



Mayor/Council Meeting Agenda
Tuesday, March 2, 2021, 5:30 PM
Public Safety Complex, Municipal Court Room
701 Queen City Parkway, Gainesville, GA 30501
Mayor or Mayor Pro Tem Presides

INVOCATION:

PLEDGE OF ALLEGIANCE:

COUNCIL ANNOUNCEMENTS:

PUBLIC COMMENTS: (20 minutes maximum)

CONSENT AGENDA:

Minutes

- A. February 11, 2021 Work Session
- B. February 16, 2021 Mayor/Council Meeting

Resolutions

- A. BR-2021-12 Accepting a Portion of Millside Parkway as a City Street
- B. BR-2021-13 Adoption of New Personnel Policies and Procedures Manual
- C. BR-2021-14 Right of Way Deed to Georgia Department of Transportation Relating to Turn Lane Project on State Route 369
- D. BR-2021-15 Tax Allocation District (TAD) Funding for City of Gainesville for Banks Street Trailhead

PUBLIC HEARING(S):

Annexation/Zoning Items

- A. Request from **Dave Odom** to rezone a 1.56± acres tract located on the south side of Oak Street, west of its intersection with West Academy Street (a/k/a **341 and 361 Oak Street, NW**) from General Business (G-B) to Planned Unit Development (P-U-D). **Ward Number: Four.** Tax Parcel Number(s): 01-026-001-002A and 003. **Request: Mixed-use residential and commercial.**
 - Proposed Rezoning Ordinance 2021-10

CITY MANAGER ISSUES:

CITY ATTORNEY ISSUES:

CITY CLERK ISSUES:

EXECUTIVE SESSION:

ADJOURNMENT:

Final: Monday, March 1, 2021, 8:00 AM



CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 2/25/2021

Presenter:

Item of Business: Consent Agenda Items

Meeting Date: 3/2/2021

Purpose of Request:

The following appointments, minutes and/or resolutions are being considered under the Consent Agenda Section. These items were previously distributed for review and/or discussed. Unless otherwise directed by Mayor and Council, they will not be discussed during this meeting.

If you have questions regarding these documents, please feel free to contact the City Clerk's Office during normal business hours (Monday through Friday from 8:00 AM to 5:00 PM) at 770-535-6865 or via email to cityclerk@gainesville.org.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Department Director:

If funding is involved, are funds approved within the current budget?

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

Date Submitted: 2/25/2021
Presenter: Denise Jordan
Item of Business: February 11, 2021 Work Session
Meeting Date: 3/2/2021

Purpose of Request:

The purpose of this request is to allow the governing body to approve the referenced meeting minutes.

History/Background:

Facts & Issues for Consideration:

The referenced draft minutes were distributed to the governing body, City Manager, City Attorney and Department Directors for comments/corrections.

Department Recommendation:

Approve the minutes accepting edits as presented.

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget?

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description

Type

Date Submitted: 2/25/2021
Presenter: Denise Jordan
Item of Business: February 16, 2021 Mayor/Council Meeting
Meeting Date: 3/2/2021

Purpose of Request:

The purpose of this request is to allow the governing body to approve the referenced meeting minutes.

History/Background:

Facts & Issues for Consideration:

The referenced draft minutes were distributed to the governing body, City Manager, City Attorney and Department Directors for comments/corrections.

Department Recommendation:

Approve the minutes accepting edits as presented.

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget?

N/A

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description

Type

CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 2/15/2021

Presenter: Bryan Lackey

Item of Business: BR-2021-12 Accepting a Portion of Millside Parkway as a City Street

Meeting Date: 3/2/2021

Purpose of Request:

To accept a portion of Millside Parkway as a City street.

History/Background:

Portions of Millside Parkway were previously accepted via Resolutions BR-2018-57 and BR-2020-46.

Facts & Issues for Consideration:

Millside Parkway was designed and constructed to meet City standards for a public street.

Department Recommendation:

Accept the portion of Millside Parkway.

Department Director:

Chris Rotalsky

If funding is involved, are funds approved within the current budget?

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ BR-2021-12 Accepting a Portion of Millside Parkway as a City Street	Resolution
☐ Warranty Deed	Contract/Agreement/MOU

RESOLUTION BR-2021-12

ACCEPTING A PORTION OF MILLSIDE PARKWAY AS A CITY STREET

WHEREAS, the governing body for the City of Gainesville adopted resolutions BR-2018-57 and BR-2020-46 accepting sections of Millside Parkway as a City of Gainesville public street; and

WHEREAS, the section described in the attached Warranty Deed, was excluded; and

WHEREAS, the Gainesville Public Works Department has determined that this remaining section was developed and constructed in accordance with the approved plans.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby accepts the portion of Millside Parkway described in the attached Warranty Deed as a City of Gainesville public street and accepts the associated lighting and standard maintenance costs thereof.

BE IT FURTHER RESOLVED THAT the governing body for the City of Gainesville authorizes the Mayor and/or the City Manager to sign, and staff to record, the Warranty Deed accepting the associated right-of-way.

Adopted this ____ **day of** _____, **2021.**

C. Danny Dunagan, Jr., Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk

AFTER RECORDING PLEASE RETURN TO:
City of Gainesville
PO Box 2496
Gainesville, GA 30503

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF HALL

This deed made by and between Butler Property, LLC, Grantor, and the City of Gainesville, Grantee,

WITNESSETH, that the said Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) AND OTHER VALUABLE CONSIDERATIONS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents, does grant, bargain, sell and convey unto the said Grantee,

MILLSIDE PARKWAY TRACT "A2"

Legal Description: Millside Parkway Tract "A2"

All that tract or parcel of land lying and being in Land Lots 30 & 43, 8th Land District, City of Gainesville, Hall County, Georgia as shown on a plat prepared by Patton Land Surveying, LLC, for Millside Development, LLC, Plat dated October 12, 2017, last revised November 6, 2018 and being more particularly described as follows:

Commencing at a PK Nail set at the centerline intersection of State Route No. 53 (Mundy Mill Road) (varying width r/w) & Millside Parkway, located at Georgia State Plane Coordinate Northing 1543754.25, Easting 2382787.18, Georgia West Zone, North American Datum of 1983/2007 adjustment, THENCE North 47 degrees 57 minutes 14 seconds East for a distance of 649.92 feet to a point on the centerline of said Millside Parkway located at centerline station 6+50.00 and said point being the TRUE POINT OF BEGINNING.

Thence leaving said Millside Parkway centerline the following course:

Thence North 36 degrees 55 minutes 34 seconds West for a distance of 59.45 feet to a point on the Northerly right-of-way of said Millside Parkway;

Thence following said Millside Parkway the following courses:

Thence along a curve to the right having a radius of 716.88 feet and an arc length of 335.54 feet, being subtended by a chord of North 67 degrees 18 minutes 23 seconds East for a

distance of 332.49 feet to a point; Thence North 79 degrees 20 minutes 07 seconds East for a distance of 205.57 feet to a point; Thence along a curve to the left having a radius of 545.00 feet and an arc length of 560.40 feet, being subtended by a chord of North 49 degrees 52 minutes 40 seconds East for a distance of 536.03 feet to a point; Thence South 60 degrees 46 minutes 33 seconds East for a distance of 3.94 feet to a point; Thence North 16 degrees 59 minutes 47 seconds East for a distance of 110.86 feet to a point; Thence North 17 degrees 22 minutes 20 seconds East for a distance of 94.55 feet to a point; Thence South 73 degrees 08 minutes 24 seconds East for a distance of 54.43 feet to a point on the centerline of said Millside Parkway located at Station 19+92.72;

Thence leaving said centerline the following course:

Thence South 73 degrees 08 minutes 24 seconds East for a distance of 51.67 feet to a point on the Southeasterly right-of-way line of said Millside Parkway;

Thence following said Millside Parkway the following courses:

Thence South 16 degrees 51 minutes 36 seconds West for a distance of 171.27 feet to a point; Thence along a curve to the right having a radius of 655.00 feet and an arc length of 713.67 feet, being subtended by a chord of South 48 degrees 07 minutes 17 seconds West for a distance of 678.88 feet to a point; Thence South 79 degrees 20 minutes 07 seconds West for a distance of 205.57 feet to a point; Thence along a curve to the left having a radius of 595.00 feet and an arc length of 283.06 feet, being subtended by a chord of South 65 degrees 42 minutes 23 seconds West for a distance of 280.40 feet to a point;

Thence leaving said Millside Parkway the following course:

Thence North 36 degrees 55 minutes 34 seconds West for a distance of 59.62 feet to a point and said point being the POINT OF BEGINNING.

Said property contains 3.40 acres more or less.

TO HAVE AND TO HOLD the said premises, together with all rights and appurtenances unto the said Grantee, forever in FEE SIMPLE, and the Grantor WARRANT the title to the same against the lawful claims of all persons whomever. Subject to the exceptions listed in Exhibit A.

Whenever there is a reference herein to the Grantor or the Grantee, the singular includes the plural and the masculine includes the feminine and the neuter, and said terms include and bind the heirs, executors, administrator, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and affixed his seal this ____ day of _____, 2021.

Signed, sealed and delivered
in the presence of:

Butler Property, LLC

Witness By: _____(SEAL)
Kent A. Strake, Manager

Notary Public
My commission expires:
[Notary Seal]

APPROVED AS TO FORM

CITY OF GAINESVILLE

Abbott S. Hayes, Jr.
Hulsey, Oliver & Mahar, LLP
City Attorney By: _____
C. Danny Dunagan, Jr., Mayor

Executed before me this _____ Attest: _____
day of _____, 2021. _____
Denise O. Jordan, City Clerk

Notary Public
My Commission Expires: _____
CITY SEAL

AFFIX NOTARY SEAL

Exhibit "A"

1. Easement in favor of Bellsouth Telecommunications, Inc., dated February 26, 2008, filed March 4, 2008, recorded in Deed Book 6284, page 324, Hall County, Georgia Deed Records.
2. Easement in favor of Southern Bell Telephone and Telegraph Company, dated June 16, 1943, recorded in Deed Book 92, page 209, aforesaid records.
3. Sewer Line Easements in favor of City of Gainesville, as follows:
 - (a) dated November 13, 1991, recorded in Deed Book 1676, pages 54 and 61, aforesaid records;
 - (b) dated September 12, 2000, recorded in Deed Book 3737, page 358, aforesaid records
4. Easements in favor of Jackson County Electric Membership Corporation, as follows:
 - (a) dated February 25, 1971, recorded in Deed Book 444, page 245, aforesaid records;
 - (b) dated January 30, 2006, recorded in Deed Book 5986, page 664, aforesaid records.
5. Perpetual Easements in favor of the City of Gainesville, Georgia and Hall County, Georgia, as follows:
 - (a) dated January 3, 2008, recorded in Deed Book 6252, page 67, aforesaid records
 - (b) dated January 3, 2008, recorded in Deed Book 6252, page 84, aforesaid records.
6. Easements in favor of Georgia Power Company, as follows:
 - (a) dated May 18, 1948, recorded in Deed Book 113, page 537, aforesaid records;
 - (b) dated February 12, 1953, recorded in Deed Book 137, page 504, aforesaid records;
 - (c) dated March 25, 1959, recorded in Deed Book 200, page 298 aforesaid records.
7. Plat of Survey for Mundy Mill Development, LLC, Lawyer's Title Insurance Corporation, & Regions Bank dated March 26, 2004, last revised January 17, 2005 reveals the following:
 - (a) 30' sanitary sewer easement running across Tract 4;
 - (b) 40' sanitary sewer easement across Tract 5;
 - (c) a portion of tract 5 lies within 1 00-year flood limits;
 - (d) Cemetery located on Tract 8;
 - (e) an old road running between boundary line of Tract 6 and 7.

- (f) Rights of upper and lower riparian owners in and to the waters of creeks crossing or adjoining the property, and the natural flow thereof, free from diminution or pollution.
- 8. Permanent Easement for Construction and Maintenance of Slopes to the City of Oakwood dated July 25, 2018, recorded in Deed Book 8126, Pages 858-860, aforesaid records.
- 9. All matters shown on plat recorded April, 1916, Deed Book 29, page 230, Hall County records.
- 10. All matters shown on recorded plat filed February 20, 1975, Plat Book 58, page 202, Hall County records.
- 11. All matters shown on recorded plat filed November 11, 1988, Plat Book 132, page 206, Hall County records.
- 12. All matters shown on recorded plat filed September 10, 1978, Plat Book 72, page 90, Hall County records.
- 13. All matters as shown on Final Plat of Millside Parkway dated October 12, 2017, last revised November 6, 2018, as prepared by Patton Land Surveying, Inc.

Date Submitted: 2/12/2021
Presenter: Bryan Lackey
Item of Business: BR-2021-13 Adoption of New Personnel Policies and Procedures Manual
Meeting Date: 3/2/2021

Purpose of Request:

To amend the City's personnel policies.

History/Background:

Facts & Issues for Consideration:

An amendment of the city's personnel policies from time to time is needed. The last major amendment was in 2016 with a small revision in 2018.

Department Recommendation:

Approval of the Resolution

Department Director:

Janeann Allison

If funding is involved, are funds approved within the current budget?

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ Adoption of New Personnel Policies and Procedures Manual	Resolution
☐ Revised Policy	Policy
☐ Summary of Changes	Backup Material
☐ Current Policy	Backup Material

RESOLUTION BR-2021-13

ADOPTION OF NEW PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, in February 2016, (revised September 19, 2018), the Gainesville City Council adopted the City of Gainesville Personnel Policies and Procedures Manual; and

WHEREAS, since 2016 the Personnel Policies and Procedures Manual has been the fundamental feature for personnel administration for the City of Gainesville; and

WHEREAS, the governing body for the City of Gainesville desires to amend its Personnel Policies and Procedures Manual.

NOW, THEREFORE, BE IT RESOLVED the governing body for the City of Gainesville hereby adopts the new Personnel Policies and Procedures Manual as attached to be effective immediately.

BE IT FURTHER RESOLVED, all Resolutions regarding Personnel Policies and Procedures approved prior to adoption of this Resolution shall be rescinded.

Adopted this ____ day of _____, 2021.

C. Danny Dunagan, Jr., Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk



PERSONNEL POLICIES & PROCEDURES MANUAL



CITY OF GAINESVILLE, GA

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1.00 WELCOME MESSAGE FROM THE CITY MANAGER

Dear Employee,

Welcome to the City of Gainesville!

The mission of the City of Gainesville is to enrich the community by practicing good stewardship of resources and by providing exemplary services for all people. The City's core values include integrity, innovation, responsiveness and teamwork.

As the City Manager, it's my responsibility to implement the policies and procedures adopted by Council. Please take the time to review this manual as it contains important information that you need to know throughout the course of your employment.

I am excited to have you as part of our team. I look forward to establishing a good working relationship with each and every one of you.

Sincerely,



Bryan Lackey
City Manager



1.01 A WORD ABOUT THIS MANUAL

The City of Gainesville creates these Personnel Policies and Procedures to ensure the effective and efficient administration and utilization of human resources in the operation of the City and for the benefit of the City's employees and the citizens they serve.

This manual supersedes all previous employee manuals and memos. This manual contains a summary of the personnel policies and procedures of the City of Gainesville. Additional details may be obtained from the Human Resources Department. If you have any questions regarding policies or procedures, we encourage you to discuss them with your department director or human resources.

This manual is intended to provide a better understanding of city policies and procedures. The policies outlined in this manual should be regarded as guidelines which may change from time to time.

All employees are considered 'at-will' employees, and nothing contained in this manual is to be construed by any employee as establishing, creating or constituting as written or implied contract of employment, and no oral statements made by department heads, elected officials, or other management can alter this disclaimer or create a contract. Furthermore, nothing herein shall be construed as a guarantee of continued employment nor as a guarantee of benefits or conditions of employment. Only the City Manager has the authority to create an employment contract, and such contract must be in writing and signed by the City Manager, City Attorney and City Clerk to be valid.

1.02 ROLES AND RESPONSIBILITIES

CITY MANAGER

While allocating the City's resources to achieve the desired objectives of the City Government, the City Manager also provides direction and guidance through the issuance of rules, policies, and procedures. The City Manager shall be the executive officer of the City in charge of all City employees under the merit system, which includes all employees in classified and non-classified service. The City Manager is responsible for the efficient operation of all departments of the City and the personnel thereof.

The City Manager, with the assistance of the Administrative Services Director, is responsible for administering the policies in this manual and any amendments thereto that may be subsequently adopted by the Governing Body of the City of Gainesville.

DEPARTMENT DIRECTOR

The Department Director is responsible for insuring the optimum performance of his/her department by providing leadership, guidance, and direction to achieve organizational goals and assure departmental integrity through coordinated teamwork as governed by the City's adopted Policies and Procedures. Each Department Director has the authority to establish additional policies or standard operating procedures, which specifically apply to that department's activity and may not apply to the general employee population. Supplementary departmental policies and standard operating procedures must be consistent and compatible with these policies and procedures.

1.03 EQUAL EMPLOYMENT OPPORTUNITY

The City of Gainesville does not tolerate discrimination based on someone's race, color, national origin, age, disability, gender, religion, genetic information or protected class as established by law. Anyone who believes he or she is being subjected to discrimination or who has witnessed such conduct must immediately report such conduct. Generally, the employee should report the conduct to their department head. If the department head is involved, or if the employee is otherwise uncomfortable reporting the conduct to their department head, the employee may proceed directly to the Administrative Services Director. All complaints of discrimination will be properly investigated. The City will preserve the confidentiality of such complainants and witnesses as much as possible consistent with a thorough investigation. Prompt, corrective action, up to and including termination of employment will be taken when an investigation of a discrimination complaint confirms the allegations.

This policy relates to all phases of employment in all positions including, but not limited to recruitment, employment, placement, upgrading, demotion, transfer, layoff, recall, termination, rates of pay and other compensation and benefits, training, use of facilities, and participation in City-sponsored employee activities. The Gainesville City Government is committed to maintaining a work environment that is free of unlawful conduct. In keeping with this commitment, the City will not tolerate harassment, discrimination, or the unlawful treatment of employees by anyone, including any supervisor, co-worker, vendor, client, or citizen of the City.

It is the intention of the Gainesville City Government to fully comply with the Americans with Disabilities Act of 1990 (ADA) in providing reasonable accommodations whenever and wherever necessary throughout City departments. The City will not discriminate against qualified individuals on the basis of a disability in consideration of any terms and conditions of employment or in admission and access to programs, services, and activities. Any concerns or questions regarding ADA compliance should be directed to the Administrative Services Director.

2.00 Employment Status

There are five types of active employment status the City recognizes:

1. Regular Status Full-time - Employees are employed in positions which are utilized on a continuing, year-round basis and who are employees for 40 or more hours per week. During a rare hardship for very temporary purposes and with approval of the Administrative Services Director, a full-time employee's hours may be reduced to no less than 30 hours and still be benefit eligible.
2. Probationary - A probationary period status is assigned to newly hired employee. The City utilizes a period of 12 months for its probationary period. However, this period may be extended depending on the recommendation of the Department Director and concurrence and approval of the Administrative Services Director. [See Section 2.01 on Probationary Employees for more information.]
3. Part-Time Status - Employees in positions requiring less than full time work typically working 29 hours or less per week.
4. Seasonal/Temporary - Employees are employed in positions which are not utilized on a year-round basis.
5. Acting Capacity (Interim) Status – At times an employee may be required by the Department Head to fill a temporary vacated position. In such instances, the department may provide the employee working in an acting capacity a temporary pay increase after consultation with the Administrative Services Director. Such appointment shall typically not exceed 90 days.

2.01 Probationary Employees

Each full-time and part-time employee who is newly hired will serve a 12-month probationary period. The probationary period shall be regarded as an extension of the examination process, and shall be utilized by supervisors and department heads for closely observing the probationary employee's work, and determining if the employee can satisfactorily perform required tasks and meet the required work standards. This period also enables the employee to determine if the job is best suited for him/her.

1. Upon successful completion of the probationary period, the employee is eligible to become a regular status employee.
2. During the probationary period, employees are subject to any personnel action, including discharge, without prior notice and without right to grieve or appeal adverse action except as defined in Policy 1.03 Equal Employment Opportunity.
3. If, at the completion of the probationary period, an employee has not met all performance requirements, the probationary period may be extended at the discretion of the Department Director and Administrative Services Director, for up to an additional 180 day, 6-month period. This can be accomplished by providing a justification memo.
4. Only time in active work status shall be counted toward completion of the probationary period. An employee in a probationary period status who is absent for a sustained period, i.e. on a workers' compensation or disability leave, shall be required to complete the amount of time on the job specified for the job classification to which he/she is appointed.

2.02 RECRUITMENT AND SELECTION (INTERNAL/EXTERNAL PROCEDURES)

The City of Gainesville is committed to employ, in its best judgment, the best qualified candidates for positions while engaging in recruitment and selection practices that are in compliance with all applicable employment laws. It is the City's policy to provide equal employment opportunity for employment to all applicants and employees. It will be the City's preference to promote and transfer from within as determined by the Department Director and Administrative Services Director.

1. The appropriate authorization is required to initiate any action for an open position, including any recruitment efforts, advertising, interviewing and offers of employment.
2. The hiring process includes multiple steps and various practices, including creating and distributing job announcements, advertising through various sources, use of employment applications, interviews, pre-employment testing, reference checks, and background checks.
3. Vacant positions may be posted internally or externally and shall be announced publicly for a minimum of ten calendar days. Under special circumstances and with the approval of the Administrative Services Director, the posting of a vacant position may be waived and a current City employee may be selected at the Department Director's discretion to fill this vacant position.
4. Human Resources may use various methods of web site publicity and media to provide notice of vacancies to as many qualified persons as possible and to assure obtaining qualified applicants. Human Resources will routinely seek new opportunities for advertisement of open positions in an effort to attract a diverse group of applicants.
5. Application requirements may differ depending on the position. Typically, candidates, internal or external, must complete an online Employment Application. However, for some positions, a letter of interest and resume, in lieu of an application may be submitted. The job posting will specify application requirements. Additional documents may be required depending on the position.
6. Deliberate omission or falsification of any discovered fact on an application shall be grounds for disqualification of a candidate from consideration of employment, transfer, or promotion. Disciplinary action may be taken against a current employee for omitting or falsifying a fact on an application.
7. Starting pay is typically at the minimum of the pay range. However, Department Directors have the authority to offer the candidate up to 15% above minimum. Offers above this amount up to midpoint may be extended with the approval of the Administrative Services Director. Offers made at the established mid pay range of the job, or higher must have sufficient justification and be approved by the Administrative Services Director and City Manager prior to tendering an employment offer.

8. Participation in one of the City's retirement plans shall be dictated by the position the employee holds. Subsequent movement to other jobs throughout the City may necessitate the employee to alter retirement plan participation. However, the employee affected shall be entitled to all credited service with the City even if that service is split between retirement plans.

Pre-Employment Procedures for New Hires

All candidates must undergo a background investigation prior to being employed. The background investigation will include (but is not limited to) criminal, motor vehicle record, and reference checks. Candidates will also be required to have a drug screen and physical (if safety sensitive position). A more extensive background check will be conducted by the Police Department for Police Officers.

Upon a satisfactory background check and approval from Human Resources, a start date will be issued.

Employment Documentation - Each new employee must complete and sign personal information forms, tax withholding forms, USCIS Form I-9, and other documents prior to being added to the City's payroll. Each prospective employee must be able to prove their identity and their ability to live and earn wages in the United States. Some City jobs may require citizenship in the United States and have specific minimum age requirements. Each new employee will be scheduled for a new employee orientation meeting to discuss and enroll in City benefits through Human Resources.

Mandatory Direct Deposit of Payroll Funds - All employees will be required to use direct deposit to receive payroll related payments. In accordance with federal requirements each employee may select the financial institution of his/her choice to accommodate the receipt of direct deposit funds.

The Administrative Services Director has exclusive authority to grant an exemption in the case that an employee does not have an account at an eligible financial institution, and further provides evidence that he/she cannot obtain an account at an eligible financial institution. An employee desiring exemption consideration should contact the payroll office to obtain a "Direct Deposit Personal Exemption Request Form".

Filling Vacant Positions Internally

Vacant positions may be filled internally by reclassification, promotion, demotion, or transfer.

Reclassification

Modifying an employee's job duties to better meet the needs of the department. The modification may result in a new title and pay grade. Such reclassification shall not create a

vacant position. A reclassification must be approved by the Department Director, Administrative Services Director, Chief Financial Officer and City Manager.

Promotion

The City encourages promoting qualified individuals to higher level positions in an effort to boost morale and give employees an incentive to learn and grow in their careers.

Promotion is defined as the (re)assignment of an employee to a job in a higher grade or range which carries a greater scope of responsibility. Upon promotion, an employee will receive a 5% increase for one grade promotion, and a 10% increase for two or more grades, not to exceed the maximum pay for the new pay grade. Promotional increases may exceed this provided the Department Director can justify the increase due to the employee's experience, education, skills, or market data showing the employee should be at a higher salary. A memo requesting approval must be submitted to the Administrative Services Director and City Manager.

Demotion

Demotions may be proposed for poor employee performance. Each circumstance should be carefully considered prior to determining that demotion is the appropriate action. Supervisors should thoroughly examine if a demotion can truly achieve the desired purpose. Supervisors should consult with the Administrative Services Director or designee prior to demoting an employee.

An employee who is demoted shall have his or her salary reduced. A demotion of one grade results in a 5% reduction; a demotion of two or more grades results in a 10% reduction, not to exceed the maximum of the new class. Exceptions to this provision must be approved by the Administrative Services Director.

Transfer

A vacancy may be filled by the transfer of an employee from another department, subject to relevant competitive procedures. As a courtesy, Department Directors should discuss the timing of the transfer so as not to cause a hardship on the releasing department; but not to exceed two (2) pay periods from the offer date.

If an employee is transferring to a completely new Department, where there is a substantial change to type of work being performed, they will be treated as a new hire regarding starting pay.

From time to time, an employee may wish to transfer to a lower level position for various reasons. Typically, moving to a lower level position will result in a 5% reduction for one pay grade; or 10% reduction for two or more grades, not to exceed the maximum of the new class.

2.03 Nepotism

The City generally permits the employment of a current employee's qualified relatives as long as such employment does not, in the opinion of the City, or the Department Director, create a conflict of interest. This policy applies to employment of full-time, part-time, seasonal, and temporary employees. Employees are required to notify their Department Director and/or Human Resources should they become aware of any violations of this policy.

Individuals who are related by blood, marriage or adoption, or who are part of the same household, are permitted to work in the same City department, provided no direct reporting or supervisor-to-subordinate relationship exists. That is, no employee is permitted to work within "the chain of command" when the terms and conditions of one relative's employment such as work responsibilities, salary, hours, career progress or benefits could be influenced by the other relative.

If an employee becomes a relative of someone who is his/her supervisor or Department Head, then one of them must either resign or request a transfer to another department if a position is available. If a transfer is not practical or not desired by any other Department Head or a supervisor, the City has no obligation to allow the employee to transfer, thereby mandating that either employee resign. The City Manager may waive this requirement in cases of extenuating circumstances.

Relative, for the purposes of this policy, shall be defined as immediate family and family related by marriage, as close as first cousins, and including in-law and step relationships and includes immediate family by blood or marriage, spouse, parent or guardian, child, brother, sister, aunt, uncle, niece, nephew, first cousin, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, grandchild, stepmother, stepfather, stepson, stepdaughter, half-sister, half-brother, or other relative living in the same household as employee.

2.04 Non-Fraternization

Romantic or sexual relationships between manager/supervisor and a direct report employee can cause real or perceived conflicts of interest. In order to prevent these conflicts, the City prohibits such relationships or any conduct that is intended or may reasonably be expected to lead to the formation of a romantic or sexual relationship between manager/supervisor and an employee in a direct reporting relationship. Should a manager/supervisor desire to date or become involved with a direct report employee, the manager/supervisor should first resign from his/her position. Failure to do so, will result in termination of the manager/supervisor.

Should two employees within the same department, but not in a direct reporting relationship, desire to become romantically or sexually involved, they should disclose the relationship to the Department Director who shall then make a decision regarding the effect of the relationship on the work environment. If the Department Director determines that the relationship between the two employees creates a negative effect on the department operations, then one of the employees will be asked to transfer or resign from his/her position with the City.

2.05 POLITICAL ACTIVITY

The City of Gainesville expects employees to avoid public political activity and involvement or interference with local elections. Prohibition against political solicitation and participation in local political campaigns afford protection for the employee as well as ensuring the integrity of the system by limiting the potential for a conflict of interest. Employees may privately express their opinions, and, as always, employees are encouraged to vote for the candidates of their choice.

1. Nothing in this section shall be construed to prevent employees from becoming or continuing to be members of any political party, club, or organization, attending political meetings, expressing their views in private on political matters outside working hours, and off City premises, or voting with complete freedom in any elections.
2. To further protect the public trust, no employee shall use his/her City employment position to advocate or oppose the candidacy of any individual.
3. No City employee shall coerce, command, or advise any other City employee or officer to contribute anything of value to any person or party for political purposes.
4. An employee may participate in political activities at other levels of government (County/State/Federal), provided that such participation is at no time engaged in during working hours or while wearing a City uniform, and provided such participation does not adversely affect performance as a City employee.
5. If an employee wishes to serve as a poll worker, they must take leave for the time they are training or serving, unless otherwise directed by the City Manager.
6. When the seeking or holding of any public office would be incompatible or would substantially interfere with the discharge of his or her duties, an employee of the City of Gainesville shall request a leave of absence without pay while seeking such office and resign employment with the City of Gainesville if such office is obtained.
7. Employees assigned to work during the entire time that polls are open on Election Day may be allowed to take a maximum of one hour to cast their ballot in local, state, or national level elections.
8. Employees are expected to keep personal political views out of the workplace in order to maintain a non-hostile, amicable working environment for all employees.

2.06 ACCEPTING GIFTS

To reduce the potential for conflicts of interest, abuse of position, or even the appearance of impropriety, the City of Gainesville limits the gifts an employee may accept which arise or may be reasonably perceived as arising by virtue of his/her capacity with the City.

1. An employee shall report to his/her Department Director all gifts received from an individual, business, or organization with whom the City of Gainesville does business or is considering doing business.
2. Under no circumstances shall an employee accept gifts, gratuities, loans, or services which have an estimated value exceeding \$100.00 and which were given to the employee in the course of his/her employment. All gifts shall be in compliance with OCGA 16-10-2. In the event an employee is in receipt of a gift that may exceed \$100.00, he/she should inform the Department Director.
3. Under no circumstances shall an employee accept anything of value for discharging his official duties or job responsibilities or the expectation thereof except where given or authorized by the City.
4. All employees are expected to be familiar with and comply with all the employee parameters found in Chapter 1-9 Code of Ethics in the Code of the City of Gainesville, Georgia.

2.07 OUTSIDE/DUAL EMPLOYMENT

Outside/dual employment is defined as paid employment of a City's employee by any other entity or enterprise, in addition to such employee's employment with the City of Gainesville. As related to one's employment with Gainesville City Government, no employee shall engage in other employment without written authorization of the Department Director. Outside/dual employment shall only be allowed under the following conditions:

1. Such employment shall not interfere with nor affect the performance of the employee's duties in his primary City job.
2. Such employment shall not involve a conflict of interest, or a conflict with the employee's duties.
3. Such employment or outside business shall not interfere with the efficient performance of his/her duties as an employee with the City of Gainesville.
4. Such employment shall not occur during the employee's regular or assigned working hours, unless the employee is either on scheduled PTO or leave without pay.
5. Under no circumstances may an employee be paid unscheduled PTO, sick leave, workers' compensation pay, or paid disability and work outside employment.
6. Such employment shall not involve the use of records or equipment of the City. Police uniforms shall not be considered equipment in the meaning of this rule. Use of City police vehicles in the course of performing outside employment shall be approved by the Police Chief, or his/her designee.
7. City employees are strictly forbidden from pursuing outside business activity on City time. Government time or property is not to be used for personal gain of any kind.

Prior to engaging in outside/dual employment, to include self-employment, employees must submit a Request for Authorization – Outside Employment form. This form is available through Human Resources and must be submitted to the Department Director for approval.

If it is determined that the employment requested is unreasonably hazardous and may be harmful to the employee, the Department Director will sanction employment only when that employee waives the right to utilize the City's group health plan in the event of an accident or injury, or provide proof that the outside employer provides Workers' Compensation coverage.

The Department Director shall have the right to deny the request, or approve same, provided that such employment is in compliance with the provisions of this policy. Anyone violating this policy is subject to disciplinary action.

2.08 PAY PRACTICES

The City of Gainesville has established guidelines consistent with federal and state statutes that will govern its actions associated with compensation for its employees. In accordance with these guidelines, the following procedures have been established.

For more information on pay practices, see Policy 2.02 Recruitment and Selection.

1. The normal workday for City employees is one regularly assigned workday or shift. All employees are expected to be at work every scheduled day and at the appropriate starting time.
2. Employees will be classified as non-exempt (eligible to receive overtime pay), or exempt (ineligible for overtime pay), and these classifications shall meet the criteria established by the Fair Labor Standards Act (FLSA). All non-exempt employees shall be compensated for authorized overtime worked as specified by the FLSA.
3. Exempt employees are considered salaried and shall not be compensated in any manner for excess hours worked during the work period.
4. Overtime shall be those hours actually worked by an employee in excess of 40 hours per week for a seven-day work period, or as otherwise established by federal law.
5. In the case of law enforcement, overtime calculation shall be based on hours worked in excess of 85.5 in a 14-day work period; in the case of Fire and Emergency Medical Services employees 212 hours worked in a 28-day work period.
6. Employees are not permitted to work overtime without permission from their Department Director or his/her designee. Employees who work without permission will be paid, but are subject to discipline up to and including termination.
7. The City does not recognize compensatory time and does not allow any employee to “bank” hours.
8. The City recognizes the importance of advanced certifications obtained by employees that will benefit the City. The Administrative Services Director or the City Manager may identify specific positions that qualify for incentive pay upon the recommendation of the Department Director. Please contact Human Resources to determine eligibility prior to beginning the process of obtaining a certification. Also, reach out to Human Resources for information regarding caps set on the total amount of incentive pay available.
9. The City has established a bi-weekly pay cycle for regular, full-time employees. Elected and appointed personnel shall be paid monthly.

2.09 PERSONNEL RECORDS

All personnel records of employees shall be considered confidential and the property of Gainesville City Government. Information obtained in the course of official duties shall not be released by any employees other than those with this responsibility as part of official duties. All requests for personnel information except as stipulated below (#3) must be processed through the City Manager's office prior to being routed to the Administrative Services Director and other relevant departments. The release of personnel records is governed under the Georgia Open Records Act (O.C.G.A.50-18-70)

1. Current employees who are in need of a specific document from their personnel file (i.e., birth certificate, transcript, etc.) may obtain a copy of requested document without going through the Open Records process provided Human Resources has the document on file, and requested documents are kept to a minimum. Employees are expected to contact Human Resources in advance to make such arrangements.
2. Requests should be submitted in writing to the City Manager's Office specifying the documents requested. Requests can also be made via website at www.gainesville.org under Open Records Requests. Details pertaining to Open Records Requests can be found on this page.
3. Upon receipt of the request, the City Manager's Office will notify the requestor within three (3) business days if there are records responsive to the request and if the records requested are subject to release (O.C.G.A. § 50-18-71). The response will be provided in written format and will be sent via email when possible.
4. General review of one or a number of files is not permissible.
5. Charges for documents from the City's personnel files will be established by the City Manager's Office. The prevailing rate will apply to all duplications of records requested.
6. Items not releasable include but are not limited to medical records, proprietary benefits information protected under HIPAA legislation, similar files or related information and third party evaluations.
7. Employee records shall be kept in accordance with the established retention schedule. Such records may be kept in their original form, or in any other duplicate form, which the Administrative Services Director deems appropriate.
8. Records are governed by the Georgia Records Management Act (O.C.G.A. 50-18-90) (85)-(503).
9. In accordance with state law, applications, resumes, or the names of candidates who are applicants in an employment search for a position with Gainesville City Government will be

released within three days after the request has been received through the City Manager's Office. Charges for assembly and/or copying will be charged at the prevailing departmental rate.

2.10 PERFORMANCE EVALUATIONS

In order to measure, document, and evaluate performance, all full time City employees shall receive an annual evaluation. At the discretion of the Department Director, part time employees may also be evaluated using the same process. Evaluations may be completed more frequently at the Department Director's discretion.

1. Performance Factors - Specific areas of evaluation include, but are not limited to, factors such as Job Knowledge, Quality of Work, Productivity, Dependability, and others. Specific factors may change as the evaluation process is revised or updated. The evaluation instruments to be used will be provided and approved by Human Resources.

The performance evaluation seeks to document an employee's overall performance, to advise the employee about whether performance meets expectations and to specify if any improvements need to be made. An evaluation may be used to assist those responsible for recommending promotions or whether an employee will be retained.

2. Rating System - The rating system will consist of a scale ranging from Outstanding to Needs Improvement.

Justification (to include specific examples) should be provided for ratings that are at the bottom of the scale.

Upon completion of the written performance evaluation, supervisors will meet with each employee to review the evaluation. At this time, the employee will have the opportunity to ask questions or provide comments. A copy of the evaluation shall be retained in the employee's personnel file.

3. Evaluation Usage - The City may consider employee performance evaluation history for reasons including but not limited to:
 - a. To determine employees' effectiveness in their assigned positions
 - b. To assess employee training needs
 - c. To determine ability to accept additional responsibilities
 - d. To determine suitability for other positions

2.11 REDUCTION IN FORCE

A reduction in force (RIF) occurs when changing priorities, budgetary constraints or other business conditions require the City of Gainesville to abolish positions.

A RIF decision requires an evaluation of the need for particular positions and the relative value of work performed by specific employees so that the City can continue to provide the highest level of service possible with a reduced work force. Determining the retention or separation of an employee includes an evaluation of the relative skills, knowledge and productivity of the employee in comparison to necessary services. Length of service and other factors shall also be considered.

The following guidelines have been established in the event of a RIF:

1. In the event of a reduction in force, duties will be reassigned to other employees as determined by the City.
2. In considering employees to be affected by a reduction of force other than the abolishment of a position, the following criteria will be used:
 - Which positions are most critical to the department in the delivery of services;
 - Relative skills, knowledge and productivity of employees;
 - Performance for last three years;
 - Length of service in job classification and with the City
 - Consideration of equal employment factors to avoid adverse impact on the City's affirmative action goals.
3. Temporary employees performing the same work must be terminated before any employee with a probationary or regular full-time appointment, provided that a probationary or regular employee can perform the temporary employee's tasks.
4. Any determination made by Council that a reduction in force is appropriate is not grievable. Any decision regarding the selection of the employee who will be affected by the reduction in force may be grievable.
5. When a reduction in force is deemed necessary, Department Directors shall provide the names of the affected employees to Human Resources to ensure that such action is carried out orderly and equitably.
6. An employee will be provided a minimum of two weeks or 14 days of notice prior to any reduction in force event, or be paid for the same amount of time in lieu of advance notification.

7. Any employee scheduled to be laid off shall have the right to be demoted to a lower classification provided that a vacancy exists and such employee is qualified to fill the position in the lower classification.
8. A reduction in force shall suspend an employee for up to a year from receiving any pay, benefits, (unless Consolidated Omnibus Budget Reconciliation Act (COBRA) is opted for), or service credit from the City. If a vacant position for which a laid off employee is qualified becomes available and is subsequently posted, that employee shall receive consideration if he/she applies for the position as specified in the posting. Any employee who is subsequently recalled will have benefits restarted at the time of the recall. Any layoff lasting for 12 months or more will be considered an involuntary separation.

3.00 EMPLOYEE RELATIONS PHILOSOPHY

It is the practice of the City of Gainesville to treat each employee as an individual. We try to develop a spirit of teamwork with individuals working together to attain common goals. In order to maintain an atmosphere where goals can be reached, we attempt to provide a workplace which is comfortable and progressive. We firmly believe that by communicating with each other directly, we can resolve problems that may arise and develop mutually beneficial and respectful relationships.

3.01 Basic Standards of Behavior

These policies and procedures are designed and written to express work standards and expectations the Gainesville City Government expects from each employee. Your City Government depends on you to do your best and to be on the job regularly. Your employer and fellow employees expect you to be responsive and cooperate with others in a spirit of teamwork and good customer service.

The City has adopted basic employment standards of behavior for its employees. Every employee is expected to adhere to these tenets of behavior:

1. **Honesty and Integrity** - All City of Gainesville Employees should always be honest and ethical.
2. **Have Regular and Prompt Attendance** - You cannot be productive and fulfill our purpose and our commitment to the public if you are not present at work. Those employees who are present at work are the only ones that are contributing and adding value to our pledge to service.
3. **Positive Attitude** - Your attitude and demeanor are infectious. When it is positive, both you and the City can accomplish great things. That is our standard and our expectation. If you have a problem, it should be addressed through the proper channels quickly. Negativity is non-productive, harmful and inconsistent with the City's mission.
4. **Be Courteous and Helpful to the Public** - Not one of us should ever forget that our customers and citizens provide us our jobs. They deserve excellent service and to be treated with respect.
5. **Be Productive** - Use all your abilities every day, to accomplish our mission: Outstanding Customer Service. Our work is too important, and our standards too high, to spend our time doing anything other than our best. Expect excellence from yourself.
6. **Respect Yourself and Each Other** - The City of Gainesville does not tolerate inappropriate behavior based on someone's race, color, national origin, age, disability, gender, religion, genetic information, or protected class as established by law. Jokes or other behavior that demeans or insults others are not appropriate and will not be tolerated.
7. **Be Safe** - Most of us work with equipment, material, and vehicles and under conditions that expose us, and the public to safety hazards. Accidents hurt everyone. Be careful, use safety equipment, and report unsafe conditions to your supervisor immediately.
8. **Work Smart** - Be responsible for your own performance and set high standards for yourself. Be creative. If some rule or process is in the way, bring it to the attention of those who can change it. Always try to do the right thing.

9. **Be Accountable** - Make yourself responsible for your own performance. Do not make excuses or blame others when problems arise. Take it upon yourself to solve problems. Supervisors should always give credit where it is due.
10. **Be Committed** - We all spend a significant part of our lives at work. Let's make it count for something. Let's make a difference!

These Basic Employment Standards will apply to all employees at all times. Failure to follow these Standards will result in disciplinary action in accordance with established City policy up to and including termination of employment.

An employee's compliance with the Basic Standards will be considered during annual performance evaluations, transfers and promotional decisions, and all other matters relating to performance and behavior issues.

3.02 WORKPLACE HARASSMENT AND DISCRIMINATION

The City of Gainesville prohibits any form of harassment or discrimination whether verbal, physical, or visual, that threatens, intimidates or coerces an employee based upon a person's protected status, such as race, color, national origin, age, disability, gender, religion, genetic information or protected class as established by law.

The City will take appropriate and immediate action in response to complaints or knowledge of violations of this policy.

Employees found in violation of this policy will be subject to disciplinary action, up to and including termination.

Sexual Harassment

Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited.

Sexual harassment is unwelcome conduct of a sexual nature that is sufficiently persistent or offensive to unreasonably interfere with an employee's job performance or create an intimidating, hostile or offensive working environment.

Examples of Prohibited Sexual Harassment Conduct:

Though sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include the following:

- Explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented kidding or teasing, practical jokes about gender specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and/or physical contact, such as patting, pinching, or brushing against another person's body.
- Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
- Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex.

Responding to Conduct in Violation of Policy**Employees**

Anyone who believes he or she is being subjected to harassment or who has witnessed such conduct must immediately report such conduct. Generally, the employee should report the conduct to their Department Head. If the Department Head is involved, or if the employee is otherwise uncomfortable reporting the conduct to their Department Head, the employee may proceed directly to the Administrative Services Director.

Employees may also address the situation directly and immediately to the alleged harasser, if possible. If the inappropriate conduct does not cease, or if the employee is unable to or is uncomfortable with addressing the alleged harasser directly, he or she should report the incident (preferably within 24 hours) to the appropriate personnel as outlined above.

It is helpful, but not required, to provide a written record of the date, time and nature of the incident(s) and the names of any witnesses.

It is important to report any and all concerns of harassment as soon as possible. Management must be made aware of the situation so that it can conduct an immediate and impartial investigation and take appropriate action to remediate or prevent the prohibited conduct from continuing.

The City will preserve the confidentiality of harassment complainants and witnesses as much as possible consistent with a thorough investigation. Prompt, corrective action, up to and including termination of employment will be taken when an investigation of a harassment complaint confirms the allegations.

Managers and Supervisors

Managers and supervisors must deal expeditiously and fairly with allegations of harassment within their departments whether or not there has been a written or formal complaint. They must:

- Take all complaints or concerns of alleged or possible harassment or discrimination seriously no matter how minor or who is involved.
- Ensure that harassment is immediately reported to Human Resources so that a prompt investigation can occur.
- Take any appropriate action to prevent retaliation or prohibited conduct from recurring during and after any investigations or complaints.

Managers and supervisors who knowingly allow or tolerate harassment or retaliation, including the failure to immediately report such misconduct to Human Resources, are in violation of this policy and subject to discipline.

The City recognizes that intentional or malicious false accusations of misconduct can have a serious effect on innocent men and women. Individuals falsely accusing another of misconduct will be disciplined in accordance with the nature and extent of his or her false accusation.

All contractors, vendors, service providers and maintenance personnel are expected to abide by this policy.

3.03 WORKPLACE BULLYING

Bullying is defined as **repeated** inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment. The City will take appropriate action to ensure that all employees are treated with dignity and respect.

The City considers the following types of behavior examples of bullying:

- **Verbal bullying:** Slandering, ridiculing or maligning a person or his or her family; persistent name calling that is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.
- **Physical bullying:** Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property
- **Gesture bullying:** Nonverbal threatening gestures; glances that can convey threatening messages.
- **Exclusion:** Socially or physically excluding or disregarding a person in work-related activities.

In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:

- Persistent singling out of one person.
- Shouting or raising voice at an individual in public or in private.
- Using verbal or obscene gestures.
- Not allowing the person to speak or express himself or herself (i.e., ignoring or interrupting).
- Personal insults and use of offensive nicknames.
- Public humiliation in any form.
- Constant criticism on matters unrelated or minimally related to the person's job performance or description.
- Ignoring or interrupting an individual at meetings.
- Spreading rumors and gossip regarding individuals.
- Encouraging others to disregard a supervisor's instructions.
- Manipulating the ability of someone to do his or her work (e.g., overloading, underloading, withholding information, assigning meaningless tasks, setting deadlines that cannot be met, giving deliberately ambiguous instructions).
- Inflicting menial tasks not in keeping with the normal responsibilities of the job.
- Taking credit for another person's ideas.
- Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave.
- Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual's property (defacing or marking up property).

Responding to Conduct in Violation of Policy

Employees

Anyone who believes he or she is being subjected to bullying or who has witnessed such conduct must immediately report such conduct. Generally, the employee should report the conduct to their Department Head. If the Department Head is involved, or if the employee is otherwise uncomfortable reporting the conduct to their Department Head, the employee may proceed directly to the Administrative Services Director.

Employees may also address the situation directly and immediately to the alleged bully, if possible. If the inappropriate conduct does not cease, or if the employee is unable to or is uncomfortable with addressing the alleged bully directly, he or she should report the incident (preferably within 24 hours) to the appropriate personnel as outlined above.

It is helpful, but not required, to provide a written record of the date, time and nature of the incident(s) and the names of any witnesses.

It is important to report any and all concerns of bullying as soon as possible. Management must be made aware of the situation so that it can conduct an immediate and impartial investigation and take appropriate action to remediate or prevent the prohibited conduct from continuing.

The City will preserve the confidentiality of complainants and witnesses as much as possible consistent with a thorough investigation. Prompt, corrective action, up to and including termination of employment will be taken when an investigation of a bullying complaint confirms the allegations.

Managers and Supervisors

Managers and supervisors must deal expeditiously and fairly with allegations of bullying within their departments whether or not there has been a written or formal complaint. They must:

- Take all complaints or concerns of alleged or possible bullying seriously no matter how minor or who is involved.
- Ensure that bullying is immediately reported to Human Resources so that a prompt investigation can occur.
- Take any appropriate action to prevent retaliation or prohibited conduct from recurring during and after any investigations or complaints.

Managers and supervisors who knowingly allow or tolerate bullying, including the failure to immediately report such misconduct to Human Resources, are in violation of this policy and subject to discipline.

The City recognizes that intentional or malicious false accusations of misconduct can have a serious effect on innocent men and women. Individuals falsely accusing another of misconduct will be disciplined in accordance with the nature and extent of his or her false accusation.

All contractors, vendors, service providers and maintenance personnel are expected to abide by this policy.

3.04 ANTI-RETALIATION

The City of Gainesville believes that every employee should be free to ask questions, raise concerns, and make complaints about treatment the employee believes is improper, unfair, unethical, harassing, or discriminatory. The City also respects the right of an employee to contact resources such as an agency or court, if an employee believes that it is necessary, although we hope you will give us the opportunity to fix the problem.

Consistent with this commitment, the City strictly prohibits any form of retaliation against an employee merely for expressing a concern or making a complaint within the City, or for bringing a formal claim against the City, or communicating with an outside agency. An employee who believes that s/he has been retaliated against in violation of this policy should immediately notify the Administrative Services Director so that the situation can be investigated and, if retaliation is found, remedied. Similarly, if an employee thinks or suspects that someone else is or has been the victim of retaliation, this policy authorizes that employee to come forward and report the suspected retaliation directed against another person.

Anyone who engages in, authorizes, or permits any form of retaliation in violation of this policy will be subject to severe disciplinary action, up to and including termination.

3.05 Technology and Electronic Information

The City of Gainesville has established a technology policy, which will define the proper use of electronic communications, electronic information and internet access. The City is committed to providing an environment that encourages the use of technology to improve customer service and support the City's business. General examples of the equipment in use include computers, telephones and smart devices. It is the responsibility of each employee to ensure that this technology is used for proper business purposes and in a manner that does not compromise the confidentiality of proprietary or other sensitive information. The use of programs, systems, and equipment of the City is a privilege and requires the users to be responsible and accountable for their actions at all times.

The City's network, including its connection to the internet, is to be used primarily for business related purposes. By using electronic communications such as email and telephones, sending or receiving information, accessing the internet, or by using any of the City's equipment and software, employees agree and understand that this technology has been provided by the City at its own expense for use by its employees in business transactions and business communications for the City of Gainesville. Electronic communications are an extension of the City and should always be in good taste.

The City understands that from time to time some of this equipment might be used, with advance approval of the manager, for an employee's personal use. Limited internet use, infrequent contact with family or friends on proper topics is permitted, provided it is brief, infrequent, and within the spirit and intent of these guidelines.

All electronic information and electronic communications related to the City network are the property of the City. The City reserves the right to review, audit, and monitor its electronic equipment, including an employee's mailbox and internet usage at its discretion in the ordinary course of business. As such the City can access these resources at anytime, including periodic announced or unannounced inspections. Employees do not have personal privacy rights regarding web browsing and any information that has been composed, created, received, downloaded, retrieved, saved, sent, or deleted using the City's internal network.

Prohibited Uses:

1. Violation or attempted violation of any law.
2. There shall be no inappropriate messages or documents that refer to someone's race, color, national origin, age, disability, gender, religion, genetic information or other protected class status as established by law.
3. There shall be no harassment in any form including, but not limited to, insensitive, derogatory, offensive or insulting messages, comments or unfounded gossip of any kind.

4. All sexually explicit materials including indecent images, cartoons, or jokes are explicitly banned.
5. Personal attacks on co-workers or business associates are forbidden, as is hate mail, vulgar or otherwise offensive language, chain letters and jokes, all of which can constitute harassment and can undermine employee productivity and efficiency.
6. Sharing of network logon passwords and application passwords. User passwords for documents, shared folders, screen savers or any other password not administered by Information Technologies should be shared with the manager.
7. Downloading, saving, sending, installing, or accessing any music, audio or video file is prohibited unless necessary for business.
8. Downloading any computer software from the internet without advance written permission of Information Technologies.
9. Unauthorized dissemination of sensitive or confidential City information or citizen information not within the scope of job duties.
10. Using your City email account for personal email subscriptions or personal social media accounts or other personal web-based accounts.
11. Others:
 - Use for a personal business or personal causes
 - Use of unassigned equipment
 - Misrepresenting one's identity
 - Removing required business programs or files
 - Sending personal emails with large attachments to your City account

Use of Employee-Owned Devices:

During working time, personally-owned devices should only be used in a limited manner that does not affect productivity. Given the evolving smart device market, there will always be other devices that are inappropriate or unprofessional. The City may prohibit the use of these devices at any time.

3.06 SOCIAL MEDIA, SOCIAL NETWORKING, AND BLOGGING

Social media, social networking and blogging can be a fun and rewarding way to share your life and opinions with family, friends and coworkers. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we've established the following guidelines:

In the rapidly expanding world of electronic communication, *social media* can mean many things. *Social media* includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the City of Gainesville, as well as any other form of electronic communication.

The same principles and guidelines found in the City of Gainesville Personnel Policies and three basic beliefs (listed below) apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Apply good judgment when blending your personal life with your professional life on social media sites. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow associates, gives a negative image of the City or otherwise adversely affects employees, citizens, residents, visitors, vendors, or people who work on behalf of the City may result in disciplinary action up to and including termination.

Know and Follow the Rules

Remember that our guidelines on Confidentiality, Equal Employment Opportunity, Electronic Information and Internet Usage, and our Policy Against Harassment, apply to social media, and ensure your postings are consistent with these policies. Postings that include discriminatory remarks, sexually harassing statements, threats of retaliation or violence are all violations and will not be tolerated. These types of violations could lead to disciplinary action up to and including termination, even for what might be considered a first offense.

Note: The City encourages you not to share a social media account with another person. You will be responsible for any posts in violation of our policy if your name is associated with the account, whether you made the post or not.

1. Be respectful

Always be fair and courteous to fellow employees, citizens, residents, visitors, vendors or people who work on behalf of the City. Also, keep in mind that you are more likely to resolve work-related complaints and issues by speaking directly with your co-workers or by contacting Human Resources to assist. Use appropriate channels to raise your concerns or air your opinions. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or

intimidating, that disparage others or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or company policy.

2. Be honest and accurate

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the City, employees, citizens, residents, visitors, vendors or people who work on behalf of the City or competitors.

3. Post only appropriate and respectful content

Maintain the confidentiality of any City trade secrets and private or confidential information. Trades secrets may include information regarding the development of systems, processes, products, know-how and technology. Do not post internal reports, policies, procedures or other internal business-related confidential communications.

Do not create a link from your blog, website or other social networking site to a City website without identifying yourself as a City employee.

Express only your personal opinions. Never represent yourself as a spokesperson for the City. If the City is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the City, employees, citizens, residents, visitors, vendors or people who work on behalf of the City. If you do publish a blog or post online related to the work you do or subjects associated with the City, make it clear that you are not speaking on behalf of the City. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the City."

Using Social Media at Work

Do not use social media while on working time using personal devices. City equipment should never be used for social media, unless it is work-related as authorized by your supervisor, or some other member of management; or consistent with the Technology and Electronic Information Policy. If you have been assigned a City email address, do not use it to register on a social networking site, blog or other online tools that you utilize for personal use.

Reporting Violations and Prohibition Against Retaliation

We encourage you to report violations of this policy. The City prohibits retaliation against any employee for reporting a possible deviation from this policy or for cooperating in an

investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy, or for cooperating in an investigation, will be subject to disciplinary action up to and including termination.

Media Contacts

Employees should not speak to the media on the City's behalf without contacting your supervisor and the Public Relations Manager. All media inquiries should be directed to them.

To the extent an employee is authorized as part of his/her job duties to use social media account(s) to advance the employer's interests, the employer, not the employee, owns the account(s) and employees are required to return all logins and passwords for such accounts at the end of employment.

For More Information

Employees should know that the City has the right to and will monitor the use of its computer, telephone, and other equipment and systems, as well as any publicly accessible social media. Employees should expect that any information created, transmitted, downloaded, exchanged or discussed on publicly accessible online social media may be accessed by the City at any time without prior notice.

If you have questions or believe you need further guidance on what is expected of you when using the City's systems, please contact the IT Department.

If you have questions regarding this policy or to report an issue, please contact the Human Resources Department.

3.07 GRIEVANCES AND COMPLAINTS

The City of Gainesville is committed to ensuring that employees receive fair and equitable treatment throughout their employment. In upholding this commitment, the City has established this complaint and formal grievance policy to ensure that employees are afforded the opportunity to exercise their rights in the event they feel unfair adverse action has been taken against them.

The procedures for filing a complaint or formal grievance are outlined below. Employees should read these steps very carefully. Failure to comply with these guidelines may result in a delay or denial of your complaint or grievance.

Any employee (probationary or non-probationary) who believes he/she has been subjected to harassment, discrimination, or unlawful treatment as it relates to the City's EEO Policy 1.03 or the City's Harassment Policy (3.02) should report the conduct to their Department Head. If the Department Head is involved, or if the employee is otherwise uncomfortable reporting the conduct to their Department Head, the employee may proceed directly to the Administrative Services Director.

Complaint Procedure

This process has been put in place to facilitate free discussion of employment concerns between employees and supervisors to foster better understanding of administrative and/or operational policies, procedures, and practices.

1. Employees may use the complaint process for non-grievable issues.
2. An employee's chain of command must have the opportunity to resolve any disputed non-grievable issue. If you are unsure of your chain of command, ask your immediate supervisor.
3. Other issues of a more serious nature may be resolved through the formal grievance process. Grievable issues are listed under the Grievance Procedure.
4. If the employee is not satisfied with the response from the chain of command, the employee may, through the Administrative Services Director, file the complaint to the City Manager. The City Manager's decision shall be final.
5. At any point when following the chain of command, the employee, supervisor, or Department Director may call upon the Administrative Services Director to assist in resolving the complaint.
6. Employees must use the Complaint Form when filing. The form is available through Human Resources.

Grievance Procedure

1. Only non-probationary employees may file a formal grievance, except in circumstances where a probationary employee believes he/she has been subjected to harassment, discrimination, or unlawful treatment as it relates to the City's EEO Policy 1.03 or the City's Harassment Policy (3.02).
2. This grievance procedure may only be used for the following actions:
 - Dismissal
 - Demotion
 - Suspension (more than 2 weeks)
 - Any disciplinary action that Employee believes relates to harassment, discrimination, or unlawful treatment as it relates to the City's EEO Policy 1.03 or the City's Harassment Policy 3.02.
3. Employees must use the Grievance Form when filing. The form is available through Human Resources. It will be necessary to include the following information on the form:
 - The date of occurrence of the grievable incident
 - Relate the facts, witnesses, and circumstances of the specific incident
 - Specific relief desired
4. Employees are not required to follow the chain of command when filing a grievance.
5. Grievances must be filed within seven (7) calendar days of the grieved event. Grievances submitted after this time are untimely and will not be considered.
6. Within ten (10) calendar days of receiving the grievance, the Department Director will provide a written report of findings and determination to the employee filing the grievance.
7. If the employee is not satisfied with the Department Director's decision, he/she may, through the Administrative Services Director, file a request for review by the City Manager. The grievance form and supporting documentation must be submitted to the Administrative Services Director within five (5) calendar days from the Department Director's written decision.
8. Within 20 calendar days, the City Manager may schedule a meeting with the employee and, at his or her discretion, members of the employee's chain of command, to review the facts and provide a response. In lieu of scheduling a meeting with the grieving employee, the City Manager may opt to respond in writing.
9. If the employee is not satisfied with the decision of the City Manager, an appeal to the Administrative Hearing Officer may be filed (through the Administrative Services Director) within 15 calendar days from the receipt of a response from the City Manager. Only

grievable issues, as defined, are eligible for review by the Administrative Hearing Officer. The Administrative Hearing Officer will set a date for a hearing within 45 calendar days from the receipt of the request. [See section below regarding appeals to the Administrative Hearing Officer]

10. The employee having a grievance scheduled for a hearing before the Administrative Hearing Officer may be allowed a continuance for good cause, at the discretion of the Administrative Hearing Officer. The Administrative Hearing Officer may dismiss the case without a hearing if more than two continuances are requested by the affected employee without justifiable cause. The City may request postponement out of business necessity.
11. Repeated filing of grievances concerning the same issue which has been denied will not be considered.
12. All documentation associated with the grievance will be maintained by the Human Resources Department. Although grievance documentation is part of the employees' records, the documentation will be filed separately from the employee's official personnel file in the Human Resources Department.

Administrative Hearing Officer

The City's Administrative Hearing Officer shall have the final authority within Gainesville City Government to hear a grievance.

1. The Administrative Hearing Officer is an individual, appointed by the City Council, designated to preside over hearings and administrative proceedings of various types. When hearing personnel matters, the Administrative Hearing Officer will be neutral and serve without favoritism to either party involved in the hearing.
2. During personnel hearings, the Administrative Hearing Officer will review the actions of management to ensure that:
 - The action taken was not arbitrary or capricious;
 - No discrimination or violation of state or federal law occurred;
 - There is evidence to support the decision of the City Manager.
3. Upon reaching a conclusion about the matter, the Administrative Hearing Officer will issue a written opinion to the City Manager containing his/her findings and recommendations, with a copy to the grievant. After reviewing the opinion, the City Manager may take such action as the Manager believes is appropriate.
4. Issues that may be reviewed by the Administrative Hearing Officer include dismissal, demotions, suspensions without pay for more than two weeks, harassment, discrimination, or unlawful treatment as it relates to the City's EEO Policy 1.03.

3.08 Disciplinary Action

The purpose of discipline is to encourage proper conduct and to redirect behavior, not to punish. The City reserves the right to discipline an employee as considered necessary and to take appropriate employment action as the circumstances may require.

The following disciplinary actions are available to supervisors. The City reserves the right to discipline employees as deemed appropriate by City management.

1. Documented Verbal Counseling - A formal counseling session is a written record of communication between a supervisor and employee. A Counseling is used to discuss minor infractions of rules of conduct and to propose corrective action in order to prevent reoccurrence.
2. Written Warning - A Written Warning, or Written Reprimand, will be used for more serious infractions of rules of conduct or repetition of minor infractions. A written warning must be discussed with the employee. Employee and supervisor should sign and date the form. The employee's signature does not signify agreement with the action, but does indicate that the matter has been discussed with the employee and chronicles the date it was discussed.
3. Suspension - The following guidelines will govern suspension at the discretion of the Department Director, Administrative Services Director, and/or City Manager:
 - a. An employee may be suspended for unacceptable performance or disciplinary reasons.
 - b. An employee may be suspended when he/she is charged with a criminal offense which may affect the performance of the employee's job or the public's perception of the City's workforce.
 - c. A suspension will be for a reasonable period up to 30 calendar days unless a longer period is approved by the City Manager. Suspensions in excess of two weeks may be grievable by any non-probationary employee as authorized by the policies of the City.
 - d. While an employee is on suspension without pay, no paid time off (PTO) will accrue, nor will an employee be paid for holidays that may occur.
4. Demotion - An employee may be permanently or temporarily demoted to a lower graded job with a correspondingly lower pay rate for unacceptable performance or for disciplinary reasons. The Department Director should discuss the demotion with the Administrative Services Director prior to taking action against the employee. [See Demotion under Policy 2.02 Recruitment and Selection]
5. Discharge - An employee may be discharged at the discretion of the Department Director, Administrative Services Director, and/or City Manager for:
 - a. Policy violation with a history of disciplinary actions.
 - b. Committing any offense where the facts and circumstances warrant immediate termination.

Discharging an Employee:

- If termination is recommended by the Department Director, he/she must discuss and receive concurrence of the termination by the Administrative Services Director or his/her appointee.
 - The Department Director or Supervisor must prepare a termination letter or detailed Disciplinary Action Report and submit it to the Administrative Services Director for review prior to giving it to the employee.
 - The Department Director or Supervisor should have a meeting with the discharged employee (if possible) to notify the employee of the decision to terminate his/her employment.
 - Any outstanding funds due the City shall be collected from the terminating employee.
6. Abandonment of Job - An employee will be presumed to have abandoned his/her job when the employee does not report to work or call in for three consecutive scheduled workdays.
7. Administrative Leave (Paid) - With the approval of the Administrative Services Director and/or City Manager, an employee may be placed on administrative leave with pay and without prejudice pending the outcome of a problem situation, administrative investigation, or inquiry.
8. Loss of Required License or Certification - Any employee who is unable to perform the essential job functions of his/her job adequately because of the loss of a necessary license or other requirement shall be subject to adverse action which may include termination of employment. In lieu of termination, an employee may be demoted to a lower class position if such position is available within the department, and if the employee is qualified to perform the essential job functions. Such demotions will be accompanied by a salary reduction in accordance with City pay practices.
9. Attendance - The normal workday for City employees is one regularly assigned workday or shift. All employees are expected to be at work every scheduled day and at the appropriate starting time, as set by the City or the Department Director. However, if an employee is ill or has an unforeseen family emergency, the employee may be excused from being at work promptly as scheduled. If the Department Director determines that the employee has abused sick leave or unscheduled PTO privileges resulting in an attendance problem, sick or PTO pay may be withheld. An employee's supervisor, up to the Department Director, may require a physician's excuse and explanation when an employee is absent for three or more consecutive days or who is absent from work frequently or habitually. An employee's supervisor may require a doctor's statement before the employee is permitted to return to work.

3.09 Violence and Weapons in the Workplace

The City of Gainesville has a strong commitment to its employees to provide a safe, healthy, and secure work environment within the confines of prevailing law. The City also expects its employees to maintain a high level of productivity and efficiency. The presence of weapons and the occurrence of violence in the workplace are inconsistent with these objectives. While the City has no intention of intruding into the private lives of its present or potential employees, all on-duty City employees (except for those specified under Exceptions below) are prohibited from possessing weapons while performing their duties in any location or situation in which the individual is acting in his/her capacity as an employee of the City. This policy shall apply to all City employees, regardless of full-time, part-time, paid, non-paid, and/or volunteer status. The City expects all employees to perform their job without violence toward any other individual and work in a manner so that they can perform their duties in a safe and productive manner. It is the City of Gainesville's belief that all employees have the right to work in an environment free from physical violence, threats, or intimidation. Such behavior may result in disciplinary action up to and including termination of employment.

Exceptions:

- a. Authorized law enforcement personnel, and hired security personnel, while performing their official duties.
- b. Pursuant to O.C.G.A. 16-11-135 employees may keep a weapon(s) in a locked motor vehicle or one which is in a locked container or in a locked firearms rack which is on a motor vehicle and such vehicle is parked in a City parking facility.
- c. Employees who possess a Firearms Carry Permit may carry weapons for personal protection while traveling out of town on business purposes when allowed by law.
- d. With approval of Department Director: employees working late at night or closing a City facility alone may take safety measures such as the carrying of non-lethal weapons, stun gun, pepper spray for self defense purposes.

These restrictions and prohibitions shall apply to all employees regardless of any license or permit that an individual may have pertaining to said firearms and weapons including a concealed weapons permit.

It is the responsibility of each supervisor to ensure that all employees are informed of and are aware of this policy and legal guidelines. Employees who are victims of or who are witnesses to violent incidents should immediately report such conduct to their supervisor or to the Administrative Services Director.

Prohibited Activities:

The City of Gainesville specifically prohibits the following activities by City employees while on duty or on City property, with the exceptions listed above. Employees engaging in any of the following may be required to cooperate in an internal investigation and are subject to disciplinary action up to and including termination of employment on the first offense:

1. Use, possession, (except where official standard equipment issue), or sale of any weapon. A weapon is described as explosive devices, a machine gun, a short barrel rifle or shotgun, a handgun (except police officers' issued equipment), a firearm silencer, a switchblade knife, a device principally designed, made, or adapted for delivering or shooting an explosive weapon, any other type of knife with a blade in excess of five inches, knuckles, or other implement used for infliction of bodily injury, serious bodily harm, or death, which have no common lawful purpose or are not issued as standard employee equipment by the department.
2. Storing any weapon in a locker, desk, lunch box, tool kit, bag, purse, tote, or other repository on a City worksite, in a City vehicle or in any City building, except as noted in Exceptions item b) above.
3. Illegal possession, use, or sale of a weapon off City property that adversely affects his/her own or other's safety at work, or indicates a propensity for same.
4. Refusing to submit to an inspection for the presence of a weapon that is requested by the City.
5. Conviction under any criminal statute for the illegal possession of a weapon or for committing a violent act against the person or property of another.
6. Refusing to participate in an investigation pertaining to allegations or suspicion that violence has or is likely to occur, or an investigation pertaining to the carrying of a weapon by the employee.
7. Verbal or physical threats, threatening gestures, statements, or actions to employees, supervisors, and the citizens we serve.
8. Fighting, including unprovoked attacks that are either physical or verbal.
9. The City reserves the right to search an employee's possessions kept in City offices, desks, or lockers for appropriate reasons. Employees shall have no right of privacy with respect to City facilities and equipment. Reasons may include, but are not limited to searches for:
 - a. City documents, property, equipment, tools;
 - b. Missing or stolen articles;
 - c. Alcohol, drugs, or any controlled substance;
 - d. Firearms or weapons
10. Any employee who believes he/she has been subject to conduct which violates this policy may use the City's complaint procedure as outlined in Policy 3.07.

Serving Customers with Weapons Policy

It is the policy of the City of Gainesville to provide quality customer service to all of our citizens and customers while simultaneously providing a safe, secure, and comfortable work environment for City employees.

Passed in 2014, Georgia HB60 changed state law by allowing authorized individuals to carry firearms into certain City buildings and facilities thus allowing them to possess such firearms during meetings, conversations, and other direct interactions with staff and others.

Due to the nature of certain City-customer business activities, it is understood that at times conversations, meetings, and other interactions between staff and customers may become tense and uncomfortable. In some circumstances, an employee may feel personal discomfort when working directly with individuals carrying firearms. This policy is intended to guide and authorize staff to seek additional assistance in such situations when deemed necessary.

While not required, employees are authorized to make alternative meeting arrangements when serving customers with firearms or weapons.

When an employee is serving an individual carrying a firearm or other weapon and he/she feels personally uncomfortable doing so, such staff is authorized to contact their supervisor or Department Head who, at their discretion, may make alternative arrangements to best serve the customer. Alternative arrangements may include setting up an appointment at a specific date, moving meeting locations, seeking assistance from others including obtaining the presence of police personnel during such meetings, and/or other similar arrangements.

The purpose of alternative arrangements would be to minimize employee discomfort and potential for disruption while providing quality customer service.

3.10 STANDARDS OF CONDUCT

The reputation of the City of Gainesville is in large part dependent on how employees conduct themselves, both on and off the job.

Violation of established work standards, depending on frequency and severity, may result in disciplinary action. The City believes that progressive discipline can be used where appropriate. City employees are to use common sense and abide by the standards of honesty and decency accepted by all good citizens.

1. Listed below are examples of major offenses which will not be tolerated. These egregious acts may result in immediate termination or suspension even if no progressive discipline has been previously applied.
 - a. Possession, use, or selling of alcohol, narcotics, drugs, or other psychoactive substances on City property;
 - b. Unauthorized possession or use of firearms or other weapons on City property;
 - c. Theft, including, but not limited to falsifying payroll records to show an individual is present when he/ she is actually not present, theft by deception, conversion, gambling, etc.
 - d. Insubordination or willful disobedience of directions and instructions necessary to City operations;
 - e. Disclosure of confidential or privileged information;
 - f. Fighting, threatening bodily injury, or horseplay on the job or on City property;
 - g. Violation of the City's Drug-Free Workplace Policy;
 - h. Arrest or conviction of a criminal offense which will affect the performance of an employee's job or the public's perception of the City's workforce;
 - i. Reckless, careless, hazardous, or other behavior, which endangers persons or property;
 - j. Lying or misrepresenting the truth;
 - k. Failure to notify the supervisor of loss of a driver's license or certification if the job requires same;
 - l. Driving a City vehicle while not properly licensed under state law;
 - m. Violation of the City's EEO Policy or the Harassment Policy;
 - n. Unauthorized use of City-owned equipment, vehicle, or manpower;
2. Listed below are examples of behavior which will not be tolerated. These acts may result in such disciplinary actions as a reprimand or warning, suspension, demotion, and/or termination of employment.
 - a. Unsatisfactory job performance resulting in inefficiency or ineffectiveness;
 - b. Unsatisfactory work practices or procedures; lack of cooperation with directives from supervisors;
 - c. Negligence in carrying out duties;
 - d. Disregard for safety and security rules of the department;

- e. Excessive unexcused absenteeism including partial days' absences;
- f. Failure to keep supervisor properly informed concerning absences or tardiness;
- g. Failure to properly follow City leave of absence policies;
- h. Inappropriate conduct by supervisors to include denigrating subordinates;
- i. Use of abusive or obscene language;
- j. Violation of any City or departmental policy;
- k. Willful destruction of City property including sabotage, repeated carelessness or damage/loss of City issued property;
- l. Mishandling cash or other City property;
- m. Unauthorized assembly of employees on City time;
- n. Unauthorized solicitation of funds for any purpose during working hours except for those approved in advance by the Department Director. At no time shall any solicitations interfere with City work operations;
- o. Unauthorized time or shift swapping will not be allowed. In order to be authorized, all shift supervisors involved must have knowledge of the swap and authorize the event in writing.
- p. Unauthorized employee charges or purchases of any amount to the account of the Gainesville City Government.

3.11 SMOKE AND VAPE-FREE WORKPLACE

In an effort to provide a safe and healthy workplace and to promote the good health and wellbeing of its employees, the following smoking and vaping policy has been adopted and shall apply to all employees of Gainesville City Government.

It is the policy of the City to prohibit the smoking of any tobacco product, the use of oral tobacco products or “spit” tobacco (smokeless tobacco) and the use of e-cigarettes (vaping) with or without nicotine. This applies to both employees and visitors of the City of Gainesville on all premises listed below in order to provide and maintain a safe and healthy work environment for all employees.

1. The use of such products is not permitted in the following areas:
 - a. All City buildings
 - b. Any area in which a fire or safety hazard exists
 - c. Common areas, including elevators, stairwells, lobbies, waiting rooms, copy rooms, mail rooms, auditoriums, reception areas, customer service areas, employee lounges, computer areas, and rest rooms
 - d. 50 feet from any City facility egress area including public and employee entrances and exits
 - e. Classrooms and conference rooms
 - f. Any area not specifically designated “smoking permitted”
 - g. City owned vehicles
2. All materials used for smoking, including cigarette butts and matches, will be extinguished and disposed of in appropriate containers. Supervisors will ensure periodic cleanup of the designated smoking area. If the designated smoking area is not properly maintained (for example, if cigarette butts are found on the ground), it can be eliminated at the discretion of management or other decision-making body.
3. Department Directors can establish “smoking areas” at their specific department location. If established, these will be the only areas permitted for smoking at their location.
4. Supervisors will discuss the issue of taking smoke breaks with their staff. Together they will develop effective solutions that do not interfere with the productivity of the staff.

3.12 DRUG-FREE WORKPLACE

The City of Gainesville is committed to:

- Providing quality service to citizens by employing qualified, capable employees who are fit and ready to perform their duties in a safe, efficient and productive manner;
- Safeguarding the welfare of citizens, mindful of their safety and the safety of their property;
- Providing a safe, healthy and secure work environment for our employees;
- Ensuring that employees are not impaired in their ability to perform assigned duties in a manner that is safe for them, for their fellow employees, for citizens and the public they serve and persons with whom they interact;
- Maintaining City facilities and equipment and ensuring their proper use to minimize risk or harm; and,
- Ensuring that all employees project a positive and professional image while representing the City – this includes operating a City vehicle, wearing a City uniform or identification, and/or representing the City in any capacity.

Maintaining a workplace free of illegal drugs and prohibiting the misuse or abuse of alcohol or other intoxicants by City employees is critical to achieving this commitment.

Under this policy, the City will hold employees accountable for complying with the requirements necessary to maintain a drug-free workplace and to perform their job duties unimpaired by the use of drugs or misuse or abuse of alcohol.

To enforce this policy, the City will use drug testing and alcohol screening to administer the Federal Drug Free Workplace Act and comply with state and federal laws, rules and regulations as provided in the following:

- The Federal Drug Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and requirements for reporting certain drug-related offenses to specified Federal agencies; and
- The Omnibus Transportation Employee Testing Act of 1991 as administered by the Department of Transportation. The US Department of Transportation (DOT) requirements published in 49 CFR Part 40, as amended which sets standards for collection and testing of urine specimens in screening for the presence of drugs and breath tests for alcohol.

Based on our commitment to compliance, the City has adopted this policy and the procedures necessary for its administration.

APPLICABILITY - This policy applies to all City employees, as follows.

Group One - “FTA Safety-Sensitive” (Covered by Federal Transit Administration [FTA]):

Employees whose duties may include at any time:

- Operating a revenue service vehicle, whether or not such vehicle is in revenue service.
- Controlling dispatch or movement of a transit service vehicle.
- Maintaining a revenue service vehicle or equipment used in revenue service.

Group Two - “FMCSA Safety-Sensitive” (Covered by Federal Motor Carrier Safety Administration):

Employees whose duties may include at any time:

- Operating any vehicle (regularly or as needed) required to be operated by a holder of a Commercial Drivers License (CDL).

Group Three - “City Safety-Sensitive”:

- Performing work as a POST (Peace Officer Standards and Training Council) Certified law enforcement officer.
- Performing emergency medical rescue, fire suppression, accident prevention, or other protective functions.
- Interacting with prison work details or similar situations.
- Carrying a firearm for security or law enforcement purposes.
- Performing duties essential to drug interdiction.
- Performing duties which directly affect public health, where the duties require the prevention of disease, prolonged life, and promoting health.
- Performing duties which directly affect public safety, where the duties require the prevention and protection of events that could endanger the safety of the public from danger, injury, harm, or damage, such as crimes or disasters (natural or man-made).
- Operating a city vehicle, motorized equipment, or machinery in the normal course of their duties.
- Maintenance functions for the repair, overhaul, and rebuild of engines, vehicles and/or equipment, which may require test driving or moving a vehicle.
- Otherwise classified as “safety-sensitive” in Group One or Group Two above.

Group Four – “All Other”

- City employees whose job duties do not fall in Groups One, Two or Three.

Employees may be assigned to more than one Group. The City has reviewed the actual duties performed or may be performed by employees in all job classifications to determine which employees perform safety-sensitive functions, and has determined which job classifications may require the performance of safety-sensitive functions.

Any newly-created job classification will be assessed to determine whether the job should be considered safety-sensitive and, if so, in which group(s) the position should be placed.

A current list of all safety-sensitive positions is maintained by Human Resources.

1. **PROHIBITED SUBSTANCES** - Prohibited substances addressed by this policy include the following:

a. Illegally Used Controlled Substances or Drugs

The illegal use of any drug or substance identified in Schedules I-V of O.C.G.A. §§16-13-25 through 16-13-29, Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times unless a legal prescription has been written by a medical professional authorized by law to write prescriptions for the substance. This includes, but is not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug or substance not approved by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration for medical use or consumption by humans. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, use of a legally prescribed drug contrary to the instructions given to the employee, and illegal use of prescription drugs, including the use or consumption of the prescription drugs of another person.

b. Alcohol

An employee is prohibited from consuming any beverage or other substance containing alcohol while performing City work unless approved in advance by the Department Director or designee, including prescription drugs or over-the-counter medication.

2. **LEGAL DRUGS**

A legally prescribed drug means that an individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment.

The appropriate use of legally prescribed drugs and non-prescription medication is not prohibited. Any drug or substance, whether prescribed or not, that contains any amount of alcohol may not be consumed while performing City work unless approved prior to beginning work by the Department Director or designee. It is, however, the employee's responsibility to inform his/her physician of the assigned job duties and determine from the physician, or other health care professional, whether or not the prescribed drug may impair the employee's job performance or mental or motor function. It is the responsibility of the employee to remove himself/herself from service if he/she is unfit for duty.

Employees are required to report the use of medically authorized drugs or other substances that may create a direct threat by impairing job performance of safety-sensitive functions to his/her supervisor and provide proper written medical authorization to work from a physician. Failure to report the use of such drugs or failure to provide proper evidence of medical authorization may result in disciplinary action.

3. EDUCATION AND AWARENESS

The City has established a drug awareness program to educate employees about the dangers of alcohol and drug abuse in the workplace. As part of this program, the City provides all employees with a copy of this policy, which includes information concerning penalties that may be imposed for violations of the policy. Information regarding alcohol and drug abuse, drug counseling, treatment and rehabilitation, and employee assistance programs will be periodically supplied to employees.

Furthermore, the City provides ongoing training for managers and supervisors responsible for the administration and enforcement of this policy, including training to determine whether reasonable suspicion exists that will authorize the testing for drugs and alcohol and the availability of assistance for employees.

4. EMPLOYEE ASSISTANCE PROGRAM

The City provides employees with access to an Employee Assistance Program (EAP). Employees may seek education, counseling and treatment for any substance abuse concerns they might have. Any employee who uses illegal drugs or legal drugs in an illegal manner or abuses alcohol is encouraged to acknowledge his/her substance abuse and seek professional advice and assistance before the problem leads to an incident requiring disciplinary action.

However, the City will not permit any employee who is known to be using illegal drugs or legal drugs in an illegal manner or misusing alcohol to perform his/her usual job functions. An employee may not return to duty performing his/her job functions without documentation of full compliance with requirements of the treatment program, including verification of compliance through drug/alcohol testing. Participation in a treatment or rehabilitation program does not preclude normal disciplinary action for violations of this policy or relieve an employee of responsibility for satisfactorily performing assigned duties.

Under no circumstances shall self-identification and enrollment in a treatment program be used to interfere with required testing. An employee may not identify himself/herself as unfit to perform work after having been notified of an impending test and expect to avoid the consequences of a positive test or a refusal to test.

Failure to comply with all requirements of a drug/alcohol treatment program or continued substance abuse following completion of a program in violation of any part of this policy shall result in disciplinary action up to and including termination.

5. NON-DISCRIMINATION

Nothing in this policy is intended to discriminate against any person on the basis of addiction to drugs or alcohol, or on the basis of an individual's medical history of addiction

to drugs or alcohol as defined by the Americans with Disabilities Act of 1990. However, the City reserves the right to consider, for purposes of employment or disciplinary action, any history of criminal activity related to such use to the extent that it may lead to disqualification for employment.

6. PROHIBITED CONDUCT

a. Manufacture, Trafficking, Possession, and Use

Pursuant to the Drug-Free Workplace Act of 1988, all City employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, sale or solicitation for the purpose of purchase or sale, possession, or use of prohibited substances while on any City property, any City land or buildings, any City owned or leased vehicles or while in any way performing City business whether on or away from City property or while on City business.

b. Intoxication or Impairment

Reporting to work or engaging in any work activity on behalf of the City in an impaired condition which may pose a threat of harm to the employee or any other person is prohibited. This policy also prohibits reporting to or engaging in any work on behalf of the City in a condition which may impair the employee's ability to perform any essential job duty because of the use or abuse of drugs or alcohol.

Any employee who is reasonably suspected of being intoxicated, impaired, or not fit for duty shall be removed from job duties immediately and tested for the presence of intoxicants in his or her system in violation of this policy. An employee removed from job duties for reasonable suspicion testing will not be allowed to return to work until completion of an investigation and verification of test results.

c. Use of Alcohol Prior to Reporting for Duty

No employee shall perform his or her duties, or report to work as ready to perform duties within four hours after using alcohol or at any time when alcohol is measurably present in the employee's body.

d. Misuse of Prescription or Over-the-Counter Medications

Abusing or misusing prescription or over-the-counter medication when such conduct could reasonably interfere with the safe or satisfactory performance of any essential job function is prohibited. This includes, but is not limited to, the use, possession, sale or solicitation for the purpose of purchase or sale of any prescription medication for which the employee lacks a valid prescription in the employee's name.

This policy also prohibits lawful use of any prescription or over-the-counter medication while on-duty or prior to reporting for duty when that medication may impair the ability of the employee to perform any safety-sensitive function or duty.

e. Interfering with Investigation

Any employee who hinders, obstructs, or refuses to cooperate or participate in any investigation shall be considered in violation of this policy. This includes, but is not limited to, providing false, misleading or incomplete information in response to any inquiry from a supervisor or from Human Resources related to a suspected violation of this policy. It also includes refusing to undergo a drug or alcohol test or interfering with the testing process in any way.

f. Arrests for Drug or Alcohol Related Offenses

Any employee who is arrested for a drug or alcohol related offense must notify his/her Department Director of the arrest before the end of his/her next shift. The City will make a determination at that time whether the arrest causes temporary or permanent disqualification from remaining in the current position or constitutes grounds for disciplinary action. See the Vehicle Use Policy for information regarding operating a City Vehicle after an arrest for Drug or Alcohol Related Offenses.

7. **REQUIRED TESTING** - Testing will be required under the following circumstances. Testing procedures will be accordance with the Medical Review Officer's established guidelines.

a. Pre-employment Testing

Applicants given a conditional offer of employment for a full-time or part-time position in a Safety-Sensitive position (Groups One, Two or Three) will be subject to a drug test. If an applicant refuses to take a drug test, or if evidence of the use of illegal drugs is discovered, either through testing or other means, the conditional offer will be rescinded.

Any incumbent employee in Group Four (non-safety-sensitive) who is given a conditional offer of promotion to a Safety-Sensitive position (into Groups One, Two, or Three) must have a drug test before assuming the position. If an incumbent employee refuses to test, action will be taken in accordance with this policy.

b. Post Accident Testing

Supervisors are required to escort all City employees to a drug-testing facility for a post accident drug screen following any accident while operating a City vehicle or personal vehicle for City business. An accident is defined as an event causing property damage and/or any injury to any person when medical treatment may be necessary.

Safety-Sensitive employees will follow post accident testing procedures on qualifying accidents and follow the applicable DOT Drug and Alcohol Testing Policy. If the accident does not qualify under DOT Policy, then the employee will be tested under City authority.

Such testing shall be performed as soon after the accident as practicable. However, an employee who is subject to post accident testing shall remain readily available for such testing, or may be deemed to have refused to submit to the testing. Employees must receive the post accident drug screen within 32 hours of the accident. If the drug screen is not received within 32 hours, the supervisor must provide written documentation of explanation. (Exception: Employees who seek medical treatment for work-related injuries will be tested, under City authority, in conjunction with initial medical treatment, regardless of the amount of time that has passed since the injury.)

c. Reasonable Suspicion

Any employee may be subject to testing for drugs and/or alcohol when there is a reasonable suspicion that the employee is impaired and/or intoxicated in violation of the City's policy and/or DOT Policy.

An employee may be required to submit to drug and/or alcohol testing to determine fitness for duty, which may include appropriate urine and/or breath testing. A reasonable suspicion drug and/or alcohol test shall be conducted just before, during, or just after the performance of assigned duties.

Reasonable suspicion is a belief that an employee is using or has used drugs or alcohol in violation of the policy based on specific objective and perceptible facts and reasonable inferences drawn from those facts in light of experience and careful observation. A determination for a reasonable suspicion drug and/or alcohol screen will be made by a supervisor who has been trained to determine reasonable suspicion.

d. Random Testing

Safety-sensitive employees in Groups One and Two are subject to random drug and/or alcohol screens as prescribed by the Department of Transportation and in accordance with applicable policy.

City Safety-Sensitive employees in Group Three will be subject to random testing for drugs and alcohol, with the number of random tests determined based upon the total number of employees in the Group. During the first year that this policy is effective, the number of random drug screens conducted will be no less than 25% of the number of employees in the Group and the number of alcohol screens will be no less than 10% of

the number of employees in the Group. Percentages are subject to periodic review and adjustment for each subsequent year.

The selection of employees for random drug and alcohol testing will be made using a scientifically valid method that ensures each covered employee will have an equal chance of being selected each time selections are made. The names of all employees selected for random testing will be returned to the random testing pool for their respective group to ensure each covered employee will have an equal chance of being selected each time selections are made. The random tests will be unannounced and spread throughout the year. Based upon the City's operations, random testing may be conducted on all days and hours during which safety-sensitive functions are performed.

Employees can be tested before, during and after an employee's shift. Employees are required to proceed immediately and directly to the collection site upon notification of their random selection.

If the employee selected is absent from work and, therefore, unavailable to be notified for testing or to submit to testing, the employee will be tested as soon as he or she returns to work. The employee will not be notified in advance.

e. Post Rehabilitation Testing & Follow-Up Testing

The City of Gainesville offers employees the use of counseling and rehabilitative services pursuant to coverage limitations and in accordance with the terms of the benefit programs. Employees are personally responsible for seeking treatment for alcohol and/or drug dependency. Any voluntary request by an employee for assistance with his or her own alcohol and/or drug dependency will remain as confidential as possible and shall not, on its own, be used as a basis for disciplinary action.

This section will not apply to an employee who tests positive through the testing program. The employee must voluntarily seek treatment prior to being notified of a pending drug and/or alcohol test or being involved in a situation that requires a reasonable suspicion or post accident FTA drug and/or alcohol test. The employee cannot self-identify in order to avoid testing.

f. Return to Work Testing

Employees under Group One who have been absent more than 90 days will be required to submit to a drug screen in accordance with DOT guidelines. For all other employees, return-to-work drug screens following absence for medical reasons may be required at the discretion of the Administrative Services Director or designee.

8. SEARCHES

Employees shall have no right of privacy with respect to City facilities and equipment. The City reserves the right to conduct searches of property, including City vehicles or equipment owned or being operated by the City at any time or place.

The City also reserves the right to conduct searches of an employee's personal property and possessions kept in City offices, vehicles, desks, or lockers when there is a reasonable suspicion that an employee is buying, selling, transporting, or otherwise in possession of intoxicants or controlled substances on the City's property or during working time. A refusal to submit to, or cooperate with a search may result in disciplinary action, including termination.

9. CONFIDENTIALITY

All reports of test results for drug and alcohol, searches, or any employee referral or treatment in an Employee Assistance Program or any treatment program for addictive disorders, will be maintained in confidence as allowed by law. Any person authorized to have access to such confidential information, who, without authorization to do so, discloses it to another person shall have engaged in gross misconduct and shall be subject to disciplinary action up to and including termination. The confidentiality of such information shall not apply to any use or communication to the City of Gainesville or its designee, or where the information is relevant to the City's defense in any administrative or civil action. Such confidential information may also be disclosed to the extent required by any federal, state or local law, statute, ordinance or regulation.

Employees should treat their own testing information and results as confidential and hold it in the strictest confidence. Unless the information needs to be conveyed for a business purpose, the information should not be discussed or shared with other employees.

10. CONSEQUENCES

- Any employee in violation of any part of this policy will be subject to disciplinary action, up to and including termination of employment.
- Any employee that has a verified positive drug test will be terminated.
- Any employee with a confirmed alcohol level of .04 or higher will be terminated. Any employee with a confirmed alcohol level of at least .02 but less than .04 will be removed from duty and subject to disciplinary action, up to and including termination.
- Refusing to submit to a required drug or alcohol test will be considered a positive result and will result in termination of employment.
- Hindering, delaying or obstructing a test for drugs or alcohol, including but not limited to, tampering with a sample or interfering in any way with the chain of custody of a sample shall be considered a positive test result and a direct act of insubordination and will result in termination.

11. CONDITION OF RE-EMPLOYMENT

Any employee who has been terminated for violation of the Drug-Free Workplace policy may be considered for rehire provided the following conditions are met:

- At least 12 months have passed since termination.
- Previous work history, attendance record, and performance were favorable.
- Must receive recommendation from previous City of Gainesville supervisor.
- Must submit to a pre-employment drug screen (even if not being considered for a safety-sensitive position).
- May be drug tested upon request at any time for a period of two (2) years, in addition to participation in the random pool.
- May be required to produce a rehabilitation/assessment certification (at applicant's expense) prior to actual employment.
- Any confirmed failure would be cause for immediate termination with no further eligibility for re-hire.
- Probationary period may be extended by the Administrative Services Director.

3.13 DRESS CODE AND GROOMING

It is the policy of the City that work attire should complement an environment that reflects an orderly and professionally operated organization. All employees shall project a positive and professional image toward the community. All employees are reminded that the first impression on the public is their dress and grooming appearance. The dress code shall apply to all on-site and off-site functions at which the individual is acting as a representative or is present on behalf of the City. The purpose of this policy is to establish dress code and personal grooming guidelines for City employees. Limited exceptions may be made based on job duties. To the extent that a particular Department Head adopts a more strenuous dress code than that set forth in this policy, the more strenuous departmental dress code shall apply and serve as the basis for disciplinary action. It is the responsibility of the Department Head and Supervisor to assure that staff members follow the City or Department's more strenuous dress code policies.

Exceptions to this dress code policy will be made as required by state or federal laws. The City shall make reasonable accommodations for employees' religious beliefs provided the accommodation request does not pose a safety concern or undue hardship. However, exceptions may not be made for those employees working in a law enforcement capacity because of the importance to appear objective and unbiased to the public.

1. **Body Modification.** Personal appearance can be a manner of expression for employees; however, the City prohibits tattoos, piercings and any other form of body modification that inhibits an employee's ability to perform their assigned work duties. Factors considered when determining whether or not an employee's body modifications conflict with their work responsibilities and duties include:
 - a. Safety of the employee and others
 - b. Productivity in the performance of work-related tasks
 - c. Perceived offense on the basis of race, sex, religion, etc.
 - d. Customer complaints
2. **Employees with Uniforms or City Purchased Clothing.** Please refer to the City's Uniform Policy or relevant department policy for guidelines pertaining to City Uniforms. However, the following should be noted:

Employees shall not modify the uniforms or any clothing provided by the City. Uniforms must be worn at all times when an employee is on duty and must be kept clean and neat. Uniforms must not be altered in any way and uniformed shirts should not be unbuttoned past the second button.

Jeans may be allowed for field personnel in lieu of uniform pants upon approval by the appropriate Department Head. If allowed, the jeans must be kept clean and in good condition without holes or fraying. Shorts may be allowed on a limited basis for those field personnel required to wear uniforms except for jobs requiring the personnel to go into tall

grass, weeds, or woods; performing welding or cutting; or exposure to other hazardous elements. Risk Management should be contacted for proper job hazard assessment.

No employee shall wear a City uniform or any garment denoting the City, Department or entity of any sort at an off-site, non-job related establishment or function such as, but not limited to, an alcoholic beverage store, bar or any other establishment that is deemed unbecoming to the image of the City.

3. **Administrative and Office Employees.** Employees are expected to dress in a manner that is professional, neat, and appropriate for the work environment. For all employees who are not required to wear uniforms, business casual dress will be allowed as long as the attire is professional and in good taste. Approved shirts with City or departmental logo are allowable for men and women.

Acceptable attire includes:

Men:

- Dress slacks
- Khakis
- Oxford button down collared shirts
- Golf type shirts
- Polo shirts
- Sweaters
- Business suits, blazers, or sport coats
- Footwear should be selected according to the type of work performed, keeping safety, comfort and professional appearance in mind.

Women:

- Dress slacks
- Khakis
- Oxford button down collared shirts
- Polo shirts
- Blouses
- Sweaters
- Business suits or blazers
- Dresses and skirts no more than 3" above the knee
- Footwear should be selected according to the type of work performed, keeping safety, comfort and professional appearance in mind.

This list is not an all-inclusive list; thus management reserves the right to determine appropriateness. Any problems with what is considered inappropriate attire will be discussed with the employee.

4. **Unacceptable Attire.** Under no circumstances are the following acceptable unless part of a City uniform:
 - T-shirts (unless approved by Department Director for a special event or holiday)
 - Camouflage printed clothing
 - Athletic and/or canvas shoes (unless approved by Department Director)
 - Athletic clothes including sweats, warm-ups, or workout clothing (unless approved by Department Director)
 - Spandex or Lycra clothing (i.e. biker shorts/pants/body suits)
 - Flip-flops and/or casual sandals (unless approved by Department Director)
 - Logoed, printed, sports team or advertising clothing
 - Hats or caps
 - Shorts or cut-offs
 - Mid-drifts and crop tops
 - Tank tops, tube tops, halter tops, tops with spaghetti straps
 - Clothing that is excessively tight or loose, revealing, distracting, or provocative
 - Clothing and jewelry that pose a safety hazard
5. **Casual Days.** Department Directors may designate a certain day as casual dress day. At the Department Director's discretion, administrative and office staff may wear blue jeans on casual day. All clothing must be clean, neat, wrinkle free, and without holes or fading. Department Heads and employees should remain cognizant that the public is still being served. Employees should not dress casually if they have formal meetings or other events representing the City that require business attire.
6. **Hair and Facial Hair.** Hair shall be conservative, neat, and professional in appearance. Hair should not be so long as to interfere with the wearing of any safety equipment required to perform the job. Facial hair is acceptable provided it presents a professional appearance at all times. Facial hair must be clean and neatly trimmed at all times. Facial hair should not interfere with the wearing of any safety equipment required to perform the job. Public Safety personnel are required to comply with the guidelines and standards established by their respective department.
7. **Jewelry.** Long necklaces may be worn provided they do not present a safety hazard by getting caught in equipment or machinery. Jewelry should be in good taste, conservative and professional in appearance.
8. **Attire Appropriate to the Work Environment and Position.** At the Department Director's discretion, employees may dress in a manner that is appropriate to the work environment and position. For example, an employee who knows he/she will be working in a dirty or dusty environment or moving and packing boxes (and not provided a uniform) may dress appropriately to the environment and type of work he/she will be performing.

9. Employee and Management Roles and ResponsibilitiesEmployee:

- Always strive to project a professional image while at work and in the public eye.
- Be conservative when selecting work attire. If there is doubt as to whether a piece of clothing or outfit is appropriate, do not wear it in the workplace.
- Proper appearance includes personal hygiene.

Management:

- Set the example for professional appearance in the workplace.
- Communicate the City standards of dress to all employees.
- The overriding goal is to achieve a professional appearance. Enforce this policy to accomplish that effect. Employees who fail to follow the proper dress code should be counseled and subject to disciplinary actions, including leaving the premises (if necessary). Any time lost will not be compensated.
- Keep safety in mind when determining proper attire at work. Never sacrifice employee safety for comfort.

- 10. Compliance.** Failure by a Department Head, Supervisor, or employee to comply with the City or Department's uniform requirements or any portion of this policy will result in disciplinary action.

3.14 PANDEMIC AND THE WORKPLACE

The City strives to provide a safe and healthy workplace for all employees. This policy outlines our overall response to a pandemic flu outbreak or similar illness.

This policy outlines specific steps the City takes to safeguard employees' health and well-being during a flu pandemic, or similar illness, while ensuring the City's ability to maintain essential operations and continue providing essential services to our citizens. In addition, it provides guidance on how we intend to respond to specific operational and human resource issues in the event of a pandemic.

Conditions Involving Pandemic or Influenza

Sick employees who report to work with Contagious Symptoms and/or a Contagious Condition, as those terms are defined in this Section, may significantly impact City operations due to the potential for spreading sickness, diminished productivity, and lack of quality or attention to safety.

Employees should consider options and practices that will reduce the risk of contracting a contagious condition or passing on a contagious condition by observing healthy practices such as: receiving flu vaccinations, covering their noses or mouths when coughing or sneezing, washing or sanitizing their hands, using sanitizers on common work areas, and other health practices that are designed to reduce infection and the spread of disease. Employees should also refrain from reporting to work with Contagious Symptoms and/or a Contagious Condition, so as not to spread a condition or disease.

In the interest of maintaining a safe and healthy workplace, the City may require persons with Contagious Symptoms and/or a Contagious Condition not to report to work and/or may send employees with Contagious Symptoms and/or a Contagious Condition home.

A. Contagious Symptoms and/or Condition

For purposes of this Section, Contagious Symptoms and/or a Contagious Condition exist when:

- (1) An employee exhibits influenza-related symptom (e.g., fever, vomiting, diarrhea, headache, cough, sore throat, runny or stuffy nose, muscle aches) or other symptoms, described by a public health organization as indicative of other contagion, such as Coronavirus; and/or
- (2) An employee is diagnosed with an infectious/contagious condition (e.g., influenza, strep throat, tuberculosis, bacterial meningitis, mononucleosis, mumps, measles, rubella, chicken pox, etc.); or

- (3) An employee and/or family member/household member has recently traveled or plans to travel to a geographic area or has been subjected to a confined area, such as cruise ship or airplane, actively identified by a recognized health organization to present a high degree of contagion health risk or an area for which the CDC has issued a Level 2 or 3 travel advisory.

B. Workplace Requirements

The City and its employees bear responsibility for a safe and productive workplace environment. Accordingly, an employee with Contagious Symptoms and/or a Contagious Condition:

- (1) Will not report to the workplace so as not to infect other employees or members of the public.
- (2) Will not report to the workplace until his/her symptoms have subsided and/or the employee has been cleared with a health care provider's statement that the employee may return to work. (Such statement must be submitted to the Administrative Services Director for approval as provided in subsection (d), below, in advance of returning to the workplace.)
- (3) Will not report to the workplace after returning from, or after a family/household member has returned from, a geographic area or confined area recently identified by a recognized health organization to present a high degree of contagion health risk or an area for which the CDC has issued a Level 2 or 3 travel advisory. In such case, the employee cannot return to the workplace until completion of the quarantine period as identified by a public health organization and/or until the employee has been cleared with a health care provider's statement that the employee may return to work. (Such statement must be submitted to the Administrative Services Director for approval as provided in subsection (d), below, in advance of returning to the workplace.)
- (4) May be sent home, with or without the opportunity to work from home, based on observations of symptoms of a Contagious Condition.

C. Absence Due to Contagious Symptoms or Conditions

An employee who has been sent home by the City and/or has not reported to work due to Contagious Symptoms and/or a Contagious Condition, or who has been quarantined, will be required to use accrued Paid Time Off ("PTO"). If PTO is unavailable or exhausted, the employee will be recorded as absent with approved unpaid leave. In the event that an employee's absence pursuant to an approved unpaid leave extends beyond five (5) days and/or an employee's absence pursuant to an approved unpaid leave becomes a recurring issue, and such absences are deemed to constitute an undue burden upon the

City Department, the Department Director may request that the employee provide a doctor's certification as to the employee's current condition. Ultimately, any prolonged absences will be addressed in compliance with all federal and state laws and regulations, including the ADA and the FMLA (where a serious health condition is involved).

The Department Head may approve an employee to work from home while recuperating. Such approval is dependent upon consideration of factors, including the employee's position, the severity of the illness, and other safety and logistical considerations. Notification that an employee will be allowed to work from home must be provided to the Administrative Services Director.

Any employee subject to absence due to Contagious Symptoms or a Contagious Condition must contact Human Resources to determine if the employee and medical condition qualifies for Family Medical Leave. In such case, the policy covering Family Medical Leave Act shall apply.

D. Return to Work from Contagious Symptoms or Contagious Condition

As a condition for return to work, the employee may be required to provide certification from a professional health care provider stating the Contagious Symptom or Contagious Condition that the employee experienced has been cleared and the employee may return to work without risk to other employees. If requested, the written statement must be submitted to the Administrative Services Director, which shall review and must approve the release **before** the employee may return to work. An employee failing to provide a requested written return to work authorization prior to reporting to work will be immediately sent home and may be subject to disciplinary action for failure to comply with this requirement.

E. Compliance

Due to the seriousness of the ramifications of non-compliance, any violation of the policy as set forth will subject the employee to disciplinary action, up to and including, termination.

This Section will be administered in accordance with all federal and state laws and regulations, including the ADA and the FMLA (where a serious health condition is involved).

F. Scope of Policy

This section applies to all employees, volunteers, interns, and any other individuals performing services on the City's behalf, whether paid or unpaid.

4.00 LEAVE BENEFITS

Regular status full-time employees are provided with paid time off (PTO) benefits instead of paid vacation and sick leave. PTO may be taken by an employee with prior approval by his/her supervisor or designee, at such times and in such increments as best accommodates each employee's own schedule and the department's staffing needs. PTO is intended to allow employees paid time off from work for reasons such as vacation, personal illness, family illness, medical appointments, religious holidays, or personal or family business. Employees who are absent from work for any reason (other than bereavement leave, workers' compensation, military leave or jury duty) are required to use accrued PTO before taking leave without pay.

PAID TIME-OFF

1. PTO Accruals - Full-time eligible employees accrue PTO biweekly and based on service years according to the below table, unless otherwise stipulated.

PTO hours may continue to accrue in excess of the "Annual Maximum" to provide scheduling flexibility around peak workload periods and as an added benefit to employees. Effective October 2021, PTO balances over the "Annual Maximum" will be transferred to the PTO Bank if not used by the last day of the first **full** pay period in October of each year.

NOTE: See 4.00, Item 5, Payment of Unused PTO, for maximum payment upon termination.

General Employees (Excluding Fire Department Shift Personnel):

Hired Before 1/1/12			Hired on or after 1/1/12*		
Service Years	Annual Accrual Hours	Annual Maximum	Service Years	Annual Accrual Hours	Annual Maximum
Less than 1	80	80	Less than 1	96**	80
1 – 4	160	180	1 – 4	120	140
5 – 9	200	240	5 - 9	160	200
10+	240	300	10 - 19	200	240
			20+	240	300

*All employees hired after 1/1/12, will receive 16 hours of PTO immediately upon employment and an additional 80 hours will accrue at a bi-weekly rate of 3.0769 hours for a total of 96 hours of PTO for the 1st year of employment.

**The 16 hours will be deducted from the PTO payout for employees terminating employment during the first year of service.

**Employees that leave the City and are re-hired within 48 months are not eligible for the additional 16 hours PTO.

Fire Department Shift personnel (24/48):

Hired Before 1/1/12			Hired on or after 1/1/12*		
Service Years	Annual Accrual Hours	Annual Maximum	Service Years	Annual Accrual Hours	Annual Maximum
Less than 1	120	120	Less than 1	120**	96
1 – 4	192	360	1 – 4	144	168
5 – 9	240	360	5 - 9	192	240
10+	288	360	10 - 19	240	288
			20+	288	360

*All Fire Department Shift employees hired after 1/1/12, will receive 24 hours of PTO immediately upon employment and an additional 96 hours will accrue at a bi-weekly rate of 3.6923 hours for a total of 120 hours of PTO for the 1st year of employment.

**The 24 hours will be deducted from the PTO payout for employees terminating employment during the first year of service.

**Employees that leave the city and are re-hired within 48 months are not eligible for the additional 24 hours PTO.

Police 12 Hour Shift Personnel Hired 2011 or earlier previously grandfathered in on the below table. A grandfathered employee transferring out of a Police 12-hour shift position will transfer to the General Table and will not be allowed to transfer back to this Grandfathered Table for any reason.

Service Years	Annual Accrual Hours	Annual Maximum
Less than 1	100	100
1 – 4	180	180
5 – 9	220	240
10+	260	300

2. PTO Accruals During Periods of Leave - During periods of employee leave, PTO accruals will continue on the following schedule:
 - If on leave for short-term disability, PTO accruals will end on the date short-term benefits begin;
 - If on leave for other reasons (including workers' compensation, military, other FMLA leaves, etc.), PTO accruals will stop when the employee's PTO balance is exhausted or after 30 days of continuous leave, whichever is earlier.

3. Scheduled PTO Eligibility - A request for leave form shall be submitted to the employee's immediate supervisor. Scheduled PTO may be taken in any time increment after approval by the Department Director or his/her designee and is subject to administrative review. [See Section on Extended Leave of Absence.] Employees on PTO are subject to recall in cases of emergency. PTO requests of more than 80 hours to be taken at one time must be approved by the Department Director.
4. Unscheduled PTO - PTO that is not scheduled in accordance with departmental policy (other than illness) will be considered unscheduled PTO. Excessive unscheduled PTO may be addressed through the performance evaluation process and/or through progressive discipline or appropriate employment action.
5. Payment of Unused PTO - Upon termination, employees will **only be paid for accumulated unused PTO up to the maximum annual accrual amount** provided all equipment, uniforms, tools, keys, and other City property issued to the employee have been returned, and no outstanding liabilities or debts remain. **Hours accrued over the Annual Maximum will be forfeited.**

LEAVE FOR MEDICAL PURPOSES

6. PTO for Illness - An employee may use PTO in the event of personal illness or serious illness of a dependent child or spouse in need of continuous short-term care. The City understands that use of such PTO may be without advance notice. However, the employee shall report illness prior to scheduled work time. If this is not possible, the employee must report the tardiness or absence within 30 minutes after the scheduled start time. Failure to do so may result in an unpaid, unexcused absence. Employees are expected to comply with departmental policy with regard to using PTO for illness. A department may establish a more restrictive policy due to operating necessities. Excessive unscheduled PTO may be addressed through the performance evaluation process and/or through progressive discipline. The City will comply with the provisions of the Family and Medical Leave Act in the administration of this policy.
7. PTO Bank – All leave balances over the “Annual Maximum” will be transferred to the PTO Bank if not used by the last day of the first **full** pay period in April and October of each year. The purpose of this bank is to supplement an employee's loss of income during the extended leave of absence for medical reasons which would be covered under FMLA. Withdrawals may only be made from the Employee's own account in the PTO Bank and may only be withdrawn with the approval of the Administrative Services Director when all PTO and Sick Leave balances have been exhausted. For a withdrawal request to be considered, documentation of the medical need and a signed request form will be mandatory. Under NO circumstances will employees be paid for hours in the PTO bank upon terminating employment with the City.

8. Sick Leave Usage (if applicable) – Employees hired before 1/1/12 may have an unused sick leave balance. An employee may use accrued sick leave in the event of personal or dependents/spouse illness or injury.

The employee shall report illness prior to scheduled work time. If this is not possible, the employee must report the tardiness or absence within 30 minutes after the scheduled start time. Failure to do so may result in an unpaid, unexcused absence. A department may establish a more restrictive policy due to operating necessities. Employees who separate from the City shall forfeit all unused sick leave.

9. Medical Certification (Doctor's Note) - Medical absences (sick or unscheduled PTO) may require a doctor's statement before an employee may return to work, at the Department Director's discretion. An employee may also be required to provide medical certification if a request for sick pay falls within a period when the employee is on PTO or if absent from work frequently or habitually.
10. Fitness for Duty - An employee who takes leave for an extended illness, is hospitalized or serves in a safety sensitive position, may be asked to provide a fitness for duty (FFD) clearance from a health care provider upon return to work.
11. Short-Term Disability (STD) - The City will provide short-term disability benefits to qualified employees at the rate of 60% of actual wage loss, excluding unscheduled overtime work up to a maximum of \$2,000 per week. Employee elimination period and eligibility for STD benefits are subject to the policies in place at the time of personal disability event. Benefits will be supplemented with an employee's sick or PTO balances up to 100% of regular pay level. Short-term disability benefits may continue for up to 13 consecutive weeks. Long-term disability benefits may become available for employees who elected this coverage.
12. Family and Medical Leave Act of 1993 - The City complies with the Family and Medical Leave Act of 1993. Employee rights and responsibilities are posted throughout City departments.
13. FMLA currently requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons. To be eligible for FMLA, an employee must have worked continuously for 1 year, and worked 1,250 hours over the previous 12 months. If your leave qualifies, you have a right for up to 12 weeks of unpaid leave in a 12-month period. This period is calculated under the FMLA "rolling" 12-month period and is measured backward from the date of any FMLA leave usage. Under FMLA, unpaid leave must be granted for any of the following reasons:
- To care for the employee's child after birth, or placement for adoption or foster care;
 - To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
 - For a serious health condition that makes the employee unable to perform his/her job.

- For a qualifying exigency arising out of the fact that employee's spouse, son or daughter (of any age) or parent is on active duty or call to active duty status.

Eligible employees may apply for short-term disability benefits during FMLA related to personal illness. PTO and sick hours (if applicable) shall be used during the FMLA absence.

Sick leave accruals may be used for personal illness during the FMLA absence in accordance with City sick leave policy. When paid leave has been exhausted, additional unpaid leave will be provided to total up to 12 weeks.

If two employees within the same household are requesting leave for the same purpose, they shall be entitled to a combined leave of up to 12 weeks.

If the FMLA is amended in any respect, this policy shall be considered amended to be consistent with the changes in the Act.

14. Advance Notice and Medical Certification - The employee is required to provide advance leave notice and medical certification whenever possible. Taking of leave may be denied unless the following requirements are met:
 - The employee ordinarily must provide 30 days advance notice when the leave is foreseeable (examples include pregnancy, scheduled surgery, non-emergency medical procedures, etc.)
 - The City will require a medical certification to support a request for leave because of a serious health condition, and may require second and third opinions (at the City's expense) and/or a fitness for duty examination in order to return to work.
15. Intermittent FMLA Absence - FMLA may be taken intermittently or on a reduced schedule if medically necessary, with proper notification, and consistent with the Act.
16. Certification of a Serious Health Condition - Serious Health Condition is an illness, injury, impairment, or physical or mental condition involving either inpatient care or continuing treatment by a health care provider. Employees must provide certification of a serious health condition for his/her own serious health condition, or that of a family member. Employees must contact Human Resources for information concerning the certification process.
17. Employee Privacy - The City is in compliance with The Health Insurance Portability and Accountability Act of 1996 (HIPAA), which supports efforts to protect patient confidentiality and security of individual health information. To that end, the City has adopted a Privacy Notice outlining employee rights and responsibilities. Copies of this notice are available through Human Resources.
18. Health Benefits Protection - Employees continue to receive health benefits for up to 12 weeks during FMLA on the same terms and conditions as for active employees. The employee must

continue to pay appropriate employee and dependent premiums, co-payments, and other out-of-pocket costs.

19. Upon return from FMLA absence - The City will restore the employee to the original or equivalent position with equivalent pay, benefits, and other employment terms. The use of FMLA leave shall not result in the loss of any employment benefit that accrued prior to the start of an employee's leave.
20. Absence extending beyond FMLA expiration - The job-protected rights afforded by FMLA do not apply to leaves which continue beyond the 12-week period of entitlement.
21. Returning to Work After Approved Leave - An employee who has been out on extended medical leave for more than seven (7) calendar days must be cleared through Human Resources prior to returning to work by providing a medical release from the treating physician with or without work restrictions. In addition, an employee may be required to undergo a fitness for duty drug screen as directed by Human Resources. Failure to seek return to work clearance at the expiration of approved leave shall be considered absent without leave, constituting grounds for disciplinary action up to and including termination of employment.
22. Returning to Work Before the Expiration of Approved Leave - An employee granted a leave of absence who wishes to return to work before the leave period has expired shall be required to notify the immediate supervisor. No employee shall be permitted to return to work without a written medical release from the treating physician and clearance through Human Resources. Depending on the circumstances of the leave, a fitness for duty exam may also be required.
23. Working during Approved Medical Leave - As a general rule, an employee while on an authorized medical leave of absence may not obtain or engage in either part-time or full-time employment, nor engage in training or development relating to their job. Failure to abide by the terms of the approved leave will result in disciplinary action up to and including termination of employment. Any exception to this rule must be approved by the Administrative Services Director.

OTHER LEAVE TYPES

24. Funeral Leave - Funeral leave of up to three (3) workdays per calendar year, with a maximum of 24 work hours **annually** will be granted with pay for an employee absent from work so they may travel to, make arrangements for, or attend the funeral of the following members of the employee's family: spouse, parent or guardian, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, stepmother, stepfather, stepchild, stepsister, stepbrother, or other relative living in the employee's household. Funeral leave shall also be granted for in-law relationships for mother in-law, father in-law, brother in-law and sister in-law. In all

cases, bereavement leave must be approved in advance. No exceptions will be allowed to this policy.

25. Leave Without Pay - Employees are not permitted to take leave without pay if an accrued leave type balance that is appropriate for the situation is available, unless leave involves workers' compensation, military leave, or jury duty. The Department Director will give consideration for a leave without pay based on the employee's leave impact on departmental functions, schedule, and reason for the request, as well as the employee's performance and attendance record. All leave without pay requests must be approved by the Department Director.
26. Holidays - The following ten days are designated as official holidays for employees in the City of Gainesville personnel system: New Year's Day, Dr. Martin Luther King, Jr. Birthday, Memorial Day, Independence Day (July 4th), Labor Day, Veteran's Day, Thanksgiving Day, Friday following Thanksgiving, Christmas Eve, and Christmas Day. In order to qualify for holiday pay, employees are required to work the day before and the day after a holiday unless the employee is off on approved PTO or sick leave.
27. Holidays During Leave Periods - Employees will be paid holiday pay if a holiday falls within an approved leave period of 30 calendar days or less. Holidays which occur while the employee is on medical leave, workers' compensation, or PTO of more than 30 calendar days are not paid as holidays. If an employee is working partial days due to a medical absence, holidays will be prorated to reflect this.
28. Holiday Pay Compensation - A regular status full-time employee who works on a holiday shall receive holiday pay, plus payment for hours actually worked. Holiday hours are not considered time worked for the computation of overtime pay. Holiday pay practices may be altered depending on the operational needs of the department.
29. Extended Leave of Absence - All extended leaves of absence (more than 80 hours) must be approved by the Department Director. Any leaves of absence (more than 120 hours) must also have the approval of the Administrative Services Director
30. Military Leave - Every employee shall be entitled to military leave in accordance with state and federal laws.
- National Guard or Reserve: The City will provide affected employees serving in the National Guard or any reserve unit of the United States Armed Forces with job protection and group benefits coverage in accordance with the provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). The City will also provide up to 18 days (144 hours) annually of paid military leave.
 - Active Duty: Employees contracting with any branch of the Armed Forces for Active Duty, not during the time of war or national emergency, shall be placed on Leave without Pay

and will be moved to an inactive status. Such employee will be granted reemployment rights as governed by the Uniform Services Employment and Reemployment Rights Act of 1994. No paid military leave is given for those serving in an active duty capacity.

31. Jury Duty - Any full-time employee called for jury duty or subpoenaed as a witness in the line of duty will be excused from work upon presentation of a court summons or subpoena to the immediate supervisor. The employee will be paid regular pay up to two weeks provided evidence is submitted from the court for the number of days served. Only the actual number of days spent in court will be counted in calculating the payment. The combination of jury duty pay and actual hours worked is not to exceed 40 hours per week unless authorized by an employee's supervisor or Department Director. Payment received from the court will not be deducted from the employee's pay. If an employee reports for jury duty or to testify as a witness on a particular day and is excused from serving that day, the employee must notify the immediate supervisor to determine if the needs of the City require the employee to work that day.
32. City of Gainesville Retirement Plan Credited Service - Credited Service is defined as worked time granted during employment periods when employees participate in one of the City's Retirement Plans. For the purposes of providing credited service for retirement benefit calculations, employees on paid leaves of absence (sick, PTO and/or short-term disability) will be granted service credit. The Department Director, Administrative Services Director, and City Manager may approve unpaid leave period up to one year in duration for which service credit will be granted. No credited service beyond one (1) year will be granted for any employee who remains on a continuous leave of absence. When calculating total City service, leave periods beyond one year or more will not be counted as worked time.

INCLEMENT WEATHER

33. Absences Due to Hazardous Weather - The City of Gainesville will open at regularly scheduled times and will remain open as scheduled during inclement weather unless the City Manager issues an official closing statement. Unless such a statement is issued, all employees will be expected to work regularly scheduled hours.
34. Critical City Services - Certain positions require mandatory coverage because they provide critical City services. Official closing statements and inclement weather procedures do not apply to employees who provide critical City services in departments such as fire, police, utility and public works, and others. Employees in this classification should report for duty as scheduled or if unable to report, abide by established departmental procedures.

The remainder of this policy pertaining to inclement weather applies only to administrative employees or others in non-critical service positions.

35. Inclement Weather Closing

- If the City of Gainesville administrative offices will be closed for all or part of a day due to inclement weather, the City Manager will issue an official closing statement.
- If no official closing statement is issued, employees should report to work as scheduled or if unable to work, abide by established departmental procedures.

36. Inclement Weather Pay - The intent of inclement weather pay is to make the non-critical service employee “whole” for the hours that could not be worked because the City was officially closed during the employee’s scheduled shift hours.

An employee in this category who reports to work as directed on the day of late opening or early closing shall be entitled to inclement weather pay for the number of hours that could not be worked because the City was officially closed. Employees who work during official closings are not entitled to additional pay. Any hours worked in excess of scheduled hours will reduce the amount of paid inclement weather time available to that employee.

An employee in this category who arrives late or leaves early will be paid actual hours worked plus inclement weather hours for the time the City was officially closed. An employee should discuss with the supervisor options for any other scheduled hours which were missed during the City’s official opening hours. One of several options may be selected such as using accrued PTO or if no accrued leave is available, leave without pay, or the employee may make up the time lost from work at a time scheduled by the supervisor within the same work week.

An employee who does not report to work due to inclement weather, on a day when the City was officially closed only for a portion of the day, shall be required to take PTO or leave without pay for the full shift.

4.01 EDUCATIONAL ASSISTANCE PROGRAM

The City will provide educational assistance to employees to improve existing job skills and prepare for development as it relates to future career promotional opportunities. This assistance will be provided based on the approval of the request by the Department Director, and concurrence with the Administrative Services Director. Any assistance will be determined by the fiscal soundness of the City at the time of the request.

Full-time employees who have completed at least one year of service and have completed their probationary period will be eligible to request educational assistance. Employees must have received an overall performance rating of “good” or higher and must be actively employed at the time of the educational assistance request.

1. Tuition reimbursement will be made through the department’s professional development budget of each participating department and is limited to \$1,500.00 per fiscal year per employee.
2. City funding for tuition will be subject to the applicant first applying for other financial aid available, including, but not limited to HOPE grants, military benefits funding, etc. Prior to reimbursement from the City, the employee shall be required to submit proof of application for an award or non-award of assistance from the financial aid office of the school and from other financial sources.
3. Tuition assistance is offered for degree, certificate, or diploma programs, including graduate level classes. All requests are subject to the approval and the fiscal soundness of the City at the time of the request. The program is funded annually. In the event of budget constraints, applications for reimbursement will be determined based on City service, job performance, and date of application.
4. This program also includes the full reimbursement for the cost of the GED test. The City will reimburse the employee upon successful completion of each portion of the GED once proof of passing each test has been submitted. Costs associated with preparing for the test will not be covered. Reimbursement shall be provided for one attempt only.
5. Tuition assistance will cover tuition and lab fees offered by accredited colleges, universities, technical colleges, and certification and accreditation courses.
6. The amount of reimbursement will depend upon the grade received as defined below:
 - Grade A or Pass 100% reimbursement
 - Grade B 75% reimbursement
 - Grade C 50% Reimbursement

There is no reimbursement for a grade below "C" or a grade of "Fail" for a pass/fail course. Before reimbursement can be made, the employee must submit proof of the grade obtained to Human Resources.

7. If an employee should voluntarily terminate employment after receiving tuition assistance from the City, that employee may be required to pay back all or a portion of the education funding received. The following schedule will be applicable in these cases:
 - An employee who voluntarily leaves City employment within one year of last reimbursement shall be required to pay the City 100% of the last reimbursement received.
 - An employee who voluntarily leaves City employment one year and one day to two years shall be required to pay the City 50% of the last reimbursement received.
8. No reimbursement shall be required from employees who are terminated involuntarily from City employment or who voluntarily leave City employment beyond two years from the last tuition reimbursement payment.
9. Employees may not attend classes during regular working hours and there is no overtime pay or comp time allowed for attending classes. The City of Gainesville will follow IRS and State guidelines regarding the taxability issues associated with tuition reimbursement.

4.02 EMPLOYEES' COMMUNITY TRUST FUND

The City of Gainesville has established one money-raising effort to reduce the number of solicitations City employees receive from local charities. One fund raising campaign is conducted each year supporting a number of charities.

1. City employees shall be given the opportunity to support various charities, which are selected and voted on by the Community Trust Fund Committee. In the past these have included: United Way, American Heart Association, American Cancer Society, Meals on Wheels, and Hall County Humane Society, or as approved by the Committee.
2. Most contributions are tax-deductible.
3. All pledges are made through the Employees' Community Trust Fund and are managed by the City's Finance Department. Community Trust Fund representatives are appointed by City Department Directors.
4. Pledges may be made as a one-time donation, or made through payroll deductions collected beginning with the first pay period in the new calendar year following the campaign.

5.00 WORKERS' COMPENSATION

The safety of each individual employee and general safe working conditions are primary concerns of the City in every phase of its operations. Operating methods and procedures taught during training periods were developed with maximum safety considerations. The City believes that safety is every supervisor's and every employee's responsibility. In the event of an accident or injury arising out of and in the course and scope of employment that occurs on the job, employees will be covered through workers' compensation insurance. Standard safety procedures as established by the City and its departments shall be adhered to at all times.

1. Any employee who sustains an injury on the job must, at the time of the injury or as soon as possible thereafter, notify his/her supervisor. All accidents, no matter how minor, should be reported.
2. Employees will be required to submit to a post-accident drug test following any work related injury.
3. The supervisor shall promptly file the first report of injury and other related documentation with Risk Management.
4. If the injury necessitates the employee's absence from work, the employee shall receive his/her regular rate of pay via payroll for the first seven (7) calendar days (or if intermittent a maximum of 40 hours). This pay may include initial time lost, as well as time used for doctor visits, therapy, or other authorized, related treatment.
5. If the nature of the injury necessitates an absence longer than seven workdays, the City's workers' compensation carrier shall determine if the employee is eligible for further compensation.
6. Once **(a)** an employee is returned to work (either with or without restrictions) by his/her authorized treating physician, and **(b)** has exceeded the 40 hours listed in Item 3 above, follow-up visits, therapy, etc., will be treated as any other absence. Payment for time missed due to such visits will be charged as sick or PTO (if available) or the time will be unpaid leave for payroll purposes. Alternatively, employees may choose to accept unpaid leave and submit a request to the insurance carrier for reimbursement of lost wages. The decision regarding eligibility for such a reimbursement will be made by the insurer alone, but employees should be aware that any reimbursement is subject to the percentage restrictions and the weekly benefit maximums set by State law. In no case will an employee collect PTO and be paid by the insurer for the same time period.
7. Filing a fraudulent claim is grounds for disciplinary action up to and including termination of employment and criminal prosecution from the State.

8. Under Georgia State Law, employees are required to use the posted panel of physicians to accommodate the workers' compensation medical treatment. The names, addresses, and phone numbers of the panel physicians are available to each employee and are posted on official City bulletin boards.
9. Violation of City safety regulations such as performing work in an unsafe manner or failure to use required safety equipment is grounds for discipline and termination of employment.
10. The provisions of this policy are intended to be consistent with Georgia's Workers' Compensation Act, and if inconsistent at any time, the provisions of the Act will control.

11. TEMPORARY MODIFIED DUTY:

The City is committed to providing work, when possible, for employees who have been restricted due to a work-related injury or illness. Such work will be provided subject to availability. Work will be assigned due to the nature of the injury or illness and the limitations set forth by the authorized treating physician. Every effort will be made to place employees in positions within their own departments, but if necessary, employees will be placed wherever an appropriate position is available. While on temporary modified duty, employees will continue to receive their regular rate of pay. Employees on temporary modified duty must furnish an updated work status to their supervisor from the authorized treating physician after each visit in order to remain in the reassigned job.

12. Employees must immediately report back to their supervisor following the initial visit with the authorized treating physician and after each subsequent visit.

Please refer to the Workers' Compensation Claims Handling Procedures for step-by-step instructions.

5.01 ACCIDENT/INCIDENT RESPONSE

The City of Gainesville encourages prompt response to and accurate reporting of all accidents and incidents. Such response should be in accordance with the procedures outlined below, in order to obtain help for injured persons, mitigate damages, and minimize the negative effects of such incidents. With any serious accident, the Administrative Services Director or Risk Manager should be notified by telephone immediately.

Workers' Compensation Claims Procedures

See the City of Gainesville Personnel Policy and Procedures Manual Policy 5.0 "Workers' Compensation" and Workers' Compensation Claim Handling Procedures.

Auto Accident Procedures

In the event of an auto accident, employees should stop the vehicle immediately, taking steps to avoid further accidents, if necessary. In addition, employees should:

1. Check for injuries.
2. Call 9-1-1 and notify the operator about whether there are injuries on the scene. Ask for an officer to be sent to the scene for an investigation, whether or not anyone is injured.
3. Call your supervisor.
4. Do not accept or deny any liability or make any statements that imply the acceptance or denial of liability.
5. Stay on the scene until your supervisor and law enforcement arrives and you are told that you may leave.
6. If your vehicle was parked and hit by an unknown driver, call your supervisor and law enforcement and remain at the scene until the investigation is complete.
7. Supervisor must take the employee to a medical facility for a post-accident drug screen.
8. Return to your department and work with your supervisor to complete the appropriate reports as soon as possible after the accident.
9. Do not discuss the accident with anyone except law enforcement, your supervisor, the City's Risk Manager, the Administrative Services Director, or representatives of the City's insurance carrier.

Third Party Incident Procedures (Non-Auto)

In the event of other types of property damage or bodily injury to another party, the following steps must be taken:

1. Ensure that injured parties, if any, receive prompt medical attention.
2. Call your supervisor immediately.
3. Do not accept liability.
4. In conjunction with your supervisor, get as much information from the other party as possible, and document all details of the incident.
5. Complete all required documentation for prompt forwarding to the Risk Manager.
6. Do not discuss the accident with anyone except law enforcement, your supervisor, the City's Risk Manager, the Administrative Services Director, or representatives of the City's insurance carrier.

5.02 VEHICLE USE

The City of Gainesville purchases and maintains vehicles that are assigned to Departments for the express purpose of carrying out City business. City of Gainesville vehicles are highly visible and are intended to serve the public. Therefore, it is important that City employees use these vehicles only for their intended purpose and observe the following guidelines.

This policy is designed to enhance the safety of the employees who drive or ride in City vehicles. This policy defines the City's safe driving procedures, vehicle maintenance expectations and personnel policies. Vehicle accidents can result in employee injuries, damaged vehicles and property, and a variety of additional costs. It is the driver's responsibility to operate the vehicle in a safe and courteous manner, following all motor vehicle regulations that apply to that vehicle. It is also the driver's responsibility to make sure that the vehicle is maintained in good condition by reporting any problems to the maintenance staff.

While this policy is intended to address those employees who drive City or personal vehicles on City business over public streets, this policy may also be used for drivers of off-road (construction) equipment. Specifically, off-road equipment operators are not exempt from the portions of this policy relating to license, qualifications, maintenance, and all safe operation and accident items. Exemptions may be made for an off-road equipment operator with the approval of the City Manager.

RESPONSIBILITY

Supervisor - will ensure that all drivers have a valid Georgia drivers' license before placing the employee in a position requiring operation of a City vehicle. Supervisors will also ensure that employees are fully familiar with the vehicle being driven before allowing the employee to leave City property.

Authorized Driver – must meet all requirements of this policy and have been given permission by his/her Department to operate a City vehicle (or to operate his/her personal vehicle on City business). They must obey all motor vehicle laws and City of Gainesville safety rules, maintain the vehicle properly at all times, and otherwise follow all procedures listed in these guidelines.

Department Director - upon notification, will ensure that employees not meeting required "Driver Standards" will not be allowed to drive City vehicles (or personal vehicles on City business).

The following guidelines are necessary to ensure the safety of City employees and citizens and the proper use and care of City vehicles:

Motor Vehicle Report

City of Gainesville Human Resources and/or Risk Manager will review MVRs on all post-offer applicants. MVRs will also be requested annually on employees who regularly drive City vehicles. This review will be to ensure driver's meet the below listed Driver Standards.

Driver's License

Employees driving City vehicles must have a valid Georgia driver's license for the class of the vehicle being operated, and must be trained to drive the vehicle. In general, license acquisition and renewal is a personal expense and will not be paid or reimbursed by the City. However, the acquisition of Commercial Drivers' Licenses (CDL) is handled according to the departmental procedure.

Driver Standards

All drivers of City vehicles must meet the following criteria:

- Must be at least 18 years of age;
- Must be an authorized driver for the City;
- Must meet licensing requirements.
- Must not be disqualified due to driving/criminal history (see "Driver Disqualifications" below).

Driver Disqualifications

Employees may not drive a City vehicle if any of the following offenses have occurred within the prior 36 months from time of discovery. Any exception to this policy must be approved by the Administrative Services Director.

- Conviction of a felony of any type;
- Conviction of the sale, handling or use of drugs;
- Conviction of an alcohol or drug-related offense while driving (includes Driving Under the Influence, Driving While Intoxicated, etc.)
- Conviction of three or more minor moving violations or one serious violation;
- Notice from the City's insurance carrier that driver is being excluded from insurance coverage;
- Involvement in three or more preventable accidents.

Driving by Unauthorized Persons

Except in case of emergency, a driver shall not allow a vehicle assigned to him/her to be driven by any person not authorized to drive City vehicles.

Intoxicants

Drivers shall not use, store, transport, or be under the influence of alcohol, drugs, or other intoxicants in City vehicles at any time (unless being stored or transported in conjunction with law enforcement duties). (See also City of Gainesville Personnel Policy & Procedures Manual, Policy 3.12, "Drug-Free Workplace".)

Loan of City Vehicles

Loan of City vehicles to outside agencies is discouraged. If a City vehicle is loaned for goodwill purposes, the City vehicle must be operated at all times by a City employee who is an authorized driver with experience in the type of vehicle being loaned.

Loss of Drivers' License

Revocation or suspension of a driver's license for any reason and for any period of time must be reported to the employee's immediate supervisor or Department Director within one working day of receipt of notice that the license is being suspended or revoked.

Employees will not be allowed to operate City of Gainesville vehicles while their license is suspended. Employees are not allowed to operate City of Gainesville vehicles while in possession of a temporary driving permit for the purpose of driving to and from work. Employees required to drive as a primary job function and whose license have been suspended may be subject to disciplinary action up to and including termination for loss of job qualifications. Employees who operate City of Gainesville vehicles, who have a suspended license and neglect to report the suspension, will be subject to termination for their failure to advise the City of Gainesville of their invalid license status.

Maintenance of Vehicles

Vehicles should not be operated with any noticeable defect that would inhibit safe operation during current and foreseeable weather and light conditions. Any defects must be reported to the supervisor. Preventive maintenance, such as regular oil changes, lubrication, and tire pressure and fluid checks determine to a large extent whether employees will have a reliable, safe vehicle to drive and support City work activities. Employees should have preventive maintenance completed on their assigned City vehicle as required in the owners' manual or as scheduled by the departmental maintenance shop.

Non-Employee Passengers

A driver will not transport persons other than on-duty City employees in a City vehicle unless the person(s) is/are being transported in connection with official City business, law enforcement matters, or for other reasons specifically authorized by the Department Director or City Manager.

Personal Use of City Vehicles

City vehicles shall be used by authorized employees for official City business, only. Minimal personal use exceptions for lunch or running errands on the way to and from work are acceptable with prior approval by the Department Director or his/her designee. Drivers must remember that these vehicles are highly visible and that they should never be used in a manner that would discredit the City or its staff members.

Personal Vehicles Used for City Business

Certain circumstances may warrant a City employee's use of his/her personal vehicle to conduct City business. Typically, this occurs when the employee's department cannot provide a vehicle for running City errands, traveling to and from work-related training and/or conferences, etc. When this occurs:

- Prior approval must be obtained from the employee's Department Director or his/her designee;
- The appropriate travel reimbursement form must be completed (if appropriate);
- Mileage reimbursement will be paid according to IRS published standard mileage rates in effect at the time of the City business travel and Finance Department procedure.

The City does not assume any liability for bodily injuries or property damage that the employee may be personally obligated to pay arising out of an accident during the operation of his/her own car on City business. The travel/mileage reimbursement to the employee for the operation of his/her car on City business includes the allowance for the expense of automobile insurance. Employees using personal vehicles on City business are required to have at least the minimum liability limits of insurance required by Georgia law. The City does not specify and assumes no responsibility for types and limits of coverage on employee vehicles, since this is a matter of individual preference.

If an employee (in his/her personal vehicle) is involved in an accident in which another party is at fault, the City will not become involved in the reporting and settlement of any insurance claim that results against the at-fault party. However, if an employee's vehicle is damaged by an uninsured motorist, the employee should contact the City's Risk Manager as soon as possible after the accident for assistance. The City will reimburse the employee's insurance deductible up to \$500 (limit of once per 12-month period) if:

- the uninsured motorist caused the accident;
- the employee's actions did not contribute to the accident;
- the employee did not receive a citation;
- the accident was deemed "non-preventable"; and
- the employee followed all provisions of this Vehicle Use Policy.

Seat Belt Use

All drivers and passengers in City vehicles shall wear seat belts at all times while the vehicle is in operation.

Take-Home Vehicle Assignment

The City Manager may authorize certain personnel to drive City vehicles to their residences following normal duty hours. Vehicles so assigned should be used for official business only, and never used in such a manner as to bring discredit upon the City.

As a general guideline, employees eligible to be considered for take-home vehicle assignment are as follows:

1. City Manager and Assistant City Manager;
2. Department Directors;
3. Police Department employees that are assigned vehicles in accordance with police department policy;
4. Division Managers, Supervisors, and other City employees who are on emergency call after normal working hours;
5. Other City employees who are assigned a vehicle during normal working hours and who frequently perform City work-related tasks going to or from their residence.

Assignment of a take-home vehicle is a privilege, not a right, and is subject to removal at any time and for any reason. This program is for the benefit of the City and will be evaluated periodically for determination of appropriate changes to assignment. Take-home vehicle assignment is at the discretion of the Department Director and is subject to approval by the City Manager.

No Right of Privacy

City vehicles are the property of the City of Gainesville and as such are subject to inspection, audit, search and monitoring by City officials. The City reserves the right without advance notice to, at any time, inspect, audit and search City vehicles as well as monitor City vehicles whereabouts. This includes the right to place tracking devices on City vehicles and monitor their whereabouts without notice to employees. The City Manager shall designate persons authorized to conduct inspections, audits, searches and monitoring.

Theft

In the event of theft of a City vehicle, the police department should be contacted immediately. The City is not responsible for loss or theft of personal items left in City vehicles.

Smoke-Free Policy

It is the policy of the City to prohibit the smoking of any tobacco product, the use of oral tobacco products or “spit” tobacco (smokeless tobacco) and the use of e-cigarettes (vaping) in any City vehicle.

Training Requirements - Defensive Driving Course

All authorized drivers (except Public Safety employees with EVOC training) are required to attend a City sponsored Defensive Driving Course as soon as possible after hire, then a refresher once every three years.

Traffic Violations

Citations, fines or other actions taken by any law enforcement jurisdiction against any employee while driving a City vehicle shall be the responsibility of the employee. Each driver is required to report all moving violations occurring on City time to their supervisor within one working day. This requirement applies to violations involving the use of any City vehicle.

Any employee receiving a drug or alcohol related citation from any law enforcement jurisdiction while on duty will be subject to the City of Gainesville’s Drug and Alcohol Policy. Any employee receiving a drug or alcohol citation while on personal time may be subject to immediate disciplinary action up to and including possible termination.

Vehicle Appearance

City-owned vehicles are costly, highly visible tools which assist us in providing services to our taxpayers, and as such should be kept clean and tidy. Litter should not be allowed to accumulate inside the passenger compartments, nor in the beds of these vehicles. City vehicles are a direct reflection on the City and should portray a professional appearance.

OTHER REQUIREMENTS**15-Passenger Van Operation**

Due to recent studies involving 15-passenger vans, the City has placed restrictions on the operation of these vehicles. To enhance safety, the following operational rules apply to 15-passenger vans:

- Vehicles should be loaded “front-to-back”, with the lightest load behind the rear axle;

- When practical, the number of passengers should be limited to fewer than 10, seated toward the front of the vehicle;
- Under no circumstances shall greater than 15 people (including the driver) be transported in a 15-passenger van;
- It is the driver's responsibility to ensure that the seat-belt policy is strictly enforced;
- Nothing shall be towed behind nor carried on top of these vehicles;
- Drivers must not use cell phones or radios at any time while the vehicle is in operation;
- No one under 18 years of age will be allowed to drive these vehicles;
- No employee will be allowed to drive these vehicles without specific authorization from his/her Department Director;
- Drivers shall practice safe driving habits, with attention to speed, following distances, and road and weather conditions, and must drive in a manner so as to avoid abrupt steering or braking.

Additional information on the operation and maintenance of 15-passenger vans may be obtained from Risk Management upon request.

Commercial Vehicle Guidelines

Drivers of commercial vehicles (CDL holders) are subject to additional policies and procedures as promulgated by the Federal Department of Transportation and other applicable agencies.

Vehicle Use Policy Violations

Violations of any portion of this "Vehicle Use Policy" will result in appropriate disciplinary action, from removal of driving privileges up to and including termination of employment, in accordance with the City of Gainesville's Policies and Procedures.

Summary of Policy Changes

New Cover

Throughout entire Policy

Changed "Director of Human Resources" to "Administrative Services Director."

Section 2 Administration

2.00 Changed the full-time employee status to read: During a rare hardship for very temporary purposes and with approval of the Administrative Services Director a full-time employee's hours may be reduced to no less than 30 hours and still be benefit eligible. an average of 30 hours per week. (We have only had this come up twice but the previous policy didn't give any specification of hardship and approval. ACA mandates full-time at 30 hours)

Part-time hours are 29 hours (we changed from 30 because we require departments to stay below 30) per ACA requirements.

Changes Acting Capacity status to allow for 90 days appointment only in most circumstances.

2.01 If Probationary Employee has not met the requirements of the position and the Department wishes to extend the probationary period, a memo is all that will be required (removed personnel action form)

2.02 Adds the following: Human Resources will routinely seek new opportunities for advertisement of open positions in an effort to attract a diverse group of applicants.

Adds on-line application requirement.

Filling Vacant Positions Internally.

Clarifies reclassification of positions and that a reclass does not create a new (additional) position and that they must be approved by the Department Director, Administrative Services Director, Chief Financial Officer and City Manager.

Clarifies that demotions are to be used for poor employee performance.

Salary changes outside the guidelines must be approved by the Administrative Services director instead of the City Manager.

Adds language regarding employee transfers to a completely new position. They will be treated as a new hire regarding pay. (Example: transferring from DWR to Police Officer)

Adds language regarding employees that choose to move to a lower level position. They will receive a 5% decrease in pay for a one grade lower and 10% for 2 or more grades. Anything outside this policy must be approved by the Administrative Services Director.

2.03 Removed the prohibition against hiring of relatives of Mayor, Council or City Manager.

2.04 Added language to clarify that employees within the same department that become romantically or sexually involved should report it to the Department Director.

2.05 Clarified that employees who wish to serve as Poll Workers must take PTO for the time they are training or serving.

2.08 Clarified certification pay paragraph. Allowing Administrative Services Director or City Manager approval or certification types. Also stating that approval must be gained prior to beginning the certification process by employees.

2.09 Minor clarifications.

2.10 Changed out new grading for performance evaluations to Outstanding to Needs Improvement.

Section 3 Employee Relations

3.06 Complete re-write of the Social Media Policy.

3.08 Removed Reduction in Pay clause from the Disciplinary Action policy as this is never used.

Changed language of dismissal of employee to: Policy violation with a history of disciplinary actions.

Removed dismissal of employee after committing major offense as that is already covered in the Standards of Conduct policy.

Added clarifying language to the Attendance section.

3.09 Changed “police” to “law enforcement,” added language to allow employees with a carry permit to carry when traveling out of town for business, also added language to allow employees working late night shifts or closing a facility to carry non-lethal protection and added that general employees are prohibited from having weapons in a city vehicle. (This policy was discussed with Police Chief in detail).

3.11 Added language to clarify that Department Directors can create a designated smoking area and that smoking/vaping will only be allowed in that specific area.

3.12 Clarified language that supervisors are required to transport employees post-accident for a drug screen.

3.14 Added completely new Pandemic Policy.

Section 4 Employee Benefits

4.00 Removed language that was used for clarification purposes during the 2015 rewrite. It is no longer needed.

Added language that if an employee leaves during their first 12 months employment, they will not be paid out for the 16 hours of leave we give them on day 1. Also, employees that leave and are re-hired within 48 months, will not receive the 16 hours up front leave.

Changed to only rollback leave hours to the PTO Bank once a year.

Added language to say that any request for over 80 hours of leave to be taken at one time is required to have Director approval.

Added clarifying language regarding working during approved leave.

Added language mandating leave without pay requests be approved by Directors.

Added Veteran's Day as a Holiday for employees.

Made clarifications to the Extended Leave of Absence policy.

Clarified language regarding Inclement Weather Pay.

4.02 Removed language regarding Employees Assistance Fund.

4.03 Removed this policy in it's entirety.

Section 5 Risk Management

5.00 and 5.01 Made a few minor revisions as recommended by our Insurance Carriers and Brokers.

5.02 Clarified Driver Disqualification section.

PERSONNEL POLICIES & PROCEDURES MANUAL

THE CITY OF GAINESVILLE, GEORGIA

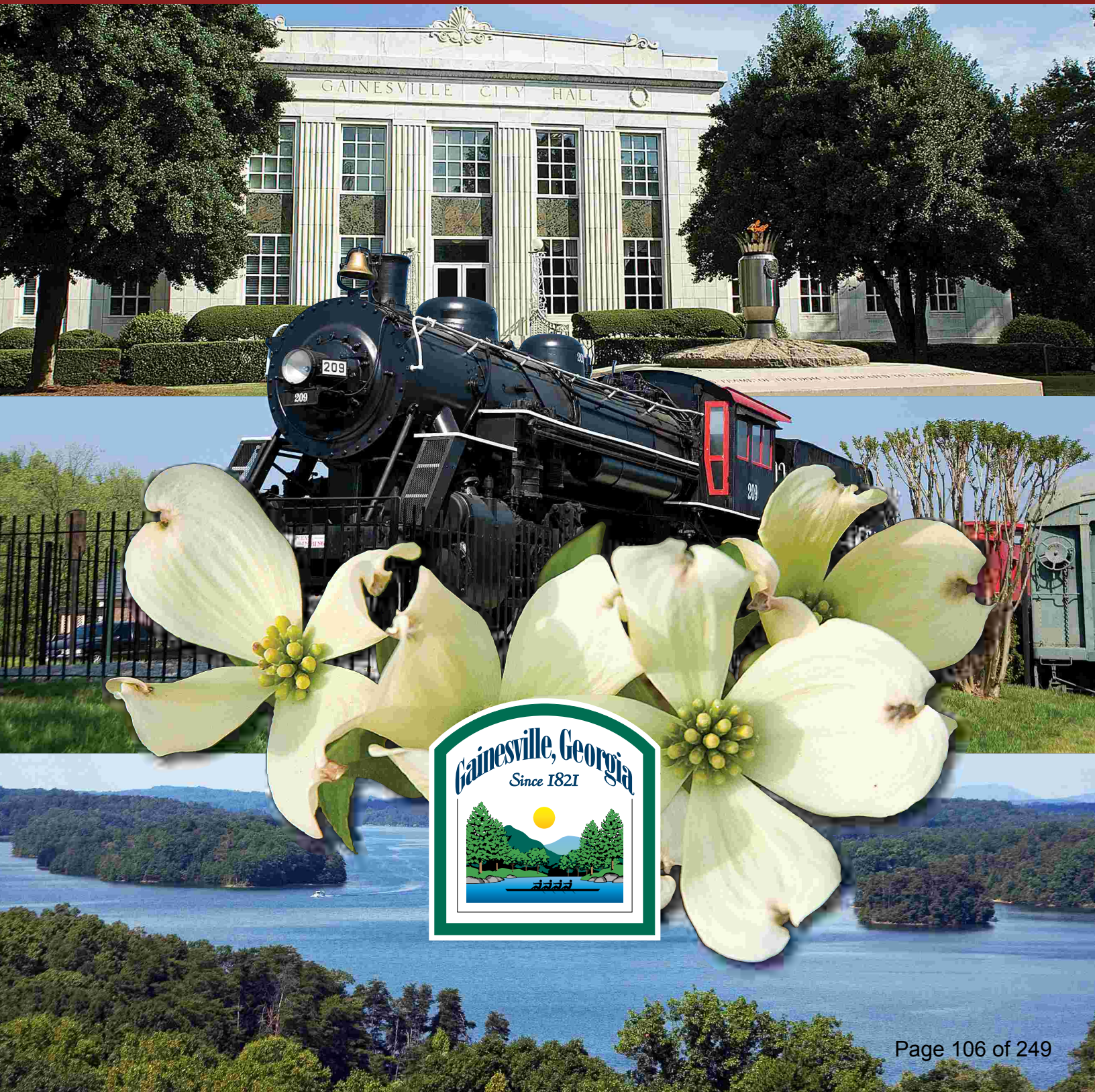


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1.00 WELCOME MESSAGE FROM THE CITY MANAGER

Dear Employee,

Welcome to the City of Gainesville!

The mission of the City of Gainesville is to enrich the community by practicing good stewardship of resources and by providing exemplary services for all people. The City's core values include integrity, innovation, responsiveness and teamwork.

As the City Manager, it's my responsibility to implement the policies and procedures adopted by Council. Please take the time to review this manual as it contains important information that you need to know throughout the course of your employment.

I am excited to have you as part of our team. I look forward to establishing a good working relationship with each and every one of you.

Sincerely,



Bryan Lackey
City Manager



1.01 A WORD ABOUT THIS MANUAL

The City of Gainesville creates these Personnel Policies and Procedures to ensure the effective and efficient administration and utilization of human resources in the operation of the City and for the benefit of the City's employees and the citizens they serve.

This manual supersedes all previous employee manuals and memos. This manual contains a summary of the personnel policies and procedures of the City of Gainesville. Additional details may be obtained from the Human Resources Department. If you have any questions regarding policies or procedures, we encourage you to discuss them with your department director or human resources.

This manual is intended to provide a better understanding of city policies and procedures. The policies outlined in this manual should be regarded as guidelines which may change from time to time.

All employees are considered 'at-will' employees, and nothing contained in this manual is to be construed by any employee as establishing, creating or constituting as written or implied contract of employment, and no oral statements made by department heads, elected officials, or other management can alter this disclaimer or create a contract. Furthermore, nothing herein shall be construed as a guarantee of continued employment nor as a guarantee of benefits or conditions of employment. Only the City Manager has the authority to create an employment contract, and such contract must be in writing and signed by the City Manager, City Attorney and City Clerk to be valid.

1.02 ROLES AND RESPONSIBILITIES

CITY MANAGER

While allocating the City's resources to achieve the desired objectives of the City Government, the City Manager also provides direction and guidance through the issuance of rules, policies, and procedures. The City Manager shall be the executive officer of the City in charge of all City employees under the merit system, which includes all employees in classified and non-classified service. The City Manager is responsible for the efficient operation of all departments of the City and the personnel thereof.

The City Manager, with the assistance of the Director of Human Resources, is responsible for administering the policies in this manual and any amendments thereto that may be subsequently adopted by the Governing Body of the City of Gainesville.

DEPARTMENT DIRECTOR

The Department Director is responsible for insuring the optimum performance of his/her department by providing leadership, guidance, and direction to achieve organizational goals and assure departmental integrity through coordinated teamwork as governed by the City's adopted Policies and Procedures. Each Department Director has the authority to establish additional policies or standard operating procedures, which specifically apply to that department's activity and may not apply to the general employee population. Supplementary departmental policies and standard operating procedures must be consistent and compatible with these policies and procedures.

1.03 EQUAL EMPLOYMENT OPPORTUNITY

The City of Gainesville does not tolerate discrimination based on someone's race, color, national origin, age, disability, gender, religion, genetic information or protected class as established by law. Anyone who believes he or she is being subjected to discrimination or who has witnessed such conduct must immediately report such conduct. Generally, the employee should report the conduct to their department head. If the department head is involved, or if the employee is otherwise uncomfortable reporting the conduct to their department head, the employee may proceed directly to the Director of Human Resources. All complaints of discrimination will be properly investigated. The City will preserve the confidentiality of such complainants and witnesses as much as possible consistent with a thorough investigation. Prompt, corrective action, up to and including termination of employment will be taken when an investigation of a discrimination complaint confirms the allegations.

This policy relates to all phases of employment in all positions including, but not limited to recruitment, employment, placement, upgrading, demotion, transfer, layoff, recall, termination, rates of pay and other compensation and benefits, training, use of facilities, and participation in City-sponsored employee activities. The Gainesville City Government is committed to maintaining a work environment that is free of unlawful conduct. In keeping with this commitment, the City will not tolerate harassment, discrimination, or the unlawful treatment of employees by anyone, including any supervisor, co-worker, vendor, client, or citizen of the City.

It is the intention of the Gainesville City Government to fully comply with the Americans with Disabilities Act of 1990 (ADA) in providing reasonable accommodations whenever and wherever necessary throughout City departments. The City will not discriminate against qualified individuals on the basis of a disability in consideration of any terms and conditions of employment or in admission and access to programs, services, and activities. Any concerns or questions regarding ADA compliance should be directed to the Director of Human Resources.

2.00 Employment Status

There are five types of active employment status the City recognizes:

1. Regular Status Full-time - Employees are employed in positions which are utilized on a continuing, year round basis and who are employees for 40 or more hours per week, or at a minimum, an average of 30 hours per week.
2. Probationary - A probationary period status is assigned to newly hired employee. The City utilizes a period of 12 months for its probationary period. However, this period may be extended depending on the recommendation of the Department Director and concurrence and approval of the Director of Human Resources. [See Section 2.01 on Probationary Employees for more information.]
3. Part-Time Status - Employees in positions requiring less than full time work typically working 30 hours or less per week.
4. Seasonal/Temporary - Employees are employed in positions which are not utilized on a year round basis.
5. Acting Capacity (Interim) Status – At times an employee may be required by the Department Head to fill a temporary vacated position. In such instances, the department may provide the employee working in an acting capacity a temporary pay increase after consultation with the Director of Human Resources. Such appointment shall not exceed 90 days without the approval of the City Manager. The amount of the temporary pay increase, if authorized, will be no less than 5% increase in current salary. At the sole discretion of the Director of Human Resources and City Manager, the temporary pay may be set at a higher level if the increase in responsibility warrants such consideration.

2.01 Probationary Employees

Each full-time and part-time employee who is newly hired will serve a 12-month probationary period. The probationary period shall be regarded as an extension of the examination process, and shall be utilized by supervisors and department heads for closely observing the probationary employee's work, and determining if the employee can satisfactorily perform required tasks and meet the required work standards. This period also enables the employee to determine if the job is best suited for him/her.

1. Upon successful completion of the probationary period, the employee is eligible to become a regular status employee.
2. During the probationary period, employees are subject to any personnel action, including discharge, without prior notice and without right to grieve or appeal adverse action except as defined in Policy 1.03 Equal Employment Opportunity.
3. If, at the completion of the probationary period, an employee has not met all performance requirements, the probationary period may be extended at the discretion of the Department Director and Director of Human Resources, for up to an additional 180 day, 6-month period. This can be accomplished by providing a justification memo and Personnel Action Form.
4. Only time in active work status shall be counted toward completion of the probationary period. An employee in a probationary period status who is absent for a sustained period, i.e. on a workers' compensation or disability leave, shall be required to complete the amount of time on the job specified for the job classification to which he/she is appointed.

2.02 RECRUITMENT AND SELECTION (INTERNAL/EXTERNAL PROCEDURES)

The City of Gainesville is committed to employ, in its best judgment, the best qualified candidates for positions while engaging in recruitment and selection practices that are in compliance with all applicable employment laws. It is the City's policy to provide equal employment opportunity for employment to all applicants and employees. It will be the City's preference to promote and transfer from within as determined by the Department Director and Director of Human Resources.

1. The appropriate authorization is required to initiate any action for an open position, including any recruitment efforts, advertising, interviewing and offers of employment.
2. The hiring process includes multiple steps and various practices, including creating and distributing job announcements, advertising through various sources, use of employment applications, interviews, pre-employment testing, reference checks, and background checks.
3. Vacant positions may be posted internally or externally and shall be announced publicly for a minimum of ten calendar days. Job vacancy notices shall be posted in all departments of the City. Under special circumstances and with the approval of the Director of Human Resources, the posting of a vacant position may be waived and a current employee within the department or division may be selected at the Department Director's discretion to fill this vacant position.
4. Human Resources may use various methods of web site publicity and media to provide notice of vacancies to as many qualified persons as possible and to assure obtaining qualified applicants.
5. Application requirements may differ depending on the position. Typically, candidates, internal or external, must complete an Employment Application. However, for some positions, a letter of interest and resume, in lieu of an application may be submitted. The job positing will specify application requirements. Additional documents may be required depending on the position.
6. Deliberate omission or falsification of any discovered fact on an application shall be grounds for disqualification of a candidate from consideration of employment, transfer, or promotion. Disciplinary action may be taken against a current employee for omitting or falsifying a fact on an application.
7. Starting pay is typically at the minimum of the pay range. However, Department Directors have the authority to offer the candidate up to 15% above minimum. Offers above this amount up to midpoint may be extended with the approval of the Director of Human Resources. Offers made at the established mid pay range of the job, or higher must have

sufficient justification and be approved by the Director of Human Resources and City Manager prior to tendering an employment offer.

8. Participation in one of the City's retirement plans shall be dictated by the position the employee holds. Subsequent movement to other jobs throughout the City may necessitate the employee to alter retirement plan participation. However, the employee affected shall be entitled to all credited service with the City even if that service is split between retirement plans.

Pre-Employment Procedures for New Hires

All candidates must undergo a background investigation prior to being employed. The background investigation will include (but is not limited to) criminal, motor vehicle record, and reference checks. Candidates will also be required to have a drug screen and physical (if safety sensitive position). A more extensive background check will be conducted by the Police Department for Police Officers.

Upon a satisfactory background check and approval from the Director of Human Resources, a start date will be issued.

Employment Documentation - Each new employee must complete and sign personal information forms, tax withholding forms, USCIS Form I-9, and other documents prior to being added to the City's payroll. Each prospective employee must be able to prove their identity and their ability to live and earn wages in the United States. Some City jobs may require citizenship in the United States and have specific minimum age requirements. Each new employee will be scheduled for a new employee orientation meeting to discuss and enroll in City benefits through Human Resources.

Mandatory Direct Deposit of Payroll Funds - All employees will be required to use direct deposit to receive payroll related payments. In accordance with federal requirements each employee may select the financial institution of his/her choice to accommodate the receipt of direct deposit funds.

The Director of Human Resources has exclusive authority to grant an exemption in the case that an employee does not have an account at an eligible financial institution, and further provides evidence that he/she cannot obtain an account at an eligible financial institution. An employee desiring exemption consideration should contact the payroll office to obtain a "Direct Deposit Personal Exemption Request Form".

Filling Vacant Positions Internally

Vacant positions may be filled internally by reclassification, promotion, demotion, or transfer.

Reclassification

Appointment of a current employee to a new position, for which a vacancy is not created by reclassifying the incumbent, may be authorized by the Director of Human Resources as a direct appointment.

Promotion

The City encourages promoting qualified individuals to higher level positions in an effort to boost morale and give employees an incentive to learn and grow in their careers.

Promotion is defined as the (re)assignment of an employee to a job in a higher grade or range which carries a greater scope of responsibility. Upon promotion, an employee will receive a 5% increase for one grade promotion, and a 10% increase for two or more grades, not to exceed the maximum pay for the new pay grade. Promotional increases may exceed 10% at the Department Director's discretion provided the Department Director can justify exceeding 10% due to the employee's experience, education, skills, or market data showing the position should be at a higher salary than that of 10%. A memo requesting approval must be submitted to the Director of Human Resources and City Manager.

Demotion

Demotions may be proposed for a number of different reasons, including poor employee performance, disciplinary actions, position elimination or organizational restructuring, and at times an employee-desired reduction in responsibility. Each circumstance should be carefully considered prior to determining that demotion is the appropriate action. Supervisors should thoroughly examine if a demotion can truly achieve the desired purpose. Supervisors should consult with the Director of Human Resources or designee prior to demoting an employee.

An employee who is demoted shall have his or her salary reduced. A demotion of one grade results in a 5% reduction; a demotion of two or more grades results in a 10% reduction, not to exceed the maximum of the new class. Exceptions to this provision must be approved by the City Manager.

Transfer

A vacancy may be filled by the transfer of an employee from another department, subject to relevant competitive procedures. As a courtesy, Department Directors should discuss the timing of the transfer so as not to cause a hardship on the releasing department; but not to exceed two (2) pay periods from the offer date.

2.03 Nepotism

The City generally permits the employment of a current employee's qualified relatives as long as such employment does not, in the opinion of the City, or the Department Director, create a conflict of interest. This policy applies to employment of full-time, part-time, seasonal, and temporary employees. Employees are required to notify their Department Director and/or Human Resources should they become aware of any violations of this policy.

Individuals who are related by blood, marriage or adoption, or who are part of the same household, are permitted to work in the same City department, provided no direct reporting or supervisor-to-subordinate relationship exists. That is, no employee is permitted to work within "the chain of command" when the terms and conditions of one relative's employment such as work responsibilities, salary, hours, career progress or benefits could be influenced by the other relative.

If an employee becomes a relative of someone who is his/her supervisor or Department Head, then one of them must either resign or request a transfer to another department if a position is available. If a transfer is not practical or not desired by any other Department Head or a supervisor, the City has no obligation to allow the employee to transfer, thereby mandating that either employee resign. The City Manager may waive this requirement in cases of extenuating circumstances.

Employment of relatives of the Mayor, a City Council member or the City Manager is prohibited.

Relative, for the purposes of this policy, shall be defined as immediate family and family related by marriage, as close as first cousins, and including in-law and step relationships and includes immediate family by blood or marriage, spouse, parent or guardian, child, brother, sister, aunt, uncle, niece, nephew, first cousin, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, grandchild, stepmother, stepfather, stepson, stepdaughter, half-sister, half-brother, or other relative living in the same household as employee.

2.04 Non-Fraternization

Romantic or sexual relationships between manager/supervisor and a direct report employee can cause real or perceived conflicts of interest. In order to prevent these conflicts, the City prohibits such relationships or any conduct that is intended or may reasonably be expected to lead to the formation of a romantic or sexual relationship between manager/supervisor and an employee in a direct reporting relationship. Should a manager/supervisor desire to date or become involved with a direct report employee, the manager/supervisor should first resign from his/her position. Failure to do so, will result in termination of the manager/supervisor.

Should two employees within the same department, but not in a direct reporting relationship, desire to become romantically involved, they should disclose the relationship to the Department Director who shall then make a decision regarding the effect of the relationship on the work environment. If the Department Director determines that the relationship between the two employees creates a negative effect on the department operations, then one of the employees will be asked to transfer or resign from his/her position with the City.

2.05 POLITICAL ACTIVITY

The City of Gainesville expects employees to avoid public political activity and involvement or interference with local elections. Prohibition against political solicitation and participation in local political campaigns afford protection for the employee as well as ensuring the integrity of the system by limiting the potential for a conflict of interest. Employees may privately express their opinions, and, as always, employees are encouraged to vote for the candidates of their choice.

1. Nothing in this section shall be construed to prevent employees from becoming or continuing to be members of any political party, club, or organization, attending political meetings, expressing their views in private on political matters outside working hours, and off City premises, or voting with complete freedom in any elections.
2. To further protect the public trust, no employee shall use his/her City employment position to advocate or oppose the candidacy of any individual.
3. No City employee shall coerce, command, or advise any other City employee or officer to contribute anything of value to any person or party for political purposes.
4. An employee may participate in political activities at other levels of government (County/State/Federal), provided that such participation is at no time engaged in during working hours or while wearing a City uniform, and provided such participation does not adversely affect performance as a City employee.
5. When the seeking or holding of any public office would be incompatible or would substantially interfere with the discharge of his or her duties, an employee of the City of Gainesville shall request a leave of absence without pay while seeking such office and resign employment with the City of Gainesville if such office is obtained.
6. Employees assigned to work during the entire time that polls are open on Election Day may be allowed to take a maximum of one hour to cast their ballot in local, state, or national level elections.
7. Employees are expected to keep personal political views out of the workplace in order to maintain a non-hostile, amicable working environment for all employees.

2.06 ACCEPTING GIFTS

To reduce the potential for conflicts of interest, abuse of position, or even the appearance of impropriety, the City of Gainesville limits the gifts an employee may accept which arise or may be reasonably perceived as arising by virtue of his/her capacity with the City.

1. An employee shall report to his/her Department Director all gifts received from an individual, business, or organization with whom the City of Gainesville does business or is considering doing business.
2. Under no circumstances shall an employee accept gifts, gratuities, loans, or services which have an estimated value exceeding \$100.00 and which were given to the employee in the course of his/her employment. All gifts shall be in compliance with OCGA 16-10-2. In the event an employee is in receipt of a gift that may exceed \$100.00, he/she should inform the Department Director.
3. Under no circumstances shall an employee accept anything of value for discharging his official duties or job responsibilities or the expectation thereof except where given or authorized by the City.
4. All employees are expected to be familiar with and comply with all the employee parameters found in Chapter 1-9 Code of Ethics in the Code of the City of Gainesville, Georgia.

2.07 OUTSIDE/DUAL EMPLOYMENT

Outside/dual employment is defined as paid employment of a City's employee by any other entity or enterprise, in addition to such employee's employment with the City of Gainesville. As related to one's employment with Gainesville City Government, no employee shall engage in other employment without written authorization of the Department Director. Outside/dual employment shall only be allowed under the following conditions:

1. Such employment shall not interfere with nor affect the performance of the employee's duties in his primary City job.
2. Such employment shall not involve a conflict of interest, or a conflict with the employee's duties.
3. Such employment or outside business shall not interfere with the efficient performance of his/her duties as an employee with the City of Gainesville.
4. Such employment shall not occur during the employee's regular or assigned working hours, unless the employee is either on scheduled PTO or leave without pay.
5. Under no circumstances may an employee be paid unscheduled PTO, sick leave, workers' compensation pay, or paid disability and work outside employment.
6. Such employment shall not involve the use of records or equipment of the City. Police uniforms shall not be considered equipment in the meaning of this rule. Use of City police vehicles in the course of performing outside employment shall be approved by the Police Chief, or his/her designee.
7. City employees are strictly forbidden from pursuing outside business activity on City time. Government time or property is not to be used for personal gain of any kind.

Prior to engaging in outside/dual employment, to include self-employment, employees must submit a Request for Authorization – Outside Employment form. This form is available through Human Resources and must be submitted to the Department Director for approval.

If it is determined that the employment requested is unreasonably hazardous and may be harmful to the employee, the Department Director will sanction employment only when that employee waives the right to utilize the City's group health plan in the event of an accident or injury, or provide proof that the outside employer provides Workers' Compensation coverage.

The Department Director shall have the right to deny the request, or approve same, provided that such employment is in compliance with the provisions of this policy. Anyone violating this policy is subject to disciplinary action.

2.08 PAY PRACTICES

The City of Gainesville has established guidelines consistent with federal and state statutes that will govern its actions associated with compensation for its employees. In accordance with these guidelines, the following procedures have been established.

For more information on pay practices, see Policy 2.02 Recruitment and Selection.

1. The normal workday for City employees is one regularly assigned workday or shift. All employees are expected to be at work every scheduled day and at the appropriate starting time.
2. Employees will be classified as non-exempt (eligible to receive overtime pay), or exempt (ineligible for overtime pay), and these classifications shall meet the criteria established by the Fair Labor Standards Act (FLSA). All non-exempt employees shall be compensated for authorized overtime worked as specified by the FLSA.
3. Exempt employees are considered salaried and shall not be compensated in any manner for excess hours worked during the work period.
4. Overtime shall be those hours actually worked by an employee in excess of 40 hours per week for a seven-day work period, or as otherwise established by federal law.
5. In the case of law enforcement, overtime calculation shall be based on hours worked in excess of 85.5 in a 14-day work period; in the case of Fire and Emergency Medical Services employees 212 hours worked in a 28-day work period.
6. Employees are not permitted to work overtime without permission from their Department Director or his/her designee. Employees who work without permission will be paid, but are subject to discipline up to and including termination.
7. The City does not recognize compensatory time and does not allow any employee to “bank” hours.
8. The City recognizes the importance of advanced certifications obtained by employees that will benefit the City. The City Manager may identify specific positions that qualify for incentive pay. Please contact Human Resources at the time of obtaining certification to determine eligibility.
9. The City has established a bi-weekly pay cycle for regular, full-time employees. Elected and appointed personnel shall be paid monthly.

2.09 PERSONNEL RECORDS

All personnel records of employees shall be considered confidential and the property of Gainesville City Government. Information obtained in the course of official duties shall not be released by any employees other than those with this responsibility as part of official duties. All requests for personnel information except as stipulated below (#3) must be processed through the City Manager's office prior to being routed to the Director of Human Resources and other relevant departments. The release of personnel records is governed under the Georgia Open Records Act (O.C.G.A.50-18-70)

1. Current employees who are in need of a specific document from their personnel file (i.e., birth certificate, transcript, etc.) may obtain a copy of requested document without going through the Open Records process provided Human Resources has the document on file, and requested documents are kept to a minimum. Employees are expected to contact Human Resources in advance to make such arrangements.
2. Requests should be submitted in writing to the City Manager's Office specifying the information requested. Requests can also be made via website at www.gainesville.org under Open Records Requests. Details pertaining to Open Records Requests can be found on this page.
3. Upon receipt of the request, the City Manager's Office will notify the requestor within three (3) business days if there are records responsive to the request and if the records requested are subject to release (O.C.G.A. § 50-18-71). The response will be provided in written format and will be sent via email when possible.
4. General review of one or a number of files is not permissible.
5. Charges for information from the City's personnel files will be established by the City Manager's Office. The prevailing rate will apply to all duplications of records requested.
6. Items not subject to the Georgia Open Records Act (O.C.G.A. 50-18-72) include but are not limited to medical records, proprietary benefits information protected under HIPAA legislation, similar files or related information and third party evaluations.
7. Employee records shall be kept in accordance with the established retention schedule. Such records may be kept in their original form, or in any other duplicate form, which the Director of Human Resources deems appropriate.
8. Records are governed by the Georgia Records Management Act (O.C.G.A. 50-18-90) (85)-(503).
9. In accordance with state law, applications, resumes, or the names of candidates who are applicants in an employment search for a position with Gainesville City Government will be

released within three days after the request has been received through the City Manager's Office. Charges for assembly and/or copying will be charged at the prevailing departmental rate.

2.10 PERFORMANCE EVALUATIONS

In order to measure, document, and evaluate performance, all full time City employees shall receive an annual evaluation. At the discretion of the Department Director, part time employees may also be evaluated using the same process. Evaluations may be completed more frequently at the Department Director's discretion.

1. Performance Factors - Specific areas of evaluation include, but are not limited to, factors such as Job Knowledge, Quality of Work, Productivity, Dependability, and others. Specific factors may change as the evaluation process is revised or updated. The evaluation instruments to be used will be provided and approved by Human Resources.

The performance evaluation seeks to document an employee's overall performance, to advise the employee about whether performance meets expectations and to specify if any improvements need to be made. An evaluation may be used to assist those responsible for recommending promotions or whether an employee will be retained.

2. Rating System - The rating system will consist of a scale ranging from Excellent to Unsatisfactory.

Justification (to include specific examples) should be provided for ratings that are at the bottom of the scale.

Upon completion of the written performance evaluation, supervisors will meet with each employee to review the evaluation. At this time, the employee will have the opportunity to ask questions or provide comments. A copy of the evaluation shall be retained in the employee's personnel file.

3. Evaluation Usage - The City may consider employee performance evaluation history for reasons including but not limited to:
 - a. To determine employees' effectiveness in their assigned positions
 - b. To assess employee training needs
 - c. To determine ability to accept additional responsibilities
 - d. To determine suitability for other positions

2.11 REDUCTION IN FORCE

A reduction in force (RIF) occurs when changing priorities, budgetary constraints or other business conditions require the City of Gainesville to abolish positions.

A RIF decision requires an evaluation of the need for particular positions and the relative value of work performed by specific employees so that the City can continue to provide the highest level of service possible with a reduced work force. Determining the retention or separation of an employee includes an evaluation of the relative skills, knowledge and productivity of the employee in comparison to necessary services. Length of service and other factors shall also be considered.

The following guidelines have been established in the event of a RIF:

1. In the event of a reduction in force, duties will be reassigned to other employees as determined by the City.
2. In considering employees to be affected by a reduction of force other than the abolishment of a position, the following criteria will be used:
 - Which positions are most critical to the department in the delivery of services;
 - Relative skills, knowledge and productivity of employees;
 - Performance for last three years;
 - Length of service in job classification and with the City
 - Consideration of equal employment factors to avoid adverse impact on the City's affirmative action goals.
3. Temporary employees performing the same work must be terminated before any employee with a probationary or regular full-time appointment, provided that a probationary or regular employee can perform the temporary employee's tasks.
4. Any determination made by Council that a reduction in force is appropriate is not grievable. Any decision regarding the selection of the employee who will be affected by the reduction in force may be grievable.
5. When a reduction in force is deemed necessary, Department Directors shall provide the names of the affected employees to Human Resources to ensure that such action is carried out orderly and equitably.
6. An employee will be provided a minimum of two weeks or 14 days of notice prior to any reduction in force event, or be paid for the same amount of time in lieu of advance notification.

7. Any employee scheduled to be laid off shall have the right to be demoted to a lower classification provided that a vacancy exists and such employee is qualified to fill the position in the lower classification.
8. A reduction in force shall suspend an employee for up to a year from receiving any pay, benefits, (unless Consolidated Omnibus Budget Reconciliation Act (COBRA) is opted for), or service credit from the City. If a vacant position for which a laid off employee is qualified becomes available and is subsequently posted, that employee shall receive consideration if he/she applies for the position as specified in the posting. Any employee who is subsequently recalled will have benefits restarted at the time of the recall. Any layoff lasting for 12 months or more will be considered an involuntary separation.

3.00 EMPLOYEE RELATIONS PHILOSOPHY

It is the practice of the City of Gainesville to treat each employee as an individual. We try to develop a spirit of teamwork with individuals working together to attain common goals. In order to maintain an atmosphere where goals can be reached, we attempt to provide a workplace which is comfortable and progressive. We firmly believe that by communicating with each other directly, we can resolve problems that may arise and develop mutually beneficial and respectful relationships.

3.01 Basic Standards of Behavior

These policies and procedures are designed and written to express work standards and expectations the Gainesville City Government expects from each employee. Your City Government depends on you to do your best and to be on the job regularly. Your employer and fellow employees expect you to be responsive and cooperate with others in a spirit of teamwork and good customer service.

The City has adopted basic employment standards of behavior for its employees. Every employee is expected to adhere to these tenets of behavior:

1. **Honesty and Integrity** - All City of Gainesville Employees should always be honest and ethical.
2. **Have Regular and Prompt Attendance** - You cannot be productive and fulfill our purpose and our commitment to the public if you are not present at work. Those employees who are present at work are the only ones that are contributing and adding value to our pledge to service.
3. **Positive Attitude** - Your attitude and demeanor are infectious. When it is positive, both you and the City can accomplish great things. That is our standard and our expectation. If you have a problem, it should be addressed through the proper channels quickly. Negativity is non-productive, harmful and inconsistent with the City's mission.
4. **Be Courteous and Helpful to the Public** - Not one of us should ever forget that our customers and citizens provide us our jobs. They deserve excellent service and to be treated with respect.
5. **Be Productive** - Use all your abilities every day, to accomplish our mission: Outstanding Customer Service. Our work is too important, and our standards too high, to spend our time doing anything other than our best. Expect excellence from yourself.
6. **Respect Yourself and Each Other** - The City of Gainesville does not tolerate inappropriate behavior based on someone's race, color, national origin, age, disability, gender, religion, genetic information, or protected class as established by law. Jokes or other behavior that demeans or insults others are not appropriate and will not be tolerated.
7. **Be Safe** - Most of us work with equipment, material, and vehicles and under conditions that expose us, and the public to safety hazards. Accidents hurt everyone. Be careful, use safety equipment, and report unsafe conditions to your supervisor immediately.
8. **Work Smart** - Be responsible for your own performance and set high standards for yourself. Be creative. If some rule or process is in the way, bring it to the attention of those who can change it. Always try to do the right thing.

9. **Be Accountable** - Make yourself responsible for your own performance. Do not make excuses or blame others when problems arise. Take it upon yourself to solve problems. Supervisors should always give credit where it is due.
10. **Be Committed** - We all spend a significant part of our lives at work. Let's make it count for something. Let's make a difference!

These Basic Employment Standards will apply to all employees at all times. Failure to follow these Standards will result in disciplinary action in accordance with established City policy up to and including termination of employment.

An employee's compliance with the Basic Standards will be considered during annual performance evaluations, transfers and promotional decisions, and all other matters relating to performance and behavior issues.

3.02 WORKPLACE HARASSMENT AND DISCRIMINATION

The City of Gainesville prohibits any form of harassment or discrimination whether verbal, physical, or visual, that threatens, intimidates or coerces an employee based upon a person's protected status, such as race, color, national origin, age, disability, gender, religion, genetic information or protected class as established by law.

The City will take appropriate and immediate action in response to complaints or knowledge of violations of this policy.

Employees found in violation of this policy will be subject to disciplinary action, up to and including termination.

Sexual Harassment

Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited.

Sexual harassment is unwelcome conduct of a sexual nature that is sufficiently persistent or offensive to unreasonably interfere with an employee's job performance or create an intimidating, hostile or offensive working environment.

Examples of Prohibited Sexual Harassment Conduct:

Though sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include the following:

- Explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented kidding or teasing, practical jokes about gender specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and/or physical contact, such as patting, pinching, or brushing against another person's body.
- Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
- Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex.

Responding to Conduct in Violation of Policy

Employees

Anyone who believes he or she is being subjected to harassment or who has witnessed such conduct must immediately report such conduct. Generally, the employee should report the conduct to their Department Head. If the Department Head is involved, or if the employee is otherwise uncomfortable reporting the conduct to their Department Head, the employee may proceed directly to the Director of Human Resources.

Employees may also address the situation directly and immediately to the alleged harasser, if possible. If the inappropriate conduct does not cease, or if the employee is unable to or is uncomfortable with addressing the alleged harasser directly, he or she should report the incident (preferably within 24 hours) to the appropriate personnel as outlined above.

It is helpful, but not required, to provide a written record of the date, time and nature of the incident(s) and the names of any witnesses.

It is important to report any and all concerns of harassment as soon as possible. Management must be made aware of the situation so that it can conduct an immediate and impartial investigation and take appropriate action to remediate or prevent the prohibited conduct from continuing.

The City will preserve the confidentiality of harassment complainants and witnesses as much as possible consistent with a thorough investigation. Prompt, corrective action, up to and including termination of employment will be taken when an investigation of a harassment complaint confirms the allegations.

Managers and Supervisors

Managers and supervisors must deal expeditiously and fairly with allegations of harassment within their departments whether or not there has been a written or formal complaint. They must:

- Take all complaints or concerns of alleged or possible harassment or discrimination seriously no matter how minor or who is involved.
- Ensure that harassment is immediately reported to Human Resources so that a prompt investigation can occur.
- Take any appropriate action to prevent retaliation or prohibited conduct from recurring during and after any investigations or complaints.

Managers and supervisors who knowingly allow or tolerate harassment or retaliation, including the failure to immediately report such misconduct to Human Resources, are in violation of this policy and subject to discipline.

The City recognizes that intentional or malicious false accusations of misconduct can have a serious effect on innocent men and women. Individuals falsely accusing another of misconduct will be disciplined in accordance with the nature and extent of his or her false accusation.

All contractors, vendors, service providers and maintenance personnel are expected to abide by this policy.

3.03 WORKPLACE BULLYING

Bullying is defined as **repeated** inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment. The City will take appropriate action to ensure that all employees are treated with dignity and respect.

The City considers the following types of behavior examples of bullying:

- **Verbal bullying:** Slandering, ridiculing or maligning a person or his or her family; persistent name calling that is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.
- **Physical bullying:** Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property
- **Gesture bullying:** Nonverbal threatening gestures; glances that can convey threatening messages.
- **Exclusion:** Socially or physically excluding or disregarding a person in work-related activities.

In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:

- Persistent singling out of one person.
- Shouting or raising voice at an individual in public or in private.
- Using verbal or obscene gestures.
- Not allowing the person to speak or express himself or herself (i.e., ignoring or interrupting).
- Personal insults and use of offensive nicknames.
- Public humiliation in any form.
- Constant criticism on matters unrelated or minimally related to the person's job performance or description.
- Ignoring or interrupting an individual at meetings.
- Spreading rumors and gossip regarding individuals.
- Encouraging others to disregard a supervisor's instructions.
- Manipulating the ability of someone to do his or her work (e.g., overloading, underloading, withholding information, assigning meaningless tasks, setting deadlines that cannot be met, giving deliberately ambiguous instructions).
- Inflicting menial tasks not in keeping with the normal responsibilities of the job.
- Taking credit for another person's ideas.
- Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave.
- Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual's property (defacing or marking up property).

Responding to Conduct in Violation of Policy

Employees

Anyone who believes he or she is being subjected to bullying or who has witnessed such conduct must immediately report such conduct. Generally, the employee should report the conduct to their Department Head. If the Department Head is involved, or if the employee is otherwise uncomfortable reporting the conduct to their Department Head, the employee may proceed directly to the Director of Human Resources.

Employees may also address the situation directly and immediately to the alleged bully, if possible. If the inappropriate conduct does not cease, or if the employee is unable to or is uncomfortable with addressing the alleged bully directly, he or she should report the incident (preferably within 24 hours) to the appropriate personnel as outlined above.

It is helpful, but not required, to provide a written record of the date, time and nature of the incident(s) and the names of any witnesses.

It is important to report any and all concerns of bullying as soon as possible. Management must be made aware of the situation so that it can conduct an immediate and impartial investigation and take appropriate action to remediate or prevent the prohibited conduct from continuing.

The City will preserve the confidentiality of complainants and witnesses as much as possible consistent with a thorough investigation. Prompt, corrective action, up to and including termination of employment will be taken when an investigation of a bullying complaint confirms the allegations.

Managers and Supervisors

Managers and supervisors must deal expeditiously and fairly with allegations of bullying within their departments whether or not there has been a written or formal complaint. They must:

- Take all complaints or concerns of alleged or possible bullying seriously no matter how minor or who is involved.
- Ensure that bullying is immediately reported to Human Resources so that a prompt investigation can occur.
- Take any appropriate action to prevent retaliation or prohibited conduct from recurring during and after any investigations or complaints.

Managers and supervisors who knowingly allow or tolerate bullying, including the failure to immediately report such misconduct to Human Resources, are in violation of this policy and subject to discipline.

The City recognizes that intentional or malicious false accusations of misconduct can have a serious effect on innocent men and women. Individuals falsely accusing another of misconduct will be disciplined in accordance with the nature and extent of his or her false accusation.

All contractors, vendors, service providers and maintenance personnel are expected to abide by this policy.

3.04 ANTI-RETALIATION

The City of Gainesville believes that every employee should be free to ask questions, raise concerns, and make complaints about treatment the employee believes is improper, unfair, unethical, harassing, or discriminatory. The City also respects the right of an employee to contact resources such as an agency or court, if an employee believes that it is necessary, although we hope you will give us the opportunity to fix the problem.

Consistent with this commitment, the City strictly prohibits any form of retaliation against an employee merely for expressing a concern or making a complaint within the City, or for bringing a formal claim against the City, or communicating with an outside agency. An employee who believes that s/he has been retaliated against in violation of this policy should immediately notify the Director of Human Resources so that the situation can be investigated and, if retaliation is found, remedied. Similarly, if an employee thinks or suspects that someone else is or has been the victim of retaliation, this policy authorizes that employee to come forward and report the suspected retaliation directed against another person.

Anyone who engages in, authorizes, or permits any form of retaliation in violation of this policy will be subject to severe disciplinary action, up to and including termination.

3.05 Technology and Electronic Information

The City of Gainesville has established a technology policy, which will define the proper use of electronic communications, electronic information and internet access. The City is committed to providing an environment that encourages the use of technology to improve customer service and support the City's business. General examples of the equipment in use include computers, telephones and smart devices. It is the responsibility of each employee to ensure that this technology is used for proper business purposes and in a manner that does not compromise the confidentiality of proprietary or other sensitive information. The use of programs, systems, and equipment of the City is a privilege and requires the users to be responsible and accountable for their actions at all times.

The City's network, including its connection to the internet, is to be used primarily for business related purposes. By using electronic communications such as email and telephones, sending or receiving information, accessing the internet, or by using any of the City's equipment and software, employees agree and understand that this technology has been provided by the City at its own expense for use by its employees in business transactions and business communications for the City of Gainesville. Electronic communications are an extension of the City and should always be in good taste.

The City understands that from time to time some of this equipment might be used, with advance approval of the manager, for an employee's personal use. Limited internet use, infrequent contact with family or friends on proper topics is permitted, provided it is brief, infrequent, and within the spirit and intent of these guidelines.

All electronic information and electronic communications related to the City network are the property of the City. The City reserves the right to review, audit, and monitor its electronic equipment, including an employee's mailbox and internet usage at its discretion in the ordinary course of business. As such the City can access these resources at anytime, including periodic announced or unannounced inspections. Employees do not have personal privacy rights regarding web browsing and any information that has been composed, created, received, downloaded, retrieved, saved, sent, or deleted using the City's internal network.

Prohibited Uses:

1. Violation or attempted violation of any law.
2. There shall be no inappropriate messages or documents that refer to someone's race, color, national origin, age, disability, gender, religion, genetic information or other protected class status as established by law.
3. There shall be no harassment in any form including, but not limited to, insensitive, derogatory, offensive or insulting messages, comments or unfounded gossip of any kind.

4. All sexually explicit materials including indecent images, cartoons, or jokes are explicitly banned.
5. Personal attacks on co-workers or business associates are forbidden, as is hate mail, vulgar or otherwise offensive language, chain letters and jokes, all of which can constitute harassment and can undermine employee productivity and efficiency.
6. Sharing of network logon passwords and application passwords. User passwords for documents, shared folders, screen savers or any other password not administered by Information Technologies should be shared with the manager.
7. Downloading, saving, sending, installing, or accessing any music, audio or video file is prohibited unless necessary for business.
8. Downloading any computer software from the internet without advance written permission of Information Technologies.
9. Unauthorized dissemination of sensitive or confidential City information or citizen information not within the scope of job duties.
10. Using your City email account for personal email subscriptions or personal social media accounts or other personal web-based accounts.
11. Others:
 - Use for a personal business or personal causes
 - Use of unassigned equipment
 - Misrepresenting one's identity
 - Removing required business programs or files
 - Sending personal emails with large attachments to your City account

Use of Employee-Owned Devices:

During working time, personally-owned devices should only be used in a limited manner that does not affect productivity. Given the evolving smart device market, there will always be other devices that are inappropriate or unprofessional. The City may prohibit the use of these devices at any time.

3.06 SOCIAL MEDIA, SOCIAL NETWORKING, AND BLOGGING

Social media, social networking and blogging can be a fun and rewarding way to share your life and opinions with family, friends and coworkers. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we've established the following guidelines:

The term "social media" in this section, includes any online tools used to share content and profiles, such as personal web pages, message boards, networks, communities, and social networking websites including, but not limited to, Facebook, Google+, Twitter, LinkedIn, Tumblr, Instagram, Reddit, and blogs. The lack of explicit reference to a specific site or type of social media does not limit the application of this policy.

This policy will not be interpreted or applied so as to interfere with the rights of employees to discuss or share information related to their wages, hours, or other terms and conditions of employment. Employees have the right to engage in or refrain from such activities. The same principles and guidelines found in other City policies apply to your activities online. Ultimately, you're solely responsible for what you post online.

Know and Follow the Rules

Remember that our guidelines on Confidentiality, Equal Employment Opportunity, Electronic Information and Internet Usage, and our Policy Against Harassment, apply to social media, and ensure your postings are consistent with these policies. Postings that include discriminatory remarks, sexually harassing statements, threats of retaliation or violence are all violations and will not be tolerated. These types of violations could lead to disciplinary action up to and including termination, even for what might be considered a first offense.

Using Social Media at Work

Don't use social media while on working time using personal devices. City equipment should never be used for social media, unless it is work-related as authorized by your supervisor, or some other member of management; or consistent with the Technology and Electronic Information Policy. If you've been assigned a City email address, don't use it to register on a social networking site, blog or other online tools that you utilize for personal use.

Reporting Violations and Prohibition Against Retaliation

We encourage you to report violations of this policy. The City prohibits retaliation against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy, or for cooperating in an investigation, will be subject to disciplinary action up to and including termination.

For More Information

Employees should know that the City has the right to and will monitor the use of its computer, telephone, and other equipment and systems, as well as any publicly accessible social media. Employees should expect that any information created, transmitted, downloaded, exchanged or discussed on publicly accessible online social media may be accessed by the City at any time without prior notice.

To the extent an employee is authorized as part of his/her job duties to use social media account(s) to advance the employer's interests, the employer, not the employee, owns the account(s) and employees are required to return all logins and passwords for such accounts at the end of employment.

If you have questions or believe you need further guidance on what is expected of you when using the City's Systems or communicating electronically, please contact the IT Department.

3.07 GRIEVANCES AND COMPLAINTS

The City of Gainesville is committed to ensuring that employees receive fair and equitable treatment throughout their employment. In upholding this commitment, the City has established this complaint and formal grievance policy to ensure that employees are afforded the opportunity to exercise their rights in the event they feel unfair adverse action has been taken against them.

The procedures for filing a complaint or formal grievance are outlined below. Employees should read these steps very carefully. Failure to comply with these guidelines may result in a delay or denial of your complaint or grievance.

Any employee (probationary or non-probationary) who believes he/she has been subjected to harassment, discrimination, or unlawful treatment as it relates to the City's EEO Policy 1.03 or the City's Harassment Policy (3.02) should report the conduct to their Department Head. If the Department Head is involved, or if the employee is otherwise uncomfortable reporting the conduct to their Department Head, the employee may proceed directly to the Director of Human Resources.

Complaint Procedure

This process has been put in place to facilitate free discussion of employment concerns between employees and supervisors to foster better understanding of administrative and/or operational policies, procedures, and practices.

1. Employees may use the complaint process for non-grievable issues.
2. An employee's chain of command must have the opportunity to resolve any disputed non-grievable issue. If you are unsure of your chain of command, ask your immediate supervisor.
3. Other issues of a more serious nature may be resolved through the formal grievance process. Grievable issues are listed under the Grievance Procedure.
4. If the employee is not satisfied with the response from the chain of command, the employee may, through the Director of Human Resources, file the complaint to the City Manager. The City Manager's decision shall be final.
5. At any point when following the chain of command, the employee, supervisor, or Department Director may call upon the Director of Human Resources to assist in resolving the complaint.
6. Employees must use the Complaint Form when filing. The form is available through Human Resources.

Grievance Procedure

1. Only non-probationary employees may file a formal grievance, except in circumstances where a probationary employee believes he/she has been subjected to harassment, discrimination, or unlawful treatment as it relates to the City's EEO Policy 1.03 or the City's Harassment Policy (3.02).
2. This grievance procedure may only be used for the following actions:
 - Dismissal
 - Demotion
 - Suspension (more than 2 weeks)
 - Any disciplinary action that Employee believes relates to harassment, discrimination, or unlawful treatment as it relates to the City's EEO Policy 1.03 or the City's Harassment Policy 3.02.
3. Employees must use the Grievance Form when filing. The form is available through Human Resources. It will be necessary to include the following information on the form:
 - The date of occurrence of the grievable incident
 - Relate the facts, witnesses, and circumstances of the specific incident
 - Specific relief desired
4. Employees are not required to follow the chain of command when filing a grievance.
5. Grievances must be filed within seven (7) calendar days of the grieved event. Grievances submitted after this time are untimely and will not be considered.
6. Within ten (10) calendar days of receiving the grievance, the Department Director will provide a written report of findings and determination to the employee filing the grievance.
7. If the employee is not satisfied with the Department Director's decision, he/she may, through the Director of Human Resources, file a request for review by the City Manager. The grievance form and supporting documentation must be submitted to the Director of Human Resources within five (5) calendar days from the Department Director's written decision.
8. Within 20 calendar days, the City Manager may schedule a meeting with the employee and, at his or her discretion, members of the employee's chain of command, to review the facts and provide a response. In lieu of scheduling a meeting with the grieving employee, the City Manager may opt to respond in writing.
9. If the employee is not satisfied with the decision of the City Manager, an appeal to the Administrative Hearing Officer may be filed (through the Director of Human Resources) within 15 calendar days from the receipt of a response from the City Manager. Only

grievable issues, as defined, are eligible for review by the Administrative Hearing Officer. The Administrative Hearing Officer will set a date for a hearing within 45 calendar days from the receipt of the request. [See section below regarding appeals to the Administrative Hearing Officer]

10. The employee having a grievance scheduled for a hearing before the Administrative Hearing Officer may be allowed a continuance for good cause, at the discretion of the Administrative Hearing Officer. The Administrative Hearing Officer may dismiss the case without a hearing if more than two continuances are requested by the affected employee without justifiable cause. The City may request postponement out of business necessity.
11. Repeated filing of grievances concerning the same issue which has been denied will not be considered.
12. All documentation associated with the grievance will be maintained by the Human Resources Department. Although grievance documentation is part of the employees' records, the documentation will be filed separately from the employee's official personnel file in the Human Resources Department.

Administrative Hearing Officer

The City's Administrative Hearing Officer shall have the final authority within Gainesville City Government to hear a grievance.

1. The Administrative Hearing Officer is an individual, appointed by the City Council, designated to preside over hearings and administrative proceedings of various types. When hearing personnel matters, the Administrative Hearing Officer will be neutral and serve without favoritism to either party involved in the hearing.
2. During personnel hearings, the Administrative Hearing Officer will review the actions of management to ensure that:
 - The action taken was not arbitrary or capricious;
 - No discrimination or violation of state or federal law occurred;
 - There is evidence to support the decision of the City Manager.
3. Upon reaching a conclusion about the matter, the Administrative Hearing Officer will issue a written opinion to the City Manager containing his/her findings and recommendations, with a copy to the grievant. After reviewing the opinion, the City Manager may take such action as the Manager believes is appropriate.
4. Issues that may be reviewed by the Administrative Hearing Officer include dismissal, demotions, suspensions without pay for more than two weeks, harassment, discrimination, or unlawful treatment as it relates to the City's EEO Policy 1.03.

3.08 Disciplinary Action

The purpose of discipline is to encourage proper conduct and to redirect behavior, not to punish. The City reserves the right to discipline an employee as considered necessary and to take appropriate employment action as the circumstances may require.

The following disciplinary actions are available to supervisors. The City reserves the right to discipline employees as deemed appropriate by City management.

1. Documented Verbal Counseling - A formal counseling session is a written record of communication between a supervisor and employee. A Counseling is used to discuss minor infractions of rules of conduct and to propose corrective action in order to prevent reoccurrence.
2. Written Warning - A Written Warning, or Written Reprimand, will be used for more serious infractions of rules of conduct or repetition of minor infractions. A written warning must be discussed with the employee. Employee and supervisor should sign and date the form. The employee's signature does not signify agreement with the action, but does indicate that the matter has been discussed with the employee and chronicles the date it was discussed.
3. Suspension - The following guidelines will govern suspension at the discretion of the Department Director, Director of Human Resources, and/or City Manager:
 - a. An employee may be suspended for unacceptable performance or disciplinary reasons.
 - b. An employee may be suspended when he/she is charged with a criminal offense which may affect the performance of the employee's job or the public's perception of the City's workforce.
 - c. A suspension will be for a reasonable period up to 30 calendar days unless a longer period is approved by the City Manager. Suspensions in excess of two weeks may be grievable by any non-probationary employee as authorized by the policies of the City.
 - d. While an employee is on suspension without pay, no paid time off (PTO) will accrue, nor will an employee be paid for holidays that may occur.
4. Reduction in Pay - An employee's pay may be reduced for very serious rules infractions, and/or incidents of City property damage or liability, at the discretion of the Department Director, Director of Human Resources, and/or City Manager.
5. Demotion - An employee may be permanently or temporarily demoted to a lower graded job with a correspondingly lower pay rate for unacceptable performance or for disciplinary reasons. The Department Director should discuss the demotion with the Director of Human Resources prior to taking action against the employee. [See Demotion under Policy 2.02 Recruitment and Selection]
6. Discharge - An employee may be discharged at the discretion of the Department Director, Director of Human Resources, and/or City Manager for:

- a. Committing a major offense;
- b. Three written warnings on different infractions; or
- c. Two written warnings on the same infractions within a 12-month period.
- d. Committing any offense where the facts and circumstances warrant immediate termination.

Discharging an Employee:

1. If termination is recommended by the Department Director, he/she must discuss and receive concurrence of the termination by the Director of Human Resources or his/her appointee.
 2. The Department Director or Supervisor must prepare a termination letter or detailed Disciplinary Action Report and submit it to the Director of Human Resources for review prior to giving it to the employee.
 3. The Department Director or Supervisor should have a meeting with the discharged employee (if possible) to notify the employee of the decision to terminate his/her employment.
 4. Any outstanding funds due the City shall be collected from the terminating employee.
7. Abandonment of Job - An employee will be presumed to have abandoned his/her job when the employee does not report to work or call in for three consecutive scheduled workdays.
8. Administrative Leave (Paid) - With the approval of the Director of Human Resources and/or City Manager, an employee may be placed on administrative leave with pay and without prejudice pending the outcome of a problem situation, administrative investigation, or inquiry.
9. Loss of Required License or Certification - Any employee who is unable to perform the essential job functions of his/her job adequately because of the loss of a necessary license or other requirement shall be subject to adverse action which may include termination of employment. In lieu of termination, an employee may be demoted to a lower class position if such position is available within the department, and if the employee is qualified to perform the essential job functions. Such demotions will be accompanied by a salary reduction in accordance with City pay practices.
10. Attendance - The normal workday for City employees is one regularly assigned workday or shift. All employees are expected to be at work every scheduled day and at the appropriate starting time, as set by the City or the Department Director. However, if an employee is ill or has an unforeseen family emergency, the employee may be excused from being at work promptly as scheduled. If the Department Director determines that the employee has abused sick leave or unscheduled PTO privileges resulting in an attendance problem, sick or PTO pay may be withheld. An employee's immediate supervisor may require a physician's excuse and explanation when an employee is absent for three or more consecutive days or who is absent from work frequently or habitually. An employee's supervisor may require a doctor's statement before the employee is permitted to return to work.

3.09 Violence and Weapons in the Workplace

The City of Gainesville has a strong commitment to its employees to provide a safe, healthy, and secure work environment within the confines of prevailing law. The City also expects its employees to maintain a high level of productivity and efficiency. The presence of weapons and the occurrence of violence in the workplace are inconsistent with these objectives. While the City has no intention of intruding into the private lives of its present or potential employees, all on-duty City employees (except for those specified under Exceptions below) are prohibited from possessing weapons while performing their duties in any location or situation in which the individual is acting in his/her capacity as an employee of the City. This policy shall apply to all City employees, regardless of full-time, part-time, paid, non-paid, and/or volunteer status. The City expects all employees to perform their job without violence toward any other individual and work in a manner so that they can perform their duties in a safe and productive manner. It is the City of Gainesville's belief that all employees have the right to work in an environment free from physical violence, threats, or intimidation. Such behavior may result in disciplinary action up to and including termination of employment.

Exceptions:

- a. Authorized police personnel, and hired security personnel, while performing their official duties.
- b. Pursuant to O.C.G.A. 16-11-135 employees may keep a weapon(s) in a locked compartment of a motor vehicle or one which is in a locked container or in a locked firearms rack which is on a motor vehicle and such vehicle is parked in a City parking facility.
- c. Employees may possess licensed weapons for personal protection while traveling out of town on business purposes when allowed by law.

These restrictions and prohibitions shall apply to all employees regardless of any license or permit that an individual may have pertaining to said firearms and weapons including a concealed weapons permit.

It is the responsibility of each supervisor to ensure that all employees are informed of and are aware of this policy and legal guidelines. Employees who are victims of or who are witnesses to violent incidents should immediately report such conduct to their supervisor or to the Director of Human Resources.

Prohibited Activities:

The City of Gainesville specifically prohibits the following activities by City employees while on duty or on City property, with the exceptions listed above. Employees engaging in any of the following may be required to cooperate in an internal investigation and are subject to disciplinary action up to and including termination of employment on the first offense:

1. Use, possession, (except where official standard equipment issue), or sale of any weapon. A weapon is described as explosive devices, a machine gun, a short barrel rifle or shotgun, a

handgun (except police officers' issued equipment), a firearm silencer, a switchblade knife, a device principally designed, made, or adapted for delivering or shooting an explosive weapon, any other type of knife with a blade in excess of five inches, knuckles, or other implement used for infliction of bodily injury, serious bodily harm, or death, which have no common lawful purpose or are not issued as standard employee equipment by the department.

2. Storing any weapon in a locker, desk, lunch box, tool kit, bag, purse, tote, or other repository on the worksite of any City building, except as noted in Exceptions item b) above.
3. Illegal possession, use, or sale of a weapon off City property that adversely affects his/her own or other's safety at work, or indicates a propensity for same.
4. Refusing to submit to an inspection for the presence of a weapon that is requested by the City.
5. Conviction under any criminal statute for the illegal possession of a weapon or for committing a violent act against the person or property of another.
6. Refusing to participate in an investigation pertaining to allegations or suspicion that violence has or is likely to occur, or an investigation pertaining to the carrying of a weapon by the employee.
7. Verbal or physical threats, threatening gestures, statements, or actions to employees, supervisors, and the citizens we serve.
8. Fighting, including unprovoked attacks that are either physical or verbal.
9. The City reserves the right to search an employee's possessions kept in City offices, desks, or lockers for appropriate reasons. Employees shall have no right of privacy with respect to City facilities and equipment. Reasons may include, but are not limited to searches for:
 - a. City documents, property, equipment, tools;
 - b. Missing or stolen articles;
 - c. Alcohol, drugs, or any controlled substance;
 - d. Firearms or weapons
10. Any employee who believes he/she has been subject to conduct which violates this policy may use the City's complaint procedure as outlined in Policy 3.07.

Serving Customers with Weapons Policy

It is the policy of the City of Gainesville to provide quality customer service to all of our citizens and customers while simultaneously providing a safe, secure, and comfortable work environment for City employees.

Passed in 2014, Georgia HB60 changed state law by allowing authorized individuals to carry firearms into certain City buildings and facilities thus allowing them to possess such firearms during meetings, conversations, and other direct interactions with staff and others.

Due to the nature of certain City-customer business activities, it is understood that at times conversations, meetings, and other interactions between staff and customers may become tense and uncomfortable. In some circumstances, an employee may feel personal discomfort when working directly with individuals carrying firearms. This policy is intended to guide and authorize staff to seek additional assistance in such situations when deemed necessary.

While not required, employees are authorized to make alternative meeting arrangements when serving customers with firearms or weapons.

When an employee is serving an individual carrying a firearm or other weapon and he/she feels personally uncomfortable doing so, such staff is authorized to contact their supervisor or Department Head who, at their discretion, may make alternative arrangements to best serve the customer. Alternative arrangements may include setting up an appointment at a specific date, moving meeting locations, seeking assistance from others including obtaining the presence of police personnel during such meetings, and/or other similar arrangements.

The purpose of alternative arrangements would be to minimize employee discomfort and potential for disruption while providing quality customer service.

3.10 STANDARDS OF CONDUCT

The reputation of the City of Gainesville is in large part dependent on how employees conduct themselves, both on and off the job.

Violation of established work standards, depending on frequency and severity, may result in disciplinary action. The City believes that progressive discipline can be used where appropriate. City employees are to use common sense and abide by the standards of honesty and decency accepted by all good citizens.

1. Listed below are examples of major offenses which will not be tolerated. These egregious acts may result in immediate termination or suspension even if no progressive discipline has been previously applied.
 - a. Possession, use, or selling of alcohol, narcotics, drugs, or other psychoactive substances on City property;
 - b. Unauthorized possession or use of firearms or other weapons on City property;
 - c. Theft, including, but not limited to falsifying payroll records to show an individual is present when he/ she is actually not present, theft by deception, conversion, gambling, etc.
 - d. Insubordination or willful disobedience of directions and instructions necessary to City operations;
 - e. Disclosure of confidential or privileged information;
 - f. Fighting, threatening bodily injury, or horseplay on the job or on City property;
 - g. Violation of the City's Drug-Free Workplace Policy;
 - h. Arrest or conviction of a criminal offense which will affect the performance of an employee's job or the public's perception of the City's workforce;
 - i. Reckless, careless, hazardous, or other behavior, which endangers persons or property;
 - j. Lying or misrepresenting the truth;
 - k. Failure to notify the supervisor of loss of a driver's license or certification if the job requires same;
 - l. Driving a City vehicle while not properly licensed under state law;
 - m. Violation of the City's EEO Policy or the Harassment Policy ;
 - n. Unauthorized use of City-owned equipment, vehicle, or manpower;
2. Listed below are examples of behavior which will not be tolerated. These acts may result in such disciplinary actions as a reprimand or warning, suspension, demotion, and/or termination of employment.
 - a. Unsatisfactory job performance resulting in inefficiency or ineffectiveness;
 - b. Unsatisfactory work practices or procedures; lack of cooperation with directives from supervisors;
 - c. Negligence in carrying out duties;
 - d. Disregard for safety and security rules of the department;

- e. Excessive unexcused absenteeism including partial days' absences;
- f. Failure to keep supervisor properly informed concerning absences or tardiness;
- g. Failure to properly follow City leave of absence policies;
- h. Inappropriate conduct by supervisors to include denigrating subordinates;
- i. Use of abusive or obscene language;
- j. Violation of any City or departmental policy;
- k. Willful destruction of City property including sabotage, repeated carelessness or damage/loss of City issued property;
- l. Mishandling cash or other City property;
- m. Unauthorized assembly of employees on City time;
- n. Unauthorized solicitation of funds for any purpose during working hours except for those approved in advance by the Department Director. At no time shall any solicitations interfere with City work operations;
- o. Unauthorized time or shift swapping will not be allowed. In order to be authorized, all shift supervisors involved must have knowledge of the swap and authorize the event in writing.
- p. Unauthorized employee charges or purchases of any amount to the account of the Gainesville City Government.

3.11 SMOKE AND VAPE-FREE FREE WORKPLACE

In an effort to provide a safe and healthy workplace and to promote the good health and wellbeing of its employees, the following smoking and vaping policy has been adopted and shall apply to all employees of Gainesville City Government.

It is the policy of the City to prohibit the smoking of any tobacco product, the use of oral tobacco products or “spit” tobacco (smokeless tobacco) and the use of e-cigarettes (vaping) with or without nicotine. This applies to both employees and visitors of the City of Gainesville on all premises listed below in order to provide and maintain a safe and healthy work environment for all employees.

1. The use of such products is not permitted in the following areas:
 - a. All City buildings
 - b. Any area in which a fire or safety hazard exists
 - c. Common areas, including elevators, stairwells, lobbies, waiting rooms, copy rooms, mail rooms, auditoriums, reception areas, customer service areas, employee lounges, computer areas, and rest rooms
 - d. 50 feet from any City facility egress area including public and employee entrances and exits
 - e. Classrooms and conference rooms
 - f. Any area not specifically designated “smoking permitted”
 - g. City owned vehicles
2. All materials used for smoking, including cigarette butts and matches, will be extinguished and disposed of in appropriate containers. Supervisors will ensure periodic cleanup of the designated smoking area. If the designated smoking area is not properly maintained (for example, if cigarette butts are found on the ground), it can be eliminated at the discretion of management or other decision-making body.
3. Supervisors will discuss the issue of taking smoke breaks with their staff. Together they will develop effective solutions that do not interfere with the productivity of the staff.

3.12 DRUG-FREE WORKPLACE

The City of Gainesville is committed to:

- Providing quality service to citizens by employing qualified, capable employees who are fit and ready to perform their duties in a safe, efficient and productive manner;
- Safeguarding the welfare of citizens, mindful of their safety and the safety of their property;
- Providing a safe, healthy and secure work environment for our employees;
- Ensuring that employees are not impaired in their ability to perform assigned duties in a manner that is safe for them, for their fellow employees, for citizens and the public they serve and persons with whom they interact;
- Maintaining City facilities and equipment and ensuring their proper use to minimize risk or harm; and,
- Ensuring that all employees project a positive and professional image while representing the City – this includes operating a City vehicle, wearing a City uniform or identification, and/or representing the City in any capacity.

Maintaining a workplace free of illegal drugs and prohibiting the misuse or abuse of alcohol or other intoxicants by City employees is critical to achieving this commitment.

Under this policy, the City will hold employees accountable for complying with the requirements necessary to maintain a drug-free workplace and to perform their job duties unimpaired by the use of drugs or misuse or abuse of alcohol.

To enforce this policy, the City will use drug testing and alcohol screening to administer the Federal Drug Free Workplace Act and comply with state and federal laws, rules and regulations as provided in the following:

- The Federal Drug Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and requirements for reporting certain drug-related offenses to specified Federal agencies; and
- The Omnibus Transportation Employee Testing Act of 1991 as administered by the Department of Transportation. The US Department of Transportation (DOT) requirements published in 49 CFR Part 40, as amended which sets standards for collection and testing of urine specimens in screening for the presence of drugs and breath tests for alcohol.

Based on our commitment to compliance, the City has adopted this policy and the procedures necessary for its administration.

APPLICABILITY - This policy applies to all City employees, as follows.

Group One - “FTA Safety-Sensitive” (Covered by Federal Transit Administration [FTA]):

Employees whose duties may include at any time:

- Operating a revenue service vehicle, whether or not such vehicle is in revenue service.
- Controlling dispatch or movement of a transit service vehicle.
- Maintaining a revenue service vehicle or equipment used in revenue service.

Group Two - “FMCSA Safety-Sensitive” (Covered by Federal Motor Carrier Safety Administration):

Employees whose duties may include at any time:

- Operating any vehicle (regularly or as needed) required to be operated by a holder of a Commercial Drivers License (CDL).

Group Three - “City Safety-Sensitive”:

- Performing work as a POST (Peace Officer Standards and Training Council) Certified law enforcement officer.
- Performing emergency medical rescue, fire suppression, accident prevention, or other protective functions.
- Interacting with prison work details or similar situations.
- Carrying a firearm for security or law enforcement purposes.
- Performing duties essential to drug interdiction.
- Performing duties which directly affect public health, where the duties require the prevention of disease, prolonged life, and promoting health.
- Performing duties which directly affect public safety, where the duties require the prevention and protection of events that could endanger the safety of the public from danger, injury, harm, or damage, such as crimes or disasters (natural or man-made).
- Operating a city vehicle, motorized equipment, or machinery in the normal course of their duties.
- Maintenance functions for the repair, overhaul, and rebuild of engines, vehicles and/or equipment, which may require test driving or moving a vehicle.
- Otherwise classified as “safety-sensitive” in Group One or Group Two above.

Group Four – “All Other”

- City employees whose job duties do not fall in Groups One, Two or Three.

Employees may be assigned to more than one Group. The City has reviewed the actual duties performed or may be performed by employees in all job classifications to determine which employees perform safety-sensitive functions, and has determined which job classifications may require the performance of safety-sensitive functions.

Any newly-created job classification will be assessed to determine whether the job should be considered safety-sensitive and, if so, in which group(s) the position should be placed.

A current list of all safety-sensitive positions is maintained by Human Resources.

1. **PROHIBITED SUBSTANCES** - Prohibited substances addressed by this policy include the following:

a. Illegally Used Controlled Substances or Drugs

The illegal use of any drug or substance identified in Schedules I-V of O.C.G.A. §§16-13-25 through 16-13-29, Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times unless a legal prescription has been written by a medical professional authorized by law to write prescriptions for the substance. This includes, but is not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug or substance not approved by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration for medical use or consumption by humans. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, use of a legally prescribed drug contrary to the instructions given to the employee, and illegal use of prescription drugs, including the use or consumption of the prescription drugs of another person.

b. Alcohol

An employee is prohibited from consuming any beverage or other substance containing alcohol while performing City work unless approved in advance by the Department Director or designee, including prescription drugs or over-the-counter medication.

2. **LEGAL DRUGS**

A legally prescribed drug means that an individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment.

The appropriate use of legally prescribed drugs and non-prescription medication is not prohibited. Any drug or substance, whether prescribed or not, that contains any amount of alcohol may not be consumed while performing City work unless approved prior to beginning work by the Department Director or designee. It is, however, the employee's responsibility to inform his/her physician of the assigned job duties and determine from the physician, or other health care professional, whether or not the prescribed drug may impair the employee's job performance or mental or motor function. It is the responsibility of the employee to remove himself/herself from service if he/she is unfit for duty.

Employees are required to report the use of medically authorized drugs or other substances that may create a direct threat by impairing job performance of safety-sensitive functions to his/her supervisor and provide proper written medical authorization to work from a physician. Failure to report the use of such drugs or failure to provide proper evidence of medical authorization may result in disciplinary action.

3. EDUCATION AND AWARENESS

The City has established a drug awareness program to educate employees about the dangers of alcohol and drug abuse in the workplace. As part of this program, the City provides all employees with a copy of this policy, which includes information concerning penalties that may be imposed for violations of the policy. Information regarding alcohol and drug abuse, drug counseling, treatment and rehabilitation, and employee assistance programs will be periodically supplied to employees.

Furthermore, the City provides ongoing training for managers and supervisors responsible for the administration and enforcement of this policy, including training to determine whether reasonable suspicion exists that will authorize the testing for drugs and alcohol and the availability of assistance for employees.

4. EMPLOYEE ASSISTANCE PROGRAM

The City provides employees with access to an Employee Assistance Program (EAP). Employees may seek education, counseling and treatment for any substance abuse concerns they might have. Any employee who uses illegal drugs or legal drugs in an illegal manner or abuses alcohol is encouraged to acknowledge his/her substance abuse and seek professional advice and assistance before the problem leads to an incident requiring disciplinary action.

However, the City will not permit any employee who is known to be using illegal drugs or legal drugs in an illegal manner or misusing alcohol to perform his/her usual job functions. An employee may not return to duty performing his/her job functions without documentation of full compliance with requirements of the treatment program, including verification of compliance through drug/alcohol testing. Participation in a treatment or rehabilitation program does not preclude normal disciplinary action for violations of this policy or relieve an employee of responsibility for satisfactorily performing assigned duties.

Under no circumstances shall self-identification and enrollment in a treatment program be used to interfere with required testing. An employee may not identify himself/herself as unfit to perform work after having been notified of an impending test and expect to avoid the consequences of a positive test or a refusal to test.

Failure to comply with all requirements of a drug/alcohol treatment program or continued substance abuse following completion of a program in violation of any part of this policy shall result in disciplinary action up to and including termination.

5. NON-DISCRIMINATION

Nothing in this policy is intended to discriminate against any person on the basis of addiction to drugs or alcohol, or on the basis of an individual's medical history of addiction

to drugs or alcohol as defined by the Americans with Disabilities Act of 1990. However, the City reserves the right to consider, for purposes of employment or disciplinary action, any history of criminal activity related to such use to the extent that it may lead to disqualification for employment.

6. PROHIBITED CONDUCT

a. Manufacture, Trafficking, Possession, and Use

Pursuant to the Drug-Free Workplace Act of 1988, all City employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, sale or solicitation for the purpose of purchase or sale, possession, or use of prohibited substances while on any City property, any City land or buildings, any City owned or leased vehicles or while in any way performing City business whether on or away from City property or while on City business.

b. Intoxication or Impairment

Reporting to work or engaging in any work activity on behalf of the City in an impaired condition which may pose a threat of harm to the employee or any other person is prohibited. This policy also prohibits reporting to or engaging in any work on behalf of the City in a condition which may impair the employee's ability to perform any essential job duty because of the use or abuse of drugs or alcohol.

Any employee who is reasonably suspected of being intoxicated, impaired, or not fit for duty shall be removed from job duties immediately and tested for the presence of intoxicants in his or her system in violation of this policy. An employee removed from job duties for reasonable suspicion testing will not be allowed to return to work until completion of an investigation and verification of test results.

c. Use of Alcohol Prior to Reporting for Duty

No employee shall perform his or her duties, or report to work as ready to perform duties within four hours after using alcohol or at any time when alcohol is measurably present in the employee's body.

d. Misuse of Prescription or Over-the-Counter Medications

Abusing or misusing prescription or over-the-counter medication when such conduct could reasonably interfere with the safe or satisfactory performance of any essential job function is prohibited. This includes, but is not limited to, the use, possession, sale or solicitation for the purpose of purchase or sale of any prescription medication for which the employee lacks a valid prescription in the employee's name.

This policy also prohibits lawful use of any prescription or over-the-counter medication while on-duty or prior to reporting for duty when that medication may impair the ability of the employee to perform any safety-sensitive function or duty.

e. Interfering with Investigation

Any employee who hinders, obstructs, or refuses to cooperate or participate in any investigation shall be considered in violation of this policy. This includes, but is not limited to, providing false, misleading or incomplete information in response to any inquiry from a supervisor or from Human Resources related to a suspected violation of this policy. It also includes refusing to undergo a drug or alcohol test or interfering with the testing process in any way.

f. Arrests for Drug or Alcohol Related Offenses

Any employee who is arrested for a drug or alcohol related offense must notify his/her Department Director of the arrest before the end of his/her next shift. The City will make a determination at that time whether the arrest causes temporary or permanent disqualification from remaining in the current position or constitutes grounds for disciplinary action. See the Vehicle Use Policy for information regarding operating a City Vehicle after an arrest for Drug or Alcohol Related Offenses.

7. **REQUIRED TESTING** - Testing will be required under the following circumstances. Testing procedures will be accordance with the Medical Review Officer's established guidelines.

a. Pre-employment Testing

Applicants given a conditional offer of employment for a full-time or part-time position in a Safety-Sensitive position (Groups One, Two or Three) will be subject to a drug test. If an applicant refuses to take a drug test, or if evidence of the use of illegal drugs is discovered, either through testing or other means, the conditional offer will be rescinded.

Any incumbent employee in Group Four (non-safety-sensitive) who is given a conditional offer of promotion to a Safety-Sensitive position (into Groups One, Two, or Three) must have a drug test before assuming the position. If an incumbent employee refuses to test, action will be taken in accordance with this policy.

b. Post Accident Testing

All City employees will be required to submit to a post accident drug screen following any accident while operating a City vehicle or personal vehicle for City business. An accident is defined as an event causing property damage and/or any injury to any person when medical treatment may be necessary.

Safety-Sensitive employees will follow post accident testing procedures on qualifying accidents and follow the applicable DOT Drug and Alcohol Testing Policy. If the accident does not qualify under DOT Policy, then the employee will be tested under City authority.

Such testing shall be performed as soon after the accident as practicable. However, an employee who is subject to post accident testing shall remain readily available for such testing, or may be deemed to have refused to submit to the testing. Employees must receive the post accident drug screen within 32 hours of the accident. If the drug screen is not received within 32 hours, the supervisor must provide written documentation of explanation. (Exception: Employees who seek medical treatment for work-related injuries will be tested, under City authority, in conjunction with initial medical treatment, regardless of the amount of time that has passed since the injury.)

c. Reasonable Suspicion

Any employee may be subject to testing for drugs and/or alcohol when there is a reasonable suspicion that the employee is impaired and/or intoxicated in violation of the City's policy and/or DOT Policy.

An employee may be required to submit to drug and/or alcohol testing to determine fitness for duty, which may include appropriate urine and/or breath testing. A reasonable suspicion drug and/or alcohol test shall be conducted just before, during, or just after the performance of assigned duties.

Reasonable suspicion is a belief that an employee is using or has used drugs or alcohol in violation of the policy based on specific objective and perceptible facts and reasonable inferences drawn from those facts in light of experience and careful observation. A determination for a reasonable suspicion drug and/or alcohol screen will be made by a supervisor who has been trained to determine reasonable suspicion.

d. Random Testing

Safety-sensitive employees in Groups One and Two are subject to random drug and/or alcohol screens as prescribed by the Department of Transportation and in accordance with applicable policy.

City Safety-Sensitive employees in Group Three will be subject to random testing for drugs and alcohol, with the number of random tests determined based upon the total number of employees in the Group. During the first year that this policy is effective, the number of random drug screens conducted will be no less than 25% of the number of employees in the Group and the number of alcohol screens will be no less than 10% of the number of employees in the Group. Percentages are subject to periodic review and adjustment for each subsequent year.

The selection of employees for random drug and alcohol testing will be made using a scientifically valid method that ensures each covered employee will have an equal chance of being selected each time selections are made. The names of all employees selected for random testing will be returned to the random testing pool for their respective group to ensure each covered employee will have an equal chance of being selected each time selections are made. The random tests will be unannounced and spread throughout the year. Based upon the City's operations, random testing may be conducted on all days and hours during which safety-sensitive functions are performed.

Employees can be tested before, during and after an employee's shift. Employees are required to proceed immediately and directly to the collection site upon notification of their random selection.

If the employee selected is absent from work and, therefore, unavailable to be notified for testing or to submit to testing, the employee will be tested as soon as he or she returns to work. The employee will not be notified in advance.

e. Post Rehabilitation Testing & Follow-Up Testing

The City of Gainesville offers employees the use of counseling and rehabilitative services pursuant to coverage limitations and in accordance with the terms of the benefit programs. Employees are personally responsible for seeking treatment for alcohol and/or drug dependency. Any voluntary request by an employee for assistance with his or her own alcohol and/or drug dependency will remain as confidential as possible and shall not, on its own, be used as a basis for disciplinary action.

This section will not apply to an employee who tests positive through the testing program. The employee must voluntarily seek treatment prior to being notified of a pending drug and/or alcohol test or being involved in a situation that requires a reasonable suspicion or post accident FTA drug and/or alcohol test. The employee cannot self-identify in order to avoid testing.

f. Return to Work Testing

Employees under Group One who have been absent more than 90 days will be required to submit to a drug screen in accordance with DOT guidelines. For all other employees, return-to-work drug screens following absence for medical reasons may be required at the discretion of the Director of Human Resources or designee.

8. SEARCHES

Employees shall have no right of privacy with respect to City facilities and equipment. The City reserves the right to conduct searches of property, including City vehicles or equipment owned or being operated by the City at any time or place.

The City also reserves the right to conduct searches of an employee's personal property and possessions kept in City offices, vehicles, desks, or lockers when there is a reasonable suspicion that an employee is buying, selling, transporting, or otherwise in possession of intoxicants or controlled substances on the City's property or during working time. A refusal to submit to, or cooperate with a search may result in disciplinary action, including termination.

9. CONFIDENTIALITY

All reports of test results for drug and alcohol, searches, or any employee referral or treatment in an Employee Assistance Program or any treatment program for addictive disorders, will be maintained in confidence as allowed by law. Any person authorized to have access to such confidential information, who, without authorization to do so, discloses it to another person shall have engaged in gross misconduct and shall be subject to disciplinary action up to and including termination. The confidentiality of such information shall not apply to any use or communication to the City of Gainesville or its designee, or where the information is relevant to the City's defense in any administrative or civil action. Such confidential information may also be disclosed to the extent required by any federal, state or local law, statute, ordinance or regulation.

Employees should treat their own testing information and results as confidential and hold it in the strictest confidence. Unless the information needs to be conveyed for a business purpose, the information should not be discussed or shared with other employees.

10. CONSEQUENCES

- Any employee in violation of any part of this policy will be subject to disciplinary action, up to and including termination of employment.
- Any employee that has a verified positive drug test will be terminated.
- Any employee with a confirmed alcohol level of .04 or higher will be terminated. Any employee with a confirmed alcohol level of at least .02 but less than .04 will be removed from duty and subject to disciplinary action, up to and including termination.
- Refusing to submit to a required drug or alcohol test will be considered a positive result and will result in termination of employment.
- Hindering, delaying or obstructing a test for drugs or alcohol, including but not limited to, tampering with a sample or interfering in any way with the chain of custody of a sample shall be considered a positive test result and a direct act of insubordination and will result in termination.

11. CONDITION OF RE-EMPLOYMENT

Any employee who has been terminated for violation of the Drug-Free Workplace policy may be considered for rehire provided the following conditions are met:

- At least 12 months have passed since termination.
- Previous work history, attendance record, and performance were favorable.
- Must receive recommendation from previous City of Gainesville supervisor.
- Must submit to a pre-employment drug screen (even if not being considered for a safety-sensitive position)
- May be drug tested upon request at any time for a period of two (2) years, in addition to participation in the random pool.
- May be required to produce a rehabilitation/assessment certification (at applicant's expense) prior to actual employment.
- Any confirmed failure would be cause for immediate termination with no further eligibility for re-hire.
- Probationary period may be extended by the Director of Human Resources.

3.13 DRESS CODE AND GROOMING

It is the policy of the City that work attire should complement an environment that reflects an orderly and professionally operated organization. All employees shall project a positive and professional image toward the community. All employees are reminded that the first impression on the public is their dress and grooming appearance. The dress code shall apply to all on-site and off-site functions at which the individual is acting as a representative or is present on behalf of the City. The purpose of this policy is to establish dress code and personal grooming guidelines for City employees. Limited exceptions may be made based on job duties. To the extent that a particular Department Head adopts a more strenuous dress code than that set forth in this policy, the more strenuous departmental dress code shall apply and serve as the basis for disciplinary action. It is the responsibility of the Department Head and Supervisor to assure that staff members follow the City or Department's more strenuous dress code policies.

Exceptions to this dress code policy will be made as required by state or federal laws. The City shall make reasonable accommodations for employees' religious beliefs provided the accommodation request does not pose a safety concern or undue hardship. However, exceptions may not be made for those employees working in a law enforcement capacity because of the importance to appear objective and unbiased to the public.

1. **Body Modification.** Personal appearance can be a manner of expression for employees; however, the City prohibits tattoos, piercings and any other form of body modification that inhibits an employee's ability to perform their assigned work duties. Factors considered when determining whether or not an employee's body modifications conflict with their work responsibilities and duties include:
 - a. Safety of the employee and others
 - b. Productivity in the performance of work-related tasks
 - c. Perceived offense on the basis of race, sex, religion, etc.
 - d. Customer complaints
2. **Employees with Uniforms or City Purchased Clothing.** Please refer to the City's Uniform Policy or relevant department policy for guidelines pertaining to City Uniforms. However, the following should be noted:

Employees shall not modify the uniforms or any clothing provided by the City. Uniforms must be worn at all times when an employee is on duty and must be kept clean and neat. Uniforms must not be altered in any way and uniformed shirts should not be unbuttoned past the second button.

Jeans may be allowed for field personnel in lieu of uniform pants upon approval by the appropriate Department Head. If allowed, the jeans must be kept clean and in good condition without holes or fraying. Shorts may be allowed on a limited basis for those field personnel required to wear uniforms except for jobs requiring the personnel to go into tall

grass, weeds, or woods; performing welding or cutting; or exposure to other hazardous elements. Risk Management should be contacted for proper job hazard assessment.

No employee shall wear a City uniform or any garment denoting the City, Department or entity of any sort at an off-site, non-job related establishment or function such as, but not limited to, an alcoholic beverage store, bar or any other establishment that is deemed unbecoming to the image of the City.

3. **Administrative and Office Employees.** Employees are expected to dress in a manner that is professional, neat, and appropriate for the work environment. For all employees who are not required to wear uniforms, business casual dress will be allowed as long as the attire is professional and in good taste. Approved shirts with City or departmental logo are allowable for men and women.

Acceptable attire includes:

Men:

- Dress slacks
- Khakis
- Oxford button down collared shirts
- Golf type shirts
- Polo shirts
- Sweaters
- Business suits, blazers, or sport coats
- Footwear should be selected according to the type of work performed, keeping safety, comfort and professional appearance in mind.

Women:

- Dress slacks
- Khakis
- Oxford button down collared shirts
- Polo shirts
- Blouses
- Sweaters
- Business suits or blazers
- Dresses and skirts no more than 3" above the knee
- Footwear should be selected according to the type of work performed, keeping safety, comfort and professional appearance in mind.

This list is not an all-inclusive list; thus management reserves the right to determine appropriateness. Any problems with what is considered inappropriate attire will be discussed with the employee.

4. **Unacceptable Attire.** Under no circumstances are the following acceptable unless part of a City uniform:
 - T-shirts (unless approved by Department Director for a special event or holiday)
 - Camouflage printed clothing
 - Athletic and/or canvas shoes (unless approved by Department Director)
 - Athletic clothes including sweats, warm-ups, or workout clothing (unless approved by Department Director)
 - Spandex or Lycra clothing (i.e. biker shorts/pants/body suits)
 - Flip-flops and/or casual sandals (unless approved by Department Director)
 - Logoed, printed, sports team or advertising clothing
 - Hats or caps
 - Shorts or cut-offs
 - Mid-drifts and crop tops
 - Tank tops, tube tops, halter tops, tops with spaghetti straps
 - Clothing that is excessively tight or loose, revealing, distracting, or provocative
 - Clothing and jewelry that pose a safety hazard
5. **Casual Days.** Department Directors may designate a certain day as casual dress day. At the Department Director's discretion, administrative and office staff may wear blue jeans on casual day. All clothing must be clean, neat, wrinkle free, and without holes or fading. Department Heads and employees should remain cognizant that the public is still being served. Employees should not dress casually if they have formal meetings or other events representing the City that require business attire.
6. **Hair and Facial Hair.** Hair shall be conservative, neat, and professional in appearance. Hair should not be so long as to interfere with the wearing of any safety equipment required to perform the job. Facial hair is acceptable provided it presents a professional appearance at all times. Facial hair must be clean and neatly trimmed at all times. Facial hair should not interfere with the wearing of any safety equipment required to perform the job. Public Safety personnel are required to comply with the guidelines and standards established by their respective department.
7. **Jewelry.** Long necklaces may be worn provided they do not present a safety hazard by getting caught in equipment or machinery. Jewelry should be in good taste, conservative and professional in appearance.
8. **Attire Appropriate to the Work Environment and Position.** At the Department Director's discretion, employees may dress in a manner that is appropriate to the work environment and position. For example, an employee who knows he/she will be working in a dirty or dusty environment or moving and packing boxes (and not provided a uniform) may dress appropriately to the environment and type of work he/she will be performing.

9. Employee and Management Roles and ResponsibilitiesEmployee:

- Always strive to project a professional image while at work and in the public eye.
- Be conservative when selecting work attire. If there is doubt as to whether a piece of clothing or outfit is appropriate, do not wear it in the workplace.
- Proper appearance includes personal hygiene.

Management:

- Set the example for professional appearance in the workplace.
- Communicate the City standards of dress to all employees.
- The overriding goal is to achieve a professional appearance. Enforce this policy to accomplish that effect. Employees who fail to follow the proper dress code should be counseled and subject to disciplinary actions, including leaving the premises (if necessary). Any time lost will not be compensated.
- Keep safety in mind when determining proper attire at work. Never sacrifice employee safety for comfort.

10. **Compliance.** Failure by a Department Head, Supervisor, or employee to comply with the City or Department's uniform requirements or any portion of this policy will result in disciplinary action.

4.00 LEAVE BENEFITS

Regular status full-time employees are provided with paid time off (PTO) benefits instead of paid vacation and sick leave. PTO may be taken by an employee with prior approval by his/her supervisor or designee, at such times and in such increments as best accommodates each employee's own schedule and the department's staffing needs. PTO is intended to allow employees paid time off from work for reasons such as vacation, personal illness, family illness, medical appointments, religious holidays, or personal or family business. Employees who are absent from work for any reason (other than bereavement leave, workers' compensation, military leave or jury duty) are required to use accrued PTO before taking leave without pay.

PAID TIME-OFF

1. PTO Accruals - Full-time eligible employees accrue PTO biweekly and based on service years according to the below table, unless otherwise stipulated.

PTO hours may continue to accrue in excess of the "Annual Maximum" to provide scheduling flexibility around peak workload periods and as an added benefit to employees. PTO balances over the "Annual Maximum" will be transferred to the PTO Bank if not used by the last day of the first **full** pay period in April and October of each year.

NOTE: See 4.00, Item 5, Payment of Unused PTO, for maximum payment upon termination.

General Employees (Excluding Fire Department Shift Personnel):

Hired Before 1/1/12			Hired on or after 1/1/12*		
Service Years	Annual Accrual Hours	Annual Maximum	Service Years	Annual Accrual Hours	Annual Maximum
Less than 1	80	80	Less than 1	96**	80
1 – 4	160	180	1 – 4	120	140
5 – 9	200	240	5 - 9	160	200
10+	240	300	10 - 19	200	240
			20+	240	300

*All employees hired between 1/1/12 and 1/4/15 will receive a one-time adjustment of 16 hours added to their PTO balance to show on pay check 2/20/15.

**All employees hired after 1/5/15, will receive 16 hours of PTO immediately upon employment and an additional 80 hours will accrue at a bi-weekly rate of 3.0769 hours for a total of 96 hours of PTO for the 1st year of employment.

Fire Department Shift personnel (24/48):

Hired Before 1/1/12			Hired on or after 1/1/12*		
Service Years	Annual Accrual Hours	Annual Maximum	Service Years	Annual Accrual Hours	Annual Maximum
Less than 1	120	120	Less than 1	120**	96
1 – 4	192	360	1 – 4	144	168
5 – 9	240	360	5 - 9	192	240
10+	288	360	10 - 19	240	288
			20+	288	360

*All Fire Department Shift employees hired between 1/1/12 and 1/4/15 will receive a one-time adjustment of 24 hours added to their PTO balance to show on pay check 2/20/15.

**All Fire Department Shift employees hired after 1/5/15, will receive 24 hours of PTO immediately upon employment and an additional 96 hours will accrue at a bi-weekly rate of 3.6923 hours for a total of 120 hours of PTO for the 1st year of employment.

Police 12 Hour Shift Personnel Hired 2011 or earlier previously grandfathered in on the below table. A grandfathered employee transferring out of a Police 12-hour shift position will transfer to the General Table and will not be allowed to transfer back to this Grandfathered Table for any reason.

Service Years	Annual Accrual Hours	Annual Maximum
Less than 1	100	100
1 – 4	180	180
5 – 9	220	240
10+	260	300

2. PTO Accruals During Periods of Leave - During periods of employee leave, PTO accruals will continue on the following schedule:
 - If on leave for short-term disability, PTO accruals will end on the date short-term benefits begin;
 - If on leave for other reasons (including workers' compensation, military, other FMLA leaves, etc.), PTO accruals will stop when the employee's PTO balance is exhausted or after 30 days of continuous leave, whichever is earlier.
3. Scheduled PTO Eligibility - A request for leave form shall be submitted to the employee's immediate supervisor. Scheduled PTO may be taken in any time increment after approval by the Department Director or his/her designee and is subject to administrative review.

[See Section on Extended Leave of Absence.] Employees on PTO are subject to recall in cases of emergency.

4. Unscheduled PTO - PTO that is not scheduled in accordance with departmental policy (other than illness) will be considered unscheduled PTO. Excessive unscheduled PTO may be addressed through the performance evaluation process and/or through progressive discipline or appropriate employment action.
5. Payment of Unused PTO - Upon termination, employees will **only be paid for accumulated unused PTO up to the maximum annual accrual amount** provided all equipment, uniforms, tools, keys, and other City property issued to the employee have been returned, and no outstanding liabilities or debts remain. **Hours accrued over the Annual Maximum will be forfeited.**

LEAVE FOR MEDICAL PURPOSES

6. PTO for Illness - An employee may use PTO in the event of personal illness or serious illness of a dependent child or spouse in need of continuous short-term care. The City understands that use of such PTO may be without advance notice. However, the employee shall report illness prior to scheduled work time. If this is not possible, the employee must report the tardiness or absence within 30 minutes after the scheduled start time. Failure to do so may result in an unpaid, unexcused absence. Employees are expected to comply with departmental policy with regard to using PTO for illness. A department may establish a more restrictive policy due to operating necessities. Excessive unscheduled PTO may be addressed through the performance evaluation process and/or through progressive discipline. The City will comply with the provisions of the Family and Medical Leave Act in the administration of this policy.
7. PTO Bank – All leave balances over the “Annual Maximum” will be transferred to the PTO Bank if not used by the last day of the first **full** pay period in April and October of each year. The purpose of this bank is to supplement an employee’s loss of income during the extended leave of absence for medical reasons which would be covered under FMLA. Withdrawals may only be made from the Employee’s own account in the PTO Bank and may only be withdrawn with the approval of the Administrative Services Director when all PTO and Sick Leave balances have been exhausted. For a withdrawal request to be considered, documentation of the medical need and a signed request form will be mandatory. Under NO circumstances will employees be paid for hours in the PTO bank upon terminating employment with the City.
8. Sick Leave Usage (if applicable) – Employees hired before 1/1/12 may have an unused sick leave balance. An employee may use accrued sick leave in the event of personal or dependents/spouse illness or injury.

The employee shall report illness prior to scheduled work time. If this is not possible, the employee must report the tardiness or absence within 30 minutes after the scheduled start time. Failure to do so may result in an unpaid, unexcused absence. A department may establish a more restrictive policy due to operating necessities. Employees who separate from the City shall forfeit all unused sick leave.

9. Medical Certification (Doctor's Note) - Medical absences (sick or unscheduled PTO) may require a doctor's statement before an employee may return to work, at the Department Director's discretion. An employee may also be required to provide medical certification if a request for sick pay falls within a period when the employee is on PTO or if absent from work frequently or habitually.
10. Fitness for Duty - An employee who takes leave for an extended illness, is hospitalized or serves in a safety sensitive position, may be asked to provide a fitness for duty (FFD) clearance from a health care provider upon return to work.
10. Short-Term Disability (STD) - For employees The City will provide short-term disability benefits to qualified employees at the rate of 60% of actual wage loss, excluding unscheduled overtime work up to a maximum of \$2,000 per week. Employee elimination period and eligibility for STD benefits are subject to the policies in place at the time of personal disability event. Benefits will be supplemented with an employee's sick or PTO balances up to 100% of regular pay level. Short-term disability benefits may continue for up to 13 consecutive weeks. Long-term disability benefits may become available for employees who elected this coverage.
11. Family and Medical Leave Act of 1993 - The City complies with the Family and Medical Leave Act of 1993. Employee rights and responsibilities are posted throughout City departments.

FMLA currently requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons. To be eligible for FMLA, an employee must have worked continuously for 1 year, and worked 1,250 hours over the previous 12 months. If your leave qualifies, you have a right for up to 12 weeks of unpaid leave in a 12-month period. This period is calculated under the FMLA "rolling" 12-month period and is measured backward from the date of any FMLA leave usage. Under FMLA, unpaid leave must be granted for any of the following reasons:

- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform his/her job.
- For a qualifying exigency arising out of the fact that employee's spouse, son or daughter (of any age) or parent is on active duty or call to active duty status.

Eligible employees may apply for short-term disability benefits during FMLA related to personal illness. PTO and sick hours (if applicable) shall be used during the FMLA absence.

Sick leave accruals may be used for personal illness during the FMLA absence in accordance with City sick leave policy. When paid leave has been exhausted, additional unpaid leave will be provided to total up to 12 weeks.

If two employees within the same household are requesting leave for the same purpose, they shall be entitled to a combined leave of up to 12 weeks.

If the FMLA is amended in any respect, this policy shall be considered amended to be consistent with the changes in the Act.

12. Advance Notice and Medical Certification - The employee is required to provide advance leave notice and medical certification whenever possible. Taking of leave may be denied unless the following requirements are met:
 - The employee ordinarily must provide 30 days advance notice when the leave is foreseeable (examples include pregnancy, scheduled surgery, non-emergency medical procedures, etc.)
 - The City will require a medical certification to support a request for leave because of a serious health condition, and may require second and third opinions (at the City's expense) and/or a fitness for duty examination in order to return to work.
13. Intermittent FMLA Absence - FMLA may be taken intermittently or on a reduced schedule if medically necessary, with proper notification, and consistent with the Act.
14. Certification of a Serious Health Condition - Serious Health Condition is an illness, injury, impairment, or physical or mental condition involving either inpatient care or continuing treatment by a health care provider. Employees must provide certification of a serious health condition for his/her own serious health condition, or that of a family member. Employees must contact Human Resources for information concerning the certification process.
15. Employee Privacy - The City is in compliance with The Health Insurance Portability and Accountability Act of 1996 (HIPAA), which supports efforts to protect patient confidentiality and security of individual health information. To that end, the City has adopted a Privacy Notice outlining employee rights and responsibilities. Copies of this notice are available through Human Resources.
16. Health Benefits Protection - Employees continue to receive health benefits for up to 12 weeks during FMLA on the same terms and conditions as for active employees. The employee must continue to pay appropriate employee and dependent premiums, co-payments, and other out-of-pocket costs.

17. Upon return from FMLA absence - The City will restore the employee to the original or equivalent position with equivalent pay, benefits, and other employment terms. The use of FMLA leave shall not result in the loss of any employment benefit that accrued prior to the start of an employee's leave.
18. Absence extending beyond FMLA expiration - The job-protected rights afforded by FMLA do not apply to leaves which continue beyond the 12-week period of entitlement.
19. Returning to Work After Approved Leave - An employee who has been out on extended medical leave for more than seven (7) calendar days must be cleared through Human Resources prior to returning to work by providing a medical release from the treating physician with or without work restrictions. In addition, an employee may be required to undergo a fitness for duty drug screen as directed by Human Resources. Failure to seek return to work clearance at the expiration of approved leave shall be considered absent without leave, constituting grounds for disciplinary action up to and including termination of employment.
20. Returning to Work Before the Expiration of Approved Leave - An employee granted a leave of absence who wishes to return to work before the leave period has expired shall be required to notify the immediate supervisor. No employee shall be permitted to return to work without a written medical release from the treating physician and clearance through Human Resources. Depending on the circumstances of the leave, a fitness for duty exam may also be required.
21. Working during Approved Medical Leave - An employee while on an authorized medical leave of absence may not obtain or engage in either part-time or full-time employment, nor engage in training or development relating to their job. Failure to abide by the terms of the approved leave will result in disciplinary action up to and including termination of employment.

OTHER LEAVE TYPES

22. Funeral Leave - Funeral leave of up to three (3) workdays per calendar year, with a maximum of 24 work hours **annually** will be granted with pay for an employee absent from work so they may travel to, make arrangements for, or attend the funeral of the following members of the employee's family: spouse, parent or guardian, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, stepmother, stepfather, stepchild, stepsister, stepbrother, or other relative living in the employee's household. Funeral leave shall also be granted for in-law relationships for mother in-law, father in-law, brother in-law and sister in-law. In all cases, bereavement leave must be approved in advance. No exceptions will be allowed to this policy.
23. Leave Without Pay - Employees are not permitted to take leave without pay if an accrued leave type balance that is appropriate for the situation is available, unless leave involves

workers' compensation, military leave, or jury duty. The Department Director will give consideration for a leave without pay based on the employee's leave impact on departmental functions, schedule, and reason for the request, as well as the employee's performance and attendance record.

24. Holidays - The following nine days are designated as official holidays for employees in the City of Gainesville personnel system: New Year's Day, Dr. Martin Luther King, Jr. Birthday, Memorial Day, Independence Day (July 4th), Labor Day, Thanksgiving Day, Friday following Thanksgiving, Christmas Eve, and Christmas Day. In order to qualify for holiday pay, employees are required to work the day before and the day after a holiday unless the employee is off on approved PTO or sick leave.
25. Holidays During Leave Periods - Employees will be paid holiday pay if a holiday falls within an approved leave period of 30 calendar days or less. Holidays which occur while the employee is on medical leave, workers' compensation, or PTO of more than 30 calendar days are not paid as holidays. If an employee is working partial days due to a medical absence, holidays will be prorated to reflect this.
26. Holiday Pay Compensation - A regular status full-time employee who works on a holiday shall receive holiday pay, plus payment for hours actually worked. Holiday hours are not considered time worked for the computation of overtime pay. Holiday pay practices may be altered depending on the operational needs of the department.
27. Extended Leave of Absence - All extended leaves of absence (more than seven days) must be approved by the Department Director, reviewed and approved by the Director of Human Resources, and are subject to final approval by the City Manager.
28. Military Leave - Every employee shall be entitled to military leave in accordance with state and federal laws.
 - National Guard or Reserve: The City will provide affected employees serving in the National Guard or any reserve unit of the United States Armed Forces with job protection and group benefits coverage in accordance with the provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). The City will also provide up to 18 days (144 hours) annually of paid military leave.
 - Active Duty: Employees contracting with any branch of the Armed Forces for Active Duty, not during the time of war or national emergency, shall be placed on Leave without Pay and will be moved to an inactive status. Such employee will be granted reemployment rights as governed by the Uniform Services Employment and Reemployment Rights Act of 1994. No paid military leave is given for those serving in an active duty capacity.

29. Jury Duty - Any full-time employee called for jury duty or subpoenaed as a witness in the line of duty will be excused from work upon presentation of a court summons or subpoena to the immediate supervisor. The employee will be paid regular pay up to two weeks provided evidence is submitted from the court for the number of days served. Only the actual number of days spent in court will be counted in calculating the payment. The combination of jury duty pay and actual hours worked is not to exceed 40 hours per week unless authorized by an employee's supervisor or Department Director. Payment received from the court will not be deducted from the employee's pay. If an employee reports for jury duty or to testify as a witness on a particular day and is excused from serving that day, the employee must notify the immediate supervisor to determine if the needs of the City require the employee to work that day.
30. City of Gainesville Retirement Plan Credited Service - Credited Service is defined as worked time granted during employment periods when employees participate in one of the City's Retirement Plans. For the purposes of providing credited service for retirement benefit calculations, employees on paid leaves of absence (sick, PTO and/or short-term disability) will be granted service credit. The Department Director, Director of Human Resources, and City Manager may approve unpaid leave period up to one year in duration for which service credit will be granted. No credited service beyond one (1) year will be granted for any employee who remains on a continuous leave of absence. When calculating total City service, leave periods beyond one year or more will not be counted as worked time.

INCLEMENT WEATHER

31. Absences Due to Hazardous Weather - The City of Gainesville will open at regularly scheduled times and will remain open as scheduled during inclement weather unless the City Manager issues an official closing statement. Unless such a statement is issued, all employees will be expected to work regularly scheduled hours.
32. Critical City Services - Certain positions require mandatory coverage because they provide critical City services. Official closing statements and inclement weather procedures do not apply to employees who provide critical City services in departments such as fire, police, utility and public works, and others. Employees in this classification should report for duty as scheduled or if unable to report, abide by established departmental procedures.

The remainder of this policy pertaining to inclement weather applies only to administrative employees or others in non-critical service positions.

33. Inclement Weather Closing

- If the City of Gainesville administrative offices will be closed for all or part of a day due to inclement weather, the City Manager will issue an official closing statement.
- If no official closing statement is issued, employees should report to work as scheduled or if unable to work, abide by established departmental procedures.

34. Inclement Weather Pay - The intent of inclement weather pay is to make the non-critical service employee “whole” for the hours that could not be worked because the City was officially closed during the employee’s scheduled shift hours.

An employee in this category who reports to work as directed on the day of late opening or early closing shall be entitled to inclement weather pay for the number of hours that could not be worked because the City was officially closed. Employees who work during official closings are not entitled to additional pay. Any hours worked in excess of scheduled hours will reduce the amount of paid inclement weather time available to that employee.

An employee in this category who arrives late or leaves early will be paid actual hours worked plus inclement weather hours for the time the City was officially closed. An employee should discuss with the supervisor options for any other scheduled hours which were missed during the City’s official opening hours. One of several options may be selected such as using accrued PTO or if no accrued leave is available, leave without pay, or the employee may make up the time lost from work at a time scheduled by the supervisor within the same work week

An employee who does not report to work due to inclement weather shall take PTO or leave without pay for the full shift.

4.01 EDUCATIONAL ASSISTANCE PROGRAM

The City will provide educational assistance to employees to improve existing job skills and prepare for development as it relates to future career promotional opportunities. This assistance will be provided based on the approval of the request by the Department Director, and concurrence with the Director of Human Resources. Any assistance will be determined by the fiscal soundness of the City at the time of the request.

Full-time employees who have completed at least one year of service and have completed their probationary period will be eligible to request educational assistance. Employees must have received an overall performance rating of “good” or higher and must be actively employed at the time of the educational assistance request.

1. Tuition reimbursement will be made through the department’s professional development budget of each participating department and is limited to \$1,500.00 per fiscal year per employee.
2. City funding for tuition will be subject to the applicant first applying for other financial aid available, including, but not limited to HOPE grants, military benefits funding, etc. Prior to reimbursement from the City, the employee shall be required to submit proof of application for an award or non-award of assistance from the financial aid office of the school and from other financial sources.
3. Tuition assistance is offered for degree, certificate, or diploma programs, including graduate level classes. All requests are subject to the approval and the fiscal soundness of the City at the time of the request. The program is funded annually. In the event of budget constraints, applications for reimbursement will be determined based on City service, job performance, and date of application.
4. This program also includes the full reimbursement for the cost of the GED test. The City will reimburse the employee upon successful completion of each portion of the GED once proof of passing each test has been submitted. Costs associated with preparing for the test will not be covered. Reimbursement shall be provided for one attempt only.
5. Tuition assistance will cover tuition and lab fees offered by accredited colleges, universities, technical colleges, and certification and accreditation courses.
6. The amount of reimbursement will depend upon the grade received as defined below:
 - Grade A or Pass 100% reimbursement
 - Grade B 75% reimbursement
 - Grade C 50% Reimbursement

There is no reimbursement for a grade below “C” or a grade of “Fail” for a pass/fail course. Before reimbursement can be made, the employee must submit proof of the grade obtained to Human Resources.

7. If an employee should voluntarily terminate employment after receiving tuition assistance from the City, that employee may be required to pay back all or a portion of the education funding received. The following schedule will be applicable in these cases:
 - An employee who voluntarily leaves City employment within one year of last reimbursement shall be required to pay the City 100% of the last reimbursement received.
 - An employee who voluntarily leaves City employment one year and one day to two years shall be required to pay the City 50% of the last reimbursement received.
8. No reimbursement shall be required from employees who are terminated involuntarily from City employment or who voluntarily leave City employment beyond two years from the last tuition reimbursement payment.
9. Employees may not attend classes during regular working hours and there is no overtime pay or comp time allowed for attending classes. The City of Gainesville will follow IRS and State guidelines regarding the taxability issues associated with tuition reimbursement.

4.02 EMPLOYEES' COMMUNITY TRUST FUND

The City of Gainesville has established one money-raising effort to reduce the number of solicitations City employees receive from local charities. One fund raising campaign is conducted each year supporting a number of charities, including the Employee Assistance Fund.

1. City employees shall be given the opportunity to support various charities, which are selected and voted on by the Community Trust Fund Committee. In the past these have included: United Way, American Heart Association, American Cancer Society, Meals on Wheels, Hall County Humane Society, and the Employee Assistance Fund or as approved by the Committee.
2. All contributions are tax-deductible except for ones made to the Employee Assistance Fund.
3. All pledges are made through the Employees' Community Trust Fund and are managed by the City's Finance Department. Community Trust Fund representatives are appointed by City Department Directors.
4. Pledges may be made as a one-time donation, or made through payroll deductions collected beginning with the first pay period in the new calendar year following the campaign.

4.03 EMPLOYEE ASSISTANCE FUND

The Employee Assistance Fund has been established to provide a resource for employees. Employees who encounter hardships may apply for financial assistance by completing an application and submitting it to the Committee for review. The Committee shall determine if the event qualifies under the established guidelines and if the requested amount can be honored.

1. The Employee Assistance Fund Committee is compiled of City employees who are nominated and elected by fellow employees.
2. Due to limited funds, the Committee will limit assistance to aid employees only in the event of a catastrophic event, a medical hardship, or severe financial obligation resulting from a death in the employee's immediate family.
3. To be eligible for assistance, the applicant must be a full-time, permanent City employee. Refer to the by-laws established by the Committee for additional information and eligibility criteria.
4. For additional information, contact a City Human Resources representative.

5.00 WORKERS' COMPENSATION

The safety of each individual employee and general safe working conditions are primary concerns of the City in every phase of its operations. Operating methods and procedures taught during training periods were developed with maximum safety considerations. The City believes that safety is every supervisor's and every employee's responsibility. In the event of an accident that occurs on the job, employees will be covered through workers' compensation insurance. Standard safety procedures as established by the City and its departments shall be adhered to at all times.

1. Any employee who sustains an injury on the job must, at the time of the injury or as soon as possible thereafter, notify his/her supervisor.
2. The supervisor shall promptly file the first report of injury and other related documentation with Risk Management.
3. If the injury necessitates the employee's absence from work, the employee shall receive his/her regular rate of pay via payroll for the first seven (7) calendar days (or if intermittent a maximum of 40 hours). This pay may include initial time lost, as well as time used for doctor visits, therapy, or other authorized, related treatment.
4. If the nature of the injury necessitates an absence longer than seven workdays, the City's workers' compensation carrier shall determine if the employee is eligible for further compensation. An employee receiving workers' compensation payments may use PTO or sick leave to supplement the workers' compensation pay.
5. Once **(a)** an employee is returned to work (either with or without restrictions) by his/her treating physician, and **(b)** has exceeded the 40 hours listed in Item 3 above, follow-up visits, therapy, etc., will be treated as any other absence. Payment for time missed due to such visits will be charged as sick or PTO (if available) or the time will be unpaid leave for payroll purposes. Alternatively, employees may choose to accept unpaid leave and submit a request to the insurance carrier for reimbursement of lost wages. The decision regarding eligibility for such a reimbursement will be made by the insurer alone, but employees should be aware that any reimbursement is subject to the percentage restrictions and the weekly benefit maximums set by State law. In no case will an employee collect PTO and be paid by the insurer for the same time period.
6. Filing a fraudulent claim is grounds for disciplinary action up to and including termination of employment and criminal prosecution from the State.
7. Under Georgia State Law, employees are required to use the posted panel of physicians to accommodate the workers' compensation medical treatment. The names, addresses, and phone numbers of the panel physicians are available to each employee and are posted on official City bulletin boards.

8. Violation of City safety regulations such as performing work in an unsafe manner or failure to use required safety equipment is grounds for discipline and termination of employment.
9. The provisions of this policy are intended to be consistent with Georgia's Workers' Compensation Act, and if inconsistent at anytime, the provisions of the Act will control.

5.01 ACCIDENT/INCIDENT RESPONSE

The City of Gainesville encourages prompt response to and accurate reporting of all accidents and incidents. Such response should be in accordance with the procedures outlined below, in order to obtain help for injured persons, mitigate damages, and minimize the negative effects of such incidents. With any serious accident, the City's Director of Human Resources or Risk Manager should be notified by telephone immediately.

Workers' Compensation Claims Procedures

See the City of Gainesville Personnel Policy and Procedures Manual Policy 5.0 "Workers' Compensation".

Auto Accident Procedures

In the event of an auto accident, employees should stop the vehicle immediately, taking steps to avoid further accidents, if necessary. In addition, employees should:

1. Check for injuries.
2. Call 9-1-1 and notify the operator about whether there are injuries on the scene. Ask for an officer to be sent to the scene for an investigation, whether or not anyone is injured.
3. Call your supervisor.
4. Do not accept or deny any liability or make any statements that imply the acceptance or denial of liability.
5. Stay on the scene until the police arrive and you are told that you may leave.
6. If your vehicle was parked and hit by an unknown driver, call your supervisor and the police and remain at the scene until the investigation is complete.
7. Return to your department and work with your supervisor to complete the appropriate reports as soon as possible after the accident.
8. Do not discuss the accident with anyone except the police, your supervisor, the City's Risk Manager, the Director of Human Resources, or representatives of the City's insurance carrier.

Third Party Incident Procedures (Non-Auto)

In the event of other types of property damage or bodily injury to another party, the following steps must be taken:

1. Ensure that injured parties, if any, receive prompt medical attention.
2. Call your supervisor immediately.
3. Do not accept liability.
4. In conjunction with your supervisor, get as much information from the other party as possible, and document all details of the incident.
5. Complete all required documentation for prompt forwarding to the Director of Human Resources.
6. Do not discuss the accident with anyone except the police, your supervisor, the City's Risk Manager, the Director of Human Resources, or representatives of the City's insurance carrier.

5.02 VEHICLE USE

The City of Gainesville purchases and maintains vehicles that are assigned to Departments for the express purpose of carrying out City business. City of Gainesville vehicles are highly visible and are intended to serve the public. Therefore, it is important that City employees use these vehicles only for their intended purpose and observe the following guidelines.

This policy is designed to enhance the safety of the employees who drive or ride in City vehicles. This policy defines the City's safe driving procedures, vehicle maintenance expectations and personnel policies. Vehicle accidents can result in employee injuries, damaged vehicles and property, and a variety of additional costs. It is the driver's responsibility to operate the vehicle in a safe and courteous manner, following all motor vehicle regulations that apply to that vehicle. It is also the driver's responsibility to make sure that the vehicle is maintained in good condition by reporting any problems to the maintenance staff.

While this policy is intended to address those employees who drive City or personal vehicles on City business over public streets, this policy may also be used for drivers of off-road (construction) equipment. Specifically, off-road equipment operators are not exempt from the portions of this policy relating to license, qualifications, maintenance, and all safe operation and accident items. Exemptions may be made for an off-road equipment operator with the approval of the City Manager.

RESPONSIBILITY

Supervisor - will ensure that all drivers have a valid Georgia drivers' license before placing the employee in a position requiring operation of a City vehicle. Supervisors will also ensure that employees are fully familiar with the vehicle being driven before allowing the employee to leave City property.

Authorized Driver – must meet all requirements of this policy and have been given permission by his/her Department to operate a City vehicle (or to operate his/her personal vehicle on City business). They must obey all motor vehicle laws and City of Gainesville safety rules, maintain the vehicle properly at all times, and otherwise follow all procedures listed in these guidelines.

Department Director - upon notification, will ensure that employees not meeting required "Driver Standards" will not be allowed to drive City vehicles (or personal vehicles on City business).

The following guidelines are necessary to ensure the safety of City employees and citizens and the proper use and care of City vehicles:

Motor Vehicle Report

City of Gainesville Human Resources and/or Risk Manager will review MVRs on all post-offer applicants. MVRs will also be requested annually on employees who regularly drive City vehicles. This review will be to ensure driver's meet the below listed Driver Standards.

Driver's License

Employees driving City vehicles must have a valid Georgia driver's license for the class of the vehicle being operated, and must be trained to drive the vehicle. In general, license acquisition and renewal is a personal expense and will not be paid or reimbursed by the City. However, the acquisition of Commercial Drivers' Licenses (CDL) is handled according to the departmental procedure.

Driver Standards

All drivers of City vehicles must meet the following criteria:

- Must be at least 18 years of age;
- Must be an authorized driver for the City;
- Must meet licensing requirements.
- Must not be disqualified due to driving/criminal history (see "Driver Disqualifications" below).

Driver Disqualifications

Applicants for a position that requires driving a City vehicle may not be hired or transferred into a position requiring driving a City vehicle if one or more of the following have occurred within the prior 36 months. Any exception to this policy must be approved by the Director of Human Resources.

- Conviction of a felony of any type;
- Conviction of the sale, handling or use of drugs;
- Conviction of an alcohol or drug-related offense while driving (includes Driving Under the Influence, Driving While Intoxicated, etc.);
- Conviction of three or more speeding violations or of one or more other serious violations;
- Notice from the City's insurance carrier that driver is being excluded from insurance coverage;
- Involvement in three or more preventable accidents.

Driving by Unauthorized Persons

Except in case of emergency, a driver shall not allow a vehicle assigned to him/her to be driven by any person not authorized to drive City vehicles.

Intoxicants

Drivers shall not use, store, transport, or be under the influence of alcohol, drugs, or other intoxicants in City vehicles at any time (unless being stored or transported in conjunction with law enforcement duties). (See also City of Gainesville Personnel Policy & Procedures Manual, Policy 3.12, "Drug-Free Workplace".)

Loan of City Vehicles

Loan of City vehicles to outside agencies is discouraged. If a City vehicle is loaned for goodwill purposes, the City vehicle must be operated at all times by a City employee who is an authorized driver with experience in the type of vehicle being loaned.

Loss of Drivers' License

Revocation or suspension of a driver's license for any reason and for any period of time must be reported to the employee's immediate supervisor or Department Director within one working day of receipt of notice that the license is being suspended or revoked.

Employees will not be allowed to operate City of Gainesville vehicles while their license is suspended. Employees are not allowed to operate City of Gainesville vehicles while in possession of a temporary driving permit for the purpose of driving to and from work. Employees required to drive as a primary job function and whose license have been suspended may be subject to disciplinary action up to and including termination for loss of job qualifications. Employees who operate City of Gainesville vehicles, who have a suspended license and neglect to report the suspension, will be subject to termination for their failure to advise the City of Gainesville of their invalid license status.

Maintenance of Vehicles

Vehicles should not be operated with any noticeable defect that would inhibit safe operation during current and foreseeable weather and light conditions. Preventive maintenance, such as regular oil changes, lubrication, and tire pressure and fluid checks determine to a large extent whether employees will have a reliable, safe vehicle to drive and support City work activities. Employees should have preventive maintenance completed on their assigned City vehicle as required in the owners' manual or as scheduled by the departmental maintenance shop.

Non-Employee Passengers

A driver will not transport persons other than on-duty City employees in a City vehicle unless the person(s) is/are being transported in connection with official City business, law enforcement matters, or for other reasons specifically authorized by the Department Director or City Manager.

Personal Use of City Vehicles

City vehicles shall be used by authorized employees for official City business, only. Minimal personal use exceptions for lunch or running errands on the way to and from work are acceptable with prior approval by the Department Director or his/her designee. Drivers must remember that these vehicles are highly visible and that they should never be used in a manner that would discredit the City or its staff members.

Personal Vehicles Used for City Business

Certain circumstances may warrant a City employee's use of his/her personal vehicle to conduct City business. Typically, this occurs when the employee's department cannot provide a vehicle for running City errands, traveling to and from work-related training and/or conferences, etc. When this occurs:

- Prior approval must be obtained from the employee's Department Director or his/her designee;
- The appropriate travel reimbursement form must be completed (if appropriate);
- Mileage reimbursement will be paid according to IRS published standard mileage rates in effect at the time of the City business travel and Finance Department procedure.

The City does not assume any liability for bodily injuries or property damage that the employee may be personally obligated to pay arising out of an accident during the operation of his/her own car on City business. The travel/mileage reimbursement to the employee for the operation of his/her car on City business includes the allowance for the expense of automobile insurance. Employees using personal vehicles on City business are required to have at least the minimum liability limits of insurance required by Georgia law. The City does not specify and assumes no responsibility for types and limits of coverage on employee vehicles, since this is a matter of individual preference.

If an employee (in his/her personal vehicle) is involved in an accident in which another party is at fault, the City will not become involved in the reporting and settlement of any insurance claim that results against the at-fault party. However, if an employee's vehicle is damaged by an uninsured motorist, the employee should contact the City's Risk Manager as soon as possible after the accident for assistance. The City will reimburse the employee's insurance deductible up to \$500 (limit of once per 12-month period) if:

- the uninsured motorist caused the accident;
 - the employee's actions did not contribute to the accident;
 - the employee did not receive a citation;
 - the accident was deemed "non-preventable"; and
 - the employee followed all provisions of this Vehicle Use Policy.

Seat Belt Use

All drivers and passengers in City vehicles shall wear seat belts at all times while the vehicle is in operation.

Take-Home Vehicle Assignment

The City Manager may authorize certain personnel to drive City vehicles to their residences following normal duty hours. Vehicles so assigned should be used for official business only, and never used in such a manner as to bring discredit upon the City.

As a general guideline, employees eligible to be considered for take-home vehicle assignment are as follows:

1. City Manager and Assistant City Manager;
2. Department Directors;
3. Police Department employees that are assigned vehicles in accordance with police department policy;
4. Division Managers, Supervisors, and other City employees who are on emergency call after normal working hours;
5. Other City employees who are assigned a vehicle during normal working hours and who frequently perform City work-related tasks going to or from their residence.

Assignment of a take-home vehicle is a privilege, not a right, and is subject to removal at any time and for any reason. This program is for the benefit of the City and will be evaluated periodically for determination of appropriate changes to assignment. Take-home vehicle assignment is at the discretion of the Department Director and is subject to approval by the City Manager.

No Right of Privacy

City vehicles are the property of the City of Gainesville and as such are subject to inspection, audit, search and monitoring by City officials. The City reserves the right without advance notice to, at any time, inspect, audit and search City vehicles as well as monitor City vehicles whereabouts. This includes the right to place tracking devices on City vehicles and monitor their whereabouts without notice to employees. The City Manager shall designate persons authorized to conduct inspections, audits, searches and monitoring.

Theft

In the event of theft of a City vehicle, the police department should be contacted immediately. The City is not responsible for loss or theft of personal items left in City vehicles.

Smoke-Free Policy

It is the policy of the City to prohibit the smoking of any tobacco product, the use of oral tobacco products or “spit” tobacco (smokeless tobacco) and the use of e-cigarettes (vaping) in any City vehicle.

Training Requirements - Defensive Driving Course

All authorized drivers (except Public Safety employees with EVOC training) are required to attend a City sponsored Defensive Driving Course as soon as possible after hire, then a refresher once every three years.

Traffic Violations

Citations, fines or other actions taken by any law enforcement jurisdiction against any employee while driving a City vehicle shall be the responsibility of the employee. Each driver is required to report all moving violations occurring on City time to their supervisor within one working day. This requirement applies to violations involving the use of any City vehicle.

Any employee receiving a drug or alcohol related citation from any law enforcement jurisdiction while on duty will be subject to the City of Gainesville’s Drug and Alcohol Policy. Any employee receiving a drug or alcohol citation while on personal time may be subject to immediate disciplinary action up to and including possible termination.

Vehicle Appearance

City-owned vehicles are costly, highly visible tools which assist us in providing services to our taxpayers, and as such should be kept clean and tidy. Litter should not be allowed to accumulate inside the passenger compartments, nor in the beds of these vehicles. City vehicles are a direct reflection on the City and should portray a professional appearance.

OTHER REQUIREMENTS**15-Passenger Van Operation**

Due to recent studies involving 15-passenger vans, the City has placed restrictions on the operation of these vehicles. To enhance safety, the following operational rules apply to 15-passenger vans:

- Vehicles should be loaded “front-to-back”, with the lightest load behind the rear axle;
- When practical, the number of passengers should be limited to fewer than 10, seated toward the front of the vehicle;
- Under no circumstances shall greater than 15 people (including the driver) be transported in a 15-passenger van;
- It is the driver’s responsibility to ensure that the seat-belt policy is strictly enforced;
- Nothing shall be towed behind nor carried on top of these vehicles;
- Drivers must not use cell phones or radios at any time while the vehicle is in operation;
- No one under 18 years of age will be allowed to drive these vehicles;
- No employee will be allowed to drive these vehicles without specific authorization from his/her Department Director;
- Drivers shall practice safe driving habits, with attention to speed, following distances, and road and weather conditions, and must drive in a manner so as to avoid abrupt steering or braking.

Additional information on the operation and maintenance of 15-passenger vans may be obtained from Risk Management upon request.

Commercial Vehicle Guidelines

Drivers of commercial vehicles (CDL holders) are subject to additional policies and procedures as promulgated by the Federal Department of Transportation and other applicable agencies.

Vehicle Use Policy Violations

Violations of any portion of this “Vehicle Use Policy” will result in appropriate disciplinary action, from removal of driving privileges up to and including termination of employment, in accordance with the City of Gainesville’s Policies and Procedures.

Date Submitted: 2/15/2021

Presenter: Bryan Lackey

Item of Business: BR-2021-14 Right of Way Deed to Georgia Department of Transportation Relating to Turn Lane Project on State Route 369

Meeting Date: 3/2/2021

Purpose of Request:

Transfer City property to the Georgia Department of Transportation (GDOT) to be used as right-of-way for a turn lane extension on SR 369.

History/Background:

The City retained property along SR 369 for the purpose of extending the right turn lane onto SR 11.

Facts & Issues for Consideration:

GDOT anticipates awarding a contract to construct the turn lane extension as part of their Quick Response program which is to be completed by July 2021.

Department Recommendation:

Approve transferring the City property to GDOT.

Department Director:

Chris Rotalsky

If funding is involved, are funds approved within the current budget?

Amount Requested:

N/A

Source of Funds:

N/A

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ BR-2021-14 Right of Way Deed to GDOT Relating to Turn Lane Project on State Route 369	Resolution
☐ Right of Way Deed	Contract/Agreement/MOU

RESOLUTION BR-2021-14

**RIGHT OF WAY DEED TO GEORGIA DEPARTMENT OF TRANSPORTATION RELATING
TO TURN LANE PROJECT ON STATE ROUTE 369**

WHEREAS, the City of Gainesville (hereinafter referred to as “the City”) owns property located on State Route 369, as more particularly described in the Right of Way Deed attached hereto (hereinafter referred to as “the City Property”); and

WHEREAS, the Georgia Department of Transportation (hereinafter referred to as “GDOT”) needs to acquire the City Property in order to construct turn lanes on State Route 369, which construction will help lessen traffic congestion along State Route 369 and aid in economic development in the City; and

WHEREAS, the transferring of the City Property to GDOT is for a public purpose and authorized under O.C.G.A. § 36-37-6(e)(2)(D) and Section 1.13 of the City Charter; and

WHEREAS, the governing body for the City hereby approves the transfer of the City Property to GDOT to ensure that the construction of turn lanes on State Route 369 may be completed.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby authorizes the Mayor, the City Manager and City Attorney to execute a deed in substantially the same form as the attached Right of Way Deed conveying the City Property to GDOT, as well as all such documents and agreements that may be necessary to complete the closing of the transfer of the City Property to GDOT.

Adopted this ____ day of _____, 2021.

C. Danny Dunagan, Jr., Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk

GEORGIA DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY DEED

GEORGIA, HALL COUNTY

PROJECT NO. S015278
P. I. NO. _____

THIS CONVEYANCE made and executed the ____ day of _____, 20 ____.

WITNESSETH that the City of Gainesville, GA, the undersigned (hereinafter) referred to as “Grantor”), is the owner of a tract of land in HALL COUNTY, through which Project No. S015278, has been laid out by the Department of Transportation being more particularly described in a map and drawing of said road in the office of the Department of Transportation, 600 West Peachtree Street, Atlanta, Georgia, to which reference is hereby made.

NOW THEREFORE, in consideration of the benefit to said property by the construction and maintenance of said road, and in consideration of ONE DOLLAR (\$1.00), in hand paid, the receipt whereof is hereby acknowledged, Grantor does hereby grant, sell and convey to said Department of Transportation, and their successors in office so much land as to make a right of way for said road as surveyed, being more particularly described as follows:

All that tract or parcel of land lying and being in the Land Lot 148 of the 9th Land District of Hall County, Georgia, and being more particularly described on Exhibit “A” attached hereto and made a part hereof by this reference.

Said right of way is hereby conveyed, consisting of 0.038 acres, more or less, as shown colored yellow on the plat of the property prepared by Patton Land Surveying, LLC, dated April 15, 2019; revised October 17, 2019, said plant attached hereto and made a part of this deed as Exhibit “B”.

TO HAVE AND TO HOLD the said conveyed premises in fee simple and any rights Grantor has or may have in and to existing public rights of way are hereby quitclaimed and conveyed unto the Department of Transportation.

Grantor hereby warrants that Grantor has the right to sell and convey said land and bind himself, his heirs, executors and administrators forever to defend by virtue of these presents.

IN WITNESSETH WHEREOF. Grantor has hereunto set his hand and seal the day above written

CITY OF GAINESVILLE

Signed, Sealed and Delivered
this ____ day of _____
20 __, in the presence

By: _____
C. Danny Dunagan, Jr.
Mayor

Witness

Attest: _____
Denise O. Jordan, City Clerk

Notary Public
My Commission Expires:

CITY SEAL

AFFIX NOTARY SEAL

Approved as to form:

Abbott S. Hayes, Jr.
Hulsey, Oliver & Mahar, LLP
City Attorney

Legal Description: Required Right-of-way Parcel 4

All that tract or parcel of land lying and being in Land Lot 148, 9th Land District, City of Gainesville, Hall County, Georgia as shown on a plat prepared by Patton Land Surveying, LLC, for City of Gainesville, dated April 15th, 2019 last revised October 17th, 2019 and being more particularly described as follows:

Commencing at a 1/2" rebar pin set at the intersection of the Southerly right-of-way line of Jesse Jewell Parkway with the Easterly right-of-way of Bradford Street S.E., located at Georgia State Plane Coordinate Northing 1563461.06, Easting 2399760.72, Georgia West Zone, North American Datum of 1983/2007 adjustment and being at Georgia Department of Transportation Station 93+28.57 49.96' right of the survey baseline per right-of-way map, Project number 13551;

Thence following the Southerly line of said Jesse Jewell Parkway the following course:

THENCE North 57 degrees 51 minutes 06 seconds East for a distance of 105.44 feet to a 1/2" rebar pin set, and said point being the TRUE POINT OF BEGINNING.

Thence continue along the Southerly line of said Jesse Jewell Parkway the following courses:

Thence North 57 degrees 51 minutes 06 seconds East for a distance of 62.55 feet to a point;
 Thence North 60 degrees 22 minutes 06 seconds East for a distance of 49.90 feet to a point;
 Thence North 61 degrees 26 minutes 47 seconds East for a distance of 66.43 feet to a point;
 Thence North 60 degrees 43 minutes 11 seconds East for a distance of 51.89 feet to a PK Nail set on the Easterly line of Tract 7, as described in Deed Book 8180, pages 335-341;

Thence leaving said Jesse Jewell Parkway and following the Easterly line of said Tract 7 the following course:

Thence South 29 degrees 06 minutes 48 seconds East for a distance of 9.04 feet to a point;

Thence leaving said Easterly line of Tract 7 the following courses:

Thence South 62 degrees 01 minutes 17 seconds West for a distance of 58.88 feet to a point;
 Thence South 60 degrees 49 minutes 14 seconds West for a distance of 112.74 feet to a point; Thence South 65 degrees 28 minutes 26 seconds West for a distance of 59.25 feet to a point and said point being the POINT OF BEGINNING.

Said property contains 0.038 acres more or less.



HALL COUNTY SURVEYOR



PATTON
 LAND SURVEYING, LLC
 REGISTERED PROFESSIONAL
 LAND SURVEYORS

P.O. BOX 256
 GAINESVILLE, GA. 30503
 PHONE: (770) 532-6492
 FAX: (770) 532-1995
 www.pattonsurveying.com

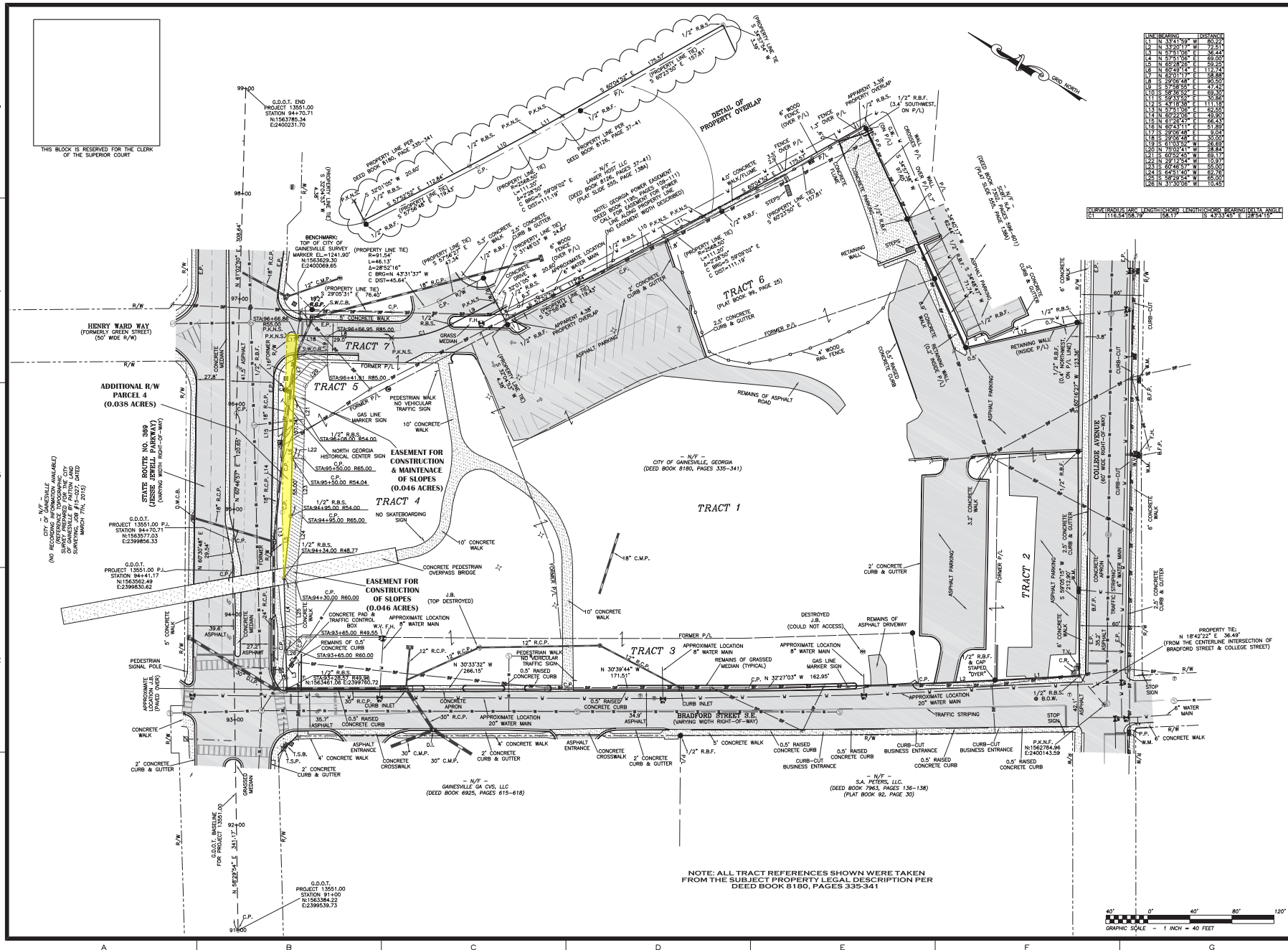
LEGAL DESCRIPTION FOR:
CITY OF GAINESVILLE
 (REQUIRED RIGHT-OF-WAY PARCEL 4)
 - L O C A T E D I N -
LAND LOT 148
9TH LAND DISTRICT
CITY OF GAINESVILLE
HALL COUNTY, GEORGIA

SCALE:
 N/A

DATE:
 10/22/2019

19-033.01.dwg
 JN. 19-033
 Page 106 of 246

Exhibit B



REGISTERED PROFESSIONAL LAND SURVEYORS

PATTON LAND SURVEYING, LLC

P.O. BOX 256
GAINESVILLE, GA. 30603
PHONE: (770) 532-6492
FAX: (770) 532-1949
www.pattonsurveying.com

COMMISSION & IDIOMATIC FOR:

CITY OF GAINESVILLE

- LOCATED IN -

LAND LOT 148
9TH LAND DISTRICT
HALL COUNTY, GEORGIA

REVISIONS

NO.	DATE	DESCRIPTION
1	10-12-2019	REVISED BOUNDARY TO REMAIN PROPOSED RIGHT-OF-WAY PAVED & ADDED PROPOSED SLOPE & MAINTENANCE EASEMENTS.

SHEET NUMBER:

2 of 3

SCALE: 1" = 40'

SURVEY DATE: 04/12/2019

PLAT DATE: 04/15/2019

JN. 19-0331.dwg

JN. 19-033

Date Submitted: 2/18/2021

Presenter: Bryan Lackey

Item of Business: BR-2021-15 Tax Allocation District (TAD) Funding for City of Gainesville for Banks Street Trailhead

Meeting Date: 3/2/2021

Purpose of Request:

To consider an application by the City of Gainesville for the development of trailhead parking and restrooms at 422 SW Banks Street.

History/Background:

The City acquired property from Liberty Utilities in 2019. This project will develop that piece into a parking lot and restrooms to serve the Highlands to Islands Trail. A trailhead was identified by the Highlands to Islands Trail Committee as a need.

Facts & Issues for Consideration:

The TAD Advisory Committee met on February 15, 2021 to hear the application and recommended approval.

Department Recommendation:

Approval of the resolution.

Department Director:

Bryan Lackey

If funding is involved, are funds approved within the current budget?

Amount Requested:	Source of Funds:
\$350,000	TAD

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description	Type
☐ BR-2021-15 TAD Funding for City of Gainesville - Banks Street Trailhead	Resolution
☐ Presentation : City of Gainesville TAD	Backup Material

RESOLUTION BR-2021-15

**TAX ALLOCATION DISTRICT (TAD) FUNDING FOR CITY OF GAINESVILLE
FOR BANKS STREET TRAILHEAD**

WHEREAS, the governing body of the City of Gainesville is committed to the success of the redevelopment of Midtown Gainesville into a live, work and play area; and

WHEREAS, on October 17, 2006 the governing body of the City of Gainesville adopted the Midtown Redevelopment Plan and created Tax Allocation District (TAD) Number One – Midtown pursuant to the Georgia Redevelopment Powers Law (O.C.G.A. § 36-44-1 et seq.) as the next steps in the City’s redevelopment effort to reinvigorate Midtown; and

WHEREAS, the City of Gainesville will only consider applications for TAD financing for purposes or uses that are consistent with the definition of “redevelopment” as defined in the Georgia Redevelopment Powers Law [O.C.G.A. § 36-44-3(5)], with said eligible purposes or uses including public works and utilities, telecommunications infrastructure, street/streetscape improvements, parks and open space amenities, transit facilities and public parking structures, pedestrian amenities and safety improvements, and site preparation; and

WHEREAS, an application involving the development of trailhead parking for the Highlands to Islands Trail and restroom facilities was reviewed by the TAD Advisory Committee and determined to achieve the TAD criteria; and

WHEREAS, the TAD Advisory Committee recommended approval of the TAD funding request of \$350,000 for the development of a parking lot and restroom facilities to serve the Highlands to Islands Trail.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Gainesville hereby approves the TAD application of \$350,000 for the “Banks Street Trailhead” at 422 SW Banks Street.

BE IT FURTHER RESOLVED THAT that the governing body for the City of Gainesville hereby approves funding for the redevelopment improvement from the fund balance of the Tax Allocation District Fund.

Adopted this ____ day of _____, 2021.

C. Danny Dunagan, Jr., Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk



TAD ADVISORY COMMITTEE MEETING

February 15, 2021

An aerial photograph of a residential and commercial area. A rectangular plot of land is outlined in yellow, located near the intersection of a street and a road. The area contains some trees, a small building, and a shed. Surrounding the site are various other properties, including houses, parking lots, and larger commercial buildings. The text "Project Site" and "422 SW Banks Street" is overlaid in the top left corner.

Project Site
422 SW Banks Street

Banks Street Trailhead

- City purchased property in 2019 from Liberty Utilities
- Property was purchased when Liberty Utilities relocated their offices to Cleveland Highway/ Limestone Park

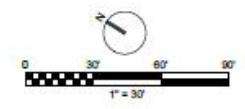




Parker Street Pond

- City purchased 8 surrounding properties for a Water Quality project in 2017
- Began design and development of “Parker Street Pond”





OVERSTORY LEGEND			
	AGA	AMELANCHIER X GRANDIFLORA AUTUMN BRILLIANCE	AUTUMN BRILLIANCE SERVICEBERRY
	ARO	ACER RUBRUM 'OCTOBER GLORY'	OCTOBER GLORY RED MAPLE
	BND	BETULA NIGRA 'DURA HEAT'	DURA HEAT RIVER BIRCH
	CCO	CARPINUS CAROLINIANA 'ORANGE CRUSH'	ORANGE CRUSH AMERICAN HORNBEAM
	CFC	CORNUS FLORIDA 'CHEROKEE PRINCESS'	CHEROKEE PRINCESS DOGWOOD
	CPH	CRATAEGUS PHAENOPYRUM	WASHINGTON HAWTHORN
	HCW	HALESIA CAROLINA 'WEDDING BELLS'	CAROLINA SILVERBELL
	JVI	JUNIPERUS VIRGINIANA 'BURKE'	EASTERN RED CEDAR
	LBI	LAGERSTROEMIA 'BLOOM'	PALE PINK CRAPMYRTLE
	MOC	MAGNOLIA GRANDIFLORA 'SOUTHERN CHARM'	TEDDY BEAR SWEETBAY
	NSW	NYSSA SYLVATICA 'WILDFIRE'	WILDFIRE BLACKGUM
	QHA	QUERCUS HEMISPHERICA 'AVALYN'	LAUREL OAK
	QLA	QUERCUS LYRATA 'DAHLONEGA'	GREEN SPRING OVERCUP OAK
	TON	TAXODIUM DISTICHUM 'NELSON'	APACHE CHIEF BALD CYPRESS
	UAV	ULMUS AMERICANA 'VALLEY FORGE'	AMERICAN ELM

- NOTES:
1. LOCATE AND VERIFY THE EXISTENCE OF ALL UTILITIES PRIOR TO STARTING WORK.
 2. CONTRACTOR TO ENSURE LIMITED DISTURBANCE TO EXISTING VEGETATION WHEN PERFORMING TREE REMOVALS, PLANTING, AND SEEDING OPERATIONS.
 3. FINAL LOCATIONS OF CALIPER TREES TO BE VERIFIED IN THE FIELD.
 4. DO NOT INSTALL ANY TREES WITHIN 5 FEET TO EITHER SIDE OF EXISTING AND PROPOSED PATHWAYS.
 5. SEED DISTURBED AREAS WITH SEED MIXES AS PER UNDERSTORY LAYOUT AT THE RATE SPECIFIED BY MANUFACTURER.
 6. SEE SHEET L-02 FOR SEEDING LAYOUT.
 7. SEE SHEETS L-03 - L-06 FOR UNDERSTORY LAYOUT.
 8. SEE SHEET L-07 FOR PLANTING DETAILS.
 9. SEE SHEET L-08 FOR PLANT SCHEDULE.

ch2m

CITY OF GAINESVILLE
MIDTOWN GREENWAY EXTENSION
STREAM RESTORATION AND BMP DESIGN

1" = 30'
VERIFY SCALE
BAR IS ONE INCH ON ORIGINAL DRAWING
DATE: FEBRUARY 2020
PROJ: 696451
DWG: L-01
SHEET: of



95% DESIGN DOCUMENTS







Project Site 422 SW Banks Street



Project Site

422 SW Banks Street



Banks Street Trailhead

- Highlands to Islands Trail Committee identified a need for additional trailhead parking
- Trail Committee Members include representatives from:
 - Hall County
 - Gainesville
 - Oakwood
 - Flowery Branch
 - Vision 2030 Greenspace Committee
- Letter of Support Received



2875 Browns Bridge Road
Gainesville, GA 30504
Tel: 770.531.6809
Fax: 770.531.3902
ghmpo.org

January 26, 2021

Midtown TAD Advisory Committee
Gainesville, Georgia

To Whom It May Concern:

This letter serves as support from the Trails Subcommittee of the Gainesville-Hall Metropolitan Planning Organization for the City of Gainesville's efforts to obtain funding to construct a Trailhead along the Midtown Greenway section of the Highlands to Islands Trail network near the intersections of Banks Street and Gordon Avenue.

Over the last decade, the City of Gainesville has made significant efforts to expand their portion of the Highlands to Islands Trail network, a planned county-wide system of paved multiuse pathways. The funding received from the Midtown TAD would allow for the construction of a much-needed Trailhead for access to the Midtown Greenway, providing bathrooms and parking spaces for users to utilize. Furthermore, this facility would be placed near the site of the next planned phase of the Highlands to Islands Trail system that would connect the Midtown Greenway to the Chicopee Trail, providing continuous multiuse path between downtown Gainesville and the University of North Georgia – Gainesville Campus near Oakwood.

The Gainesville-Hall Metropolitan Planning Organization has worked closely with the City of Gainesville on this planning effort over the last several years, including the work conducted on the recently completed Gainesville Trail Study and the Regional Transportation Plan: 2020 Update. Most recently, we have worked closely with the City of Gainesville through the Trails Subcommittee, which has brought the cities of Gainesville, Oakwood, and Flowery Branch along with Hall County and the Vision 2030 Greenspace Committee together into a cooperative, regional effort to plan for and advance the Highlands to Islands Trail system.

The Trails Subcommittee fully supports the City of Gainesville's efforts to obtain funding through the Midtown Tax Allocation District to construct this Trailhead.

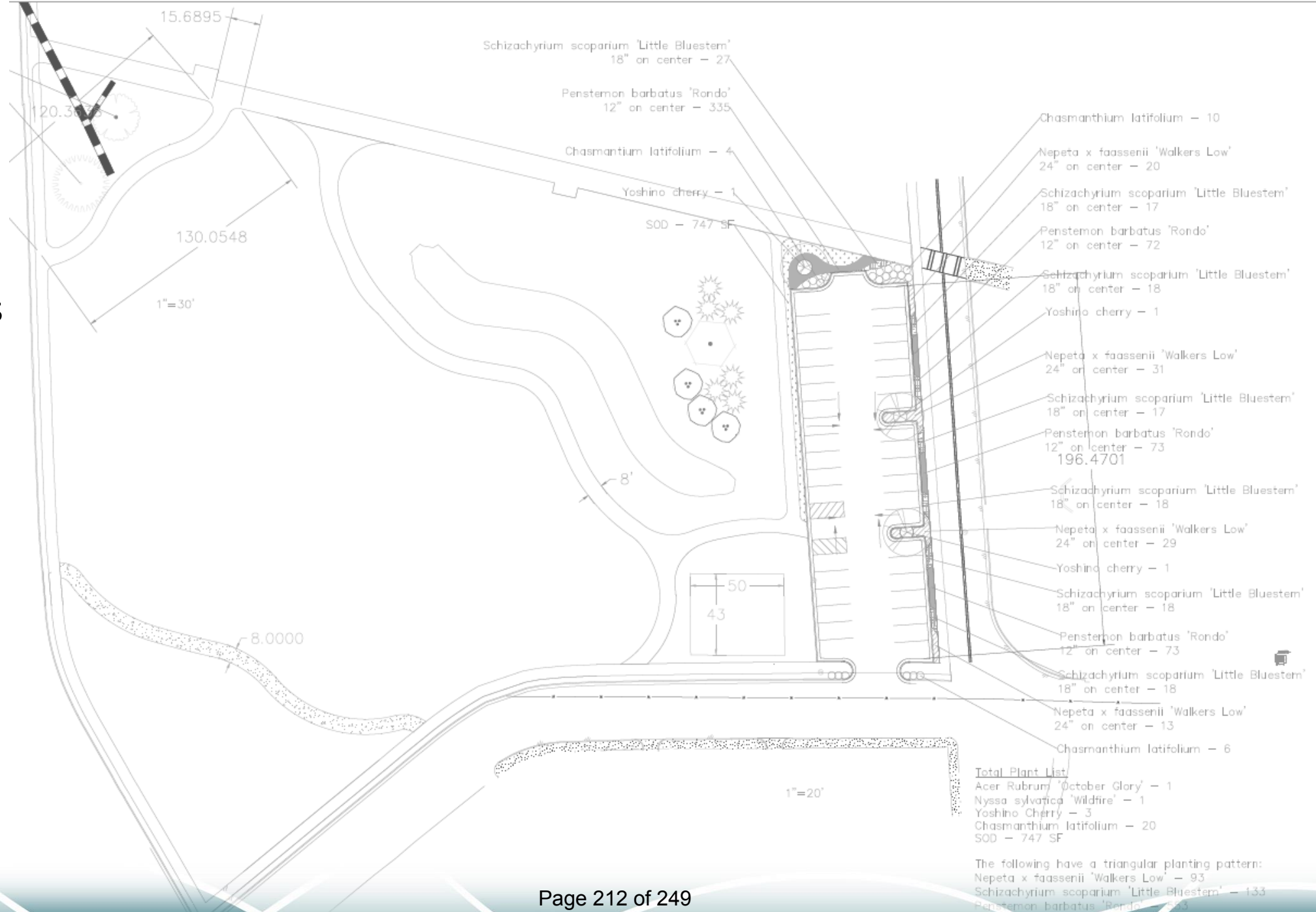
Respectfully,

A handwritten signature in blue ink that reads "S. McQuade".

Sarah McQuade, on behalf of the GHMPO Trails Subcommittee
Director, GHMPO

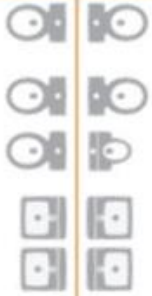
Banks Street Trailhead

- Utilize former Liberty Utilities property as trailhead parking
- 35 parking spaces, plus restroom facilities





FLUSH RESTROOM



TAOS STANDARD BUILDING



click & hold
to rotate

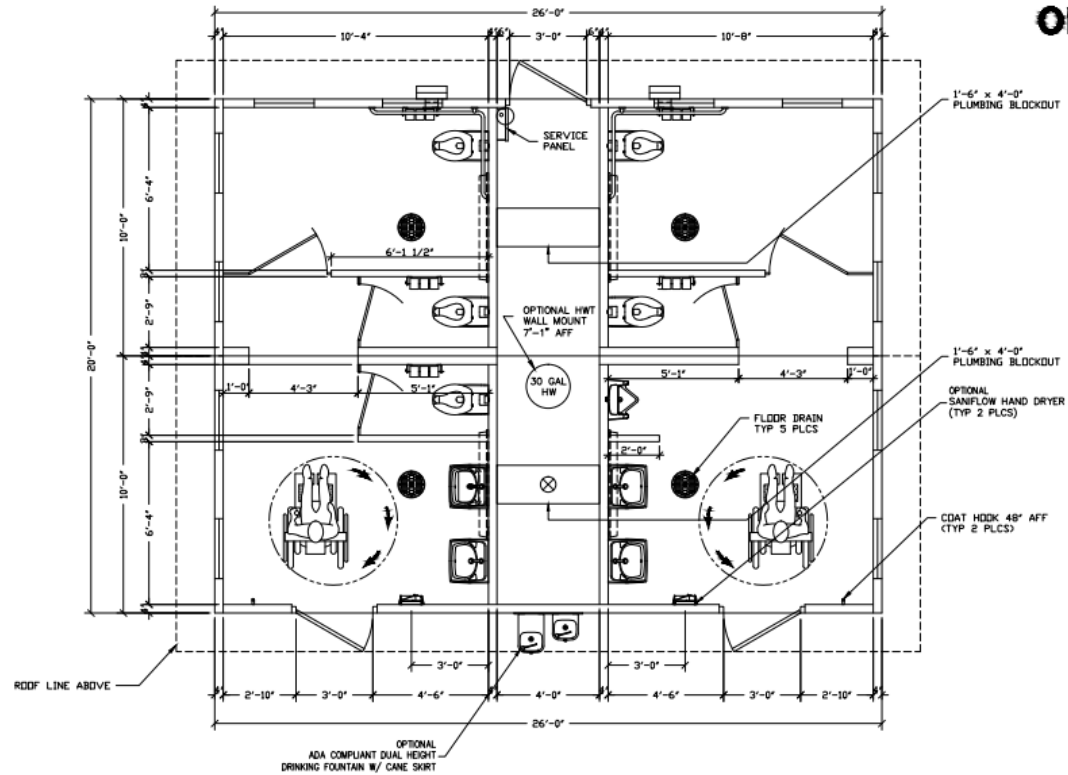
OPTION SHOWN. THESE OPTIONS INCLUDE:
LIGHTS, HAND DRYERS & DRINKING FOUNTAIN.



Select an annotation



**FOR
REFERENCE
ONLY**



NOTES: 1. SEE DRAWING TA-28 FOR SIZE AND LOCATION OF FLOOR BLOCKOUTS

3808 N. Sullivan Blvd. #7 Spokane, WA 99216
CXT
Present Products
 901 N. Highway 77 Hillsboro, TX 76645

MODEL NO.
TA03
 CXT STANDARD BUILDING

NOTICE
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CXT Incorporated

DATE	1/28/21	BY	AM-03-28
SCALE	1/2" = 1'-0"	DATE	1/28/21
CHECKED	PLM	DATE	1/28/21

 FLOOR PLAN

DWG NO. TA-03
 SHEET 1 OF 1
 REV.

Pre-Fabricated Restroom

Handicap Accessible

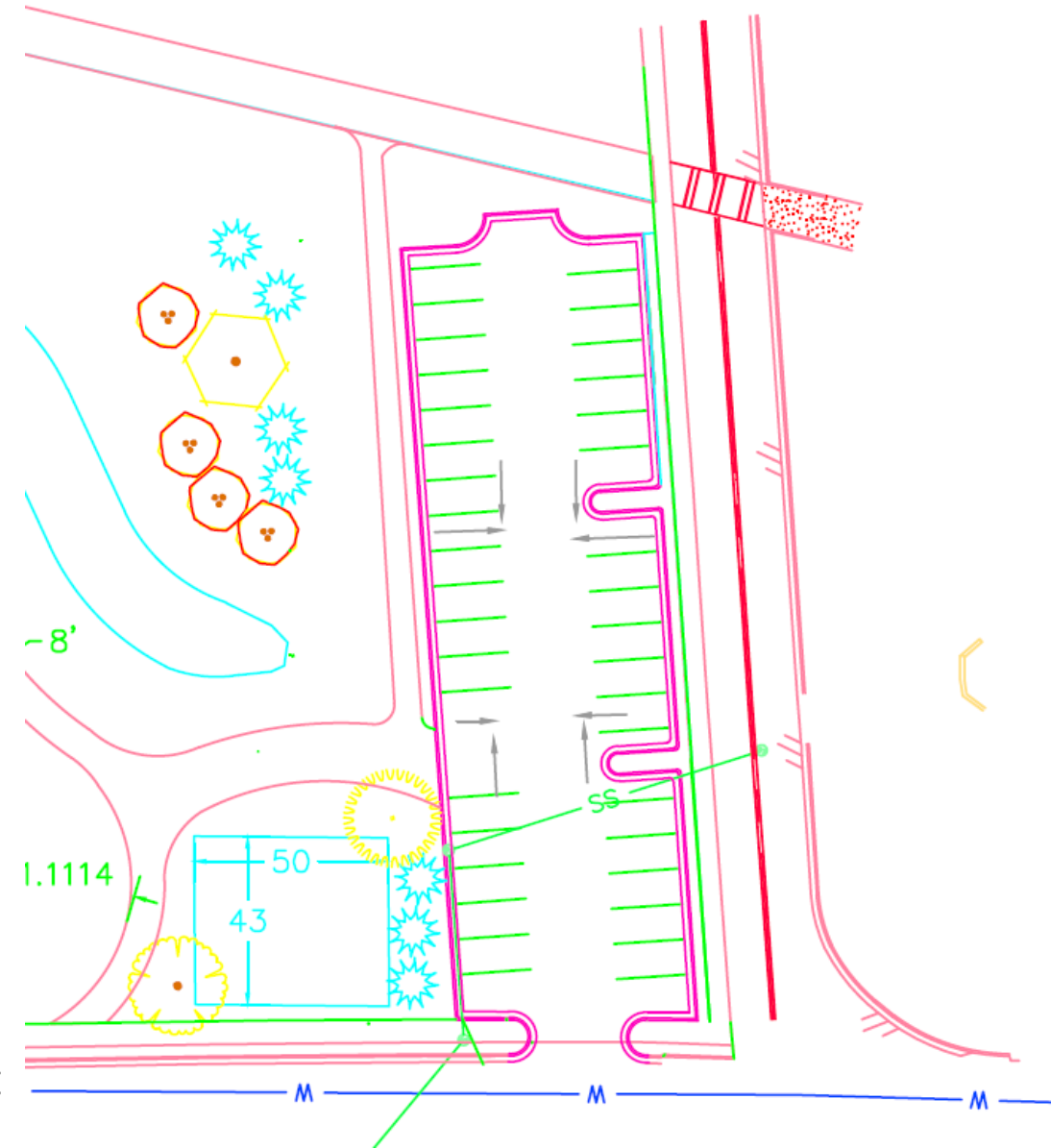
6 Stalls Total :
 3 Mens & 3 Womens

Current Financial Investment on Site

- Parker Street Pond Project : \$2,841,207
 - Property Acquisition: \$900,000
 - Demolition: \$75,000
 - Project Design: \$406,763
 - Contracted Construction Cost: \$1,459,444
- Liberty Utilities Site : \$101,500
 - Property Acquisition: \$95,000
 - Demolition: \$6,500
- General Site Improvements : \$50,000
 - Perimeter Sidewalk Improvements: \$50,000
- **Total Investment To Date : 2,992,707**
 - + Midtown Greenway Park Development
 - + Highlands to Islands Trail Development
 - + Future Park Improvements of \$2,250,000

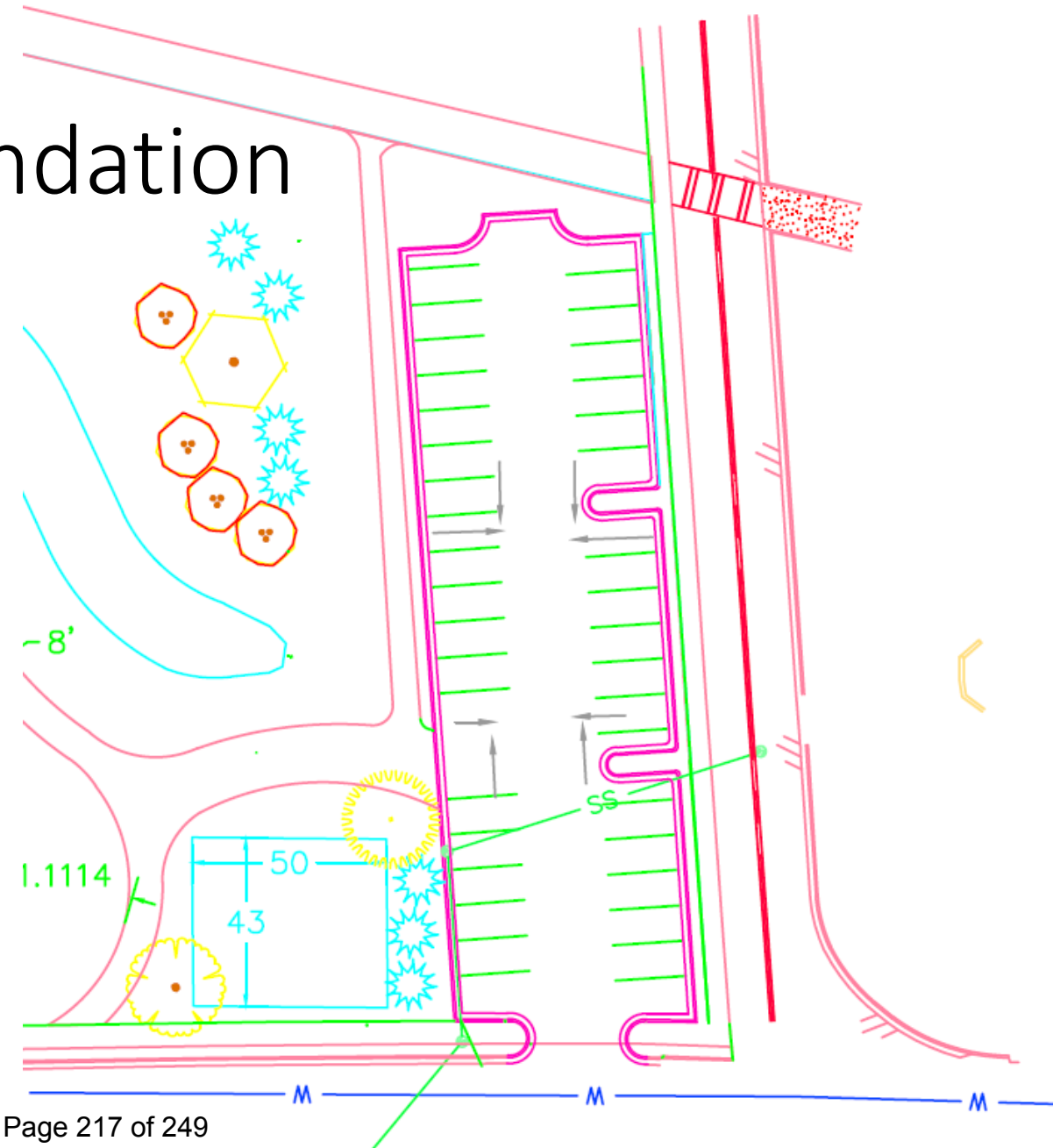
TAD Request

- Trailhead Parking: \$150,000
 - Site Prep & Foundation: \$ 24,400
 - Paving and Striping: \$102,100
 - Landscaping: \$8,500
 - Lighting: \$15,000
- Restroom Facilities : \$200,000
 - Pre-Fabricated Units: \$150,000
 - Delivery, Site Work & Utility Hook-Up: \$50,000
- Total TAD Request: \$350,000
 - Approximately 10% of Total Project Investment



TAD Request Advisory Committee Recommendation

- Recommended approval of the total TAD Request of \$350,000 for Trailhead Parking and Restrooms.



CITY OF GAINESVILLE

COUNCIL AGENDA REQUEST

Date Submitted: 2/15/2021

Presenter: Abb Hayes

Item of Business: Request from **Dave Odom** to rezone a 1.56± acres tract located on the south side of Oak Street, west of its intersection with West Academy Street (a/k/a **341 and 361 Oak Street, NW**) from General Business (G-B) to Planned Unit Development (P-U-D) . **Ward Number: Four**. Tax Parcel Number(s): 01-026-001-002A and 003. **Request: Mixed-use residential and commercial.**

- Proposed Rezoning Ordinance 2021-10

Meeting Date: 3/2/2021

Purpose of Request:

To conduct a public hearing regarding the following zoning request as presented at the February 9, 2021 Planning and Appeals Board Meeting:

The proposal includes rezoning the subject property for a mixed-use development consisting of 9 detached cottage homes, 11 attached townhomes and an existing 1,200 square foot commercial building.

The cottages are designed as two-story units with a minimum of 1,150 square feet of heated floor space, each with a small accessory building that can be used for additional residential living/office space. Each cottage unit will have two parking spaces within the driveway. The townhomes are designed as three-story units ranging from 1,600 to 2,100 square feet of heated floor space, with a two-car garage.

Common space will include 6 visitor parking spaces, a small greenspace/park and mail kiosk. The commercial building will utilize the existing two driveways on Oak Street. A private road is proposed from Oak Street to serve the residential units. The road will be built to meet the weight bearing capacity and clearance requirements but with reduced road widths. The road will be privately maintained and private trash service will be provided. Adjacent uses include commercial office building, power substation, St. Paul United Methodist Church, offices and the Atlanta Union Mission thrift store.

History/Background:

Facts & Issues for Consideration:

Department Recommendation:

Staff and PAB recommended approval with seven conditions. See the PAB Recommendation report for details and excerpts from the meeting minutes.

SAMPLE MOTIONS

Approval of Ordinance 2021-10 :

I move to approve the ordinance to rezone the subject property from General Business (G-B) to Planned Unit Development (P-U-D) with seven conditions as presented.

Denial of the Request:

I move to deny the request.

Department Director:

Rusty Ligon

If funding is involved, are funds approved within the current budget?

Amount Requested:

Source of Funds:

Finance Comments:

Administrative Comments:

ATTACHMENTS:

Description		Type
☐	Legal Ad	Legal Ad
☐	PAB Recommendation Report	Report
☐	Proposed Zoning Ordinance 2021-10	Ordinance
☐	Location Maps	Backup Material
☐	Survey	Backup Material
☐	Narrative	Backup Material
☐	Exhibit A Original Concept Plan	Backup Material
☐	Exhibit B Revised Concept Plan	Backup Material
☐	Architectural Renderings	Backup Material

**COMBINED LEGAL AD
Gainesville Planning and Appeals Board
Gainesville City Council**

**Publish Wednesday, January 20, 2021
THE TIMES**

NOTICE OF PLANNING AND APPEALS BOARD PUBLIC HEARING

Notice is hereby given that the **Gainesville Planning and Appeals Board** will conduct a public hearing on **Tuesday, February 9, 2021 at 5:30 p.m.** in the **Gainesville Justice Center** (Municipal Courtroom at the Public Safety Complex), 701 Queen City Parkway in midtown Gainesville on the following request:

- 1) Request from **Dave Odom** to rezone a 1.56± acres tract located on the south side of Oak Street, west of its intersection with West Academy Street (a/k/a **341 and 361 Oak Street, NW**) from General Business (G-B) to Planned Unit Development (P-U-D).
Ward Number: Four
Tax Parcel Number(s): 01-026-001-002A and 003
Request: Mixed-use residential and commercial

**NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE
GAINESVILLE ZONING MAP**

Notice is hereby given that the **Gainesville City Council** will conduct a public hearing on **Tuesday, March 2, 2021 at 5:30 p.m.** in the **Gainesville Justice Center** (Municipal Courtroom at the Public Safety Complex), 701 Queen City Parkway in midtown Gainesville on the following request:

- 1) Request from **Dave Odom** to rezone a 1.56± acres tract located on the south side of Oak Street, west of its intersection with West Academy Street (a/k/a **341 and 361 Oak Street, NW**) from General Business (G-B) to Planned Unit Development (P-U-D).
Ward Number: Four
Tax Parcel Number(s): 01-026-001-002A and 003
Request: Mixed-use residential and commercial

Additional information is available from the Community and Economic Development Department, Planning Division, by calling 770-531-6570.

NOTE: In accordance with Georgia law, anyone who wishes to express opposition to the proposed zoning action, and has made, within two years immediately preceding the filing of the proposed zoning action, campaign contributions aggregating \$250 or more to a local government official who will consider the application, shall file a disclosure of contribution(s) with the Planning Division at least five (5) days prior to the first reading of the proposed zoning action by the City Council. (OCGA § 36-67A-3 3 {c})

**GAINESVILLE PLANNING and APPEALS BOARD
RECOMMENDATION**

Applicant Dave Odom
Property Owner Richard Padgham
Location 341 and 361 Oak Street, NW
Request Rezone from G-B to P-U-D
Total Acres 1.56± acres
Ward Four
Proposed Use Mixed-use residential and commercial
Planning Division Staff Recommendation **Approval, with conditions**
Planning & Appeals Board Recommendation **Approval, with conditions**
Date February 9, 2021

▪ **Applicant's Proposal and Background Information**

The proposal includes rezoning the subject property from General Business (G-B) to Planned Unit Development (P-U-D) for a mixed-use development consisting of 9 detached cottage homes, 11 attached townhomes and an existing 1,200 square foot commercial building for office/retail/café purposes. The residential units will have the ability to be sold as fee-simple and/or offered as long-term rental properties.

The 9 cottages are designed as two-story units with a minimum of 1,150 square feet of heated floor space, each with a small accessory building that can be used for additional residential living/office space. Each cottage unit proposes 2 bedroom and 2.5 bathrooms and two parking spaces will be provided within the driveway. The 11 townhomes are designed as three-story units ranging from 1,600 to 2,100 square feet of heated floor space, with a two-car garage. Each unit will provide 3 bedrooms and 3.5 bathrooms.

Common space will include 6 visitor parking spaces, a small greenspace/park and mail kiosk. The commercial building will utilize the existing two driveways. A private road is proposed from Oak Street to serve the residential units. The road will be built to meet the weight bearing capacity and clearance requirements but with reduced road widths. The roads will be privately maintained.

Development Standards (Summary):

Total Units: 20 units (9, two-story detached cottages and 11, three-story townhomes)

Density: Gross- 12.8 du/ac; Residential property only- 14.9± du/ac

Commercial: 1,200 sf with uses allowed within General Business (G-B)

Minimum Residential Lot Size: 600 sf

Maximum Structure Height: Primary Units 40-feet (2-3 stories); Accessory Bldgs. 25-feet

Residential Heated Square Feet: Primary Units -1,150 to 2,100 sf; Accessory Bldgs. -250 sf

Setbacks: Front: 0 feet; Front Corner: 0 feet; Side: 3 feet; Side Attached: 0 feet; Rear: 3 feet

Parking: 2 spaces per residential unit and 6 guest spaces; Commercial -13 spaces provided

Streets: Private- 20 feet wide (18 feet of permeable pavers and 1 foot of curbing on each side built to meet weight bearing capacity and clearance requirements for Public Safety)

Services: City Public Water/Sewer and trash pick-up

▪ **Adjacent Land Use and Zoning**

Location	Use	Zoning
North	Atlanta Union Mission Thrift Store; Teelish Screen Printing; Natures Healing Massage; The Guest House (previously)	General Business (G-B)
South	St. Paul United Methodist Church	Neighborhood Business (N-B) and General Business (G-B)
East	Academy Oak Business Center	General Business (G-B)
West	Power substation	General Business (G-B)

▪ **Other Departmental Comments**

The Gainesville Public Works Department states that trash pick-up will be provided by the City for the residential units. In addition, proposed units 1 and 20 will need to be located so as not to interfere with the site distance for traffic exiting the development. All improvements such as roads and sidewalks within the subject property shall be privately owned and maintained.

There were no other departmental comments for this request.

▪ **Zoning History**

The following zoning actions have taken place in the immediate area during the last ten years:

2020 – A request by Juan Luna for a special use within Neighborhood Business (N-B) zoning on a 1.66± acres tract located at 0, 903, 915, 919, 921, 925 and 927 Washington Street, NW was conditionally approved for twenty apartments.

2018 – A request by KRM 2016, LLC for a special use within Neighborhood Business (N-B) zoning on a 0.82± acre tract located at 520 Washington Street, NW was conditionally approved for five duplex apartments.

▪ **Staff Analysis**

(1) Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?

The surrounding properties includes a mixture of office, commercial, institutional and public uses. The adjacent properties are zoned General Business (G-B) and Neighborhood Business (N-B). The proposed mixed-use development is unique to the area and would provide for quality housing close to downtown. Oak Street was originally developed for residential purposes, but many of the properties have been redeveloped for nonresidential uses.

(2) Will the proposed use adversely affect the existing use or usability of adjacent or nearby property?

The proposed use should not adversely impact the surrounding and nearby properties; however, the residential use will change how the property functions with full time residents. Parking, access, stormwater and building orientation are important as to not detract from the adjacent nonresidential uses and to provide for sufficient privacy for the future residences.

(3) Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?

The Gainesville 2030 Future Development Map for the City of Gainesville places the subject property within the *Mixed Use General* land use category. This category includes areas containing or planned for a mixture of land uses including office, neighborhood retail, and residential.

According to the Character Area map for the City of Gainesville, the subject property is located within the *Central Core* Character Area specifically within the *Downtown/Midtown* subarea. The vision for this area includes additional office and housing to provide a more sustainable mix of uses. Historic preservation and sensitive infill are key to maintaining a strong sense of place. There should be a focus on preservation of existing character through an adaptive reuse where feasible. Land uses supported in the subarea include mixed-use, multi-family residential, commercial, public / institutional, and transportation / communications / utilities.

(4) Are there substantial reasons why the property cannot or should not be used as currently zoned?

The property is zoned General Business (G-B) which is intended for heavy commercial uses such as office, gas station, retail, restaurant and mini-warehouse uses with building heights not to exceed 5-stories in height or 75-feet with zero (0') rear and side yard setbacks. The G-B zoning district does not permit residential uses; therefore, the applicant is proposing to rezone the subject property to a P-U-D at an overall gross density of 12.8 dwelling units per acre including the commercial property.

(5) Will the proposed use cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?

City water, sewer and public safety services are currently provided to the property. Stormwater facilities will be required to be upgraded to meet the current stormwater regulations. Gainesville Fire Station #1 is located off of Queen City Parkway and is approximately 1.1± miles from the subject property.

The proposal will slightly increase ingress and egress traffic movements along Oak Street which provides a secondary connection to downtown Gainesville from the Lakeshore Mall area and Gainesville High School. Oak Street is a two-lane road with sidewalks on both sides of the street. According to the Institute of Transportation Engineers (ITE) Trip Generation Handbook (9th Edition), the residential townhomes and cottages on average could generate 116± new trips per weekday, 9± A.M. and 10± P.M. peak hour trips. The classification for a café/restaurant use was used to calculate the trips for the commercial building. According to the existing size of the building, the commercial use could generate 108± new trips per weekday, 7± A.M. and 11± P.M. peak hour trips.

The proposed use should have minimal impacts on the Gainesville City School System given there are 20 residential units proposed and the development is geared towards working class, retired and aging citizens.

(6) Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?

Development along Oak Street consists of a mixture of old and new uses of which many have been redeveloped over the last 20 to 30 years such as the nearby Academy Oak Business Center, Park Place offices, and Rochester & Associates. The Comprehensive Plan identifies the need for quality housing within the downtown area. The subject property is conducive for a mixture of commercial and residential purposes as it is situated within an area that is walkable to downtown office, retail, restaurant and public uses.

(7) Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

Based on the Comprehensive Plan and the adjacent mixture of uses, the proposed rezoning request with the recommended conditions appears to reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property.

▪ **Staff Recommendation**

The Planning Division staff is recommending **conditional approval** of this rezoning request from General Business (G-B) to Planned Unit Development (P-U-D) based on the Comprehensive Plan and the adjacent mixture of uses.

Conditions

1. The proposal shall be generally consistent with the concept plan and architectural elevations provided with this rezoning application.
2. Prohibited uses for the subject property shall include extended stay hotels, motels/hotels with rooms accessed from the exterior of the building, adult novelty stores, group homes, crisis centers, adult entertainment centers, pawn shops, dollar-type stores, massage parlors, hookah lounge, tobacco or vaping stores, gas station/convenience stores, auto body shops, automobile sales establishments, marine sales or repair stores, automated or non-automated car washes, truck stops, coin-laundry facilities, tattoo parlors, psychics, fortune tellers, clairvoyants and the like.
3. The owner/developer shall screen the proposed stormwater detention pond and dumpster with a mixture of evergreen trees. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director.
4. All proposed residential structures shall be setback a minimum of 10-feet from the adjacent office building located to the east of the subject property and shall have a maximum building height of 35-feet, measured from the lowest elevation.
5. All new structures, signs and trees shall be setback from Oak Street so as not to interfere with the site distance for traffic exiting the development. All improvements such as roads and sidewalks within the subject property shall be privately owned and maintained.
6. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director. The approval of said design shall be required prior to issuance of a building permit. All required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner.

7. An updated as-built survey/plat of the subject property, indicating existing conditions and all improvements shall be recorded prior to obtaining a Certificate of Occupancy for the future use.
-

Excerpts from the February 9, 2021 PAB Meeting Minutes

Applicant Presentation: Dave Odom, 6632 Ben Parks Road, Murrayville, stated he has been meeting with Community & Economic Development staff over the last couple of years trying to find opportunities in Gainesville and has completed one project on Bradford Street. He stated the project has been successful due to its close proximity to the square. Mr. Odom stated over the last six years he's been doing Urban Infill in the Atlanta area and wanted to bring some what he's learned in Midtown Atlanta to Gainesville. He stated there will be a mixture of cottages and townhomes close to street. The street will use a paver system and will be walkable, with everything focused to the center. He said at the back of the property there will be a central park and three story townhomes with roof top decks on the upper floor focused toward the center. Mr. Odom said the size of the units has grown some with the smallest cottage at 1,200 square feet up to 1,700 square feet with two and three bedroom units with a mix of traditional small village and modern design. He said the townhomes are 1,730 to 2,430 square feet all with garages and mixed front elevations but focused toward the center of the property. He spoke about the quality of the interior design showing photos of other projects. He stated Mr. Powell owns building next door was a little concerned about the rear elevation of the townhomes facing his office building. After speaking with him and meeting a few times they have come up with a modification of buildings 10 through 15 being reoriented along the south part of the property and with the park being more east/west orientation. He thinks the project has actually improved and all is contingent on engineering and meeting all the design standards.

Billy Powell, 329 Oak Street, agrees with the revised layout of reorienting units 10 through 15 and believes it will be better for everybody. He is in full support of the new layout.

Richard Padgham, 341 Oak Street, stated he is the property owner and has always wanted a project like this and the reason for purchasing it years ago. Mr. Padgham fully supports the project.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to recommend conditional approval to rezone the subject property from General Business (G-B) to Planned Unit Development (P-U-D) with the following conditions:

Conditions

1. The proposal shall be generally consistent with the concept plan and architectural elevations provided with this rezoning application.
2. Prohibited uses for the subject property shall include extended stay hotels, motels/hotels with rooms accessed from the exterior of the building, adult novelty stores, group homes, crisis centers, adult entertainment centers, pawn shops, dollar-type stores, massage parlors, hookah lounge, tobacco or vaping stores, gas station/convenience stores, auto body shops, automobile sales establishments, marine sales or repair stores, automated or non-automated car

washes, truck stops, coin-laundry facilities, tattoo parlors, psychics, fortune tellers, clairvoyants and the like.

3. The owner/developer shall screen the proposed stormwater detention pond and dumpster with a mixture of evergreen trees. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director.
4. All proposed residential structures shall be setback a minimum of 10-feet from the adjacent office building located to the east of the subject property and shall have a maximum building height of 35-feet, measured from the lowest elevation.
5. All new structures, signs and trees shall be setback from Oak Street so as not to interfere with the site distance for traffic exiting the development. All improvements such as roads and sidewalks within the subject property shall be privately owned and maintained.
6. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director. The approval of said design shall be required prior to issuance of a building permit. All required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner.
7. An updated as-built survey/plat of the subject property, indicating existing conditions and all improvements shall be recorded prior to obtaining a Certificate of Occupancy for the future use.

Motion made by Board Member White

Motion seconded by Board Member Martin

Vote – 7 favor

Passed: _____

AN ORDINANCE

No. 2021-10

AN ORDINANCE OF THE CITY OF GAINESVILLE TO AMEND THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY CHANGING THE ZONING ON A 1.56± ACRES TRACT LOCATED ON THE SOUTH SIDE OF OAK STREET, WEST OF ITS INTERSECTION WITH WEST ACADEMY STREET (A/K/A 341 & 361 OAK STREET, NW) FROM GENERAL BUSINESS (G-B) TO PLANNED UNIT DEVELOPMENT, WITH CONDITIONS (P-U-D-c); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT HEREBY ORDAINED BY THE GOVERNING BODY OF THE CITY OF GAINESVILLE, GEORGIA, AS FOLLOWS:

SECTION I

That from and after the passage of this Ordinance the following described lands shall be zoned and so designated on the Zoning Map of the City of Gainesville as **Planned Unit Development, with conditions (P-U-D-c)**:

Conditions

- 1. The proposal shall be generally consistent with the concept plan and architectural elevations provided with this rezoning application.**
- 2. Prohibited uses for the subject property shall include extended stay hotels, motels/hotels with rooms accessed from the exterior of the building, adult novelty stores, group homes, crisis centers, adult entertainment centers, pawn shops, dollar-type stores, massage parlors, hookah lounge, tobacco or vaping stores, gas station/convenience stores, auto body shops, automobile sales establishments, marine sales or repair stores, automated or non-automated car washes, truck stops, coin-laundry facilities, tattoo parlors, psychics, fortune tellers, clairvoyants and the like.**
- 3. The owner/developer shall screen the proposed stormwater detention pond and dumpster with a mixture of evergreen trees. The location, spacing, size and type of trees planted shall be subject to the approval of the Community and Economic Development Department Director.**
- 4. All proposed residential structures shall be setback a minimum of 10-feet from the adjacent office building located to the east of the subject property and shall have a maximum building height of 35-feet, measured from the lowest elevation.**
- 5. All new structures, signs and trees shall be setback from Oak Street so as not to interfere with the site distance for traffic exiting the development. All improvements**

ORDINANCE NO. 2021-10

such as roads and sidewalks within the subject property shall be privately owned and maintained.

6. All access point design for the subject property shall be submitted for review by the Gainesville Public Works Director. The approval of said design shall be required prior to issuance of a building permit. All required access/traffic/sidewalk improvements associated with the proposed development shall be at the full expense of the developer/property owner.
7. An updated as-built survey/plat of the subject property, indicating existing conditions and all improvements shall be recorded prior to obtaining a Certificate of Occupancy for the future use.

Legal Description

Tract 1

All that tract or parcel of land lying and being in Land Lot 154, 9th Land District, City of Gainesville of Hall County, Georgia as shown on a survey and plat prepared by Patton Land Surveying, LLC for "Richard Padgham" dated September 30th, 2020 and being more particularly described as follows:

Commencing at a p.k. nail set (having a coordinate value of Northing: 1564662.32 Easting: 2397891.92 based on the Georgia State Plane Coordinate System, Nad 83, GA West Zone) at the Centerline Intersection of Oak Street and Adair Street; Thence South 33 degrees 41 minutes 02 seconds East for a distance of 26.00 feet to a ½" rebar pin set on the southern right of way of Oak Street (having a Total right-of-way width of 40 feet), said point being the TRUE POINT OF BEGINNING.

Thence following said road right-of-way South 86 degrees 51 minutes 14 seconds East for a distance of 168.92 feet to a 3/8" rebar pin found; Thence leaving said road right-of-way South 08 degrees 54 minutes 55 seconds West for a distance of 309.80 feet to a 3/8" rebar pin found; Thence South 86 degrees 05 minutes 23 seconds West for a distance of 44.45 feet to a 3/8" rebar pin found; Thence North 88 degrees 01 minutes 11 seconds West for a distance of 83.51 feet to a 60-D nail at a 4" angle iron; Thence North 01 degrees 17 minutes 57 seconds East for a distance of 315.56 feet to a ½" rebar pin set, and said point being the POINT OF BEGINNING.

Together with and subject to covenants, easements and restrictions of record.

Said property contains 1.06 acres more or less.

Tract 2

All that tract or parcel of land lying and being in Land Lot 154, 9th Land District, City of Gainesville of Hall County, Georgia as shown on a survey and plat prepared by Patton Land Surveying, LLC for "Richard Padgham" dated September 30th, 2020 and being more particularly described as follows:

Commencing at a p.k. nail set (having a coordinate value of Northing: 1564662.32 Easting: 2397891.92 based on the Georgia State Plane Coordinate System, Nad 83, GA West Zone) at the Centerline Intersection of Oak Street and Adair Street; Thence South 33 degrees 41 minutes 02 seconds East for a distance of 26.00 feet to a ½" rebar pin set on the southern right

ORDINANCE NO. 2021-10

of way of Oak Street (having a Total right-of-way width of 40 feet), Thence following said road right-of-way South 86 degrees 51 minutes 14 seconds East for a distance of 168.92 feet to a 3/8" rebar pin found; said point being the TRUE POINT OF BEGINNING.

Thence following said road right-of-way South 86 degrees 51 minutes 14 seconds East for a distance of 68.21 feet to a p.k. nail found; Thence leaving said road right-of-way South 07 degrees 39 minutes 43 seconds West for a distance of 309.24 feet to a 1/2" rebar pin set; Thence North 86 degrees 48 minutes 50 seconds West for a distance of 75.00 feet to a 3/8" rebar pin found; Thence North 08 degrees 54 minutes 55 seconds East for a distance of 309.80 feet to a 3/8" rebar pin found; and said point being the POINT OF BEGINNING.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 0.51 acres more or less.

SECTION II.

All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION III

If any portion of this Ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

SECTION IV

This Ordinance is enacted as an amendment to the Code of the City of Gainesville, Georgia, and is to be codified as a part of Section 9-1-1-5.

SECTION V

The effective date of this Ordinance shall be upon approval by the governing body of the City of Gainesville, Georgia.

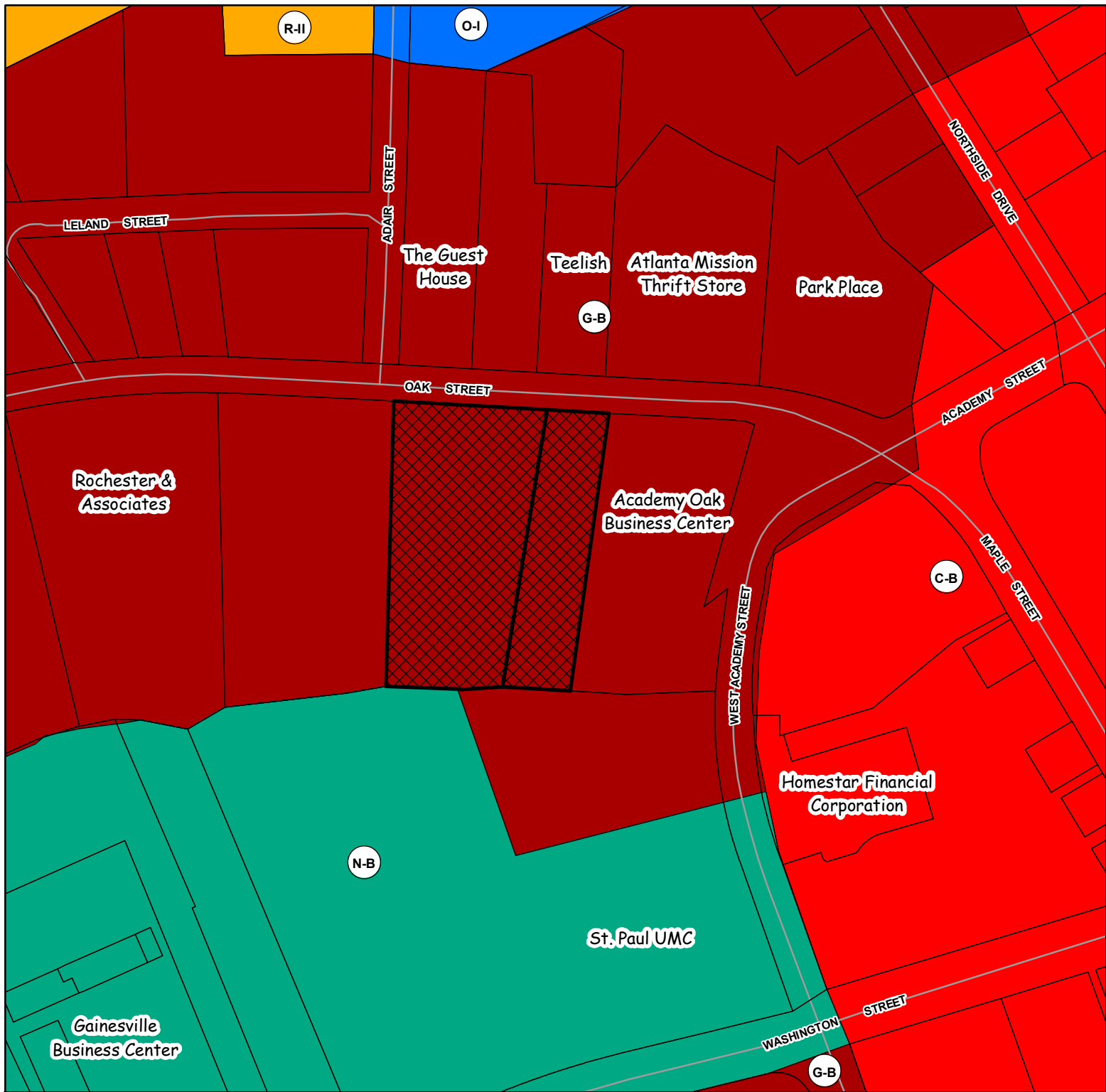
ORDINANCE NO. 2021-10

C. Danny Dunagan, Jr., Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this Ordinance was adopted as stated and will be recorded in the official minutes.

ATTEST:

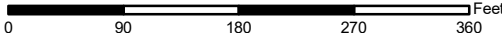
Denise O. Jordan, City Clerk



Applicant:		DAVE ODOM	
REZONING REQUEST			
Request: Rezone 1.56+/- acres from General Business (G-B) to Planned Unit Development (P-U-D) for mixed-use residential and commercial			
Subject Property Address:		Tax Parcel:	
341 & 361 Oak Street, NW		01-026-001-002A and 003	
Meeting Date: 02/09/2021		Map Prepared: 01/13/2021	

 Subject Property





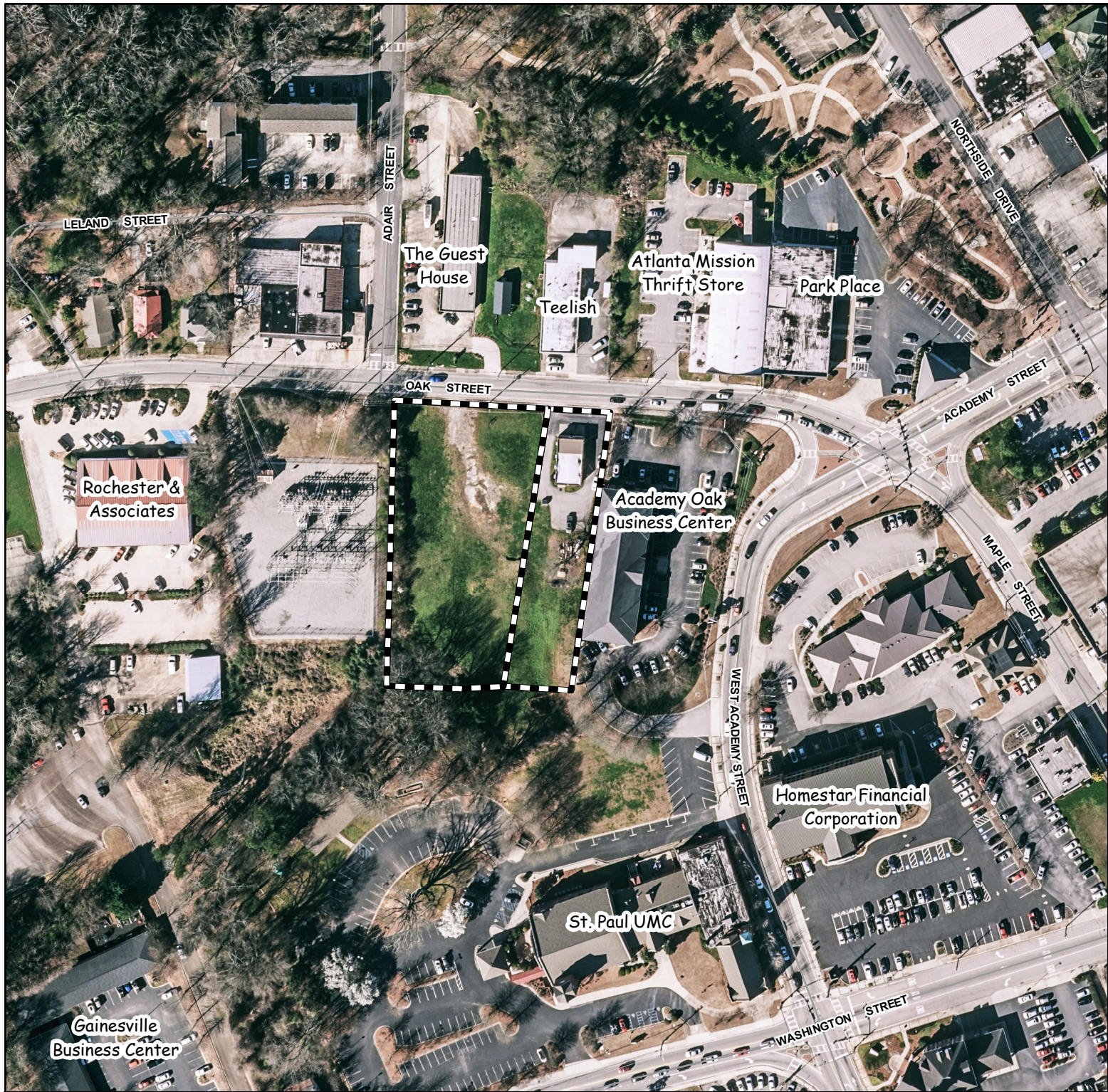
1" = 150'



CITY OF
GAINESVILLE
COMMUNITY AND ECONOMIC DEVELOPMENT



Page 231 of 249



Applicant:

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Tax Parcel:

01-026-001-002A and 003

Meeting Date: 02/09/2021

Map Prepared: 01/13/2021



Subject Property

Aerial from 2018

0 90 180 270 360 Feet



1" = 150'



CITY OF

GAINESVILLE

COMMUNITY AND ECONOMIC DEVELOPMENT



SITE DEVELOPMENT REGULATIONS

361 OAK

THE CITY OF GAINESVILLE
STATE OF GEORGIA

A PLANNED UNIT DEVELOPMENT



DECEMBER 23, 2020

DRAWINGS AND SPECIFICATIONS ARE PROPRIETARY AND PROPERTY OF SYNCHRONICITY, LLC. NO USAGE ON ANY OTHER PROJECT OR DESIGN PERMITTED. VIOLATIONS SUBJECT TO FULL PROSECUTION UNDER LAW. USAGE FOR ANY REASON OUTSIDE OF THIS SPECIFIC PROJECT MUST HAVE WRITTEN PERMISSION FROM SYNCHRONICITY, LLC.

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EXECUTIVE SUMMARY

361 OAK is a Planned Unit Development located at 361 Oak Street (a 40' public right-of-way) southeast of the intersection of Adair Street within the limits of the City of Gainesville, Georgia. The parcel is located within the Central Core District of the City in close proximity of Downtown's historic central square. The project is an aggregated redevelopment parcel totaling 1.57 acres. The parcel is located within Land Lot 154, 9th Land District, City of Gainesville, Hall County Georgia. The current zoning of the parcel is G-B General Business with a maximum 75' structure height.

Currently, the site is comprised of one building: a historic brick structure occupied by a general business office use. The remainder of the site is a vast field of undeveloped open space. There are no wetlands on site. There are no grand or historic trees of significance.

The development concept is an innovative urban planned unit development incorporating traditional neighborhood development (TND) practices into a vibrant, human-scaled, pedestrian friendly community. This will be achieved by combining existing compliant commercial general business uses with newly constructed attached & detached fee-simple single family residential units; all linked together by an interconnected Woonerf living street system. Residential units that will have the ability to be sold as fee-simple and/or offered as long-term rental properties.

An internal Woonerf, a living street, will serve as the linking element of community Open Space as well as a new Private Right-of-Way with a central park with mail kiosk as the primary neighborhood gathering space. The genesis of the entire development gravitates around human-centered design principles leading towards a safe & sociable environment.

COMPREHENSIVE PLAN ALIGNMENT

The 361 OAK Planned Unit Development is aligned with the City of Gainesville's vision for future land use utilizing redevelopment and infill opportunities.

The intent of a planned unit development (PUD) is to:

- Provide flexibility in the design of developments.
- Encourage comprehensive planning of developments.
- Permit innovation in neighborhood design that includes incorporation of open space, preservation of natural features and other amenities; to provide opportunity for a mixture of uses within a development and to insure compatibility of developments with surrounding areas.

Redevelopment and infill opportunities of underutilized sites are one of Gainesville's greatest physical assets because their development or redevelopment can help enhance or complete existing neighborhoods and districts. These sites can reduce the need to travel further to shop or work, preserve lands further out, and save taxpayers infrastructure costs.

Through contextually sensitive design, innovative shared open space planning and an urban architectural vernacular, the goal of the 361 OAK Planned Unit Development is to most appropriately comply with the City of Gainesville's 2040 Comprehensive Plan Goals for the Downtown/Midtown Core as follows...

"Issues & Opportunities:

1. Need for urban-scale housing, especially around Downtown and Midtown, and adjacent redevelopment areas.
2. Lacking higher-end/greater variety retail, especially in the Downtown Core.
3. Small retail and dining continues to struggle around and near the City Square.
4. Vacant land is not being utilized for infill development.
5. Need to explore housing products for aging population."

Attention to the City's needs and desires, along with careful attention to details with innovative land planning practices will ensure that the Citizenry and the City of Gainesville will receive an innovative urban planned unit development incorporating traditional neighborhood development (TND) practices into a vibrant, human-scaled, pedestrian friendly community.

This new community will integrate seamlessly within the City's urban fabric, greatly contributing to the transformation Oak Street streetscape. The efforts of the Developer of 361 OAK will positively impact Oak Street's progression...yielding a beautiful, safe & sociable environment.

361 OAK will set the example as a signature infill redevelopment; meeting Comprehensive Plan goal needs by transforming neglected and underutilized resources into a beautiful neighborhood, creating new living opportunities for Gainesville's working class, retired and aging citizens.

DEVELOPMENT PLAN

Property Address:	361 Oak Street, Lot 154, 9 th District, Gainesville, Georgia
Site Area:	1.57 AC +/-
Existing Zoning:	GB – General Business
Existing Conditions:	Existing general business commercial building and an undeveloped yard with open space.
Proposed Uses:	An urban planned unit development incorporating traditional neighborhood development (TND) practices into a vibrant, human-scaled, pedestrian friendly community. This will be achieved by combining existing compliant commercial general business uses with newly constructed attached & detached fee-simple single family residential units; all linked together by an interconnected Woonerf living street system.
Proposed Density:	12.73 DU/AC
Site Development:	<u>Maximum General Business Space:</u> 2,000 GSF <u>Maximum Residential Units:</u> 20 <u>Property Setbacks</u> Front: 0 feet Front Corner: 0 feet Side: 3 feet Side Attached: 0 feet Rear: 3 feet Minimum Lot Size: 600 SF
Max. Structure Height:	Structure heights are permitted to a maximum fifty feet (40') measured from the average adjacent R.O.W./Front Property Line back-of-curb elevation to the top of roof. Newly constructed homes will range from two to three stories. Heights will be distributed appropriately according to adjacent land uses and contextually appropriate massing.
Open Space:	As exhibited in the Concept Plan, community Open Space will be provided via a Woonerf living street system, walks and yards, as well as a central park with Mail Kiosk as the primary neighborhood gathering space.
Parking:	Two (2) parking spaces per residential unit, and one (1) parking space per 1,000 GSF of general business commercial space will be located throughout the development via driveway, garage, and surface lot spaces.
Flexibility:	As the Developer progresses with design for this innovative urban neighborhood, flexibility in revisions to the Concept Plan via site layout & engineering will be granted as long as overall proposed density shall not be eclipsed.

THE WOONERF SYSTEM

Term: Woonerf (Dutch Pronunciation: ['ʋoːn.ɛrf])

Question: What is a Woonerf?

Answer...The concept of the woonerf was developed in the late 1960s in the city of Delft, Netherlands. Residents of a neighborhood were upset with cut-through traffic speeding through their neighborhood, making it unsafe. The residents took out their brick streets and replaced them with winding serpentine paths. This action initiated the woonerf—or “residential yard” in Dutch—a residential street in which the living environment predominates rather than vehicular infrastructure. Through the physical alteration of the street, the woonerf provides space for cars while fully accommodating the needs of residents. The main goal of a woonerf is to change the way streets are used and to improve the quality of life in residential streets by designing them for people, not just for traffic.

In a woonerf, the street is shared among pedestrians, bicyclists, and motor vehicles; however, pedestrians have priority over cars. The street is designed without a clear division between pedestrian and auto space (i.e., no continuous curb), so motorists are forced to slow down and travel with caution. Limiting vehicular speed not only improves residents’ feelings of safety, but also promotes greater use of the public space. This action allows more room for new features in the street such as street furniture (e.g., planters, street trees, benches) and areas for social interaction, bringing more people out on the streets to walk, bike, play, and interact with each other. In other words, a woonerf transforms the street into a livable and attractive environment for a variety of activities. The woonerf concept in urban planning has proven to be successful in the Netherlands. As a result, it has become increasingly popular in many other countries in Europe as well as around the world. The term itself, “woonerf,” varies from one country to another. For example, a woonerf is also known as a *home zone*. The home zone concept was developed from the woonerf concept in Britain in the late 1990s. According to Appleyard and Cox, there is a subtle difference between the two: a woonerf in the Netherlands emphasizes creating a sense of place, while a home zone in Britain focuses more on easing traffic and reducing accidents. However, both concepts incorporate formal and informal space for children’s play and social activities. Another concept is the *shared street*, which is commonly used in the United States; however, this concept can be applied to residential streets as well as commercial ones. Since all these terms, as well as others, originated from the woonerf concept, they share similar principles and design characteristics, and thus they are often used interchangeably.

The Developer of 361 OAK will be implementing a Woonerf System within the central Open Space of the neighborhood. This will allow the safe passage and interaction among pedestrians, cyclists and automobiles. This will provide residents a public space in front of their homes as a place to play, socialize and engage in the community.

Source: Collarte, Natalia “The Woonerf Concept ‘Rethinking a Residential Street in Somerville’ “
December 7, 2012

GENERAL GUIDELINES

A. Parking

Due to 361 OAK's unique project composition, parking is being proposed as:

Two (2) parking spaces per residential unit, and one (1) parking space per 1,000 GSF of commercial space will be located throughout the development via driveway, garage and surface lot spaces:

- Standard parking & driveway space: 9' x 18'; or 9' x 17' with vehicle overhang
- Parallel parking space: 8' x 22'
- Garage space: 8'-6" x 18'

B. Residential Units

Single-family attached & detached fee-simple residential dwelling units will exist throughout the development; comprising the majority of building space use. Residential units will have frontage along the Oak Street Public Right-of-Way as well as along the interior 361 OAK Private Right-of-Way. Addressing for all residential units will be clearly visible along the 361 OAK Private Right-of-Way. Residential units will have the ability to be sold as fee-simple and/or offered as long-term rental properties.

Front setbacks shall be zero feet (0'). Rear setbacks shall be three feet (3'). Side non-attached setbacks of three feet (3') shall apply to free standing units and the end units of attached units. Attached residential units shall exist with zero foot (0') side setbacks along their adjoining side property line (demising wall). Front corner setbacks of zero feet (0') will apply to the allowed placement of all buildings on corner lots (those having frontage on two or more public/private rights-of-way) and shall observe the required minimum front setback of zero feet (0) for all frontages from all rights-of-way. This provision will, for example, apply to the entry cottage units.

Accessory Buildings: Accessory buildings shall have a maximum height of twenty-five (25) feet and a maximum area of two hundred fifty (250) square feet of conditioned living space. Accessory buildings can include heated living or residential office space and must maintain a similar exterior finish and architectural appearance to that of the primary residence, as being subordinate.

C. Commercial Unit

One commercial unit will exist within the project, occupying the existing commercial building on the property. Uses allowed in the GB – General Business zoning designation will be allowed in this unit. Addressing for the commercial unit will be clearly visible along the Oak Street Public Right-of-Way.

D. Building Heights & Massing

Structure heights are permitted to a maximum fifty feet (40') measured from the average adjacent R.O.W./Front Property Line back-of-curb elevation to the top of roof. Newly constructed homes

will range from two to three stories. Heights will be distributed appropriately according to adjacent land uses and contextually appropriate massing.

E. Property Owners Association

The Developer will establish a Property Owners Association (POA) for the development. The POA will be managed by the Developer (or their appointed representative) until all units are sold and duties will be transferred to the POA.

The POA will be responsible for funding and maintaining interior street repairs & replacement, the Woonerf, entry signage and landscaping & lighting, and any other Developer/POA installed amenities on private property and/or Open Spaces outside of the 361 OAK Private Right-of-Way. These areas and associated drainage systems will be privately maintained by the Developer until the ongoing maintenance is assumed by the Property Owners Association.

F. Utilities

The City of Gainesville will provide water and sewer services via existing adjacent infrastructure. Power and natural gas will be provided by Georgia Power. Garbage collection will be provided by private services utilizing standard residential rolling trash & recycling cans (no dumpsters).

G. Signage

Up to two (2) flanking columnar entry signage monuments, at a height maximum of six feet (6') each, identifying the project will be placed in future locations, to be determined, at the neighborhood's entry along Oak Street. The monuments will be illuminated with decorative lighting for wayfinding purposes.

Entry monuments, supporting decorative landscape and infrastructure (such as landscape lighting & irrigation) shall occur *outside* of the Oak Street public Right-of-Way and therefore be exempt from City & State encroachment requirements.

H. Landscape

Decorative and supplemental landscaping may be provided throughout the development, adjacent to the Oak Street public Right-of-Way, and within the 361 OAK private Right-of-Way. Decorative landscape and infrastructure (such as landscape lighting & irrigation) shall occur *outside* of the Oak Street public Right-of-Way and therefore be exempt from City & State encroachment requirements.

I. Lighting

The Developer will prepare a lighting plan for street lights (in conjunction with Georgia Power) and may also provide decorative building, landscape, site & tree lighting throughout the development and adjacent to the Oak Street Right-of-Way. Buildings and entry signage may be illuminated for the purposes of safety and wayfinding.

J. Streets, Sidewalks & the Woonerf System

The Developer will construct the two-way 361 OAK Private Right-of-Way from Oak Street at a minimum thirty five feet (35') wide. The minimum typical street pavement width will be twenty feet (20'): 18' of permeable street pavers bound by 1' curbing on each side. A standard minimum four foot (4') sidewalk will be provided throughout the neighborhood. The intention is for the 361 OAK Private R.O.W. to operate and function as would a Public R.O.W. via the presence and use of pedestrians, bicyclists, motorists, and all of the City of Gainesville's emergency service and public service providers (such as Police, Fire, EMS, Street Sweeping, etc.).

This street will be built to Private standards, meeting the weight bearing capacity and clearance requirements of City Engineering & Fire Standards. The entirety of the R.O.W. will be paved. The intended material is a road worthy paver system with pervious joints for stormwater retention & detention purposes, utilizing low-impact development sustainability practices. Road sections and materials will be certified by Civil and Materials Engineers, as necessary. This information will be provided during the permitting processes. Fire truck staging (min. 20' wide) will be provided throughout the internal vehicular/pedestrian circulation court (a.k.a. the "Woonerf").

No on-street parking will be allowed along 361 OAK's Private R.O.W., per posted signage and monitoring. "No parking", "Stop" and other street signage will be provided in the R.O.W. (which may be expanded to include). Off-street guest parking spaces will be provided to service the neighborhood.

The Developer will be implementing a permeable Woonerf System as the central Open Space of the neighborhood. This will allow the safe passage and interaction among pedestrians, cyclists and automobiles. The Woonerf will provide residents a public space in front of their homes as a place to play, socialize and engage in the community. The Woonerf System within the 361 OAK Private Right-of-Way will be constructed by the Developer (and/or assigns) and maintained privately until the ongoing maintenance is assumed by the Property Owners Association.

The Woonerf System and driveways outside the 361 OAK Private Right-of-Way will be constructed by the Developer and maintained privately until the ongoing maintenance is assumed by the Property Owners Association or individual property owner, as assigned.

Coordination for the encroachment of the 361 OAK Private Right-of-Way intersection with Oak Street Public Right-of-Way will be conducted with the City of Gainesville and GA DOT. Sight distance visibility at the ingress/egress intersection will be maintained in accordance with the City of Gainesville and GA DOT standards.

The intent for accessibility throughout the project is to provide that the private Right-of-Way and all units and amenities be ADA and FHA compliant.

K. Trees

Street trees will be planted within the verge of the 361 OAK Private Right-of-Way. Shade and decorative trees will be planted throughout the neighborhood with the goal of positively contributing towards the City's overall tree canopy.

L. Community Benefit

The Citizenry and the City of Gainesville will receive an innovative urban planned unit development incorporating traditional neighborhood development (TND) practices into a vibrant, human-scaled, pedestrian friendly community.

This new community will integrate seamlessly within the City's urban fabric, greatly contributing to the transformation Oak Street streetscape. The efforts of the Developer of 361 OAK will positively impact Oak Street's progression...yielding a beautiful, safe & sociable environment.

361 OAK will set the example as a signature infill redevelopment; transforming neglected and underutilized resources into a beautiful neighborhood, creating new living opportunities for Gainesville's working class, retired and aging citizens.

Exhibit "A"

Original Concept Plan



DEVELOPMENT SUMMARY	
1.57 AC	TOTAL SITE AREA (+/-)
PUD	PROPOSED ZONING
3.0	HEIGHT MAX. (STORIES)
40'	MAX. BUILDING HEIGHT
35'	RIGHT-OF-WAY
1	COMMERCIAL
1	OFFICE/RETAIL/CAFE
1,200	TOTAL COMMERCIAL GSF +/-
13	PARKING SPACES
1:93	PARKING RATION (GSF)
20	RESIDENTIAL UNITS
9	COTTAGE
11	TOWNHOUSE (TH)
12.73	PROPOSED DENSITY (DU/AC)
46	PROPOSED PARKING
18	DRIVEWAY
22	GARAGE
6	GUEST
1:3.33	GUEST PARKING RATIO
1:2.30	TOTAL PARKING RATIO
COTTAGE	UNIT DETAILS (TYP.)
16' x 42'	FOOTPRINT
2.0	STORIES
2/2.5	BEDROOM/BATHROOM
1,150	HEATED SQUARE FOOTAGE (HSF)
2	DRIVEWAY SPACES
TH - 'A'	UNIT DETAILS (TYP.)
20' x 40'	FOOTPRINT
3.0	STORIES
3/3.5	BEDROOM/BATHROOM
2,000	GROSS SQUARE FOOTAGE (GSF)
1,600	HEATED SQUARE FOOTAGE (HSF)
400	ROOF TERRACE (SF)
2	GARAGE SPACES
TH - 'B'	UNIT DETAILS (TYP.)
26' x 40'	FOOTPRINT
3.0	STORIES
3/3.5	BEDROOM/BATHROOM
2,600	GROSS SQUARE FOOTAGE (GSF)
2,100	HEATED SQUARE FOOTAGE (HSF)
500	ROOF TERRACE (SF)
2	GARAGE SPACES



LOT 154
9TH DISTRICT
GAINESVILLE
FLORIDA
361 OAK STREET



Exhibit "B"
Revised Concept Plan



DEVELOPMENT SUMMARY	
1.57 AC	TOTAL SITE AREA (+/-)
PUD	PROPOSED ZONING
3.0	HEIGHT MAX. (STORIES)
40'	MAX. BUILDING HEIGHT
35'	RIGHT-OF-WAY
1	COMMERCIAL
1	OFFICE/RETAIL/CAFE
1,200	TOTAL COMMERCIAL GSF +/-
13	PARKING SPACES
1:93	PARKING RATION (GSF)
20	RESIDENTIAL UNITS
8	COTTAGE
12	TOWNHOUSE (TH)
12.73	PROPOSED DENSITY (DU/AC)
45	PROPOSED PARKING
16	DRIVEWAY
24	GARAGE
5	GUEST
1:4	GUEST PARKING RATIO
1:2.25	TOTAL PARKING RATIO
COTTAGE	UNIT DETAILS (TYP.)
16' x 42'	FOOTPRINT
2.0	STORIES
2/2.5	BEDROOM/BATHROOM
1,150	HEATED SQUARE FOOTAGE (HSF)
2	DRIVEWAY SPACES
TH - 'A'	UNIT DETAILS (TYP.)
20' x 40'	FOOTPRINT
3.0	STORIES
3/3.5	BEDROOM/BATHROOM
2,000	GROSS SQUARE FOOTAGE (GSF)
6,600	HEATED SQUARE FOOTAGE (HSF)
400	ROOF TERRACE (SF)
2	GARAGE SPACES
TH - 'B'	UNIT DETAILS (TYP.)
26' x 40'	FOOTPRINT
3.0	STORIES
3/3.5	BEDROOM/BATHROOM
2,600	GROSS SQUARE FOOTAGE (GSF)
2,100	HEATED SQUARE FOOTAGE (HSF)
500	ROOF TERRACE (SF)
2	GARAGE SPACES



LOT 154
9TH DISTRICT
GAINESVILLE
361 OAK STREET

SHEET TITLE
CONCEPT PLAN
SHEET #
L-100

JOB #: 00000.00
DATE: 02.18.2021
RE: CLIENT REVIEW





