

RESOLUTION NO. 120, SERIES 2020

**A RESOLUTION OF THE LOUISVILLE METRO COUNCIL AMENDING THE METRO COUNCIL POLICIES AND PROCEDURES TO ADOPT AN EMPLOYEE HANDBOOK.**

**SPONSORED BY: PRESIDENT JAMES**

**WHEREAS**, Metro Council is committed to providing a safe work environment for its employees and members; and

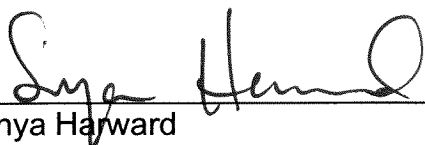
**WHEREAS**, Metro Council desires to establish a comprehensive set of policies and practices to guide employees in the workplace.

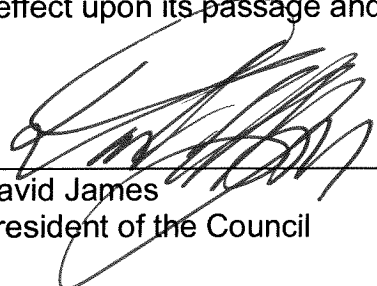
**NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:**

**SECTION I:** The Louisville Metro Council Policies and Procedures are hereby amended to add the following section:

**Section 31.** Metro Council believes good governance includes the adoption of comprehensive polices for Metro Council staff and employees. To that end, Metro Council adopts the Employee Handbook, which appears as Attachment J to these Policies and Procedures. A copy of the Employee Handbook shall be provided to all Metro staff and employees.

**SECTION II:** This Resolution shall take effect upon its passage and approval.

  
\_\_\_\_\_  
Sonya Harward  
Metro Council Clerk

  
\_\_\_\_\_  
David James  
President of the Council

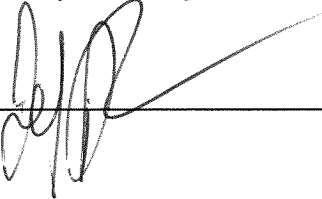
December 10, 2020  
Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

BY: \_\_\_\_\_

R-160-20



**LOUISVILLE METRO COUNCIL**  
**ADOPTED**  
*December 10, 2020*

# **LOUISVILLE METRO COUNCIL**



# **PERSONNEL POLICIES**

## ABOUT THIS HANDBOOK/DISCLAIMER

This handbook is provided to help employees find answers to questions they may have regarding their employment with Louisville Metro Council (the “Council”). Please take the necessary time to read it.

We do *not* expect this handbook to answer all questions. Ordinances, Council supervisory staff, Louisville Metro Government (“LMG”) personnel policies, and LMG human resources staff also serve as major sources of information. If you have any questions about the contents of this handbook or about other matters concerning your employment, you are encouraged to ask your supervisor. If your supervisor is unable to answer your question, you are encouraged to contact the Business Office during normal business hours.

**This handbook and any other verbal or written communication by a management representative, is not and should not be considered an agreement, contract of employment (expressed or implied), or a promise of treatment in any particular manner in any given situation, *nor* does it confer any contractual rights whatsoever.**

Separate Council or LMG documents, such as summary of benefit plan descriptions, cover many matters described in this handbook. These documents are *always* controlling over any statement made in this handbook or by any member of management.

**This handbook states only general guidelines. The Council may at any time in its sole discretion, modify or vary from anything stated in this handbook.**

**This handbook supersedes all prior handbooks and is subject to change. The provisions of any rule contained in this handbook will *not* supersede the provisions of any applicable federal, state, or local law. If a conflict exists, the applicable law will prevail. Should any part of these rules be found to be illegal and unenforceable, all other parts of the rules will remain in full force and effect.**

The Metro Council business office is located on the first floor of City Hall. Office hours are Monday through Friday, 8 a.m. until 5 p.m. The mailing address and contact information are provided below.

Louisville Metro Council  
601 West Jefferson Street  
Louisville, KY 40202

Phone: (502) 574-1100

## TABLE OF CONTENTS

<b>ABOUT THIS HANDBOOK/DISCLAIMER .....</b>	<b>2</b>
<b>TABLE OF CONTENTS .....</b>	<b>3</b>
<b>DEFINITIONS .....</b>	<b>6</b>
<b>ORGANIZATIONAL STRUCTURE .....</b>	<b>9</b>
<b>COMPENSATION .....</b>	<b>10</b>
RATE OF PAY AND SUPERVISION .....	10
EXEMPT/NON-EXEMPT DESIGNATION .....	10
ATTENDANCE .....	10
HOURS OF WORK .....	10
MEAL BREAKS .....	11
REST PERIODS .....	11
TIMEKEEPING PROCEDURES .....	11
OVERTIME .....	12
COMPENSATORY TIME .....	12
DIRECT DEPOSIT .....	12
INCLEMENT WEATHER POLICY .....	12
<b>HEALTH AND WELLNESS BENEFITS.....</b>	<b>133</b>
HEALTH INSURANCE.....	13
RETIREMENT PLANS .....	13
SICK LEAVE BANK POLICY .....	13
DIRECT DONATION OF LEAVE POLICY .....	15

<b>PAID AND UNPAID TIME-OFF BENEFITS .....</b>	<b>17</b>
VACATION .....	17
VACATION USAGE .....	17
VACATION MAXIMUM ACCRUAL .....	17
VACATION PAYOUT .....	17
HOLIDAYS .....	17
HOLIDAY PAYOT.....	18
JURY DUTY AND WITNESS LEAVE .....	18
VOTING.....	18
MILITARY SERVICE .....	18
ORGAN DONATION LEAVE.....	19
BEREAVEMENT/FUNERAL.....	19
PARENTAL LEAVE .....	19
FAMILY AND MEDICAL LEAVE .....	20
<b>ADDITIONAL PROVISIONS.....</b>	<b>23</b>
PARKING.....	23
SEPARATION OF SERVICE .....	23
<b>EMPLOYEE RELATIONS.....</b>	<b>24</b>
AMERICANS WITH DISABILITIES ACT.....	24
EQUAL EMPLOYMENT OPPORTUNITY .....	24
DRUG-FREE AND ALCOHOL-FREE WORKPLACE.....	24
SMOKING .....	25
WORKPLACE VIOLENCE .....	26
ANTI-HARASSMENT .....	27

TRAINING .....	34
ETHICS .....	35
REPORTING AND ENFORCEMENT .....	35
<b>TECHNOLOGY POLICIES.....</b>	<b>2436</b>
COMPUTER USE POLICY.....	36
PROHIBITIONS ON USE OF THE INTERNET, E-MAIL AND IT TOOLS .....	36
SOCIAL MEDIA .....	37
METRO COUNCIL SOCIAL MEDIA ACCOUNT USAGE .....	38
COMMUNICATIONS SHOULD BE PROFESSIONAL AND ADHERE TO APPROPRIATE BEHAVIORAL STANDARDS .....	38
CELLULAR PHONES.....	38
ALL TECHNOLOGY TOOLS AND COMMUNICATIONS ARE THE PROPERTY OF THE COUNCIL, NOT THE EMPLOYEE .....	38
DO NOT DAMAGE THE INTERNET, EMAIL OR IT SYSTEMS .....	39
SAFEGUARD PASSWORDS .....	39
<b>GENERAL STANDARDS OF CONDUCT .....</b>	<b>40</b>
RESTRICTIONS WHILE DRIVING VEHICLES .....	40
EMPLOYEE DRESS AND PERSONAL APPEARANCE.....	40
EMPLOYMENT RECORDS.....	40
<b>CONCLUSION.....</b>	<b>41</b>

## DEFINITIONS

There are many terms used throughout this handbook. For your convenience, the following definitions are provided for frequently used terms. These definitions apply unless the context requires otherwise.

*Administrative staff* means employees identified in Metro Council Rules Sections 2.01(j) and 9.02 who is supervised by the Director of Council Services and hired by the President of the Council with the consent of a majority of the members on the Committee on Committees. Administrative staff employees are subject to Council Policies and Procedures and Council Rules.

*Administrative clerks* are non-exempt employees who work for one or more Metro Council Member, are compensated on an hourly basis, are eligible to receive applicable employee benefits through LMG, and work between 25 and 35 hours per week. Council members determine the need for an administrative clerk and may request a position be created from the Business Office. The related wages and benefits are funded from the requesting council member's cost center.

*Alleged Harasser* means the individual against whom a complaint of harassment is filed.

*Assistant to Metro Council President* means the person who is hired and supervised by the Metro Council Member serving as the head of Metro Council.

*Caucus staff* means employees directly serving Council's Majority and Minority caucuses identified in Metro Council Rules Section 11.02 and KRS 67C.131(2).

*Committee on Committees* means a Council committee responsible for oversight of all Council committees.

*Code of Ordinances* means the Louisville/Jefferson County Metro Government's code of ordinances published by American Legal.

*Compensatory time* means hours worked by an exempt employee in excess of the assigned workweek.

*Complainant* means the individual who files a harassment complaint.

*Council* means the 26-seat Louisville Metro Council formally established in January 2003 in KRS § 67C.103 upon the merger of the former City of Louisville with the Jefferson County governments.

*Day* means one fifth of a standard workweek.

*Director of Council Services* means the person who handles the business affairs of Metro Council and supervise the Metro Council administrative staff and the Metro Council Clerk's office.



*Disabled* means any person who has a physical or mental impairment which substantially limits one or more of a person's major life activities, has a record of such impairment or is perceived as having such an impairment.

*Executive unit* means a division, department, or office of the Louisville Metro Government, as the context of the section indicates.

*Exempt employee* means an employee who is not subject to the wage and hour laws regarding minimum wage and overtime based upon their job duties and responsibilities. The employee is not paid overtime. An exempt employee will receive compensatory time for time worked beyond the standard workweek.

*First day of the fiscal year*, for purposes of salary and benefit matters unless the context dictates otherwise, shall mean the first day of the pay period for which pay is received on or after July 1 of the new fiscal year.

*Financial Analyst* means an employee who reviews and advises Metro Council on appropriations considered for approval by Metro Council. This employee is also responsible for coordinating overall budget efforts and is supervised by the Metro Council President.

*Intern* means an unpaid student or recent graduate volunteer seeking to gain relevant skills and experience with Metro Council; retained by a Metro Council Member or the Metro Council President.

*Legislative Assistants* are employees who are hired by, and serve at the pleasure of, Metro Council members pursuant to KRS § 67C.131(2). Legislative assistants are subject to the Ethics Code, Metro Council Rules, and Metro Council Policies and Procedures.

*Metro Council Clerk* means the person selected by and who serves at the pleasure of the Council as established in Metro Council Rule 1.10.

*Metro Council Clerk Staff* means the employees who will report to the Metro Council Clerk under the general supervision of the Director of Council Services.

*Metro Council Employee* includes administrative staff, the Financial Analyst, the Metro Council Clerk and Metro Council Clerk staff, interns and volunteers.

*Metro Council Member* means an individual elected to one of twenty-six (26) legislative districts in the Louisville/Jefferson County metropolitan area. Metro Council Members are subject to the statutory scheme outlined by KRS Chapter 67C regarding consolidated local government, the regulatory scheme regarding ethics, the Metro Council Rules and the Metro Council Policies and Procedures.

*Non-Exempt Employee* means an employee who is subject to the wage and hour laws regarding minimum wage and payment of overtime based upon their job duties and responsibilities. The employee must be paid overtime when he or she works more than forty (40) hours in a workweek.

*Protected Employment Categories:* Race, color, religion, national origin, ancestry, sex, age 40 and older, disability, smoking status (as long as workplace policy is complied with), pregnancy, veteran status, military status, sexual orientation, gender identity or any other protected characteristic as established by law.

*Reasonable Accommodation* means any modification or adjustment to a job or the work environment that will enable a qualified employee or applicant with a disability to perform the essential functions of the job.

*Staff Helper* means an employee hired and supervised by a Metro Council Member and paid from the council district's cost center. This employee is compensated on an hourly basis, works no more than 24 hours per week, and is not eligible for benefits or accrual of vacation time, sick time or any other form of paid leave.

*Statute(s)* means the Kentucky Revised Statutes (KRS).

*Supervisor* meaning depends on the status of the employee; Legislative Assistants, Administrative Clerks, and Staff Helpers all report directly to the Metro Council Member; Administrative staff reports to the Director of Council Services; Caucus staff reports to the Caucus Chair and the Metro Council President Staff report to the Metro Council President.

*Third Party Investigator* means an individual with the ability and experience to conduct investigations pursuant to this policy. This individual will be an independent contractor who is not an employee of Louisville Metro Government.

*Volunteers* are the individuals who freely give their time to Metro Council on a regular basis without compensation. Volunteers are required to follow Risk Management policies and procedures for volunteers

*Workweek* means a period of one hundred sixty-eight (168) hours during seven consecutive twenty-four (24) hour periods. The workweek will begin on Sunday and end on Saturday unless otherwise established by the Council. The standard workweek shall consist of 40 hours.

## ORGANIZATIONAL STRUCTURE

Named for King Louis XVI of France in appreciation for his assistance during the Revolutionary War, Louisville is located at the Falls of the Ohio River. The earliest European settlements were during the latter stages of the American Revolutionary War by Virginian soldiers under George Rogers Clark, first at Corn Island in 1778, then Fort-on-Shore and Fort Nelson on the mainland. Chartered in 1780, Louisville received an influx of 300 settlers that year. As of the 2010 census, Louisville is the largest city in the state of Kentucky, the second largest on the Ohio River, and 29th largest city in the nation.

The government of Louisville, Kentucky, headquartered at Louisville City Hall in Downtown Louisville, is organized under Chapter 67C of the Kentucky Revised Statutes (“KRS”) as a consolidated government in the state of Kentucky. The constituents voted in favor to merge the governments of Louisville, Kentucky and Jefferson County, Kentucky in 2000. The Mayor is elected to four-year terms and is responsible for the administration of city government. The Louisville Metro Council is a unicameral body consisting of 26 members, each elected from a geographic district for a four-year term.

KRS § 67C.131(2) entitles each Council Member to hire one full-time staff person. Additionally, Metro Council Members have discretion to staff his or her office with myriad volunteers, interns, staff helpers and administrative clerks with funds allocated to the Metro District office. Staff hired by Metro Council Members serves at the pleasure of the respective Metro Council Member. The Director of Council Services handles the business affairs of Metro Council and supervises the Metro Council administrative staff and the Metro Council Clerk’s office.

## COMPENSATION

### RATE OF PAY AND SUPERVISION

KRS § 67C.131(1) establishes the salary of Metro Council Members. Metro Council Members determine the salary of their Legislative Assistants as well as any Administrative Helpers or Staff Helpers. The salary of the caucus staff is determined by the respective caucuses. All other Metro Council staff salaries are determined by the Metro Council President in consultation with the remaining members of the Committee on Committees.

Supervisors are encouraged to provide annual performance evaluations with each Metro Council employee.

### EXEMPT/NON-EXEMPT DESIGNATION

All positions are categorized as either exempt or non-exempt for purposes of applicable wage and hour law. The law determines which employees must be paid at the rate of one- and one-half hours for each hour worked in excess of 40 hours per week. Non-exempt employees accrue compensatory leave time for hours worked in excess 40 per week.

### ATTENDANCE

Louisville Metro Council is a government office that provides important services to the public. It is imperative that every employee be present when scheduled to work.

Punctual and regular attendance is an essential responsibility of each employee.

Employees are expected to report to work as scheduled, on time and prepared to start work. Employees are also expected to remain at work for their entire work schedule. Late arrival, early departure or other absences from scheduled hours are disruptive and must be avoided.

Employees must adhere to any call-in requirements established by their supervisor. Violation of this policy may result in disciplinary action up to and including termination from employment. An employee who fails to report to work without notification may lead to a finding of job abandonment.

### HOURS OF WORK

Forty (40) hours of work per week will constitute a *full-time* work week. The work week begins at midnight on Saturday night/Sunday morning unless otherwise established by the Council. The Council's administrative office is normally open for business from 8 a.m. to 5 p.m., Monday through Friday.

Each employee is assigned a work schedule determined by his or her supervisor and is expected to begin and end work according to the schedule. An employee's assigned schedule may be outside of normal business hours depending on the requirements of the position. To accommodate the needs of the Council, changes to individual work schedules on either a short-term or a long-term basis may be required. Employees will be provided meal breaks and rest periods as required by applicable law.

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#### MEAL BREAKS

Employees are entitled to a reasonable period of at least thirty (30) minutes for meal breaks as close to the middle of their scheduled work shifts as possible. In no case will employees be required to take a meal break *sooner than three (3) hours* or *later than five (5) hours* after their work shift commences. Meal breaks are without pay.

Non-exempt employees are asked to take their lunch break away from their desk or work station. If a non-exempt employee performs work during the scheduled lunch break, the employee shall report that time as time worked in PeopleSoft.

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#### REST PERIODS

Non-exempt employees shall be provided a rest period of at least ten (10) minutes during each four (4) hours the employees work. These rest periods are in addition to regularly scheduled meal breaks. Rest periods are paid time. Employees should contact their supervisors for scheduling rest periods.

Exempt employees are not entitled to rest periods.

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#### TIMEKEEPING PROCEDURES

The Council uses a self-service electronic timekeeping system. Attendance records are Council records. Care must be exercised in recording hours worked, overtime hours, compensatory time, and absences. Employees are not to clock in or out or sign in or out for other employees. Violations of this policy may result in disciplinary action, up to and including termination from employment.

Each day, all non-exempt employees must record the time they arrive and the time they depart by signing in and out on the self-service timekeeping system. All non-exempt employees must also sign in and sign out for their lunch period. Each employee is required to perform his or her own recordkeeping.

Exempt employees must submit an accurate time record every two weeks. This time record must show the actual number of hours worked, compensatory time earned and leave hours (vacation, sick, compensatory or personal time) used per day.

Employees must enter all hours worked by the close of business every other Friday. Time sheets will be printed the following Monday for signatures by the Council Business Office.

Altering, falsifying, or tampering with time records is prohibited and subjects the employee to discipline up to and including termination from employment.

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#### OVERTIME

Employees in positions categorized as *non-exempt* receive pay at one-and-one-half (1.5) times their hourly rate for any hours worked in excess of forty (40) during any given workweek. Leave time will *not* count as hours worked for purposes of computing overtime earned in a week. Employees may work overtime only with approval from a supervisor.

Employees in positions categorized as *exempt* do *not* receive overtime pay; *however*, the Council has a compensatory time leave program for such employees that grants leave time for hours worked in excess of forty (40) hours per week.

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#### COMPENSATORY TIME

Metro Council employees *exempted* from overtime payments as allowed by applicable wage and hour law exemption requirements may accumulate compensatory time on an hour for hour basis for time worked in excess of the standard workweek. Time sheets accumulating compensatory hours must list what duties were performed to earn the compensatory hours. All paid leave counts toward the accumulation of compensatory time. Use of compensatory time requires prior approval of a supervisor. No more than 80 hours of compensatory time may be accrued. . Once an employee reaches 80 hours of compensatory time, he or she will not accrue any additional compensatory time until the balance had been reduced to less than 80 hours.

Exempt employees are not paid for compensatory time upon separation from employment.

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#### DIRECT DEPOSIT

All paid employees are required to receive their pay through direct deposit. Each employee shall immediately designate a financial institution and associated checking or savings account for the direct deposit of pay using the self-service timekeeping system.

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#### INCLEMENT WEATHER POLICY

In the event of inclement weather or an emergency situation, employees will receive notice of office hours from the Director of Council Services or other designee. When the Council has closed due to inclement weather or an emergency situation, employees are not required to report to work. If the Council is open, but an employee chooses to not to report to work due to inclement weather, he or she may use applicable leave time.

## HEALTH AND WELLNESS BENEFITS

### HEALTH INSURANCE

Metro Council employees enjoy the same health care benefits as all Louisville Metro Government employees. Part-time Metro Council employees are generally not eligible for health care benefits. Metro Council employees working as administrative clerks, even if part-time, are eligible for health care benefits.

### RETIREMENT PLANS

#### COUNTY EMPLOYEES RETIREMENT SYSTEM (CERS)

Metro Council Members are eligible to participate in Kentucky Retirement Systems' *County Employees Retirement System* (CERS). Eligible Metro Council employees may also participate in CERS after one year of employment. For more information, contact KENTUCKY RETIREMENT SYSTEMS 8 a.m. – 4:30 p.m. Monday – Friday.

Kentucky Retirement Systems  
1260 Louisville Rd  
Frankfort, Ky. 40601

Phone: (800) 928-4646 (Toll-Free) or (502) 696-8800 (Frankfort)  
Fax: (502) 696-8822  
Email: KRS.MAIL@KYRET.KY.GOV

### SICK LEAVE BANK POLICY

#### A) Participation

All *full-time* or *part-time* employees with at least one full year of continuous service are eligible to participate in the Sick Leave Bank (SLB) after having donated two (2) days of sick leave or vacation time, to the SLB during the open enrollment period as designated by the Louisville Metro Council Business Office and completing the Form to “Join Sick Leave Bank” form. Participation in the SLB is voluntary.

#### B) Governance

The Sick Leave Bank and Direct Donations of Leave policy is governed by the Committee on Committees (“Committee”). The Committee shall maintain strictest confidence as employee requests are reviewed and shall approve or disapprove based on an individual basis.

C) Rules of Operation for Sick Leave Bank

1. The SLB can be used for the employee and immediate family, as defined by Louisville Metro Government Personnel Policies as “an employee’s parents, spouse and children.” The SLB may also be used for a domestic partner which is defined as another individual with whom the Metro Council employee is in a committed relationship.
2. The employee must be a full-time or a part-time LMC employee (including Legislative Assistants, Office Staff, Aids, etc.) with at least one year of continuous service who as part of his or her employment benefits accrues sick leave as explained in Louisville Metro Government Personnel Policies Section 16.2. Temporary employees are not eligible for the SLB.
3. Annually, the employee must donate two days of sick leave or vacation leave to the SLB. This donation must be made during the open period designated by the LMC Business Office. Donations are irrevocable. One day, as defined by Louisville Metro Government Personnel Policies, is one-fifth of the employee’s standard work week.
4. At the time that the two days are donated, the employee must still have a remaining balance of at least ten days of sick leave vacation leave or a combination thereof.
5. At the time of receiving SLB leave, the employee must have exhausted all accumulated leave (e.g. sick, vacation, personal, comp time, etc.).
6. Regarding the employee, the illness or injury must be non-work related. Work-related illnesses or injuries are processed under the worker’s compensation process.
7. The employee must submit an application for SLB leave. The medical certification must be completed by a licensed medical physician and provide a clear explanation of the facts that demonstrate the presence of a serious illness or injury under the SLB standards. The Committee has the authority to require a second independent medical certification. LMC will pay for this second certification if the employee’s insurance does not cover payment.
8. During past use of sick leave, the employee must have complied with relevant Metro Council Policies and Procedures and Louisville Metro Government Personnel Policies governing the use of sick leave.
9. SLB leave can only be provided with the prior approval of the supervisor and the Metro Council President.
10. Employees do not accrue any leave while on SLB leave.
11. Annually (on a calendar year basis), an employee can withdraw up to a maximum of 40 days from the SLB.



12. If an employee exhausts the 40 days of SLB leave, the employee may apply for Direct Donations of Leave by following the procedures specified in the Direct Donation of Leave Policy.
13. The standards for determining a serious injury or illness for purposes of the SLB are as follows:
  - a) A period of incapacity or treatment connected with inpatient care (e.g., an overnight stay) in a hospital, hospice, or residential medical care facility;
  - b) A period of incapacity that involves continuing treatment by (or under the supervision of) a licensed health care provider;
  - c) A period of incapacity due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.). Incapacity in this context means that the individual cannot do his or her job and does not have the ability to perform normal activities in his or her daily life; or
  - d) An absence to receive multiple treatments (including any period of recovery there from) either for restorative surgery after an accident or other injury, or for a chronic condition such as cancer or kidney disease.
  - e) A period of incapacity means that the individual cannot do his or her job and does not have the ability to perform normal activities in his or her daily life.
14. Generally, pregnancy, birth of a child, and maternity/paternity leave do not fall within the standards for SLB leave. If, however, there are serious complications with the pregnancy or child birth (emergency C-section, pre-term labor, preeclampsia, serious complications that are life threatening to the mother or child, etc.), then SLB may be considered.
15. Generally, the SLB does not cover elective surgery or other elective procedures.
16. The SLB does not cover colds, the flu, stomach viruses, bronchitis, and other common illnesses.
17. The employee or an immediate family member must be unable to work or perform normal activities in his or her daily life due to a serious illness or injury.

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## DIRECT DONATION OF LEAVE POLICY

### A) Rules of Operation for Direct Donations of Leave

1. Only those employees who are participants in the SLB (have donated the two days annually) can receive Direct Donations of Leave (DDL). Employees cannot otherwise receive donated days from coworkers.

2. Employees who desire to receive DDL from coworkers must submit an application. The Committee may, in its discretion, ask for a medical certification as to the need for DDL. DDL can only be provided with the prior approval of the supervisor and the Metro Council President.
3. Employees can receive DDL only after all accumulated leave and all SLB leave is exhausted.
4. Recipient employees only receive DDL if coworkers donate leave days to the employee.
5. For purposes of DDL, all days are equivalent. In other words, if a donor employee who works 5-hour days gives two days to an employee who works 8-hour days, the recipient employee receives two 8-hour days of leave.
6. All other terms of the SLB apply to DDL.
7. Those employees who desire to donate leave days to other employees must meet the following terms:
  - a) The donor employee must be a full-time or part-time LMC employee with at least one year of continuous service.
  - b) The donor employee may donate any number of sick or vacation leave days as long as the donor employee (at the time of the donation) maintains a balance of at least ten days of sick time, vacation time or a combination thereof.
  - c) The donor employee need not be a participant in the SLB.
  - d) The donor employee must complete a donation form. Each donor employee's leave balance will be reduced by the amount of leave donated. Donations are irrevocable.
  - e) If the donor employee has an insufficient leave balance, the donation is voided.

## PAID AND UNPAID TIME-OFF BENEFITS

### VACATION

*Full-time* Metro Council employees earn 3.07 hours of vacation per pay period during their first year of employment. Part-time Metro Council employees must work 17.5 hours each workweek to be eligible to accrue vacation time, sick time, floating holidays or any other type of paid leave. The rate at which employees earn vacation time increases with each subsequent year of employment up to a maximum of 7.7 hours per pay period.

### VACATION USAGE

Administrative staff must submit a leave request form prior to using accumulated vacation time. Vacation may be used *only* upon the supervisor's approval of the prior written request by the employee; *however*, verbal approval may be accepted for unexpected circumstances. Vacation leave will *not* be granted in *excess* of vacation credit earned by service prior to the starting date of leave. *No* refund of vacation time will be allowed for illness incurred while on vacation leave. Vacation leave *cannot* be transferred from one (1) employee to another.

### VACATION MAXIMUM ACCRUAL

Employees may accrue no more than sixty days of vacation.

### VACATION PAYOUT

Upon separation from service, eligible employees will be paid for accumulated vacation leave at their current hourly rate up to a maximum of 40 days.

### HOLIDAYS

*Full-time* employees will be paid for the following holidays:

New Year's Day	Labor Day
Dr. Martin Luther King, Jr. Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Juneteenth	Christmas Day
Independence Day	New Year's Day

When any holiday listed above falls on a Saturday or Sunday, the preceding Friday or following Monday may be designated as a holiday.

An exempt employee required to work on a holiday will earn hour-for-hour vacation time for all time worked. A non-exempt employee required to work on a holiday who has worked 40 hours in the same week shall be paid at the rate of one and a half times his or her regular rate for all hours worked on the holiday.

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#### HOLIDAY PAYOUT

Upon separation from service, employees will not be paid for accumulated holiday leave or unused floating holidays.

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#### JURY DUTY AND WITNESS LEAVE

Full time Metro Council employees summoned for jury duty shall be compensated for the actual time required for service as a juror at the regular rate of pay of the employee. This compensation is in addition to any remuneration paid by the courts for serving on jury duty. If the employee is released from jury duty before the completion of the work day, the employee is required to report to work. If an employee is released from jury duty for the entire work day, the employee must report to work. An employee who fails to do so shall be considered absent without leave.

A Metro Council employee who represents the Council in legal proceedings or who is subpoenaed as a witness in any administrative proceeding arising from an act of employment with the Council is considered to be at work and will be compensated accordingly.

Jury duty and witness leave is subject to reasonable documentation which may be required before the leave is approved.

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#### VOTING

All Metro Council employees who are scheduled to work when the polls are open on an election day are entitled to take one (1) hour off with pay to vote. This hour may be taken in the morning, noon, or the afternoon, and should be coordinated through each Metro Council district office.

Request for the hour must be made in advance. State law provides that an employee can take up to four (4) hours of leave without pay to vote. Metro Council employees wishing to take up to three (3) more hours of paid leave, such as holiday, vacation, or compensatory time, can do so with proper notice to their supervisors.

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#### MILITARY SERVICE

Employees are entitled to all military leave provided by 38 U.S.C. § 4301 et seq. which shall be given in accordance with USERRA. Military leave does not guarantee the same job assignment when the leave period is over. If you are not reemployed in the same job, you will be reemployed in a job of similar status, provided you meet all state and federal requirements.

A *full-time* employee who is a member of a reserve component of the Armed Forces of the United States, is entitled to reservist military leave with pay as provided by KRS §§ 61.394 and 61.396. The leave is now granted on the Federal Government's fiscal year, which is October 1 to September 30 each year.

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#### ORGAN DONATION LEAVE

Employees will be allowed up to thirty (30) days of paid leave for organ donation and up to seven (7) days for bone marrow donation per calendar year. Donation time eligible for leave under this policy includes time spent in a screening process to determine an employee's compatibility as a donor. Paid leave under this policy is in addition to annual sick leave. Any remaining leave time at the end of any calendar year may not be carried over to the following calendar year.

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#### BEREAVEMENT/FUNERAL

In the event a death occurs in the immediate family of Council staff, he or she will be granted leave with pay for up to three work days. For the purposes of this policy, immediate family includes spouse, parent, parent-in-law, step parent, legal guardian, sister or brother, sister-in-law or brother-in-law, stepbrother or stepsister, grandparent, grandparent-in-law, children or stepchildren, daughter-in-law or son-in-law, grandchildren or a member of the Council staff's household. Verification of death may be required.

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#### PARENTAL LEAVE

Maternity/paternity/adoption leave under this policy is a paid leave associated with the birth of an employee's own child or the placement of a child under the age of eighteen (18) with the employee in connection with adoption or foster care. Maternity/paternity/adoption leave is not charged against the employee's other paid leave credits, and the amount of paid days received is six weeks. The paid leave is compensated at the following levels:

- Less than one full year of service—40 percent of salary.
- After one full year of service—60 percent of salary
- After five full years of service—100 percent of salary.

If both parents are Metro Council employees, only one may access the paid benefits of this policy at a time. Both, however, continue to be entitled to family and medical leave if eligible.

Part-time employees are not eligible for paid maternity/paternity/adoption leave under this policy.

## **Continuation of Benefits**

Health insurance benefits will continue to be provided during the paid maternity/paternity/adoption leave under this policy at the same rate as in effect before the leave was taken regardless of length of service, provided the employee has at least one full year of service. Paid leave benefits will continue to accrue.

## **Requirements for Obtaining Paid Leave**

The employee must provide to his or her supervisor 30 days' notice of the requested leave (or as much notice as practicable if the leave is not foreseeable).

After the six weeks of maternity/paternity/adoption leave have been exhausted, subsequent leave may be covered under other applicable policies.

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## **FAMILY AND MEDICAL LEAVE**

Metro Council provides certain employees with up to twelve weeks of unpaid, job protected leave in a twelve-month period for qualifying family and medical reasons. To qualify to take family or medical leave under this policy, the employee must have worked for Metro Council for twelve months. In addition, the employee must have worked at least 1,250 hours during the twelve-month period immediately preceding commencement of the leave. The 1,250 hours do not count time spent on paid or unpaid leave.

## **Qualifying Reasons for Leave**

To qualify for leave under this policy, the leave must be for one of the following reasons: (1) the birth of a child in order to care for that child; (2) the placement of a child for adoption or foster care and to care for the newly placed child; (3) to care for a spouse, child or parent with a serious health condition; (4) the serious health condition of the employee that makes the employee unable to perform the functions of the employee's job; (5) qualifying exigency arising from the fact that the employee's spouse, child or parent is a military member on covered active duty or has been notified of an impending call to order to covered active duty status; or (6) to care for a covered servicemember with a serious injury or illness if the employee is the spouse, child, parent or next of kin of the covered servicemember.

## **Amount of Leave**

An eligible employee's leave entitlement is limited to a total of twelve workweeks of leave during a twelve-month period. An eligible employee with leave designated to care for a covered servicemember is limited to twenty-six workweeks of leave during a twelve-month period. Metro Council will measure how much leave has been used in a twelve-month period by measuring backward from the date the employee uses any leave for a qualifying reason. Holidays occurring while an employee is on continuous leave are counted towards the use of leave.

## **Types of Leave**

Continuous leave is for a single continuous period of time as defined by verified circumstances for the leave reason. Intermittent leave is taken in separate blocks of time or on a reduced work schedule basis due to a single qualifying leave reason. Leave taken for the birth of a child or for the placement of a child for adoption or foster care must be taken on a continuous basis. An employee on designated intermittent leave that is foreseeable may be required to transfer temporarily, during the period that intermittent leave is required, to an alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position and if the alternative position has equivalent pay and benefits. For reduced schedule leave that is necessary, Metro Council shall make a determination on the appropriate work schedule and the employee is expected to not schedule leave so as to unduly disrupt operations. Employees whose leave includes absence for medical appointments are expected to make every reasonable effort to schedule appointments so as not to disrupt operations.

### **Notification of the Need for Leave**

Employees are required to notify their supervisor of the need for leave. Further, the employee is required to inform his or her supervisor of a need for extension of leave as soon as the need becomes known and is required to submit an updated application for family medical leave. Employees on intermittent leave are required to inform their supervisor at the time that an absence for a covered reason is reported that the absence is for family medical leave. In all cases, an employee absent for medical or family reasons for five or more consecutive work days is required to submit a complete application for family medical leave to his or her supervisor.

### **Definition of a Serious Health Condition**

A serious health condition means an illness, injury impairment or physical or mental condition that involves inpatient care or continuing treatment by a healthcare provider. The term incapacity means inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore or recovery therefrom. The term treatment includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations or dental examinations. A regimen of continuing treatment includes, for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of continuing treatment that includes the taking of over-the-counter medications, of bedrest, drinking fluids, exercise and other similar activities that can be initiated without a visit to a health care provider is not, by itself, a regimen of continuing treatment. Conditions for which cosmetic treatments are administered are not serious health conditions unless inpatient hospital care is required or unless complications develop.

Inpatient care means an overnight stay in a hospital, hospice or residential medical care facility.

Continuing treatment means a period of incapacity of more than three consecutive full calendar days and any subsequent treatment or period of incapacity relating to the same condition which also involves : (1) treatment two or more times, within thirty days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services under order of, or on referral by, a health care provider; or (2) treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of health care provider.

Continuing treatment also includes any period of incapacity due to pregnancy or for prenatal care, chronic conditions which require periodic visits for treatment by a health care provider, permanent or long-term conditions where an employee is under the continuing supervision by a health care provider and conditions requiring multiple treatments.

### **Required Documentation**

An application for family medical leave is required. Additional certifications may be required in some circumstances.

### **Workers' Compensation**

Family medical leave for on-the-job injuries runs concurrently with any applicable workers' compensation leave.

### **Fitness-for-Duty Certification**

Determination of the requirement of the employee to provide a fitness-for-duty certification shall be made by the Director of Council Services.



## ADDITIONAL PROVISIONS

### PARKING

Parking is available in the gated lot and each council office will be assigned two reserved parking spots as designated by the Parking Authority of River City.

*Full-time* employees not working in a council office will receive a parking permit to park in reasonably close proximity on a first come, first serve basis.

### SEPARATION OF SERVICE

Metro Council employees who leave employment with the Council are asked to provide at least two (2) weeks of advance notice before departure. All Council property including but *not* limited to the following must be returned on or before separation: keys, security cards, parking passes, and portable communication devices such as tablets, laptops or cell phones. Employees also must return all documents and any and all other information obtained during employment, confidential or otherwise, upon separation.

## EMPLOYEE RELATIONS

### AMERICANS WITH DISABILITIES ACT

The Council is committed to complying with all application provisions of the Americans with Disabilities Amendments Act (ADAAA). It is the Council's policy not to discriminate against any qualified employee or applicant with regard to the terms and conditions of employment because of such individual's disability or perceived disability as long as the employee can perform the essential functions of the job. Consistent with this policy of nondiscrimination, the Council will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADAAA, who had made the Council aware of his or her disability, provided that such accommodation does not constitute an undue hardship on the Council. Employees who require assistance in order to perform the essential elements of their positions should *immediately* contact the business office.

### EQUAL EMPLOYMENT OPPORTUNITY

The Council values equal opportunity and its diverse workforce. Equal opportunity means treating persons who are similarly situated the same in terms of employment opportunity and other personnel actions. The Council strives to provide equal employment opportunity on the basis of merit and without unlawful discrimination in hiring, promotion, discharge, pay and other aspects of employment because of race, color, religion, national origin, ancestry, sex, age 40 and older, disability, smoking status (as long as workplace policy is complied with), pregnancy, veteran status, military status, sexual orientation, gender identity or any other protected characteristic as established by law.

### DRUG-FREE AND ALCOHOL-FREE WORKPLACE

Metro Council employees are expected and required to report to work on time and in appropriate mental and physical condition to work. The Council is committed to providing a healthy, safe and secure work environment. The influence of alcohol, use of illegal drugs, and misuse of legal drugs create an impairment that subjects fellow employees, property, and the public to risks of injury or damages that would *not* exist in an alcohol- and drug-free workplace.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance, or an intoxicating substance, on Council premises, or while conducting Council business is absolutely prohibited. Violation of this policy will result in disciplinary action, up to and including termination from employment, and may also have legal consequences.

The Council recognizes drug dependence as an illness. The Council also recognizes drug abuse as a potential health, safety and security problem. If you need help dealing with such problems you are encouraged to use Louisville Metro Government's (assuming Council employees are eligible for this benefit) Employee Assistance Program (EAP) and health insurance plans, as appropriate.

Conscientious efforts to seek such help will not jeopardize your job. In addition, the Council may refer employees to mandatory EAP.

Metro Council employees must abide by the terms of this policy and report any conviction under a criminal statute for violations occurring on or off of Council premises while conducting Council business. A report of a conviction must be made within five days after the conviction in accordance with the Drug Free Workplace Act of 1988 (41 U.S.C. 81).

Metro Council employees may be required by their supervisor, working with the Director of Council Services, to submit to drug and/or alcohol testing if reasonable suspicion exists to indicate that their health or ability to perform work may be impaired. Factors which could establish cause include, but are not limited to:

- Sudden changes in work performance
- Repeated failure to follow instructions or operating procedures
- Violation of safety policies
- Discovery or presence of controlled substances in an employee's possession or near the employee's workplace
- Odor of alcohol and/or residual odor peculiar to some chemical or controlled substance
- Unexplained or frequent absenteeism
- Personality changes or disorientation
- Arrest or conviction of a violation of a criminal drug or alcohol statute
- Information provided by reliable and credible sources or information independently corroborated

If an employee refuses to submit to drug and/or alcohol testing required by the Council, that is insubordination and will result in disciplinary action, up to and including termination from employment.

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## SMOKING

Consistent with Louisville Metro's Smoke Free Law, smoking (including the use of any electronic smoking device) in all buildings open to the public or in which one or more Council employees work is prohibited. In accordance with the LMCO § 90.08, smoking is prohibited within a reasonable distance, *generally* within fifteen (15) feet, from the outside entrance to any building to ensure that tobacco smoke does *not* enter the building through entrances, windows, ventilation systems, or other means.

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## WORKPLACE VIOLENCE

The Council does *not* tolerate workplace violence or the threat of violence by any of its Council Members, employees, constituents, the general public, or anyone with whom it conducts business. The Council will strive to provide a safe workplace that is free from intimidation, threats, and violent acts.

Employees are asked to fully close all access doors that are restricted to the public to protect against persons who may present a threat, if not required to gain entrance to the building through the security guard.

Violence, or the threat of violence, by or against Council Member, any employee of the Council or any other person, is unacceptable and contrary to the policy of the Council. The following activities, while not all-inclusive, are considered violent acts or threats of violence. Any employee participating in the following behavior will be subject to disciplinary action up to an including termination from employment, and possible criminal charges:

- Physical harm or beatings resulting in injury or death; rape; sexual assault; sexual harassment; sexual abuse; strangulation; gunshot wounds; and stabbing.
- Verbalized threats, stalking, etc.
- Intentional acts resulting in property damage and/or theft.
- Harassment, verbal or physical, which may result in creating an intimidating, hostile or offensive working environment.
- Possession, use or threat of use of a deadly weapon or concealed firearm is not permitted on any property owned or operated by the Council.

LMCO § 41.01 defines “deadly weapon” as:

- (1) Any weapon from which a projectile, readily capable of producing death or other serious physical injury, may be discharged or propelled;
- (2) Any knife, other than an ordinary pocket knife, or hunting knife;
- (3) Billy club, night stick, or other type of club;
- (4) Black jack or slap jack;
- (5) Nunchaku karate sticks;
- (6) Shuriken or death star; or
- (7) Artificial knuckles made from metal or other similar hard material.

LMCO § 41.01 defines “firearm” as any weapon which will expel a projectile by the action of an explosive.

All threats of violence must be taken seriously and reported to a supervisor immediately. In critical incidents in which a serious threat or injury occurs, emergency responders should be immediately notified. No Metro Council employee, acting in good faith, who reports real or implied violent behavior will be subject to retaliation or harassment based upon his or her report. Any retaliation

or harassment, however, shall be reported by the employees to their supervisor or the next level of supervision for investigation and disposition. Even in the case where an employee has not secured a court order but fears for his or her safety, the employee should notify LMPD immediately and should inform his or her immediate supervisor.

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## ANTI-HARASSMENT

### **A) Sexual Harassment and Other Harassment**

The Council will make every reasonable effort to ensure that no Metro Council Employee or Metro Council Member is subjected to harassment. In order to preserve and protect an environment in which all Metro Council Employees, Metro Council Members, and all members of the public are treated with equal courtesy and respect, the Council will not tolerate verbal or physical abuse, harassment, intimidation, threats, violence or other adverse behavior towards any individual on the basis of race, color, religion, national origin, ancestry, sex, age 40 and older, disability, smoking status (as long as workplace policy is complied with), pregnancy, veteran status, military status, sexual orientation, gender identity or any other protected characteristic as established by law.

The Council will not tolerate any behavior intended to intimidate, humiliate, threaten, denigrate or otherwise interfere with the ability of any Metro Council Employee, Metro Council Member, or any member of the public to perform job functions or conduct business, whether or not such behavior constitutes a violation of individual civil rights within the meaning of federal or Kentucky statutes, Louisville Metro Code of Ordinances or any other violation of this policy.

The Council commits to make every reasonable effort to ensure that no Metro Council Employee or Metro Council Member is subjected to harassment or a hostile working environment<sup>1</sup> by another Metro Council Employee or Metro Council Member and further seeks to prevent any harassment of members of the public by Metro Council Employees or Metro Council Members.

Sexual harassment consists of any unwelcome sexual advance, request for sexual favors, and other verbal and physical conduct or communication of a sexual nature if:

- 1) submission to such advances, requests or conduct and communication is an explicit or implicit term or condition of obtaining or retaining employment;
- 2) submission to or rejection of such advances, requests or conduct and communication by an employee affects decisions concerning an individual's employment; or

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<sup>1</sup> The term "hostile work environment" is used as it is understood in Title VII of the Civil Rights Act of 1964, Age Discrimination in Employment Act of 1967, American With Disabilities Act, Equal Pay Act, KRS Chapter 344, and LMCO Chapter 92.

- 3) such conduct or communication has the purpose or effect of unreasonably interfering with the employee's ability to perform his/her job functions or to create a hostile, intimidating or offensive work environment.

Other sexually harassing or offensive conduct in the workplace, whether committed by Metro Council Members, Metro Council Employees, or non-employees, is also prohibited. This conduct includes but is not limited to –

- Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances, exposures, or propositions.
- Verbal harassment of a sexual nature, such as lewd comments, sexual jokes or references, and offensive personal references.
- Demeaning, insulting, intimidating, or sexually suggestive comments, behavior or exposure directed at an individual or in the presence of any individual in public or in private.
- The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects, pictures or photographs.
- Demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages (such as email, text messaging, and Internet materials).

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It does not refer to consensual personal and social relationships without a discriminatory employment effect.

Not every incident of inappropriate conduct constitutes harassment in violation of this policy. Isolated incidents of offensive conduct are not necessarily unlawful harassment. For example, random words that offend a particular person may not be sufficient to constitute harassment under this policy. Or, on occasion, employees may use rough or profane language in the workplace. While this may not be harassment, any Metro Council Employee or Metro Council Member who finds it offensive should report it under the procedure outlined below.

Inappropriate, offensive, or discourteous conduct, even if it does not constitute harassment in violation of this policy, may result in an investigation. If a Metro Council Employee or Metro Council Member is offended by such behavior, it is important that he/she follows the procedures set out below so the offensive behavior can be investigated, evaluated, and brought to the attention of the Committee on Committees.

Any of the above conduct, or other offensive conduct, directed at any Metro Council Employee or Metro Council Member because of his or her status under the Protected Employment Categories is also prohibited.

## **B) The Reporting Process**

A Metro Council Employee or Metro Council Member should report any violation of this policy as soon as it occurs by using this reporting process.<sup>2</sup> The very nature of harassment makes it difficult to detect unless the person being harmed registers his/her discontent. Any Metro Council Employee or Metro Council Member who believes that he/she has been harassed should report the alleged harassment as follows:

- To the Third-Party Investigator, the name and contact information for the Third-Party Investigator will be provided to all Metro Council Employees and Metro Council Members by the Office of the Metro Council President.
- The Metro Council Employee and Metro Council Member may also report the alleged harassment through the Louisville Metro Tip Line by calling 888-226-2264. Although this tip line allows for complaints to be made anonymously, the Complainant is strongly encouraged to provide his or her name and to note the complaint arises from the Metro Council. If that information is not provided, then it will be very difficult for the Metro Council to take the appropriate Interim Actions (see below) and it will also delay substantially the Third-Party Investigator's work in pursuing the investigation.

Within forty-eight (48) hours of receiving the report, the Tip Line shall forward the report to both the Third-Party Investigator and the Complainant's supervisor. If the supervisor is the Alleged Harasser, then the Tip Line shall forward the report to the Third-Party Investigator and the Committee on Committees.

A Metro Council Employee should notify his/her immediate supervisor of the alleged harassment. This notification to the supervisor allows the supervisor to consider appropriate Interim Actions (see below). Of course, if the Metro Council Employee is being harassed by his or her supervisor, then that employee should make the report of alleged harassment at one of the other two reporting options noted immediately above.

A Metro Council Member should notify the Committee on Committees of the alleged harassment if the Committee on Committees has authority to consider appropriate Interim Actions as provided below.

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<sup>2</sup> Nothing in this policy precludes any Metro Council Employee or Metro Council Member from pursuing a private cause of action or filing a complaint with the Equal Employment Opportunity Commission (EEOC) or the Kentucky Human Rights Commission. Metro Council Employees and Metro Council Members may also file a complaint with the Ethics Commission against any Metro Council Member, Legislative Assistant, or Caucus Staff for behavior prohibited in LMCO Chapter 21. Any allegations of criminal conduct should be reported promptly to the appropriate law enforcement agency.

*Supervisor Reporting Requirement.* Any Metro Council supervisor who receives a complaint of alleged harassment must report the complaint to the Third-Party Investigator for review and investigation. The complaint should be reported to the Third-Party Investigator within two (2) business days of the Metro Council supervisor receiving the complaint.

*Interim Actions.* In some situations, it is advisable to take Interim Actions soon after the complaint has been made or during the course of the investigation process. Often, the Interim Action is to separate the Complainant and the Alleged Harasser. These options include but are not limited to –

- Have the two individuals perform their work in different parts of the City Hall building;
- Have one of the employees (typically the Alleged Harasser) work from home;
- Have one of the employees (typically the Alleged Harasser) work from a different Metro Louisville building; or
- Suspend the Alleged Harasser with or without pay, if permitted.

It is the responsibility of the direct supervisor of the Complainant to determine appropriate Interim Actions. If the direct supervisor is the Alleged Harasser, then the Committee on Committees will determine the appropriate Interim Actions. If the Complainant or the Alleged Harasser is a Metro Council Member, then the Committee on Committees will be involved in determining the appropriate Interim Actions.

## **C) The Investigation Process**

### *1. Complaint*

The Third-Party Investigator begins review of the complaint after the complaint is submitted directly by the Complainant, or the complaint is submitted by the Louisville Metro Tip Line or the complaint is submitted by the supervisor of the Complainant.

### *2. Initial Review*

The Third-Party Investigator has authority to determine whether a complaint on its face is sufficient or vexatious (as in the case of someone who has a history of abusing the Tip Line or who has filed multiple complaints and is known to have abused process in the past). The Third-Party Investigator will make its determination on whether a complaint is sufficient or vexatious within five (5) business days of receiving the complaint. The Third-Party Investigator may extend this 5-day period with the written approval of the Committee on Committees. If the Third-Party Investigator determines the complaint is insufficient or vexatious, a letter shall be communicated to the Complainant and the Alleged Harasser with an explanation of the deficiencies in the complaint. A copy of said letter will be filed with the Metro Council Clerk's office. The Metro Council Clerk is to maintain a file containing communications from the Third-Party Investigator.



Records relating to harassment complaints are to remain confidential to the extent allowed by law. See the Confidentiality notification immediately below.

### 3. *Confidentiality*

The Council recognizes that confidentiality is important and will protect the confidentiality and privacy of the Complainant, the Alleged Harasser, and witnesses to the extent possible. However, the Council cannot guarantee complete confidentiality because an effective investigation cannot be conducted by the Third-Party Investigator without revealing certain information to the Alleged Harasser and potential witnesses. As a result, information about the allegation of harassment will be shared only with those necessary for the Third-Party Investigator to carry out its investigative and operational responsibilities. Records relating to harassment complaints will be maintained in the same manner. The Council cannot maintain confidentiality in circumstances in which it is required by law to disclose information (such as in response to legal processes, Open Records, etc.) and when disclosure is required by the Council's outweighing interest to protect others.

### 4. *Sworn Complaint and Notice*

If the Third-Party Investigator determines the complaint is not vexatious and is sufficient, then the Third-Party Investigator will commence its investigation. In order for the investigation to commence, the Complainant must provide the Third-Party Investigator with a sworn complaint. The Third-Party Investigator will contact the Complainant to secure the sworn complaint. After the sworn complaint has been provided, the Third-Party Investigator shall give notice of the commencement of the investigation to the Complainant, the Alleged Harasser, and the Committee on Committees. If the allegations of harassment are made against any Metro Council Member on the Committee on Committees, the Metro Council President shall appoint a replacement Metro Council Member on that committee.

### 5. *Authority*

The Third-Party Investigator shall exercise the authority to interview the Complainant, the Alleged Harasser, and any witnesses to the incident or incidents in question as well as collect documentation or any available information with respect to the incident or incidents in question. Metro Council Employees and Metro Council Members have a duty to cooperate with the investigation and to be truthful. The Third-Party Investigator will report incidents of noncooperation to the Committee on Committees.

### 6. *Report*

The Third-Party Investigator should complete the investigation within thirty (30) days after the sworn complaint is submitted. The Third-Party Investigator may extend this 30-day period with the written approval of the Committee on Committees. At the conclusion of the investigation, the Third-Party Investigator shall prepare and present a written report of the results of the investigation to the Committee on Committees with a copy to the Complainant and the Alleged Harasser.

### 7. *Status Report*

The Third-Party Investigator will provide a monthly status report to the Metro Council Committee on Committees, if the Third-Party Investigator has any pending investigations.

#### **D) The Review of Investigation Results and Action**

The Committee on Committees shall review the investigation results concerning allegations against a Metro Council Employee or Metro Council Member and take all reasonable measures to protect any Metro Council Employee and Metro Council Member against harassment. Whenever possible, the Committee on Committees will meet in closed session.

The Complainant and/or the Alleged Harasser may submit a written response to the Third-Party Investigator's written report. Any such response shall be presented to the Committee on Committees within seven (7) days after receipt of the Third-Party Investigator's written report. The Committee on Committees may allow an opportunity for the Complainant and/or the Alleged Harasser to appear before the Committee on Committees before it takes action. The Committee on Committees should complete its consideration of the written report and take appropriate action, if any, within twenty-one (21) days of the committee receiving the written report from the Third-Party Investigator.

##### **1. Action against a Metro Council Member**

If the Committee on Committees determines there is sufficient cause to believe a Metro Council Member has subjected a Metro Council Employee to harassment, the Committee on Committees may take remedial actions consistent with the severity of the misconduct. These options include but are not limited to:

- Publish the report findings;
- Encourage the alleged harassing Metro Council Member to follow actions consistent with the investigation and recommendations made by the Committee on Committees;
- Strongly admonish the actions of the Metro Council Member;
- Initiate removal proceedings against a Metro Council Member as set forth in KRS § 67C.143<sup>3</sup>;
- File a complaint with the Ethics Commission pursuant to the complaint requirements contained in LMCO § 21.06;
- Initiate a Metro Council resolution condemning the conduct of the Metro Council Member;

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<sup>3</sup> Under KRS 67C.143, the initiation of removal proceedings is not limited to the Committee on Committees.

- Restrict the Council Member's access to City Hall and/or particular areas within City Hall; and/or
- Modify the Council Member's committee assignments.

If the investigation results suggest criminal conduct, the allegations shall be reported promptly by the Committee on Committees to the appropriate law enforcement agency.

## 2. Action against a Metro Council Employee

If the Committee on Committees determines there is sufficient cause to believe a Metro Council Employee has subjected a Metro Council Employee or Metro Council Member to harassment, the Committee on Committees may take remedial actions consistent with the severity of the misconduct and the authority granted to the Committee on Committees.

The Committee on Committees will provide the report to the immediate supervisor of the Metro Council Employee with recommended corrective actions and/or suggested discipline.

If the Committee on Committees supervises the alleged harassing Metro Council Employee, the Committee on Committees will take appropriate corrective actions and/or discipline.

*Discipline Options.* Discipline will be based upon the severity of the misconduct engaged in by the employee. These options include but are not limited to –

- **Written Reprimand.** The supervisor should place in writing the problem conduct engaged in by the employee and outline the steps to resolve the problem and prevent its recurrence in the future. The written reprimand is placed in the employee's personnel file. The employee may, within five (5) days, file a written response to the reprimand. Any such response will also be placed in the employee's personnel file.
- **Suspension.** For more serious misconduct, the employee may be suspended without pay. Suspensions without pay should be for a designated number of days up to thirty (30) days. A suspension without pay will be documented in the employee's personnel file. The employee may, within five (5) days, file a written response to the suspension without pay. Any such response will also be placed in the employee's personnel file.
- **Demotion.** Also, for serious misconduct, an employee may be demoted. A demotion will be documented in the employee's personnel file. The employee may, within five (5) days, file a written response to the demotion. Any such response will also be placed in the employee's personnel file.
- **Employment Termination.** For the most serious misconduct, the employee's employment may be terminated. An employment termination will be documented in the employee's personnel file. The employee may, within five (5) days, file a written response to the employment termination. Any such response will also be placed in the employee's personnel file.

The discipline options noted above are not exclusive and need not be followed in a progressive fashion. Discipline can be imposed as the supervisor deems fit. Nothing in this Discipline Options section or otherwise in these policies shall be interpreted to be in conflict with or to eliminate or modify in any way the employment-at-will status of Metro Council Employees.

If the investigation results suggest criminal conduct, the allegations shall be reported promptly by the Committee on Committees to the appropriate law enforcement agency.

#### **E) Retaliation**

The Council will not tolerate adverse treatment of any individual because he or she has filed a harassment complaint or has provided information concerning such complaint. Any Metro Council Employee or Metro Council Member who engages in retaliation against another Metro Council Employee or Metro Council Member who has filed a complaint or provided information concerning such complaint shall be subject to disciplinary action. Any Metro Council Employee or Metro Council Member who feels he or she has been subjected to such retaliation should report this action to his or her immediate supervisor and/or the Metro Council President and/or to the Third-Party Investigator.

#### **F) False Claims**

No person shall file a complaint which is false, made in bad faith, with actual malice, or without probable cause. In the event that such a complaint is filed under this policy, the complaint and any report by the Third-Party Investigator shall be forwarded to the Committee on Committees for review and action, if appropriate.

The Complainant and/or the Alleged Harasser may submit a written response to the Third-Party Investigator's written report that finds a false complaint was filed. Any such response shall be presented to the Committee on Committees within seven (7) days after receipt of the Third-Party Investigator's written report. Upon request, the Committee on Committees may allow an opportunity for the Complainant, the Alleged Harasser, and others to appear before the Committee on Committees before it takes action.

#### **G) Training**

Metro Council Members and Metro Council Employees are required to attend sexual harassment training, as offered through Louisville Metro Government, every two (2) years or as otherwise deemed necessary by the Committee on Committees. Add additional training

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#### TRAINING

Metro Council Members and Metro Council Employees are required to attend sexual harassment training, as offered through Louisville Metro Government, every two (2) years or as otherwise deemed necessary by the Committee on Committees. Metro Council Members and employees are also required to attend and complete training on open records as well as ethics and diversity every two years. Further, Metro Council Members and Metro Council Employees are required to attend

and complete training on Granicus and Accela. Finally, newly-elected Council Members must attend orientation training.

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## ETHICS

Metro Council Members, Legislative Assistants, and Caucus Staff are governed by LMCO Chapter 21, the *Ethics Code*, as defined in LMCO § 21.01 as Metro Officers. Council Members, LAs, and caucus staff must comply with the standards of conduct contained in LMCO § 21.02, are prohibited from engaging in nepotism as defined in LMCO § 21.04, and are prohibited from electioneering with government resources per LMCO § 21.09.

Metro Officers must comply with the annual financial disclosure requirement in LMCO § 21.03 no later than April 30 of each year with ongoing responsibility to report any material change within ten days. Additionally, Metro Officers are required to attend a training conducted by the Ethics Commission within 12 months of becoming a Metro Officers and at least once every 24 months thereafter per LMCO § 21.05(H).

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## REPORTING AND ENFORCEMENT

The Louisville/Jefferson County Metro Government Ethics Commission (the “Ethics Commission”) enforces the provisions of the Code of Ethics. To read the act in its entirety, *see* LMCO Chapter 21 – *Ethics Code*.

To report violation of the Ethics Code, employees may file a complaint with the Ethics Commission, per LMCO § 21.06.

The Ethics Commission may be contacted at:

Metro Hall, 527 W. Jefferson Street  
Louisville, KY 40202  
(502) 574-1936

8:00 AM to 5:00 PM Monday – Friday

## TECHNOLOGY POLICIES

### COMPUTER USE POLICY

The Council provides a variety of resources to advance its work. Among those are electronic systems. This is the policy for use of those systems by Metro Council employees. The Council provides the Internet, electronic mail, and technology tools such as cell phones and tablets as tools to employees to support efficient operations and not for employees' personal use. The Council intends that these tools be used to:

- Facilitate performance of any task or project in a manner approved by an employee's supervisor;
- Communicate with other employees, internal and external constituents, and other parties regarding matters within an employee's assigned duties; and
- Acquire information related to, or designed to facilitate the performance of, an employee's regular assigned duties.

Because the technical resources provided are for organizational purposes, the Council reserves the right to determine whether, and to what extent, each employee requires access to these tools as part of their assigned job duties.

### PROHIBITIONS ON USE OF THE INTERNET, E-MAIL AND IT TOOLS

As a condition of providing technology tools to its employees, the Council places certain restrictions on their use. The Council expressly prohibits the use of any technology for the following, and violation will be cause for disciplinary action:

- The creation, transmission, reception, dissemination, retention, solicitation or display of obscene, sexually explicit, discriminatory or prejudicial messages, images or other materials, including ethnic slurs or racial epithets, or any materials that can be construed as harassment.
- Facilitating or soliciting for commercial ventures, religious causes or other outside concerns.
- Any electioneering that directly or in-directly advances a candidate for public office when not performed for legitimate government business.
- The copying, distribution, use, or, if applicable, printing, of copyrighted materials including computer software in violation of copyright laws.
- The transmission, forwarding, or broadcasting of any messages or materials to numerous recipients without authorization and/or a demonstrable business purpose (e.g. chain letters).

- The transmission, reception, storing, printing or other dissemination of confidential materials in violation of Council policy.
- Use for the employee's private benefit outside of incidental personal use.
- Any activity that violates federal, state or local law.
- Intentional misrepresentation of one's self or the Council.

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## SOCIAL MEDIA

This policy applies to Metro Council employees engaging in the use of social media in their personal capacity. Social media accounts for work may not be established without prior approval. Social media are powerful communications tools that have a significant impact on organizational and professional reputations. Because they blur the lines between personal voice and institutional voice, Metro Council has created this policy to help clarify how best to enhance and protect personal and professional reputations when participating in social media. Metro Council employees need to follow the same behavioral standards online as they would in real life. The same laws, professional expectations and guidelines for interacting with others apply online as in the real world. Examples of social media include but are not limited to LinkedIn, Twitter, Facebook and YouTube.

### BEST PRACTICES FOR USE OF SOCIAL MEDIA

- **Protect confidential information:** Do not post confidential information about Metro Council or Metro Council Members.
- **Think twice before posting:** Privacy does not exist in the world of social media. Consider what could happen if a post becomes widely known and how that may reflect upon both you and Metro Council. Search engines can turn up posts years after they are created, and comments can be forwarded or copied. If you wouldn't say it at a conference or to a member of the media, consider whether you should post it online.
- **On personal sites, identify your views as your own.** If you identify yourself as a Metro Council employee online, it should be clear that the views expressed are not necessarily those of the institution.
- **Employees shall not use ethnic slurs, profanity, personal insults, harassment or engage in any conduct that would not be acceptable in the workplace.** Avoid comments or topics that may be considered objectionable or inflammatory.
- **While Metro Council encourages its employees to enjoy and make good use of their off-duty time, Metro Council employees may be subject to discipline if their activities on or off duty have the effect of disrupting the functioning or efficiency of the workplace.** Activities which are considered disruptive include, but are not limited to, harassing, demeaning or creating a hostile work environment; disrupting the smooth and orderly flow of work within Metro Council; or disrupting working relationships. In addition, employees are subject to discipline for inappropriate activities, on or off duty, if they are

acting pursuant to their official duties or if they engage in inappropriate conduct or speech on private employment matters.

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#### METRO COUNCIL SOCIAL MEDIA ACCOUNT USAGE

This policy applies to and outlines appropriate use of Metro Council social media accounts, including but not limited to its Facebook page and Twitter account. Metro Council social media may be used exclusively for streaming Council or committee meetings. No other use of any Metro Council account is permitted.

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#### COMMUNICATIONS SHOULD BE PROFESSIONAL AND ADHERE TO APPROPRIATE BEHAVIORAL STANDARDS

The content and wording of e-mail messages, text messages and other communications using technology tools should be formal and professional and should reflect the stylistic rules of business correspondence. Slang, nicknames, profanity, excessive or obscure abbreviations, special symbols, rude or offensive communications, etc. are inappropriate.

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#### CELLULAR PHONES

Each council member, legislative assistant and staff may be provided with a cellular telephone, at Metro Government expense, to be used for municipal purposes upon the approval of their immediate supervisor who shall review monthly bills. Municipal purposes include: being accessible in case of an emergency; being accessible to other council members, staff and officials in Metro Government; making better use of the council member's and employees time in transit and in situations where a telephone may not be conveniently accessible.

Any replacement of equipment due to loss or theft will be charged to the District cost center. Monthly charges will be billed to the District cost center.

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#### ALL TECHNOLOGY TOOLS AND COMMUNICATIONS ARE THE PROPERTY OF THE COUNCIL, NOT THE EMPLOYEE

All messages, files, data or other materials created, stored or received using the Internet, e-mail or other technology tools are the property of the Council and not of the employees creating or working with these materials. Employees should have no expectation of privacy regarding these materials. The Council reserves the right to review any and all messages, files, data, or other materials stored in or sent to or from any technology owned or provided by the Council.

The Council has the right, but not the duty, to monitor any and all of the aspects of its technology-related systems, including but not limited to, monitoring sites visited by employees on the Internet, monitoring chat groups and news groups, reviewing material downloaded or uploaded by users to



the Internet, and reviewing e-mail sent and received by employees. This right is reserved and may be exercised by the Council for any reason and without the permission of the employee.

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#### DO NOT DAMAGE THE INTERNET, E-MAIL OR IT SYSTEMS

The safe, reliable operation of the Internet, e-mail and other technology is essential to the Council's business operations. Any deliberate, unauthorized effort to disrupt those systems or jeopardize their security will be cause for disciplinary action. Examples of prohibited activity include introducing software viruses, introducing unauthorized programs or commands or physically altering or damaging equipment.

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#### SAFEGUARD PASSWORDS

The Council provides employees using technology with security keys such as passwords, security badges, security codes, fobs, etc. to give each employee authorized, secure and appropriate access to the Council's systems. Any attempt to defeat these security keys is prohibited and may result in disciplinary action.

## GENERAL STANDARDS OF CONDUCT

### RESTRICTIONS WHILE DRIVING VEHICLES

Council employees shall not engage in writing sending, searching or reading text-based communication on electronic wireless communication devices (whether such devices are owned by the Council or the employee) including but not limited to a cell phone, personal data assistant, laptop, when driving a personal vehicle on Council business or when using equipment supplied by the Council while driving. Employees must also comply with KRS § 189.292 when driving a personal vehicle on official Council business or when using equipment supplied by the Council while driving.

### EMPLOYEE DRESS AND PERSONAL APPEARANCE

Employees are expected to report to work well groomed, clean, and dressed according to reasonable professional and/or businesslike standards appropriate for an office setting. Employees are expected to dress appropriately at all times, especially when dealing with the public or attending Council meetings. These are examples of inappropriate attire: suggestive clothing, wrinkled or disheveled clothing, anything too short (more than two inches above the knee or with the belly button showing), or too low (too revealing), tattered or frayed jeans, athletic clothing, shorts, rubber soled beach wear, flip flops, crocs, t-shirts, tank shirts, strapless or spaghetti strap shirts/dresses, jogging suits, hoodies, anything frayed or cut off, leggings, novelty buttons, stickers, baseball hats, or any other similar items that do not present a businesslike appearance. Employees may be asked to modify their clothing, if they report to work dressed or groomed inappropriately.

### EMPLOYMENT RECORDS

Employees are required to keep their personal information up to date by using the self-service timekeeping system or by informing their supervisors of any changes. Unreported changes of address, marital status, etc., can affect withholding tax and benefit coverage. Out-of-date emergency contact information could lead to a severe health or safety risk or other significant problem.

## CONCLUSION

This handbook is intended to give employees a broad summary of things they should know about employment with the Council. The information in this handbook is general in nature. While we intend to continue the policies, rules, and benefits described in this handbook, the Council in its sole discretion may *always* amend, add to, delete from, or modify the provisions of this handbook and/or change its interpretation of any provision set forth in this handbook. Employees should *not* hesitate to speak to their supervisor if they have any questions about employment with the Council or its personnel policies and practices.