retirement is contained in the Separations chapter of this manual.

## **457 Deferred Compensation**

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The City offers to its employees the option to participate in the 457 deferred compensation plan. One hundred percent (100%) of the contributions are made by the employee with no matching or guarantee by the City. Employees will receive specific information about the 457 Plan at the time of hire.

## ***Education and Training/Career Development***

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The City's career development policy is to encourage employees to improve their knowledge, skills, and abilities through education, work related seminars, on-the-job training, and career advancement with the City.

When the City requires an employee to attend any educational or training course, conference, or seminar, the City will provide the necessary time off with pay and will reimburse the employee for tuition or registration fees, authorized travel, and lodging according to the City's Compensation Plan.

When an employee elects to participate in training that does not meet the compensation requirements as outlined in the FLSA, no compensation will be paid.

As it relates to Police Academy training for uncertified police officers, and other employees gaining professional certifications paid for by the City all employees will be required to work for the City of Bridgeport for a period of two years after graduation and/or completion of coursework. If he/she leaves employment prior to completion of the two year requirement, the officer/employee will be required to reimburse the City on a prorated basis for the entire cost associated with the training that may include but not limited to salary, benefits, transportation, tuition, clothing, etc.

## ***College tuition reimbursement program***

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The City of Bridgeport is committed to providing a quality workplace for all employees. In order to continue to strive for excellence, the City provides a college tuition reimbursement program. The City of Bridgeport considers education a partnership between the employee and the employer. The pursuit of formal education by any regular employee must be beneficial to the strategic goals of the City of Bridgeport.

In the event that all appropriations for the tuition reimbursement program have been depleted, employees submitting request will be advised that the program has been totally utilized and will cease until future budgetary action by City Council. A maximum allowance for the full-time employee of \$2,000 (\$1,000 for permanent part-time) per fiscal year may be reimbursed. Only tuition costs incurred by the employee will be allowable under the tuition reimbursement program. Textbooks, parking fees, student ID, travel costs, late or penalty fees, and other course materials and miscellaneous school cost are not covered. Each request will be considered separately and only request will be accepted for tuition reimbursement for the current applicable semester.

This program is intended to provide our employees with an opportunity to continue their formal education relating to their positions with the City. The desired outcome of the program is to provide the City of Bridgeport with a better-educated workforce.

This program applies to all regular employees who have successfully completed their six-month probationary period for the City of Bridgeport.

Prior to beginning any educational program that the employee intends to submit for repayment, the request for reimbursement form must be sent to and discussed with the Department Head and the Director of Personnel/HR. To qualify for reimbursement, the educational programs/classes must be taken at an accredited institution. The Director of Personnel/HR, along with the Department Head, and City Manager will determine if the educational programs meet the above-described criteria, and approve whether or not the employee can enroll in the program at that particular time. The employees direct supervisor may approve attendance at a class that occurs during normal working hours when it is required curriculum and when a scheduling issue exists that would prevent the employee from receiving his/her degree. However, the employee will be required to utilize leave time or make up the time off for the approved absence as long as the time is made up during the same work-week and documented on the employee's timesheet. This will not be allowed if the same class/course is being offered at a time that is outside of the regular work schedule. If the coursework is approved, the City Manager, Department Head and the Director of Personnel/HR will acknowledge the request approval by signing the request and returning it to the employee making the request. The employee is responsible to pay for the tuition to the educational institution in accordance with the applicable educational facility payment procedures. To insure that the employee receives the maximum amount of benefit obtainable from the educational program in which he/she has enrolled, a performance/rate schedule based on the grade the employee receives for the course has been developed for determining the reimbursement amount. Once a pre-approved approved course has been completed and all guidelines have been met, the City of Bridgeport shall reimburse the employee as follows:

Coursework Grade	% of tuition paid by City
A/B	100
C	75
D or below	Not eligible for reimbursement
***Note ***	
Incomplete or withdrawn coursework will not be reimbursed.	

Employees should not expect any tuition reimbursement unless they have received the pre-approval in writing from the Director of Personnel/HR prior to class beginning.

Once the employee receives the official transcript of record from the approved educational facility, he/she must submit a request for payment accompanied with the receipt of payment for tuition and the official transcript to the Director of Personnel/HR. The Director of Personnel/HR will process the request for payment to the Finance Department whereby the Finance Director will issue a check to the employee as early as practical. Reimbursements shall not be authorized in the event the employee is receiving other sources of reimbursement. For tax purposes, all reimbursements shall be treated as outlined in the IRS rules and regulations.

If an employee ceases employment for any reason within one year from receiving the tuition reimbursement, he/she will be required to repay the City of Bridgeport on a pro-rated basis based upon the number of months worked, i.e., an employee who worked for 8 months after receiving a tuition reimbursement, and employment is terminated for any reason, the employee will be responsible to pay the City an amount equal to one third (1/3) of the tuition reimbursed.

The City manager has the exclusive authority to make adjustments and/or amendments to this policy.

## ***Unemployment Insurance***

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All employees of the City are covered under the Unemployment Compensation Insurance Program, and the City pays for this benefit. This program provides payments for unemployed workers in certain circumstances.

## ***Workers Compensation***

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All employees of the City are covered by the worker's compensation insurance program, and the City pays the premium. This coverage provides medical and salary continuation payments to employees who receive bona fide, **on-the-job, work-related** injuries.

## **Return to Work program**

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The City of Bridgeport is committed to providing a safe and healthy workplace for our employees. Preventing injuries and illnesses is our primary objective.

If an employee is injured, the City of Bridgeport will return an injured employee to modified or alternative work as soon after an injury as possible. This will be done by temporarily modifying the employee's job or providing the employee with an alternative position. The employee's medical condition along with any limitations or restrictions given by the attending physician will be considered as a priority when identifying the modified/alternative position. The duration of the modified job duties should be temporary in nature and should aid in returning the injured employee to full duty as early as practical.

### **PURPOSE**

This program is intended to provide our employees with an opportunity to continue as valuable members of our team while recovering from a work related injury. We want to minimize any adverse effects of an on-the-job injury to any of our employees and return the injured employee to their original job. This program is intended to benefit injured employees by promoting a speedy recovery while keeping their work patterns and income consistent. The company shares in the benefits by having our employees retain work skills thus contributing to the overall productivity of our business.

### **SCOPE**

This program applies to all employees of the City of Bridgeport.

## **RESPONSIBILITIES**

### **The City of Bridgeport:**

All injuries and the duration of the disability will be handled by the Director of Personnel/HR.

**The Director of Personnel/HR** will act as a liaison between the City of Bridgeport, the injured worker, the attending physician, and the applicable insurance company providing workers compensation coverage.

**The Director of Personnel/HR** will make sure that all paperwork and forms have been properly handled and submitted to the appropriate parties.

**The Director of Personnel/HR** will monitor the modified or alternative work and gather any additional information that may be needed to properly handle the return to work efforts.

### **All managers and supervisors**

In the event of an injury, the manager or supervisor will make sure that the injured employee receives first aid, or if necessary, proper medical treatment. If possible, the Manager or supervisor will accompany the employee to the treating physician or medical clinic preferably Medbrook Medical Center or United Hospital Center. The attending physician shall be notified on the first visit that the City of Bridgeport has a return-to-work program and that modified or alternative work will be provided. The manager or supervisor will work closely with the Director of Personnel/HR to coordinate the return to work efforts and will be responsible for introducing the employee back into the work place in the modified or alternative position. The manager or supervisor will make sure that the injured employee receives necessary assistance from co-workers and that the employee does NOT work outside any restrictions. Monitoring for transition into full duty work will be the responsibility of the manager or supervisor.

### **Employees**

If an injury occurs on the job, the employee is required to report the injury to their manager or supervisor immediately. If available, the employer representative will accompany the employee to the medical clinic. Together with the physician, the employee's physical restrictions and limitations shall be discussed. If able, employees are expected to return to the worksite the very SAME day to report the physician's findings and to discuss modified or alternative work. This will enable all parties to be kept abreast of the employee's condition.

Once an employee has returned to work, it is his/her responsibility to work within the physical limitations that the physician has specified. The employee shall perform only those duties that are assigned. An employee shall immediately notify the manager

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or supervisor of any difficulty in performing the duties. The employee must also notify their manager or supervisor in advance of any medical appointments. Time off will be allowed for medical appointments associated with an on-the-job injury. The employee shall keep the manager or supervisor informed of the recovery process and his/her ability to perform modified or alternative work.

**Accident/incident Reporting** – See Addendum B at the end of this manual.

# ***LEAVE TIME***

## **Leave Time**

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Full-time city employees are eligible for holidays and vacation leave, sick leave, and other types of released time under certain circumstances. Detailed information about leave and other types of released time is found in the chapters of these policies entitled Leave Time and Holidays.

## **Approval of Leave**

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All leave taken by City employees must be approved by the employee's Department Director. Copies of signed leave forms are sent to the Director of Personnel/HR who will review for compliance and forward to the Finance Department for recording on the central leave records.

## **Sick Leave Approval**

Approval of sick leave for non-emergency medical, dental, or optical appointments must be secured at least one day in advance and can be taken up to a maximum of 80 hours per year. In all other instances of sick leave use, the employee must notify his or her supervisor within the required departmental time frames on the first day of absence, unless emergency conditions exist, and request that approval of sick leave be granted.

If the period of sick leave exceeds one day, the employee must notify his or her supervisor within the required departmental time frames on each day that he or she will be absent. Advance notification requirements vary from department to department, depending upon the nature of the work and the need to secure substitute employees to carry on critical City functions. An employee must notify the appropriate supervisor as early as possible or according to the following schedule:

**Administrative 15 min. after shift begins**

**Parks 15 min. after shift begins**

**Utility 30 min. before shift begins**

**Police 2 hours before shift begins**

**Fire 1 hour before shift begins**

**Public Works 30 min. before shift**

Sick leave will be charged on the basis of actual time absent from the duty position in increments of one (1) hour.

**Supervisor's Responsibility for Verification**

Department Directors are responsible for ensuring that all vacation and sick leave usage is recorded on the time sheets sent to the finance office. The supervisor or Department head may require a Physician's written excuse from the employee when returning to work.

**Vacation Leave**

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Regular F/T employees will accrue and use vacation time according to the following schedule:

80 hours per year, plus eight (8) hours for each additional year of employment not to exceed 160 hours per year unless otherwise agreed upon by a separate agreement approved by the City Manager. An individual becomes entitled to take vacation time **after** one (1) month of employment. An employee who has completed at least twenty-five years of credited service shall be entitled to begin accruing at a rate equal to five weeks vacation on his/her 25th anniversary date.

Temporary and part-time employees do not earn vacation leave.

**Unused Vacation Leave**

For all regular, full-time employees, no more than a total of 200 hours of vacation and EDO (Earned Days Off) may be carried over to the next year. Each December 31<sup>st</sup>, any vacation leave balance in excess of 200 hours will be reduced to that maximum allowable carry over unless otherwise approved by the City Manager.

Accumulated vacation leave will be paid upon termination only if the employee has completed the initial first year of employment.

**Scheduling Vacation Leave**

Vacation leave must be scheduled and approved in advance and must accommodate the City's work schedule. Department Directors are responsible for establishing vacation schedules for employees in their departments. Provided departmental workloads will permit, employees should be permitted to select their desired vacation periods. If there is a conflict in vacation schedules involving two or more employees, employees are granted their preference on a "first come, first served" basis. If two requests are made at approximately the same time and cover the same requested vacation period, the employees will be granted their preference in accordance with their seniority. If the desired schedules conflict with City requirements, the City's requirements are given first consideration. A vacation leave request in excess of 10 working days must be submitted by the employee 30 days in advance and must be

approved by both the Department Director and the City Manager. Once again, the Department Director shall have discretion in equitably scheduling this time.

### **Use of Vacation Leave**

Regular, full-time, 40-hour employees are charged with eight hours of vacation leave for each full day they are absent on approved vacation leave. Regular, full-time, 212 hour employees are charged with 16 hours of vacation leave for each full day they are absent on approved vacation leave. Regular, full-time, 30-hour employees will be charged with 6 hours of vacation leave for each day they are absent on approved vacation leave. Employees may elect to take their vacation in increments of no less than one hour.

### **Compensatory Leave**

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See the chapter of these policies on Work Schedule and Time for information about earning compensatory time and using compensatory leave credits.

### **Sick Leave**

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All permanent full-time City employees who work 30 hours or more excluding special projects and/or emergencies per week are eligible for City sick leave benefits. An eligible employee may claim sick leave if the employee is absent from work due to:

1. Employee or employee's family illness or physical or mental incapacity;
2. Medical, dental, optical examinations or treatments; or
3. Medical quarantine resulting from exposure to a contagious disease.

Sick leave benefits shall not be paid to part time, temporary, casual or seasonal employees, or to enrollees under state or federally funded programs, unless the guidelines or regulations for such programs require that such enrollees be so covered.

### **Medical Statement**

Employees who are absent for more than a consecutive 24-hour period shall provide a written Doctor's excuse prior to returning to work. The Personnel/HR Director may disallow sick leave if such proof is not provided.

A Department Director, in his or her discretion, and at any time, may require satisfactory proof of the proper use of sick leave and may disallow sick leave in the absence of such proof. Department Directors shall review sick leave records periodically to identify trends of sick leave usage. Examples of abuse or misuse of sick leave include, but are not limited to, the following:

- If taken in conjunction with vacation or holiday leave.
- Employee taking sick leave as soon as it is earned and has no sick leave balance.
- Taking most of the sick leave in conjunction with weekends.
- Employee has no symptoms of illness the day prior to sick leave or the day after taking such leave.

The Department Director and the City Personnel/HR Office have the authority to require a doctor's certificate of illness or to require the employee to be examined by a doctor of the City's choice if the Department Director or the Director of Personnel/HR is of the opinion that the employee may have misused or abused sick leave benefits. All Department Directors are encouraged to counsel employees as to the consequences if sick leave is abused or misused. If the abuse or misuse of sick leave is continual by an employee, the employee is subject to disciplinary action, which may include dismissal. Employees must provide a written Physician's excuse after using three consecutive sick days (two 24 hour shifts for employees working a 24 hour work day) during the December 1<sup>st</sup> through November 30<sup>th</sup> calendar year.

Employees who use more than 5 consecutive sick days (40 hours) must complete the applicable Family Medical Leave Act (FMLA) request and the Department of Labor FMLA request completed by the employee's (or covered family member) physician with the Personnel Department at least 30 days in advance or in an emergency situation, as soon as practical.

### **Periods When Sick Leave Shall Not Be Earned**

When an employee is on leave without pay, military leave, or any other authorized absence (exclusive of vacation leave), for more than 15 cumulative working days ( 5 days for 24 hour fire department employees) in any one-month, sick leave credit is not earned for that month.

### **Accumulation of Sick Leave benefits**

Each eligible employee shall be entitled to paid sick leave only when the employee meets all of the applicable requirements of these Personnel/HR Policies and any City ordinances. Sick leave is computed on the basis of 12 hours of sick leave for each complete month of service. Once an employee has accumulated 480 hours of sick leave, additional sick leave will be computed on the basis of 8 hours of sick leave for each complete month of service up to a maximum accumulation of 576 hours, beyond which no further accumulation will occur. Employees with over 480 hours of accumulated sick leave on November 30 of each year will be paid for  $\frac{3}{4}$  of all such accumulated hours over 480 hours up to 576 hours, at the employee's regular rate of pay. The payment of this benefit will be distributed on the first pay period in December or early as practical set by the Director of Finance. No payment will be made to such employees for the remaining one-half of such accumulated hours over 480 hours up to 576 hours. Some employees may be entitled to receive a portion of sick leave upon separation. See the separation section of this policy for further details.

## **Use of Sick Leave**

Sick leave can be used, beginning on the employee's date of employment, for authorized purposes. Employees must notify their supervisor of the need to be placed on sick leave, within the required departmental time frames, prior to the scheduled time to begin work (see preceding section on approval of leave). Failure to do so may result in the employee's being placed on leave-without-pay status and could result in disciplinary action against the employee, up to and including dismissal.

Sick leave with pay may be granted up to 80 hours per calendar year when a dependent, spouse or parent of an eligible employee is ill as outline in the Family and Medical Leave Act section of this policy. Sick leave may, with supervisory approval, be granted to take dependents for routine visits or follow-up visits to the doctor. This time will be included in the limit of 80-hour limit within any calendar year as indicated above and limited to 24 hours per calendar year. Employees are expected to return to work as soon as practical. Sick leave shall be charged in increments of hours. The minimum charge against sick leave shall be one hour.

## **Illness while on Annual Leave**

When an illness or physical incapacity occurs during the time an eligible employee is on vacation leave, sick leave may be granted by the supervisor and the Director of Personnel/HR to cover the period of illness or incapacity and the charge against vacation leave reduced accordingly. Application for such substitution may be required to be supported by a medical certificate or other acceptable evidence.

## **Sick Leave Banking:**

An employee may elect to contribute a portion of his or her accumulated sick leave toward the payment of sick leave benefits to another eligible employee once such eligible employee has exhausted all accumulated personal, sick and vacation leave. The City Manager has full discretion for approving sick leave banking.

The number of sick leave hours that can be contributed to sick leave banking shall not exceed 8 hours of sick leave per employee per year. Such contributions shall reduce, to the extent of such contribution, the number of sick leave hours accumulated by the contributing employee.

## **Advanced Sick Leave:**

In case of an emergency, department heads may request that the City Manager consider approval of additional sick leave with pay on an advanced basis for an eligible employee. This advanced sick leave shall not exceed 240 work hours. However, all accumulated sick leave and annual leave (vacation) must be exhausted prior to taking any advanced sick leave if approved by the City Manager. Prior to the employee receiving any advanced sick pay, he/she will be required to sign a wage assignment/agreement for any earnings that may not be accumulated if he/she terminates employment. The City will deduct the paid sick leave hours from the employee's paycheck or if these deductions do not pay for all of the advanced sick leave, the employee will be required to pay the City in cash for the remaining advanced leave hours.

## **Termination of Employment**

Upon separation from employment, employees shall not be paid or compensated in any manner for accumulated sick leave, except as otherwise specifically provided in this Personnel/HR Policy and Procedure Manual for employees who leave City employment after twenty years of service.

## **Modification of Sick Leave Benefits**

In the event sick leave benefits are modified, altered, reduced, terminated, or repealed, employees will not be paid or compensated in any manner for any reduction, loss, or decrease of any accumulated sick leave benefits.

## ***Family and Medical Leave Act***

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This policy provides a leave of absence for up to 12 weeks of leave under certain circumstances. Employees eligible for paid leave under one of the City's other leave of absence policies may elect to take paid leave under one of the four circumstances described below. Also, the City may direct employees to take a paid leave for one of the four circumstances described below if the employee is due paid leave from the City. In either event, the 12-week period under this policy will begin to run whenever the leave is first requested—paid or unpaid.

Under certain circumstances described below, employees who have been with the City for 12 months and have worked 1,250 hours in those 12 months may request leave under this policy.

If leave is taken pursuant to this section, an employee will be entitled to continued health benefits equivalent to what is provided to a regular employee. Also, at the end of this 12-week period, the employee will be returned to his/her previous job or one that is genuinely equivalent if you are physically and mentally able to perform the duties of the job. Employees returning from a leave under this policy will be required to present a Fitness for Duty Certificate before being restored to employment if the time off was due to the employee's health condition.

This 12-week leave will be provided under the following conditions:

1. Because of the birth of a child in order to care for that child.
2. Placement of a child in your home from adoption or foster care.
3. To care for your spouse, son, daughter, or parent, if they have a serious health condition.
4. If serious health conditions exist that prevents an employee from performing job functions.

If you request leave to care for your seriously ill spouse, son, daughter, or parent, or due to your own serious health condition, the City may require that your request be supported by a certification from a health care provider. The City will allow 15 calendar days from the day of the request to provide the written certification form from the health care provider. The City may orally request subsequent medical certification as allowed by HIPAA, depending upon the circumstances.

As scheduling is affected whenever an employee is absent, the employee should request leave 30 days in advance. The only exception is if an employee learns of his/her need for leave with the beginning date before the expiration of 30 days. In those cases, notice must be given as soon as practicable.

A “key employee” (salaried employee who is among the highest paid 10% of all employees employed) has certain additional obligations under the law. Also, other rights and obligations under leaves of this type are provided in the Family and Medical Leave Act of 1993 for all eligible employees. Please refer to the FMLA of 1993 for more information.

## ***Military Leave***

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Regular Full-Time employees who are members of the State Military Forces or members of any of the Reserve State Military Forces or members of any of the Reserve Components of the Armed Forces of the United States are entitled to leave of absence from their duties, without loss of time, vacation time or salary, on all days during which they are engaged in authorized training or duty ordered by proper authority, for no more than 30 working days in any one calendar year.

Requests for approval of military leave must have copies of the relevant military orders attached. Military leave in excess of 30 working days will be charged to vacation leave or leave without pay. Scheduling needs of the City require notice of military leave to be given as soon as it is known.

In accordance with WV State Code § 15-1F-1 employees will be eligible for up to 60 paid working days of military leave. While State Code allows for the inclusion of time throughout the year for reserve duty to count towards the 60 days, the City has decided to **show additional support of our employees serving in the armed forces by not including any reserve participation to this date.** Once an employee is called to active duty, he/she will have 60 paid working days of military leave.

Under Federal law, employees may elect to take any accrued vacation or EDO days to extend paid leave beyond the coverage afforded by WV State Code prior to being furloughed from payroll. Employees requesting to do so must complete a Leave Request Form indicating the amount of vacation time, current and/or accrued, being requested. If such is elected, then the employee, and any eligible dependents, will continue eligibility under the City's current health insurance coverage until such paid time is exhausted. The City of Bridgeport will assume any employee not submitting a Leave Request Form is not interested in taking paid vacation/EDO time. Any vacation leave/EDO not used by the end of the year will be subject to the standards outlined in City policy.

The City will also continue to deduct any optional coverage as long as the employee remains on paid leave. At the completion of the paid leave, the employee needs to follow the specific notations indicated under the heading of "Benefits". The City of Bridgeport will make every effort to support our employees serving in the armed forces. If the employee's monthly salary from the armed forces is less than his/her monthly salary from the City of Bridgeport the shortfall in the difference will be made up by the City for a period of one year from the date the employee was called to active duty. The employee must provide official documentation containing the military wage information to the Finance Department prior to the City disbursing the checks. If for some reason the Military wages change while the employee is on active duty, then the employee is required to notify the Finance Department immediately advising of the change. Arrangements for this shortfall to be paid to the employee can be made with the Finance Department. This pay supplement will cease on the day that the employee is released from active duty or one year from the date placed on active duty, whichever comes first.

The City of Bridgeport is requesting that each person file with the Director of Personnel/HR a notice indicating to whom and where your paychecks should be forwarded. Due to the uncertainty of the duration of this conflict, the City of Bridgeport is unable to hold paychecks in individual Departments for pick-up.

### **Benefits**

While the employees, and eligible dependents, are eligible for family coverage through the military from the commencement of active duty, the City of Bridgeport will make available up to 18 months of COBRA coverage upon the completion of the paid leave period at the employee's expense. Also, according to Executive Order 19-01 Bob Wise, the Governor of the State of WV, and H.B. 604, the City "shall continue to pay premiums associated with the basic life insurance for their employees..." Therefore, the basic life insurance policy coverage of \$10,000 will continue to be paid by the City. However, if additional life insurance has been purchased through PEIA, the employee will be responsible for 100% of the premium and must make arrangements with the Finance Department for the payment of this premium.

Any employee entering active duty will have his/her vacation and sick leave accruals and balances frozen upon being furloughed from payroll.

### **The following chart outlines your rights and responsibilities in relation to optional benefits:**

Health and/or Life Insurance

Payment is due in the Finance Department by the 5<sup>th</sup> of the month.

Nationwide Retirement Solutions  
(457 Deferred Compensation Plan)

Contributions will be discontinued until the employee returns to work. You may contact them at 1-800-677-3678.

Employee must make arrangement with Chessie Credit Union to make alternative payment contributions.

Pension

Contact Personnel/HR Director for PERS questions.

Optional Life/Disability Insurance

Employees are encouraged to contact Marsha Brady (AFLAC) at 622-2251 or 623-5023 to confirm coverage applicability, payment requirements, status if payment is ceased, etc.

### **Responsibilities**

As it may not be possible for all employees called to active duty to provide written notification of his/her unavailability for work, the City of Bridgeport is requiring that the employee contact his/her Department Head or the Director of Personnel/HR advising of his/her unavailability for City employment due to his/her military commitment.

### **Re-employment**

It is the intent of the City of Bridgeport to abide by all aspects of the Title 38 of the United States Code in regards to reemployment of individuals called to active duty in relation to this conflict.

An employee's entitlement to the benefits outlined in Title 38 and this document terminates upon:

- ◆ A separation from the military under other than honorable conditions; or
- ◆ A dismissal from the military under § 1161 (a) of Title 10; or
- ◆ A dropping from the military pursuant to § 1161 (b) of Title 10.

All employees must present a reemployment request form in accordance with the following provisions:

Military Service	When Return Notice Due
Less than 31 days	*Beginning of the first full regularly scheduled work day following completion of service period and expiration of 8 hours for travel
30 - 180 days	*No later than 14 days after completion of the service period
More than 180 days	*No later than 90 days after the completion of the service period

\*unless impossible through no fault of the employee

Any employee not submitting a reemployment request in accordance with the above chart will be subject to the City's standard policy regarding unexcused absence.

Employees will be reemployed in the position in which they were employed at the time of commencement to duty. In addition, any employee who would have received a promotion based upon the applicable eligibility list, will be returned to the position in which they would have been employed had their continued service not been interrupted by military service.

Employees will be reinstated at the level of accrual for vacation which they would have attained had their continued employment with the City of Bridgeport not been interrupted by military service. Seniority and longevity for employees reemployed will reflect no interruption in continued employment.

Any employee reemployed after an absence of more than 90 days will be required to provide documentation of military service to the corresponding pension plan to verify eligibility for the benefit of not having incurred a break in service.

The employee will be eligible for health insurance beginning the first day of the following month that the employee returns to work as permitted by PEIA or the City's current Health Insurance provider.

### **Intent of an Employee Not to Return to Work**

Any employee, who decides not to return to employment with the City of Bridgeport should complete the enclosed form and submit such to the Director of Personnel/HR.

### ***Civil Leave***

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Employees are granted civil leave with pay for jury duty, and for serving as a subpoenaed witness in legal proceedings initiated by the City of Bridgeport. Any compensation given to employees from the court for court services (excluding mileage and travel compensation), shall be reimbursed to the City. Employees are directed to obtain the necessary documentation from the appropriate court demonstrating that the employee was in attendance for the particular period of time.

When an employee has completed civil leave, s/he is required to report to the City for duty for the remainder of the workday. If the employee will be away from work for more than one workday on civil leave, however, s/he must notify the appropriate supervisor daily at the beginning of each workday s/he is absent.

If work schedules don't permit an employee, who is a registered voter, to vote on his/her own time, s/he will be allowed up to one hour civil leave to vote, during work time, while the polls are open.

## **Voluntary Leave of Absence (Other Than Medical)**

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Leave of absence without pay is an approved absence from duty. This absence is on a non-pay status. Granting a leave of absence without pay is at the discretion of the City Manager, but such leave is not authorized unless there is a reasonable expectation that the employee will return to employment with the City at the end of the approved period. Employees on leave of absence without pay receive no compensation and they accrue no benefits. However, previously accrued benefits are retained during leave of absence unless otherwise prohibited by the terms or provisions of the benefit programs.

The City will make an attempt to place the employee in the same or equivalent position, at the salary of the position offered. Should that employee refuse to accept that new position, they will be considered terminated. Should an employee fail to return to work on the first day after the expiration of their leave, they will be considered as having voluntarily quit.

A leave of absence without pay may be revoked upon receipt of evidence submitted that the cause for granting such leave was misrepresented or has ceased to exist.

A leave of absence without pay may be appropriate for the reasons listed below. (Under normal circumstances, a leave of absence without pay is limited to a maximum of 30 days. However, under extraordinary circumstances, the City Manager may extend the period of leave-without-pay).

- Educational purposes when successful completion will benefit the City;
- Personnel/HR exchange programs which emphasize intergovernmental relations; or
- Any other reason which, in the judgment of the Department Director and the City Manager, merits a leave of absence without pay.

Approval of a request for leave of absence without pay is at the discretion of the City Manager and is based upon the employee's length of service with the City, past attendance record, the department's needs, and the prospect for temporary replacement of the employee or reassignment of the employee's duties.

### **Involuntary Administrative Leave:**

A leave of absence with pay is an approved absence from duty in a pay status. Granting a leave of absence with pay is at the discretion of the City Manager when the City Manager determines it is in the best interests of the City to remove an employee from his/her position pending an internal investigation and/or disciplinary action. The City Manager has the authority to determine the employee's employment and/or classification status following the results of the investigation and/or disciplinary action.

## ***Funeral Leave***

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The City Manager is authorized to grant administrative or funeral leave to an employee in certain limited circumstances.

### **Funeral Leave**

In case of the death of a member of an employee's immediate family, or as otherwise approved by the City Manager, each employee will be given a maximum of 24 hours per year, during work time, for bereavement leave. Should additional time be required, annual or sick leave may be authorized. (Immediate family for funeral leave purposes is defined to include the following: wife, husband, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandmother, grandfather, grand-daughter, grandson, stepmother, stepfather, stepson, stepdaughter, stepsister, and stepbrother.)

## ***Abandonment of Position***

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Unauthorized absence from work for a period of two consecutive working days will be considered by the City Manager as a resignation. Unless the City Manager determines otherwise, the resignation is not in good standing and the employee is not eligible for re-employment.

# Holidays

## ***General Policy***

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**The City of Bridgeport will provide to all of its Full-Time employees (civil and non-civil service) Holidays off during the Calendar Year in accordance with legal Holidays observed by the State of West Virginia under WV Code 2-2-1.**

**Those days are as follows:**

New Years Day  
Martin Luther King's Birthday  
President's Day  
**Primary Election Day \*\*\* (when applicable)**  
Memorial Day  
West Virginia Day  
Independence Day  
Labor Day  
**Columbus Day \*\*\***  
**General Election Day \*\*\* (when applicable)**  
Veteran's Day  
Thanksgiving Day  
Thanksgiving Day  
Christmas Day

\*\* These (3) days shall be considered floating Holidays for Full-time permanent non-civil service employees. These days may be taken at the discretion of the employee with approval from his/her supervisor and the City will remain open.

Civil Service employees shall be given compensatory time off with regular pay for all holidays. Time off (EDO) shall be taken at such time as may be approved by the Department Director and in accordance with the policies set forth by the Department Director.

In addition to these days, permanent full-time employees also will receive days off for any other election day throughout the district or municipality where an election is held. For non-civil service employees, the employee shall also receive an additional (EDO) day. Time off (EDO) shall be taken at such time as may be approved by the Department Director and in accordance with the policies set forth by the Department Director.

Also, permanent full-time employees shall receive a holiday for all days which may be appointed or recommended by either the City Manager, the City Council, the Governor of this State, or the President of the United States, as a day of Thanksgiving, or for the general cessation of business. The City shall be closed for any of these days.

## ***Working During Holidays***

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It is not always feasible to grant holidays at the scheduled time. Any Department Director who finds it necessary may direct some or all employees of the department to report for work on any holiday.

In departments that require 'around-the-clock' operation, the Department Director:

1. May designate an alternate day off for the employee if the holiday falls on the employee's regular day off or if the employee is required to work all or any part of a holiday; or
2. With the approval of the City Manager, may pay an employee an extra day's pay at the regular, straight-time hourly rate, for each holiday worked.

Department heads for non-civil service employees may require employees to work on floating holidays. An employee who works on a floating holiday shall be entitled to an additional day of leave. This day may be taken by the employee subject to approval by the department head.

Non-civil service employees who are required to work on holidays, other than floating holidays, shall be paid for holiday pay, plus regular hours worked, at straight-time pay until forty (40) hours of time worked is exceeded then paid at one and a half times the hourly rate for hours worked in excess of forty (40) hours.

**Any hourly employee required to work on the following Holidays: Memorial Day, Independence Day, Labor Day, Thanksgiving Day, or Christmas Day, shall be paid at a rate of 1 ½ times for that shift regardless of whether or not time off had been taken during the applicable pay period.**

### **Employees on 212 Hour Pay Periods**

Employees working two hundred and twelve (212) hour pay periods will be allotted twenty-four (24) hours off for each City observed holiday.

### **Holiday During Vacation**

If an official holiday falls within a regular employee's vacation, the employee will be granted the holiday and not charged for a day of vacation.

## ***Medical Examinations, Employment Drug Screening and Abuse***

### ***Medical Exams***

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Upon completion of the initial application, and after receiving a conditional job offer for a City full-time position, a prospective employee shall be required to take a physical examination. An employee who transfers to another position may also be required to take a physical examination. Failure to pass the physical examination may constitute sufficient grounds to rescind the offer, or transfer, if a medical condition that is identified during the examination would, in the judgement of the hiring department, interfere with the employee's ability to perform the essential functions of the job for which s/he has applied, with or without reasonable accommodation. Physical examination standards for various departments will be established and maintained by the Personnel/HR Department.

The medical examination will be performed by a physician designated by the City Manager, paid for by the City. The transferring employee will be paid for the time required for such examination, which will be conducted at no cost to the employee. A job description may be sent with the applicant to the City Physician, to help verify if the applicant will be able to perform the placement applied for. The results of the examination will be sent to the Director of Personnel/HR for processing.

### ***Drug Abuse***

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#### **Purpose**

The purpose of this policy is to help employees, in a positive manner, from becoming ineffective, both on and off the job, due to the use of drugs or alcohol. The City recognizes its obligation to protect the health and safety of its employees, to provide safe and effective operations and services to the public, and to protect the assets and image of the City for its citizens. Therefore, the City is committed to achieving a safe work environment free of alcohol and drug abuse, through education, intervention, and if appropriate, disciplinary measures. Accordingly the following policy will be enforced:

1. The use, sale, attempt to sell, possession, or distribution of illegal drugs, alcohol, or controlled substances (unless prescribed by a licensed physician for medical reasons), and the paraphernalia associated with such, on City premises, including parking areas, is prohibited

Employees testing positive for illegal drugs, alcohol, or controlled substances while at work will be subject to disciplinary action, including discharge. Employees selling, attempting to sell, transferring, or distributing illegal drugs or controlled substances, will be discharged.

2. Employees consent to and recognize the right of the City and its authorized agents to search them, their automobiles, lockers, and other property, when entering on or leaving City property.
3. If an employee becomes dependent on alcohol or drugs, the City will cooperate with the employee in attempted rehabilitation, provided the employee fully cooperates with such rehabilitation efforts, and provided rehabilitative efforts were not attempted in the past. The City will not attempt rehabilitation of employees who distribute, sell, or transfer illegal drugs or controlled substance. The medical information will be treated as confidential in accordance with existing City policy.

## **Scope**

This policy applies to all employees of the City. Whenever the term City is used herein, it shall be deemed to include all subsidiaries and affiliated entities in which the City has a direct or indirect controlling interest. No employee shall undertake any conduct indirectly or directly prohibited by this policy.

## **Under the Influence**

The symptoms of drug and/or alcohol misuse or abuse are not confined to those consistent with misbehavior, or to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance. A determination of such use can be established by:

- A professional opinion,
- A scientifically valid test, and

## **Medication**

It is incumbent upon City employees to advise their immediate supervisors, department superintendents, or City Director of Personnel/HR before reporting to work, should they:

- Consume medication or are under the influence or are impaired thereby, when the substance warns that it may cause drowsiness or other similar side effects, or
- If the employee has been advised of such side effects, whether said medication is prescribed by a physician or not, the employee must report the use of such medication.

Failure to provide sufficient notice (one day prior to reporting per the employee's schedule) may result in appropriate discipline, including but not limited to, loss of daily pay.

A supervisor may do an evaluation regarding an employee's fitness for performing all work duties safely.

## **Employee Self-Help Program**

Employees who test positive under the substance abuse screening program, or who have medical problems, may be referred to services such as:

1. Counseling Services
2. Crisis Intervention
3. Psychiatric Services
4. Alcohol and Drug Dependence Centers
5. Alcoholics/Narcotics Anonymous
6. Other public and community services

Approved leave time may be taken for the above programs with approval of the supervisor and the City Manager.

### **Consent**

Compliance with the City's Drug and Alcohol Policies and Testing Program is a condition of employment. All employees and applicants for employment are subject to the testing program. They will be required to sign a consent form that acknowledges that test results may be discussed with appropriate members of management. Because the consent form is a part of the City's testing program, its completion is also a condition of employment. Applicants for employment who refuse to sign the consent form will not be considered further for employment and may not reapply. Employees who refuse to sign the consent form will be discharged.

### **Discipline**

Disciplinary action may be taken for the following reasons:

- Any employee who engages in the sale, attempted sale, distribution, or transfer of illicit drugs on City property or on City business, will be discharged.
- Any employee who refuses to undergo a health evaluation and/or biological testing is subject to discipline up to and including discharge.
- Any employee who refuses to enter rehabilitation after having been found to be in violation of this policy shall be subject to termination.
- Employees who distribute, sell, or transfer illicit drugs will not be offered rehabilitation.
- Positive results on drug screening tests.

### **City Changes and Interpretations**

The City reserves the right at any time, to change the provisions of this policy.

Any interpretation of this policy will be made by the City Manager.

***Workplace Drug and Alcohol Testing Program –See  
Addendum A at the end of these policies***

# ***Discipline***

## ***Discipline***

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Disciplinary action may be taken by the City Administration from time to time. The severity of the discipline depends upon the nature of the infraction. Ordinarily, the City uses a progressive discipline system. When disciplinary action is warranted, the following procedures may apply:

1. Investigation should begin within two (2) working days of the incident, or within two (2) working days of knowledge of the incident or as soon as practical.
2. Employees affected by the investigation should be notified, either verbally or in writing, by their Department Director within 24 hours of any interview or interrogation being conducted as long as the integrity of the investigation is not jeopardized.
3. The investigation should be conducted in the quickest and most effective and efficient manner possible.
4. Within 24 hours of completing the investigation, or as soon as practical, the individual involved will be notified of the results and of any disciplinary action that will be taken.
5. Documentation will be made on all disciplinary actions and will be stored in the Personnel/HR Department

The City shall follow the following progressive disciplinary system unless the severity of the infraction requiring discipline is great enough to warrant taking stronger initial action. All of the actions listed below require the Director of Personnel/HR's signature and Steps 3 and 4 require the City Manager's signature. All records, except for investigation findings, of disciplinary action are documented and placed in the employee's Personnel/HR file:

1. ***Oral Warning*** – the supervising authority gives verbal instructions regarding behavior, performance, attitude or any other infraction addressed in this manual.

2. **Written Reprimands** – the supervising authority gives written instructions regarding behavior, performance, attitude or any other infraction addressed in this manual.
3. **Suspension** – removal from duty, with or without pay, for up to 30 working days.
4. **Separation** – termination of employment through an involuntary dismissal or voluntary resignation

***These Personnel/HR actions may be imposed by the Department Director, in coordination with the Director of Personnel/HR, and approval from the City Manager. In addition to the above, employees may be subject to any of the following disciplinary actions in order to correct or modify disciplinary behavior:***

- ❑ **Improvement Period** – placing an employee on probationary status
- ❑ **Reduction in Pay** – reducing the employee’s pay
- ❑ **Demotion** – reduction in an employee’s step and/or grade. This may occur with or without a reduction in pay; or

Disciplinary actions may be considered, but do not permanently disqualify an employee from future promotion, pay increases, commendations, or other beneficial official Personnel/HR actions. These actions, negative evaluations or discipline will not be considered during current evaluations or promotions, if the actions are over 24 months old.

Disciplinary action, including termination, may result from any of the conduct listed below:

- Habitual or excessive absence and/or tardiness
- Discourteous treatment of public
- Dishonesty
- Sexual or other discriminatory harassment
- Failure to report absence properly
- Leaving the job during working hours without permission
- Overstaying breaks
- Failure to start work on time or leaving work early
- Improper use of the City’s telephones and other City electronic equipment
- Violation of any safety rules, including failure to use safety equipment/devices as required

- Failure to report accidents, personal injury, or property damage to an employee's supervisor
- Failure to observe City regulations
- Engaging in horseplay
- Theft or removal of any property belonging to the City or another employee without proper authorization
- Failure to properly clean assigned work areas as requested by supervisor
- Gambling on City property
- Reporting false reasons for absence.
- Refusal to work requested overtime without an acceptable reason
- Insubordination
- Failure to record work time off or time at work properly, or recording or altering another employee's time
- Scavenging
- Careless handling, unauthorized use or loaning of City vehicles or other equipment
- Failure to secure City equipment
- Threatening, intimidating, coercing or using indecent or abusive language to another employee or citizen
- Malicious gossip, slander, or talk against another employee or citizen
- Defrauding a citizen
- Violation of the City's Drug and Alcohol Policy
- Illegal possession of firearms or other weapons on City premises
- Giving false employment information
- Attempted or accomplished theft of City property, an employee's property or a citizen's property
- Failure to attend required meetings
- Smoking in posted and prohibited areas
- Fighting on City time or property
- Renting or lending City property without proper authorization
- Giving information to the media (other than dept. news releases) without prior approval from the City Manager

- Failure to wear seat belts in City vehicles when provided
- Violating any policy as provided herein

This list does not prevent the City from determining that other infractions not listed above may require disciplinary action. The items listed above are not listed in any order of severity of discipline.

### ***Disqualification***

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An applicant is disqualified from employment by the City if s/he:

1. Does not meet the minimum qualifications for performance of the duties of the position involved;
2. Knowingly makes a false statement on the application form;
3. Has committed fraud during the selection process;
4. Is not legally permitted to hold the position;
5. Does not provide proof of citizenship or legal work status in the United States; or
6. Has offered or attempted to offer money, service, or any other thing of value to secure an advantage in the selection process;
7. Fails drug screening.
8. Violates City nepotism or any other policies.

### ***Appeal of Disciplinary/Corrective Action***

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**Civil Service Employees-** Employees who are under the rules and regulations established under the Civil Service laws must follow the appeals procedures outlined in the Civil Service laws.

#### **Non-Civil Service Employees**

Step 1: The employee who has a complaint shall initially approach his/her Department Director unless the disciplinary action was taken by the Department Director. Under these circumstances, the employee shall begin with Step 2 of this section. If this appeal is made to the Department Director, s/he shall make sure that any complaint made by an employee, in any form or manner, receives prompt attention. The Department Head shall notify the employee, of any action to be taken, within five working days. If the Department Head decides to take no action, the employee shall be given a full explanation of the reasons for that decision.

Step 2: If the employee is not satisfied with the response of the Department Head, s/he may file an appeal, in writing, with the City Manager. All prior letters of appeal, forms, reports, investigations, etc. shall be attached with this letter and forwarded to the City Manager. The City Manager will make a final decision on the grievance within thirty (30) working days. The Manager may, at his/her discretion, utilize any or all of the following resources in order to make a final decision regarding the grievance:

- Conduct, or cause to be conducted, additional investigation into the circumstances surrounding the grievance.
- Convene an Appeals Board to conduct a hearing into the matter and to develop findings of fact and to make recommendations for the resolution of the grievance.
- Refer the matter to the City Attorney's Office for legal research, opinion and/or recommendations.
- Consultation with the Mayor and City Council

In all cases, the City Manager's decision shall be final and the right of the employee to seek further review of the grievance within the City organization shall terminate.

### **Appeals Board**

The Appeals Board will consist of three Department Directors. These Board members are appointed by the City Manager and should not be involved in any way with the case being appealed. The employee must file his/her appeal to the City Manager within 3 days of receiving his/her decision.

### **Personnel/HR Files**

Copies of all disciplinary action and all appeals and their results will be placed in the applicable employee files. This information becomes a permanent part of the employee's Personnel/HR record.

# ***Grievances***

## ***Grievance and Appeals Policy***

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### **Purpose**

It is the City's policy that all employees have the right to voice their complaints and concerns and to have them considered fairly and without prejudice. The procedures outlined in this policy are intended to meet that objective.

This policy is intended to address non-disciplinary issues. An employee who has been or may be subjected to a corrective or disciplinary action involving job related performance or conduct shall grieve that matter pursuant to the Discipline policies contained in this manual or the applicable civil service regulations. Non-exclusive examples of possible matters to be considered under this appeals policy are: Misapplication of workplace rules or policies; alleged safety hazards or unsafe practices; favoritism; complaints concerning Personnel/HR practices (not the Personnel/HR policies themselves); applicability of policies, rules, regulations; unfair treatment; discrimination based on race, religion, color, gender (including sexual harassment), age, disability, or national origin; improper application of fringe benefits; improper working conditions; etc.

### **Grievance Procedures**

Step 1: The employee who has a complaint shall initially approach his/her immediate supervisor. The supervisor shall make sure that any complaint made by an employee, in any form or manner, receives prompt attention. The supervisor shall notify the employee, of any action to be taken, within three working days. If the supervisor decides to take no action, the employee shall be given a full explanation of the reasons for that decision.

Step 2: If the employee is not satisfied with the supervisor's response, the employee shall submit the complaint in writing to the next level of supervision. The supervisor at this level shall make a decision within three working days. In some instances, the supervisor may wish to confer with the employee, other levels of supervision, or to conduct a more extensive investigation. In such cases, the supervisor shall explain, within three days, the type of investigation to be made and will establish a new time frame for making a decision.

Step 3: Most complaints should be resolved before they reach this stage. However, if an employee continues to be dissatisfied with responses after thoroughly exhausting all avenues available in steps 1 and 2, s/he may make a written complaint to the Department Head. Copies of other grievance forms generated during previous steps shall be attached. The Department Head may conduct additional investigation in consultation with the City Manager. The Department Head shall observe the same procedures and time lines established in Step 2 above.

Step 4: If the employee is not satisfied with the response of the Department Head, s/he may file a complaint, in writing, with the City Manager. All prior grievance letters, forms, reports, investigations, etc. shall be attached with this letter of complaint and forwarded to the City Manager. The City Manager will make a final decision on the grievance within thirty (30) working days. The Manager may, at his/her discretion, utilize any or all of the following resources in order to make a final decision regarding the grievance:

- Conduct, or cause to be conducted, additional investigation into the circumstances surrounding the grievance
- Convene an Appeals Board to conduct a hearing into the matter and to develop findings of fact and to make recommendations for the resolution of the grievance.
- Refer the matter to the City Attorney's Office for legal research, opinion and/or recommendations.
- Consultation with the Mayor and City Council

In all cases, except for cases falling under the Civil Service Commission's jurisdiction, the City Manager's decision shall be final and the right of the employee to seek further review of the grievance within the City organization shall terminate.

### **Appeals Board**

The Appeals Board will consist of three Department Directors. These Board members are appointed by the City Manager and should not be involved in any way with the case being appealed. The employee must file his/her appeal within 3 days of receiving his/her decision to the City Manager.

### **Personnel/HR Files**

Copies of all grievances and their results will be placed in the applicable employee files. This information becomes a permanent part of the employee's Personnel/HR record.

# ***Separations***

## ***General Policy***

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Types of employment separation from the City are listed below:

### **Resignation**

An employee who intends to resign should notify his/her Department Director in writing at least ten (10) working days prior to the last day of work. The Department Director is responsible for immediately notifying the City Manager.

### **Retirement**

The same notice requirements for Resignations apply in the case of Retirements except that a longer period of advance notice may be necessary to start retirement payments promptly. See Benefits Section.

### **Reduction in Workforce**

An employee may be separated when his/her position is abolished, or when there is either a lack of funds or lack of work available.

When reductions in force are necessary, decisions on individual separations will be made after considering:

1. The relative necessity of each position to the organization,
2. The performance record of each employee,
3. Qualifications of the employee for remaining positions with the City, and
4. The employee's length of service with the City.

Employees who have been laid off may re-apply to the City for another position. Qualified former employees will be given priority consideration in the event of a vacancy.

When a regular employee who has completed the training period is dismissed as a result of a reduction in force, s/he will be given a minimum of two weeks written notice and paid in full to the time of discharge including accrued benefits. In addition, the City Department Director will attempt to guide the employee to any available, suitable job openings in the area for which the employee qualifies.

## **Dismissal**

All employees are employed at will and may be dismissed with or without cause at any time during their employment, subject only to the requirements that they be given notice of the reason for termination and an opportunity to be heard.

## **Disability**

An employee will be separated when an appointed physician determines that, for physical or mental reasons, the employee cannot perform the essential functions of the job with or without reasonable accommodations. The City Manager will appoint a physician who will examine the employee and make his/her recommendation(s) to the City. The examination will be paid for by the City.

Voluntary separations based on reasons of disability must be substantiated by medical evidence if the disability may be a factor or condition of a retirement plan covering the employee.

See Workers Compensation section for details on occupational disability resulting from bona fide, on-the-job, work related injuries).

## **Death**

If an employee dies, his/her estate receives all pay due and any earned and payable benefits as of the date of death.

## ***Calculation of Separation Pay***

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Upon separation from City employment, a Regular employee will be paid for accrued and unused vacation leave up to the limit of his/her maximum allowable accumulation.

Employees will be responsible for paying back to the City any EDO time used and not earned.

Payment for such leave balances will be included in the employee's final paycheck and will be calculated in the following manner:

- The total work time and allowable vacation and compensatory leave time will be calculated as a total number of hours for which compensation is due.
- The employee's regular hourly rate will be determined for most employees by dividing the employee's regular annual salary by 2080 working hours per year. Fire Fighters' regular hourly rate will be determined by dividing their regular annual salary by 2764 working hours per year.

- For non-exempt employees as defined by the Fair Labor Standards Act, any overtime hours worked during the employee's final pay period, which have not been compensated through either of the time-off methods described under 'Overtime Worked' section in these policies, will be paid in the final paycheck at a rate of one and one-half (1 ½) times the employee's regular hourly rate for each overtime hour worked.

### **Compensatory Time**

Compensatory time which is entered and carried on the employee's records, at one and one-half (1 ½) times the number of hours worked will be paid at the employee's regular straight-time rate for the total number of hours on the employee's compensatory time record.

The employee will receive his/her final paycheck on the scheduled payday for the period that includes the employee's last workday, provided that all administrative requirements are met. These requirements include the return of City property. This policy applies only to employees who resign or retire.

### **Sick Leave**

When employment is terminated, no accumulated sick leave shall be paid except when an employee terminates or retires with over twenty years accumulated service at which time the employee shall be entitled to one-half pay for all accumulated sick leave on the effective retirement date. At the discretion of the employee, he/she may elect to convert sick leave in to insurance premium supplements as provided by the Public Employees Insurance Agency (PEIA) or utilize sick leave as provided by the Public Employees Retirement Board (PERS). Sick leave regulations shall not apply to elected officials or those appointed to various boards and commissions of the City. (Amended 11-22-00)

### **Final Payment**

Final payment will be made within 72 hours of employment termination for dismissed employees only. Employees should be encouraged to return all City equipment and property at the time the final payment is picked up.

### ***Exit Interviews and Records***

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When an employee is voluntarily separated from employment with the City, the Department Director should encourage the employee to complete an Exit Interview with the Director of Personnel/HR.

## ***Continuation of Group Insurance***

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The Federal Consolidated Omnibus Reconciliation Act of 1985 (COBRA) allows certain individuals the option of continuing their group health insurance, at the individual's expense, under specified conditions, beyond the date on which it would otherwise terminate.

An information packet from the City's group insurance carrier is given to each employee at the time the employee is hired. Subsequent revisions in group insurance coverage are explained in subsequent literature distributed to each employee at the time the coverage revision is effective.

Each covered employee is responsible for notifying the City of any change in family status (separation, divorce, or a child becoming ineligible for dependent's coverage). If the change would cause the employee or a covered dependent to become ineligible for the City's group insurance, the City will provide a 'Continuation of Coverage Election Form' to be completed by the appropriate person(s). Specific time periods must be met, and full premiums must be paid in a timely manner by the employee or the applicable spouse or child.

## **Health Insurance Portability and Accountability Act (HIPAA)**

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The City of Bridgeport will comply with all applicable regulations as set forth in the HIPAA. As an employer, the City is required to obtain certain releases from employees prior to obtaining certain Protective Health Information (PHI). All employees will be required to sign the applicable releases for HIPAA compliance or could face disciplinary action that may include termination.

# ***Glossary of Terms***

**Abuse** – misuse of City benefits, facilities, equipment or authority

**Absenteeism** – unauthorized absence from work for a period of one or more days, tardiness, or failure to properly report off work.

**Appeal** – opportunity given to employees to express concerns or to seek exception regarding Personnel/HR decisions to other levels of the City organization.

**Appeals Board** – three Department Directors who are not involved in the case are appointed by the City Manager to hear grievances and appeals.

**Approving Authority** – the official body, generally the City Manager or his/her appointee, having the power of appointment to, or removal from, positions in any City of Bridgeport office or department. The City Manager is the approving authority for all payrolls and any pay increases, decreases, or payroll transfers granted under the terms of these policies, the classification and pay plans, and/or the annual budget.

**Alcohol** - any such intoxicating liquor, or ingredient in fermented liquors.

**Assigned Staff** - staff assigned to the City, but paid directly by another government or private organization. Assigned Staff are not employees of the City. Assigned Staff's benefits are specified in the contract services. Assigned staff is governed by all terms of these policies not in conflict with their contract of services.

**Base Rate of Pay** – the rate of pay established by ordinance or contract for an employee exclusive of any supplements allowances.

**Civil Service** – all offices and positions, which officially fall within the Civil Service laws of the City of Bridgeport and the State of West Virginia.

**Classification** – the class title/grade assigned to a certain position.

**Continuous Service** - the uninterrupted service of an employee with the City of Bridgeport.

**Demotion** - A demotion is a change in duty assignment of an employee from a position in one classification to a position in another classification in a lower pay grade.

**Dependent** – An individual who is related to a City employee based on IRS rulings and regulations

**Drug Abuse** – the improper use of any controlled substance, narcotic, or hallucinogen, except as prescribed in treatment by a licensed physician or dentist

**Exempt** – Exempt employees are those ineligible for overtime pay, but who are paid a pre-determined salary at least once per month, pursuant to their defined job responsibilities as contained in the Fair Labor Standards Act and applicable state laws.

**Grievance** – The expression of concern regarding non-disciplinary issues such as misapplication of rules, unfair treatment, discrimination, etc.

**Health Insurance Portability and Accountability Act of 1996 (HIPAA):** A Federal law that allows persons to qualify immediately for comparable health insurance coverage when they change their employment relationships. HIPAA also gives the City of Bridgeport (Fire Department/First Responder/the authority to mandate the use of standards for the electronic exchange of health care data; to specify what *medical* and *administrative code sets* should be used within those standards; to require the use of national identification systems for health care patients, providers, payers (or plans), and employers (or sponsors); and to specify the types of measures required to protect the security and privacy of personally identifiable health care information.

**Holidays** - days designated by the City Council when City offices are closed on what would otherwise be regular business days with the exception of Police/Fire.

**Illegal Drug** (or Controlled Substance) - any drug or controlled substance which: is not legally obtainable, or is legally obtainable but was not legally obtained. Illegal drugs include, but are not limited to, marijuana, hashish, cocaine, PCP, LSD, heroin, Dilaudid, Quaalude, and methamphetamine.

**Independent Contractor** - An independent contractor who is not considered an employee and is not eligible to receive any City benefits or participate in any benefit program. Consultants are normally considered to be Independent Contractors for the purposes of this policy. Independent contractors must meet the IRS guidelines and shall be provided a 1099 form in accordance with the IRS code.

**Lateral Transfer** - the movement of an employee between positions in the same pay grade within the City.

**Leave Time** - the time during normal working hours in which an employee does not engage in the performance of job duties. Leave time may be either paid or unpaid.

**Legal Drug** - is a prescribed drug, or over-the-counter drug, which has been legally obtained and is being used for the purpose for which it was prescribed or manufactured.

**Military Leave** – leave of absence from work duties for all Regular, Full-time employees who are members of the State Military Forces, the Reserve State Military Forces or who are members of any Reserve Components of the Armed Forces of the United States.

**Nepotism** - showing favoritism toward another employee or toward a contractor who is a relative.

**Non-exempt** – Non-exempt employees are those who are eligible for overtime pay and other defined employment treatment pursuant to the Fair Labor Standards Act or applicable state laws. Employees classified as nonexempt are entitled to overtime pay for work required to be performed by authority of the City's supervisors or managers in excess of forty hours of work time per payroll week.

**Officer** - any elected official, or the City Manager and/or his/her designee.

**Overtime** – defined under the Fair Labor Standards Act (FLSA). In the City of Bridgeport, this is in excess of 40 hours worked per seven-day workweek for all non-fire fighting Personnel/HR and in excess of 212 hours per 28-day work period for fire fighting employees. This may be subject to change as dictated by the FLSA.

**Personnel/HR Action Form or Payroll Status Change form**- the official document for recording and transmitting to the Personnel/HR file each Personnel/HR action.

**Probationary Period** – the period of time beginning at the original appointment, hiring, or promotion. This period shall be a minimum of six months and may be extended by the department head or supervisor with the approval of the City Manager.

**Promotion** - a change in the duty assignment of an employee from a position in one classification to a position in another classification of a higher pay group.

**Reemployment** – an employee who has resigned in good standing and is rehired by the City.

**Regular Full-time** – an employee who is employed to hold an authorized position that involves working 30 hours or more a week, and who has been appointed to a position that is not specified as part-time, seasonal or temporary.

**Regular Part-time** – an employee who is employed to hold an authorized position that involves, on the average, fewer than 29 hours per week; who has been appointed to a position that is not specified as temporary or seasonal; and who works on an established regular basis. Regular Part-time employees are not entitled to the City's fringe benefit package.

**Rehires:** - Rehires can occur from two different conditions; reemployment of a former employee who resigned in good standing within a prescribed period, or reinstatement of a former employee who was laid off by the City within a prescribed period.

**Reinstatement** – returning an employee to service following a period of separation or a leave of absence.

**Safety-sensitive Position** – Any City position in which employees or volunteers regularly operate City vehicles or equipment as part of his/her normal City responsibilities or those employees who are required to possess commercial drivers licenses.

**Sexual Harassment** - unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature when:

1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;

2. Submission to or rejection of such conduct by an individual is used as the basis of employment decisions affecting such individuals; or
3. Such conflict has the purpose of, or the effect of, unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

**Temporary (to include seasonal and casual)** - an employee who is hired for a specified period of six months or less. Temporary employees may be full-time or part-time. Temporary employees are not entitled to the City's fringe benefits other than worker's compensation.

**Training** - any work related program, seminar, conference, convention, course, or workshop attended by an employee whose tuition and expenses are funded in whole or in part by the City or while the employee is in a paid status with the City.

**Transfer** – the movement of an employee from one position to another having the same rate of pay and/or classification.

**Under the Influence** – when an employee is affected by a drug(s) and/or alcohol in any detectable manner.

**Unauthorized Absence** - an absence in which the employee is absent from regular duty without the approval of the Department Director. Employees are not paid for unauthorized absences, and such absences are cause for disciplinary action.

# ***APPENDIX***

**CITY OF BRIDGEPORT**  
**DRUG AND ALCOHOL TESTING POLICY**  
**OBJECTIVES**

The purpose of this policy is to establish and implement a procedure for testing prospective and existing employees in safety sensitive positions for the presence of drugs or alcohol in their body system. An additional purpose of this policy is to comply with United States Department of Transportation regulations, including those found in Title 49 of the Code of Federal Regulations Part 40 and Part 382. The City of Bridgeport hopes to prevent employees whose skills and/or judgment may be impaired by the use of drugs and/or alcohol from endangering their own safety, the safety of other employees, or the public safety, and hereby adopts this policy for that purpose.

**CITY OF BRIDGEPORT**

**DRUG AND ALCOHOL TESTING POLICY**

**Section 1 - DEFINITIONS**

- 1.1 ALCOHOL**-The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol.
- 1.2 ALCOHOL CONCENTRATION** – The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test using Evidential Breath Testing (EBT) devices.
- 1.3 ALCOHOL USE** – The consumption of any beverage, mixture or preparation, including any medication, containing alcohol.
- 1.4 BREATH ALCOHOL TECHNICIAN (BAT)** – An individual who instructs and assists individuals in the alcohol testing process and is certified to operate an Evidential Breath Testing device.
- 1.5 CHAIN OF CUSTODY** – Procedures to insure for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen.
- 1.6 COLLECTION SITE** - A place designated by the City where individuals present themselves for the purpose of providing a breath and/or urine sample for analysis.
- 1.7 COLLECTION SITE SUPERVISOR** – An individual designated by The Personnel/HR Department who serves as a third party at a collection site to ensure compliance with Federal regulations and this policy and to protect employee rights during the collection process.
- 1.8 CONFIRMATION OR CONFIRMATORY DRUG TEST:** In drug testing, a second analytical procedure to identify the presence of specific drugs or metabolites that is independent of the initial screening test and that uses a different technique and chemical principle from that of the screening test in order to ensure reliability and accuracy. (Gas Chromatography/Mass Spectrometry is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.) In Alcohol Testing: a second test, following an initial screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration.
- 1.9 COVERED DUTY** – Job duties in safety sensitive positions, as defined in Section 2 of this policy.
- 1.10 EVIDENTIAL BREATH TESTING DEVICE (EBT)** – An EBT approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL) and identified on the CPL as conforming with the model specifications available from NHTSA, Office of Alcohol and State Programs.

**1.11 MEDICAL REVIEW OFFICER OR FACILITY** – A licensed physician responsible for receiving laboratory results generated by the City’s drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s confirmed positive test result together with his/her medical history and any other relevant biomedical information.

**1.12 SAFETY-SENSITIVE POSITION** –

- (a) CDL Holders - Employees who possess a Commercial Drivers License (CDL); operate a commercial motor vehicle; and/or repair commercial motor vehicles.
- (b) City of Bridgeport Safety Sensitive Position – Employees who discharge duties fraught with risks of injury to themselves or others. Includes use of dangerous tools and equipment; performing job duties at heights; use of dangerous chemicals; routinely operating a vehicle in the course of employment; or carrying a firearm.

**1.13 SCREENING TEST (OR INITIAL TEST) - Drug Test:** An immunoassay screen to eliminate negative urine specimens from further analysis. **Alcohol Test:** an analytic procedure to determine whether an employee may have prohibited concentration of alcohol in a breath specimen.

**1.14 SHIPPING CONTAINER** – A container capable of being secured with a tamper-evident seal that is used for the transfer of one or more urine specimen bottle(s) and associated documentation from the collection site to the laboratory.

**1.15 SUBSTANCE ABUSE PROFESSIONAL (SAP)** – A licensed physician, or a licensed or certified psychologist, social worker, employee assistance professional or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse) with knowledge of, and clinical experience in, the diagnosis and treatment of alcohol and controlled substances-related disorders.

**SECTION 2. COVERED EMPLOYEES**

**2.1** Commercial Driver: Employees who, as a condition of employment, are required to possess a Commercial Drivers License in order to operate a commercial motor vehicle. Employees who are drug and/or alcohol tested under this criteria are tested under the authority of the US Department of Transportation/Federal Highway Administration as set forth in 49 CFR, Part 40 and 382.

A commercial motor vehicle, as defined in 49 CFR part 382.107, means a motor vehicle or combination of motor vehicles if the motor vehicle.

- Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle rating of more than 10,000 pounds; or,
- Has a gross vehicle weight rating of 26,001 or more pounds; or,
- Is designed to transport sixteen (16) or more passengers, including the driver; or
- Is of any size and is used in the transportation of materials found to be hazardous for the purpose of Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

**COVERED EMPLOYEES** under this section of the policy are those who:

- Are Required to Possess a Commercial Drivers License to operate a commercial motor vehicle as described above; or,
- Are subject, at any given time, to be dispatched to operate a commercial motor vehicle as described above; or,
- Any mechanic who services, maintains or is subject to service and maintain at any given time, a commercial motor vehicle as described above that requires a Commercial Drivers License to operate.

## **2.2 CITY OF BRIDGEPORT DEFINED SAFETY SENSITIVE EMPLOYEES-**

Employees who perform the following safety-sensitive functions for the City of Bridgeport will be drug and alcohol tested under the authority of the City of Bridgeport to protect the public safety from the harm that could result from a safety sensitive employee's performance of those functions while impaired by drugs or alcohol.

**COVERED EMPLOYEES** under this section of the policy are those who:

- Discharge duties that involve a risk of serious injury to themselves or others, or employees whose job responsibilities involve public safety or the safety of others;
- Must use dangerous tools /equipment in the performance of their job duties;
- Must perform job duties at elevated heights;
- Must perform job duties using dangerous chemicals;
- Routinely operate a vehicle in the course of their job duties;
- Must carry a firearm in the performance of job duties; and
- Any person occupying a covered position contained in Addendum A.

## **SECTION 3. PARTICIPATION**

Participation by all **COVERED EMPLOYEES** is a condition of employment. Refusal to participate in this testing program is considered as refusing to test and will result in employee dismissal. All **COVERED EMPLOYEES** must comply with all instructions and participate in all drug and alcohol testing, including Reasonable Suspicion Testing as a condition of employment. A supervisory presence, with the authority to remove the employee from duty, will be maintained at the collection site in the event an employee engages in prohibited behavior associated with these drug and alcohol testing rules.

## **SECTION 4. REQUIRED HOURS OF COMPLIANCE/PROHIBITED BEHAVIOR**

**4.1** **COVERED EMPLOYEES** are required to be in compliance with these drug and alcohol regulations during any time while at work or on duty.

4.2 Alcohol use is prohibited:

- While performing any job duty;
- Within four (4) hours of reporting to work.;
- Up to (8) hours following an accident, or until post accident testing has occurred; and,
- No employee may report for duty, or remain on duty, under the influence of or impaired by drugs and/or alcohol, or having a breath alcohol concentration of 0.02 or greater.

4.3 Use and ingestion of prohibited drugs is not allowed at any time, whether at work or not.

SECTION 5. TESTING CATEGORIES - DRUGS AND ALCOHOL

5.1 ALL COVERED EMPLOYEE drug and/or alcohol testing will be conducted in accordance with the procedures established in 49 CFR Part 40 titled “Procedures for Transportation Workplace Drug and Alcohol Testing Programs,” unless otherwise noted in this policy.

5.2 All COVERED EMPLOYEES will be tested for the presence of:

**DOT**

**NON-DOT**

All listed under DOT plus

- |                       |                  |                  |
|-----------------------|------------------|------------------|
| • Marijuana           | Methamphetamines | Opiate Expansion |
| • Cocaine             | Barbiturates     | Propoxyphene     |
| • Amphetamines        | Benzodiazepines  |                  |
| • Opiates             | Methadone        |                  |
| • Phencyclidine (PCP) | Methaqualone     |                  |

5.3 Breath Alcohol Concentration (BAC) of 0.02 or greater is prohibited in the workplace under this policy. Alcohol screening will be accomplished using an evidential breath testing device (EBT).

5.4 Seven drug/alcohol testing categories require mandatory participation by all COVERED EMPLOYEES. They are:

**A. Pre-Employment:** All applicants for employment who will be performing Safety – Sensitive functions as defined in the Policy are required to produce a negative drug screen prior to reporting for covered duty.

Once an applicant has been approved for employment, the Personnel/HR Department will contact the potential employee providing details of the drug testing procedure. A conditional offer of employment will be made to the applicant. The applicant must provide a negative drug test result. A positive drug test will disqualify the applicant for employment.

No permanent record will be kept for any applicant who decides to withdraw his/her application because of the testing requirement.

- B. Random:** COVERED EMPLOYEES will be subject to drug a testing at any time while at work and a alcohol testing at any time an employee is performing or subject to perform Safety-Sensitive duties.

Every COVERED EMPLOYEE shall be subject to unannounced random drug and alcohol testing. Two separate selection pools will be maintained. One random pool will be for Commercial drivers and the other random pool will be for all other employees defined as COVERED EMPLOYEES.

- Regularly employed means any full-time, part-time, seasonal, temporary, provisional or contracted driver or other covered employee.

Names will be selected for random testing using computer technology and/or methodology established by the USDOT/FHWA in 49 CFR part 40 and part 382. The method of selection requires each employee in each pool have an equal chance at being selected for any given testing period. Testing in one testing period does not preclude the employee from being selected again in another testing period. Nothing in this policy is to imply that the City cannot test COVERED EMPLOYEES at a rate higher than the minimum rate established by the USDOT.

Employees are to be removed from Safety-Sensitive testing pools when they are, for any reason, in a non-working status for thirty (30) or more consecutive days. Pre-employment testing requirements must be met before an employee who has been in a non-working status for thirty (30) or more consecutive days can again perform Safety-Sensitive duties as described in the COVERED EMPLOYEES section of this Policy.

- C. Transferring/Promotion Employees:** Such employees must meet pre-employment testing requirements before reporting for safety-sensitive duties as described in the COVERED EMPLOYEES section of this policy. A positive drug test result or alcohol level of 0.02 or greater will result in disciplinary action as defined by this policy. This provision shall only apply to Non-COVERED EMPLOYEES being transferred or promoted to Safety Sensitive COVERED DUTY.

- D. Reasonable Suspicion:** Only supervisors who have been adequately trained in recognizing signs and symptoms of alcohol misuse and drug abuse can order employees to undergo reasonable suspicion testing when there is an objective, good faith basis for concluding that the COVERED EMPLOYEE may have violated the alcohol or controlled substance prohibition of this policy. Tests can only be ordered based upon specific contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of a COVERED EMPLOYEE while at work.

No COVERED EMPLOYEE under this policy shall report for duty under the influence of or impaired by drugs or alcohol, as shown in the behavioral, speech, and performance indicators of drug and alcohol misuse, nor shall the City allow a COVERED EMPLOYEE to perform or continue to perform their covered duties until a drug/alcohol test is administered.

Reasonable cause includes but is not limited to management's observation of one or more of the following examples: erratic behavior; unusual, excessive drowsiness; slurred or incoherent speech; unusually aggressive behavior; unexplained changes in mood; lack of otherwise normal manual dexterity; lack of coordination; or unexplainable work related accidents and/or injuries.

Supervisors are required to have a concurring opinion from another trained supervisor documenting the employee's conduct and behavior wherever practical. If a second confirming supervisor is not available, one supervisor can request testing if necessary. Reasonable suspicion testing under this rule is authorized only if the required observations are made during, just preceding, or just after a period when the employee is required to be in compliance with these rules. Immediate supervisors are to contact their Department Head (or a designee) in order to discuss the circumstances as they relate to the employee's on-duty behavior. The Department Head (or designee) will make the determination to initiate testing and will inform the Personnel/HR Department as soon as practical.

A written record is to be maintained and forwarded to the Personnel/HR Department in all drug and/or alcohol reasonable suspicion testing situations. If approval to test a particular employee is not granted, no record of the drug/alcohol reasonable suspicion indicators is to be kept for any reason.

Reasonable suspicion **drug tests** require the employee be removed from covered duties until drug testing is completed and results certified.(Alcohol test results are immediately available). If an employee is informed that reasonable suspicion drug testing has been authorized, the employee must provide a urine sample within twenty-four (24) hours of being informed testing has been authorized. It is the employee's responsibility to be available to provide a urine sample once he/she has been informed of the testing requirement, and failure to meet the testing requirement shall have the test result issued as positive, refusal to test.

A written record is to be forwarded to The Personnel/HR Department, which will include the observations leading to a controlled substance test and signed by the supervisor who made the observations, within twenty-four (24) hours of the observed behavior. Negative drug test results require that no record of the specific incident be maintained. Positive results require Disciplinary Action as defined by this policy.

If an **alcohol test** is not performed within two (2) hours following the Department Head's (or a designee's) approval to test, the supervisor is to prepare and forward to the Personnel/HR Department a written stating the reasons the alcohol test was not administered promptly. If an alcohol test is not administered within eight (8) hours following the Department Head's (or a designee) approval, the supervisor shall cease attempts to administer the test and state in the record the reasons for not administering the test.

**E. Post Accident:** As soon as practical following an accident involving a commercial motor vehicle or other city vehicle, the City shall conduct drug and alcohol testing when the situation meets any one of the following criteria:

- The accident involves a fatality;
- The employee receives a citation under state or local law for a moving traffic violation arising from the accident;
- One or more of the vehicles involved in the accident cannot be moved or has to be towed from the scene;
- Someone receives medical treatment away from the scene of the accident.

Nothing in this policy shall be construed to require the delay of necessary medical attention for injured people following an accident, or to prohibit an employee from first seeking assistance in responding to the accident, or to obtain necessary medical treatment. A COVERED EMPLOYEE who is subject to post accident testing must remain available for testing or the City will consider the employee to have refused to participate in the testing process, and Disciplinary Action, as described by this policy, will be taken. An employee subject to post accident testing cannot consume alcohol for eight (8) hours following the accident, or until he/she submits to an alcohol test, whichever comes first.

When the required controlled substance and/or alcohol test has not been administered in a reasonable time following the accident, the following actions shall be taken:

- If the employee has not submitted to an alcohol test within two (2) hours, the Department Head (or Designee) shall prepare and forward to the Personnel/HR Department a written record stating the reason the test was not properly administered.
- If the employee has not been tested for prohibited alcohol concentration within eight (8) hours, attempts to administer the alcohol test shall cease, and the Department Head is to prepare and forward the written record to The Personnel/HR Department.
- If the employee has not submitted to a controlled substance test within thirty-two (32) hours, the City shall cease attempts to administer the test, and the Department Head is to prepare and forward the previously mentioned record.

Employees may be required to provide two different samples as a result of an accident. Federal regulations require that the City drug and alcohol screen for specific accidents, and a law Enforcement Agency may request testing under its authority as well. If the City cannot perform the required tests as a result of the accident, a drug/alcohol test administered by Federal, State, or Local authorities will meet the requirements of the federal post accident testing regulations under the following conditions:

- The official must have independent authority to conduct the test;
- Test must conform to Federal, State, and Local requirements;
- Alcohol tests require a blood or breath sample, and controlled substance testing requires urine samples be collected.

In addition to any Disciplinary Action resulting from the accident itself, the Agency will initiate Disciplinary action as defined by this policy, for any positive test result provided by any COVERED EMPLOYEE under post accident requirements.

- F. Return to Duty/Follow Up:** The City shall ensure that before a COVERED EMPLOYEE returns to covered duty after engaging in conduct that is prohibited under this policy, the employee undergoes a return to duty alcohol test indicating an alcohol concentration of 0.02 or less and/or a certified negative drug test result.

In the event return to duty testing is required, the employee must have been evaluated by a Substance Abuse Professional and participate in any substance abuse assistance program as prescribed.

Following the determination that an employee is in need of assistance in resolving problems associated with substance abuse, and after his/her successful return to covered duty, the City shall ensure the employee is subject to unannounced follow up alcohol/drug testing as required by the Substance Abuse Professional for up to 60 months. Federal regulations require the employee be subject to a minimum of six (6) follow-up tests during the first twelve (12) months.

- G. Re-Hiring:** The City of Bridgeport may at its sole discretion decide to re-hire a former employee who was terminated or quit as the result of a positive drug/alcohol test. Eligibility for re-employment will be decided by such matters as previous work record, rehabilitation, availability of work and ability to test drug/alcohol free.

A former employee wishing to be re-employed after being terminated or quitting as the result of a positive drug/alcohol test must be retested for drugs and alcohol in accordance with this policy and be medically certified. Upon re-employment, the employee is subject to additional tests at the city's discretion for up to 60 months following the employee's return to employment without prior notice. Two (2) tests are to occur within six (6) months of the employee's return to employment. Any positive test results or a refusal to submit to testing shall result in termination of employment without the issuance of a warning letter and no opportunity for later reinstatement. Such termination will be viewed as a voluntary quit.

## SECTION 6. SUBSTANCE ABUSE PROFESSIONALS

The City will advise employees of local Substance Abuse Professionals meeting the minimum requirements for such through the Personnel/HR Department. However, employees are free to choose their own Substance Abuse Professional as long as the individual meets the minimum requirements for such established in 49 CFR part 382.107.

## SECTION 7. REFUSAL TO TEST

- 7.1** All COVERED EMPLOYEES are required to participate in the testing program as a condition of employment. Refusal to test in any drug/alcohol testing will result in immediate dismissal.
- 7.2** Certain behaviors constitute a refusal to test. These behaviors include:
- a) Failure to follow all instructions provided by the Breath Alcohol Technician/urine Sample collector and/or the collection site's supervisory presence. Cooperation in the drug/alcohol testing process is a mandatory condition of employment;
  - b) Tampering with or attempting to adulterate a specimen or collection procedure;
  - c) Not reporting to the collection site immediately upon notification of selection;
  - d) Leaving the scene of an accident as defined by this policy without a valid reason before testing has been conducted;
  - e) Failure to provide adequate breath/urine samples without a valid medical reason;  
or
  - f) Engaging in any conduct that clearly obstructs the testing process.
- 7.3** Employees are to provide an adequate amount of breath upon the instruction of the Breath Alcohol Technician. The Breath Alcohol Technician will ask an employee who is unable to provide a sufficient amount of breath to complete the test. If the employee is unable to provide an adequate breath sample, the collection site supervisor is to be notified that a positive test result is declared as a result of the employee's inability to provide an adequate sample. After notifying the Personnel/HR Department, the supervisor shall refer the employee to a licensed Physician acceptable to the City. The Physician will make a determination as to whether or not the employee has a medical condition, or could have a medical condition, that precluded him/her from providing an adequate breath sample. If the Physician cannot make such a determination, the employee's test is considered positive because of a refusal to test and the employee will be terminated from employment. The Physician will provide the Personnel/HR Department with his/her written conclusions.
- 7.4** Drug tests require at least 45 milliliters of urine. If the employee cannot provide this minimum amount, the collector will advise the employee to drink not more than 24 ounces of fluid, and, after a period not to exceed three (3) hours, again attempt to provide an adequate amount of urine. The original sample is to be discarded. If the employee still cannot provide an adequate sample, the specimen is to be discarded and testing discontinued, and the collector will inform the site supervisor who will inform The Personnel/HR Department. The Personnel/HR Department will inform the drug testing program's Medical Review Officer. After consultation, the employee may be referred to a licensed Physician acceptable to the City to determine if there could be a medical reason for the employee's failure to provide an adequate urine sample. If the Physician cannot make such a determination, the test result is to be issued as positive, refusal to test and the employee will be terminated from employment. The Physician will provide the Personnel/HR Department with a written report of his/her conclusions.

- 7.5 **In the event an employee cannot provide an adequate breath or urine sample, and is referred to a licensed physician acceptable to the City for medical evaluation, the employee will be advised that he/she must provide the required medical documentation within seven (7) calendar days from the date of notification. Failure to provide the necessary documentation will result in the test being issued as positive, refusal to test and the employee will be terminated.**

## SECTION 8. TESTING PROCEDURES

- 8.1 A site supervisor, with authority to relieve an employee from duty for prohibited conduct, will represent supervisory authority at all collection locations. The Breath Alcohol Technician/urine sample collector will report to the highest-ranking supervisor at a testing location and inform him/her that testing of specific employees is to take place. Employees will be verbally informed by a supervisor that they are to report to a specific location for drug/alcohol testing. Collection sites can be either a City facility, a mobile testing unit or a facility designated by the City, generally, Medbrook Medical Center. Once informed, the employee is to report for testing immediately.
- 8.2 Employees are to identify themselves through picture identification. In the event no picture identification is readily available, the collection site supervisor can verify the employee's identity. Employees who refuse to cooperate with the test collector/site supervisor will have their test results issued as positive, refusal to test and will be dismissed from employment.

### 8.3 Drug Testing Procedures

The collector will inform the employee of the procedures necessary to fulfill his/her obligation under the drug testing rules. The employee's privacy will be maintained and allow for individual privacy unless there is a reason to believe that a particular individual may alter or substitute the specimen to be provided.

For the purposes of this policy, the following circumstances are the exclusive grounds constituting a reason to believe that an individual may alter or substitute the specimen, mandating a witnessed collection:

- The employee has presented a urine specimen that falls outside the normal temperature range (32-38 degree Centigrade or 90-100 degree Fahrenheit).
- The employee declines to provide a measurement of oral body temperature.
- Oral body temperature varies by more than 1 degree Centigrade/1.8 degree Fahrenheit from the temperature of the specimen.
- The last urine specimen provided by the employee (i.e. on a previous occasion) was determined by the laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below .2g/L.
- The collection site person observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample (e.g., substitute urine in plain view, blue dye in specimen present, etc.).
- The employee has previously been determined to have used a controlled substance without medical authorization and the particular test was being conducted under this policy providing for follow-up testing upon or after a return to service.

Only the urine sample collector has authority to witness an employee's providing of a urine sample, and he/she must be of the same gender as the person providing the sample. The Department Head (or his/her designee) is to be contacted for approval by the collection site supervisor/urine sample collector prior to any witnessed collection requirements directed by this policy.

Collectors will be trained in the procedures established by the federal regulations and will conduct all testing in accordance with those standards.

At the collection site, employees will be asked to provide a urine sample for analysis. The split sample method of collection will be utilized, meaning the larger sample will be divided into two (2) smaller ones. Both bottles will be sealed and shipped in a single container to the laboratory for analysis. Chain of Custody forms and procedures, established in 49 CFR part 40 and part 382, apply to all urine collections and will easily identify test results so they are attributed to the correct employee. Laboratories have to be certified to perform the analysis by the U.S. Department of Health and Human Services. A Medical Review Officer, (a licensed physician, NIDA certified) certifies the results of the drug tests to the Personnel/HR Department.

If the test results of the primary sample are positive, the employee may request the split (second) sample be analyzed at a different certified laboratory for the presence of drug(s) initially certified as positive. Before any test is certified as positive by the Medical Review Officer, every reasonable attempt will be made to contact the employee to discuss whether or not a medical or other condition may have triggered the positive result. The employee will be allowed 72 hours from the time of positive test certification to request the second analysis be conducted. Any employee providing a certified positive urine sample is to be removed immediately from covered duty until the end of the current shift, referred to a Substance Abuse Professional, and disciplined under the authority of this Policy.

#### **8.4 Alcohol Testing Procedures**

Breath Alcohol Technicians are to be trained to proficiency in the use of the Evidential Breath Testing device to be used in alcohol testing procedures. The Evidential Breath Testing device must be one approved for use by the National Highway Traffic Safety Administration.

Alcohol testing is to be conducted in a location that affords visual and aural privacy to the individuals being tested, sufficient to prevent unauthorized persons from seeing or hearing test results. No unauthorized person(s) shall be permitted access to the testing location at any time while testing is being conducted. In unusual circumstances, a test may be administered at a location that does not meet the federal standards for testing locations and the collector is to provide for the privacy of the employee to the greatest extent possible. Standard forms have been created by the U.S. Department of Transportation for use in the alcohol testing process, ensuring results are attributed to the correct employee.

Once the employee has identified himself/herself, an individually sealed mouthpiece is to be removed and attached to Evidential Breath Testing device in the employee's presence. The employee is to forcibly blow into the mouthpiece for at least six (6) seconds or until the Evidential Breath Testing device indicates a sufficient amount of breath has been accomplished. The employee is to be shown his/her test result, and the test result, test

number, testing device, serial number of the testing device, time and quantified result are to be recorded by the Breath Alcohol Technician.

When results of less than 0.02 are generated, the actual testing procedure is over and the Breath Alcohol Technician will inform the employee of the signature requirements of the reporting form. If the alcohol concentration is 0.02 or greater, a confirmation test shall be performed. The Breath Alcohol Technician will instruct the employee in the steps necessary to complete the confirmation test. The confirmation test is to be conducted within twenty (20) minutes, but not less than fifteen (15) minutes, of the initial test.

Refusal by an employee to complete and sign the breath alcohol testing form, to provide adequate amounts of breath, or otherwise to cooperate with the testing process in a way that prevents the completion of the test, shall be noted by the Breath Alcohol Technician and the testing process immediately terminated.

Any covered employee with an alcohol concentration of 0.02, but less than 0.04, is required to be removed from the covered duty for a period of not less than 24 hours in addition to discipline under this policy. Any employee with an alcohol concentration of 0.04 or greater is to be removed immediately from covered duty until the end of the current shift, referred to a Substance Abuse Professional, and disciplined under the authority of this Policy.

The Breath Alcohol Technician will notify the collection site supervisor that an employee possesses an alcohol concentration at levels of 0.02 or greater. The supervisor will relieve the employee from covered duty and contact the Director (or designee) of the Personnel/HR Department.

A breath alcohol test is to be considered invalid under the following circumstances:

- The next scheduled calibration check on the Evidential Breath Testing device produces a result that differs by more than the tolerance stated in the Quality Assurance Plan of the manufacturer from the known value of the test standard. In this event, every result of 0.02 or above obtained on the device since the last valid external calibration check shall be invalid.
- The Breath Alcohol Technician does not observe the minimum fifteen (15) minute waiting period prior to a confirmation test.
- The Breath Alcohol Technician does not perform an air blank of the Evidential Breath Testing before a confirmation test, or an air blank does not result in a reading of 0.00 prior to the administration of the test.
- The Breath Alcohol Technician does not sign the form as required.
- The Breath Alcohol Technician has failed to note in the remarks section of the form that the employee has failed or refused to sign the form following the recording or printing on or attachment to the form of the test result.
- An Evidential Breath Testing device fails to print a confirmation test result.
- On a confirmation test, or where applicable, on a screening test, the sequential test number of alcohol concentration displayed on the Evidential Breath Testing device is not the same as the sequential test number or alcohol concentration on the printed result.

## SECTION 9. RECORD RETENTION AND CONFIDENTIALITY

All drug and alcohol testing records will be maintained under rules of confidentiality established in the federal regulations. The Personnel/HR Department will provide employees with access to their testing records upon receipt of a written request for such records. Records will be disclosed only to those individuals authorized by the USDOT/FHWA rules, other City officials authorized to receive such information, or as may otherwise be legally required.

The City shall maintain records of its alcohol misuse and controlled substances testing programs as required by 49 CFR Part 382.401. The City shall maintain documentation relating to refusals to test, breath alcohol results of 0.02 or greater and positive drug test results for a period of five (5) years. Negative drug test results and breath alcohol test results of 0.02 or less shall be maintained for a period of one (1) year. All other records shall be maintained as required by 4 CFR Part 382.401.

All records will be maintained in a secure location within the Personnel/HR Department in a controlled access area. The Personnel/HR Department will provide employees with their testing records upon making a request in writing. The City will not release any drug/alcohol testing records without the employee's written authorization. However, the City may disclose information required to be maintained to the decision maker or pursuant to a discovery request in a lawsuit, grievance or other proceeding initiated by or on behalf of the individual and arising from the results of an alcohol and/or drug test or from the City's determination that the employee engaged in prohibited conduct (including, but not limited to worker's compensation, unemployment compensation or other proceeding relating to a benefit sought by the employee).

Positive drug test results shall be reported by the City's Medical Review Officer to designated contacts within the Personnel/HR Department. Supervisory Personnel/HR will be advised on a need-to-know basis. Alcohol results are available on-site at the time of the test and results of 0.02 or greater shall be reported to the Collection Site Supervisor. The Collection Site Supervisor will in turn inform the designated contact(s) in the Personnel/HR Department. Supervisors will be informed on a need-to-know basis.

## SECTION 10. CONSEQUENCES OF PROHIBITED CONDUCT

- 10.1** The City's Medical Review Officer will certify positive drug test results to the Personnel/HR Department. Alcohol test results are available on-site and supervisors are to proceed based upon the criteria established under this policy. The Personnel/HR Department will inform the Supervisor (or designee) of the positive drug test results and the Director of the Personnel/HR Department (or his/her designee) is to be informed by the site supervisor of the positive alcohol test (0.02 or greater) and the actions taken as mandated by this policy. The employee is to be removed from covered duty immediately upon notification of positive drug test results and/or an alcohol concentration of 0.02 or greater, but less than 0.04, in the workplace. The employee is to be referred to a Substance Abuse Professional for positive drug test results and/or alcohol concentration of 0.04 or greater in the workplace

**10.2** If, for any reason, errors are made in reporting employee test results, which cause the employee monetary loss and/or Disciplinary Action, the affected employee will have his/her status restored as if the error in the test result reporting never occurred. All documentation relating to a situation such as this will be purged from the City's Personnel/HR and/or Medical Records system.

**10.3** Discipline is to be administered under the City's authority to discipline employees found to be in violation of prohibited workplace activity. The following disciplinary schedule applies to all COVERED EMPLOYEES. Disciplinary action taken hereunder against members of the Police Department shall be subject to review in accordance with the applicable provisions of W.Va. Code § 8-14-20 and § 8-14A-3. Disciplinary action taken hereunder against members of the Fire Department shall be subject to review in accordance with the applicable provisions of W. Va. Code §8-15-25 and §8-14A-3. Disciplinary action taken hereunder against non-uniformed employees shall be subject to the applicable provisions of the City's Personnel/HR Policy.

**a) Pre-Employment First Offense – A Positive Drug Test or Breath Alcohol Concentration of 0.02 Or Greater Will Cause The Potential Employee Not To Be Offered Employment**

**b) Probationary Employees – A Positive Drug Test or Breath Alcohol Concentration of 0.02 Or Greater Will Cause the Employee to be Dismissed From Employment**

**c) First Offense - Random/Reasonable Suspicion/Employee Transfer/Promotion/Positive Drug Test Result/Alcohol Concentration of 0.04 Or Greater Result will cause the employee to be dismissed;** Provided, that such dismissal shall be deemed a suspension without pay if within 48 hours of notification of test results, the employee executes a consent agreement whereby the employee agrees to the following conditions:

i) The employee waives any and all rights to grieve or to have a hearing on the issues before applicable hearing boards, civil service commissions or any other administrative or judicial process, except as the same may relate to an alleged breach of the terms of this consent agreement;

ii) The employee will be evaluated by a qualified Substance Abuse Professional as soon as reasonably practicable and in any event within (7) calendar days of the notification of positive test result and shall authorize and cause a copy of the evaluation and treatment plan, and any follow-up reports, to be delivered to the Director of The Personnel/HR Department;

iii) The employee agrees to abide by the treatment program established by the Substance Abuse Professional;

iv) The employee agrees to pay for such evaluation and treatment.

v) The employee agrees to follow-up drug and/or alcohol testing at a rate directed by the Substance Abuse Professional, to be conducted on an unannounced basis

and of a frequency of not less than six (6) during the first twelve (12) months following the employee's return to work, with it being understood and agreed that the Substance Abuse Professional may continue or terminate the follow-up testing requirement at any time after the first six (6) tests, and for such reasonable period beyond twelve (12) months as may be deemed necessary, at his/her discretion;

vi) The employee agrees to pay for all costs associated with follow-up testing;

vii) The employee agrees to authorize and give consent to any Substance Abuse Professional or other treatment provider to release any information the City requests regarding the employee's evaluation, treatment, or fitness for duty;

viii) Any additional terms, conditions, or stipulations that the City may deem necessary to effectuate the intent of this provision; and, Provided further, that the suspension will be lifted and the employee will be returned to his or her regular duties, or in the City's discretion to duties in another capacity, only upon certification from a Substance Abuse Professional that the employee is fit to return to duty; and, Provided further, that any employee who does not follow the entire plan set forth by the Substance Abuse Professional, or violates the terms and conditions of the Consent Agreement in any way, or tests positive on a follow-up Drug Test or has a Breath Alcohol concentration of 0.02 or Greater on a follow-up test shall, upon reasonable verification of the same, be immediately dismissed, regardless of whether the suspension had been previously lifted or not.

Failure to complete all of the preceding requirements within proper time frames will result in **DISMISSAL**.

### **Second Offense – Dismissal**

#### **d) Random/Reasonable Suspicion/Employee Transfer/Promotion Alcohol Concentration of 0.02 But Less Than 0.04**

i) **First Offense** – The employee is to be relieved from covered duty as required by this policy for no less than 24 hours from the time of being informed of the results. In addition, the employee shall be Suspended Without Pay for 15 days. If the employee seeks the guidance of a Substance Abuse Professional, he/she will be allowed a Leave Status upon receipt by the Personnel/HR Department of the date and time of initial visit from the Substance Abuse Professional in order to initiate a treatment program established by the Substance Abuse Professional. Employees must report to the Substance Abuse Professional within seven (7) calendar days from notification, and failure to report to the Substance Abuse Professional shall result in employee dismissal. If the prescribed treatment involves in-patient admission, the employee will be granted the use of leave consistent with the City of Bridgeport's policies. All conditions set forth by the

Substance Abuse Professional must be met in order to return to work performing duties as defined in COVERED EMPLOYEES. A Return to Duty alcohol test, showing a breath alcohol concentration of less than 0.02, is required of the employee. Follow-up testing, at a rate directed by the Substance Abuse Professional, will be conducted on an unannounced basis and shall be at a frequency of not less than six (6) during the first twelve (12) months following the employee's return to work. Follow-up testing cannot exceed a period of sixty (60) months from the employee's return to duty. The Substance Abuse Professional may terminate the Follow-up Testing requirement at any time after the first six tests, at his/her discretion. Any employee who does not follow the entire plan set forth by the Substance Abuse Professional will be terminated upon written verification of such.

**ii. Second Offense - Dismissal**

- e) **Post Accident – Positive Drug Test Result/Alcohol Concentration of 0.02 or Greater – Dismissal**
- f) **Return to Duty/Follow Up Positive Drug Test result/Alcohol Concentration Of 0.02 or Greater – Dismissal**
- g) **Refusal to Test - Dismissal**

**APPEALS PROCESS**

An employee/applicant wishing to question the results of any positive drug test may do so, provided:

- a. Any such appeal must be made within seventy- two (72) hours of notification of a positive test.
- b. Employee/applicant will pay for the cost of a retest.
- c. A challenge test **MUST** be performed on the same sample as the first test. However, a retest/re-analysis is not subject to cut-off levels and will be reported positive if any detectable drug metabolite is found.
- d. If the result proves negative, the employer will pay for the cost of the challenge test. The employee will be reinstated to the former position with no loss of benefits or pay.
- e. When employee testing for alcohol results in a 0.02 or greater alcohol concentration, an immediate confirmation test shall be performed. The BAT will instruct the employee in the steps necessary to complete the confirmation test. The confirmation test is to be performed within (20) minutes, but not less than (15) minutes of the initial test. There is no appeal of the confirmation results.

**SECTION 11. CHANGES TO POLICY**

This policy is subject to changes made necessary by regulatory requirements or as determined by the City at its discretion. Any changes in this policy will be posted in a location visible to all employees.

SECTION 12. VOLUNTARY REFERRAL PROGRAM

Any employee covered by this policy, who, of their own accord and prior to being informed they are to submit to testing, voluntarily seeks the assistance of a Substance Abuse Professional, will be allowed a Leave Status consistent with the City of Bridgeport's policies for up to forty-five (45) days to meet initial rehabilitation demands established by a Substance Abuse Professional. No Disciplinary Action will be initiated as a result of Voluntary Referral. The employee will be returned to duty upon the recommendation of the Substance Abuse Professional. The employee will be required to present a negative return to duty drug and alcohol test result.

CONTACT PERSON

The City of Bridgeport's Personnel/HR Department assists in administering the Drug and Alcohol Testing Program and answers questions about the policy for all employees. The Personnel/HR Department will maintain a list of Substance Abuse Professionals, maintain records and answer questions about the testing program; and may be contacted as set forth below:

**The Personnel/HR Department  
City of Bridgeport  
P.O. Box 1310  
Bridgeport, WV 26330  
(304) 842-8217**

## **ADDENDUM A – COVERED EMPLOYEES**

### Safety Sensitive – CDL Holders

#### **Equipment Operators**

**Drivers**

**Mechanics**

### Safety Sensitive – Non CDL Holders

**Administration:**                      **City Manager**  
**Director of Personnel/HR/HR**

**Zoning/Comm. Dev. :**                **Director**  
**Building Inspector**

**Bridgeport Cemetery: Superintendent/Manager**  
**Foreman**  
**Equipment Operator**  
**Maintenance I, II, III (all regular drivers/operators of city owned equipment/vehicles)**

**Parks/Rec. - Civic Center:**        **Director**  
**Deputy Director**  
**Foreman**  
**Equipment Operator**  
**Maintenance I, II, III (all regular drivers/operators of city owned equipment/vehicles)**

**Engineering:**                         **City Engineer**  
**GIS Technician**

**Finance:**                                **Director**  
**Tax/Lic. Clerk/field investigator**  
**City Collector/field auditor**  
**Custodian**

**Public Works:**                        **Superintendent**  
**Foreman**  
**Equipment Operator**  
**Maintenance I, II, III (all regular drivers/operators of city owned equipment/vehicles)**

**Fire Department:**                    **Fire Chief and all Uniformed Employees**

**Police Department:**                 **Police Chief and all Uniformed Employees**

**WWTP:**                                 **Superintendent**  
**Foreman**  
**Meter Technician (reader)**  
**Maintenance I, II, III (all regular drivers/operators of city owned equipment/vehicles)**

# ***CITY OF BRIDGEPORT***

## **Personnel/HR Policy and Procedure Manual**