# City of Bridgeport

# Employee Handbook

Bridgeport
WEST VIRGINIA
*Opportunity lives here.*

**October 2026**



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## Section 1 - Introduction

### 1-1. About This Handbook/Disclaimer

We prepared this handbook to help employees find the answers to many questions they may have regarding their employment with the City of Bridgeport. Please take the necessary time to read it.

We do not expect this handbook to answer all questions. Supervisors and Human Resources also serve as a major source of information.

Neither this handbook nor any other verbal or written communication by a management representative is, nor should it be considered as, an agreement, contract of employment, express or implied, or a promise of treatment in any particular manner in any given situation, nor does it confer any contractual rights whatsoever. The City of Bridgeport adheres to the policy of employment at will, which permits the City or the employee to end the employment relationship at any time, for any reason, with or without cause or notice.

Only the City Manager and the Director of Human Resources may modify at-will status and/or provide any special arrangement concerning terms or conditions of employment in an individual case or generally, and all modifications must be in writing and signed.

Many matters covered by this handbook, such as benefit plan descriptions, are also described in separate City documents. These City documents are always controlling over any statement made in this handbook or by any member of management.

This handbook states only general City guidelines. The City may, at any time, in its sole discretion, modify or vary from anything stated in this handbook, with or without notice, except for the rights of the parties to end employment at will, which may only be modified by an express written agreement signed by the employee and City Manager or Director of Human Resources.

This handbook supersedes all prior handbooks.

### 1-2. Employee Expectations

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

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

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

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

### 1-3. Mission Statement

The mission of the City of Bridgeport is to provide municipal services that enhance the quality of life of our residential

and business community while efficiently managing all community resources; and to protect all persons within the jurisdiction of City government.

We will accomplish our mission while:

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

### 1-4. Authority

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

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

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

### 1-5. Responsibility for Implementation

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

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

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

## Section 2 - GOVERNING PRINCIPLES OF EMPLOYMENT

### 2-1. Equal Employment Opportunity

The City of Bridgeport is an Equal Opportunity Employer that does not discriminate on the basis of actual or perceived race, color, creed, religion, national origin, ancestry, citizenship status, age, sex or gender (including pregnancy, childbirth and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, military service and veteran status, physical or mental disability, genetic information, or any other characteristic protected by applicable federal, state or local laws and ordinances. The

City of Bridgeport's management team is dedicated to this policy with respect to recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, employee activities, access to facilities and programs and general treatment during employment.

The City will endeavor to make a reasonable accommodation of an otherwise qualified applicant or employee related to an individual's physical or mental disability, sincerely held religious beliefs and practices, and/or any other reason required by applicable law, unless doing so would impose an undue hardship upon the City's business operations.

Any applicant or employee who needs an accommodation to perform the essential functions of the job should contact the Director of Human Resources to request such an accommodation. The individual should specify what accommodation is needed to perform the job and submit supporting documentation explaining the basis for the requested accommodation, to the extent permitted and in accordance with applicable law. The Director of Human Resources will then review and analyze the request, including engaging in an interactive process with the employee or applicant, to identify if such an accommodation can be made. The Director of Human Resources will evaluate the requested accommodations, and as appropriate, identify other possible accommodations, if any. The individual will be notified of the City's decision regarding the request within a reasonable period. The City treats all medical information submitted as part of the accommodation process in a confidential manner.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of the Director of Human Resources. The City will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. If employees feel they have been subjected to any such retaliation, they should contact the Director of Human Resources. To ensure our workplace is free of artificial barriers, violation of this policy including any improper retaliatory conduct will lead to discipline, up to and including discharge. All employees must cooperate with all investigations conducted pursuant to this policy.

**2-2. At Will Employment**

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

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

**2-3. Pregnancy Accommodations**

City of Bridgeport will endeavor to provide reasonable accommodations to the known limitations of the employee or job applicant who is pregnant, who has given birth or who has related medical conditions, unless doing so would impose an undue hardship on the City.

Employees and job applicants must provide the City with written documentation from their health care provider specifying their limitations and suggesting accommodations that would address those limitations.

Reasonable accommodations may include, but are not limited to:

- bathroom breaks
- breaks for increased water intake
- periodic rest
- assistance with manual labor

- providing time off for prenatal medical appointments
- modified work policies or procedures
- temporary transfers to less strenuous or less hazardous work
- allowing for more time or more frequent eating
- allowing time for taking prescribed medications, and
- providing access to existing facilities more convenient and usable by a woman affected by pregnancy.

The City will not:

- require the employee to accept an accommodation that the employee chooses not to accept
- require the employee to take leave if another reasonable accommodation can be provided to the employee
- deny employment opportunities to the employee or job applicant, if such denial is based on the refusal of the City to make a reasonable accommodation to the employee or applicant, or
- take adverse action against employees or job applicants for requesting or using reasonable accommodations under the law.

Any Employee who has questions about the policy or who needs to request an accommodation due to pregnancy, childbirth or a related medical condition should contact the Director of Human Resources.

**2-4. Non-Harassment**

It is the City of Bridgeport's policy to prohibit intentional and unintentional harassment of or against job applicants, contractors, interns, volunteers or employees by another employee, supervisor, vendor, customer or any third party on the basis of actual or perceived race, color, creed, religion, national origin, ancestry, citizenship status, age, sex or gender (including pregnancy, childbirth and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, military service and veteran status, physical or mental disability, genetic information or any other characteristic protected by applicable federal, state or local laws (referred to as "protected characteristics"). Such conduct will not be tolerated by the City of Bridgeport.

The purpose of this policy is not to regulate our employees' personal morality, but to ensure that no one harasses another individual in the workplace, including while on City premises, while on City business (on City premises or not) or while representing the City. In addition to being a violation of this policy, harassment or retaliation based on any protected characteristic as defined by applicable federal, state, or local laws also is unlawful. For example, sexual harassment and retaliation against an individual because the individual filed a complaint of sexual harassment or because an individual aided, assisted or testified in an investigation or proceeding involving a complaint of sexual harassment as defined by applicable federal, state, or local laws are unlawful.

**Harassment Defined**

Harassment generally is defined in this policy as unwelcome verbal, visual or physical conduct that denigrates or shows hostility or aversion towards an individual because of any actual or perceived protected characteristic or has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Harassment can be verbal (including slurs, jokes, insults, epithets, gestures, or teasing), visual (including offensive posters, symbols, cartoons, drawings, computer displays, text messages, social media posts or emails) or physical conduct (including physically threatening another, blocking someone's way, etc.). Such conduct violates this policy, even if it does not rise to the level of a violation of applicable federal, state, or local laws. Because it is difficult to define unlawful harassment, employees are expected to always behave in a manner consistent with the intended purpose of this policy.

**Sexual Harassment Defined**

Sexual harassment can include all the above actions, as well as other unwelcome conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities and other verbal, visual or physical conduct of a sexual nature when:

- submission to that conduct or those advances or requests is made either explicitly or implicitly a term or condition of an individual's employment; or
- submission to or rejection of the conduct or advances or requests by an individual is used as the basis for employment decisions affecting the individual; or
- the conduct or advances or requests have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples of conduct that violate this policy include:

1. unwelcome flirtations, leering, whistling, touching, pinching, assault, blocking normal movement
2. requests for sexual favors or demands for sexual favors in exchange for favorable treatment
3. obscene or vulgar gestures, posters, or comments
4. sexual jokes or comments about a person's body, sexual prowess, or sexual deficiencies
5. propositions or suggestive or insulting comments of a sexual nature
6. derogatory cartoons, posters, and drawings
7. sexually explicit e-mails, text messages or voicemails
8. uninvited touching of a sexual nature
9. unwelcome sexually related comments
10. conversation about one's own or someone else's sex life
11. conduct or comments consistently targeted at only one gender, even if the content is not sexual, and
12. teasing or other conduct directed toward a person because of the person's gender.

**Reporting Procedures**

If the employee has been subjected to or witnessed conduct which violates this policy, the employee should immediately report the matter to the Director of Human Resources. If the employee is unable for any reason to contact this person, or if the employee has not received an initial response within five (5) business days after reporting any incident of what the employee perceives to be harassment, the employee should contact the City Manager. If the person toward whom the complaint is directed is one of the individuals indicated above, the employee should contact any higher-level manager in the reporting hierarchy.

**Investigation Procedures**

Every report of perceived harassment will be fully investigated, and corrective action will be taken where appropriate. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. All employees must cooperate with all investigations conducted pursuant to this policy.

**Retaliation Prohibited**

In addition, the City will not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy. If the employee has been subjected to any such retaliation, the employee should report it in the same manner the employee would report a claim of perceived harassment under this policy.

Violation of this policy, including any improper retaliatory conduct, will result in disciplinary action up to and including termination.

**2-5. Medical and Psychological Examinations**

**Medical Examinations**

Knowledge of physical conditions and existing health problems of employees is necessary to avoid occupational injuries and to ensure that it will be possible to differentiate any future job-related injuries from existing medical problems. Therefore, upon completion of the initial application, and after receiving a conditional job offer for a City position, a prospective employee shall be required to take a physical examination. An employee who transfers to another position may also be required to take a physical examination. Failure to pass the physical examination may constitute sufficient grounds to rescind the offer, or transfer, if a medical condition that is identified during the examination would, in the judgement of the hiring department, interfere with the employee's ability to perform the essential functions of the job for which he/she has applied, with or without reasonable accommodation. Physical examination standards for various departments will be established and maintained by the Human Resources Department.

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

**Psychological Examinations**

Prospective new employees for active or reserve Police Officer or Fire Fighter/EMT/Paramedic certification must not only meet the physical requirements mandated by City, State and Federal laws and regulations, but must also undergo a psychological examination by a licensed/certified-testing agency. They must be declared in writing by the agency to be in satisfactory psychological and emotional health to be a law enforcement officer or Fire Fighter/EMT/Paramedic. The required examination will be made by a physician and a psychologist or psychiatrist of the City's choice and is paid for by the City. Physical examinations will be pursuant to the requirements, rules and regulations of the Police and Fire Civil Service Commissions and the applicable State Regulations.

**2-6. Drug and Alcohol-Free Workplace**

**Introduction**

To help ensure a safe, healthy, and productive work environment for our employees and others, to protect City property, and to ensure efficient operations, the City of Bridgeport has adopted a policy of maintaining a workplace free of drugs and alcohol. This policy applies to all prospective employees, current employees, and other individuals who perform work for the City. Certain portions of this policy establish and implement a procedure for testing prospective and existing employees for the presence of drugs or alcohol in their system where those prospective and existing employees work in safety-sensitive positions as described below. This policy is implemented to comply with United States Department of Transportation regulations, including those found in Title 49 of the Code of Federal Regulations Part 40 and Part 382. The City of Bridgeport hopes to prevent employees whose skills and/or judgment may be impaired by using drugs and/or alcohol from endangering their own safety, the safety of other employees, or the public safety, and hereby adopts this policy for that purpose.

The unlawful or unauthorized use, abuse, solicitation, theft, possession, transfer, purchase, sale or distribution of controlled substances (including medical marijuana), drug paraphernalia or alcohol by an individual anywhere on City premises, or while on City business (on City premises or not) or while representing the City, is strictly prohibited. Employees and other individuals who work for the City also are prohibited from reporting to work or working while they are using or under the influence of alcohol or any controlled substances, which may impact the employee's ability

to perform their job or otherwise pose safety concerns, except when the use is pursuant to a licensed medical practitioner's instructions and the licensed medical practitioner authorized the employee or individual to report to work. However, this exception does not extend any right to report to work under the influence of medical marijuana or to use medical marijuana as a defense to a positive drug test, to the extent the employee is subject to any drug testing requirement, except as permitted by and in accordance with applicable law.

The City maintains a policy of non-discrimination and will endeavor to make reasonable accommodations to assist individuals recovering from substance and alcohol dependencies, and those who have a medical history which reflects treatment for substance abuse conditions. However, employees may not request an accommodation to avoid discipline for a policy violation. We encourage employees to seek assistance before their substance abuse or alcohol misuse renders them unable to perform the essential functions of their jobs or jeopardizes the health and safety of any City employee, including themselves.

All employees are hereby advised that full compliance with this policy shall be a condition of employment at the City. Any employee who violates this Drug-Free and Alcohol-Free Workplace policy shall be subject to discipline up to and including immediate discharge.

**Consent**

Compliance with the City's Drug-Free and Alcohol-Free Workplace policy and testing program is a condition of employment. All employees and applicants for employment are subject to this policy's prohibitions on drug and alcohol use at work and reasonable suspicion testing procedures. Covered Employees, including commercial drivers and safety-sensitive positions are subject to all aspects of this policy. Any employee who is tested for drugs or alcohol under this policy will be required to sign a consent form that acknowledges that test results may be discussed with appropriate members of management. Because the consent form is a part of the City's policy, its completion by employees who are tested for drugs or alcohol under this policy is also a condition of employment. Applicants for employment in safety-sensitive positions who refuse to sign the consent form will not be considered further for employment and may not reapply. Employees who are subject to drug or alcohol testing under this policy who refuse to sign the consent form will be discharged.

**Covered Employees**

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

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

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

**Covered Employees** under this section of the policy are those who:

- Are Required to Possess a Commercial Drivers' License to operate a commercial motor vehicle as described above; or,
- Are subject, at any given time, to be dispatched to operate a commercial motor vehicle as described

above; or,

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

**City of Bridgeport Defined Safety Sensitive Employees**

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

**Covered Employees** under this section of the policy are those who:

- Discharge duties that involve a risk of serious injury to themselves or others, or employees whose job responsibilities involve public safety or the safety of others;
- Must use dangerous tools /equipment in the performance of their job duties;
- Must perform job duties at elevated heights;
- Must perform job duties using dangerous chemicals;
- Routinely operate a vehicle in the course of their job duties such that a concrete risk of massive property damage, personal injury, or death is present;
- Must carry a firearm in the performance of job duties; or
- Are occupying a covered position.

**Participation**

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

**Required Hours of Compliance/Prohibited Behavior**

Covered Employees are required to comply with these drug and alcohol regulations any time while at work or on duty.

Alcohol use is prohibited:

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

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

**Testing Categories – Drug and Alcohol**

All Covered Employee drug and/or alcohol testing will be conducted in accordance with the procedures established in 49 CFR Part 40 titled "Procedures for Transportation Workplace Drug and Alcohol Testing Programs," unless otherwise noted in this policy.

All Covered Employees will be tested for the presence of:

**DOT**

- Marijuana
- Cocaine
- Amphetamines
- Opiates
- Phencyclidine (PCP)

**Non-DOT**

- All listed under DOT, plus:
- Methamphetamines
- Barbiturates
- Benzodiazepines
- Methadone
- Methaqualone
- Opiate Expansion
- Propoxyphene

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

Seven drug/alcohol testing categories require mandatory participation by all Covered Employees. They are:

- **Pre-Employment**

  All applicants for employment in safety-sensitive positions are required to produce a negative drug screen prior to reporting for duty. Upon completion of the initial application, and after receiving a conditional job offer for a City safety-sensitive position, a prospective employee shall be required to have a negative drug test result for illegal drugs prior to employment. A positive drug test will disqualify the applicant for employment.

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

- **Random**

  Covered Employees will be subject to a drug testing at any time while at work and an alcohol testing at any time an employee is performing or subject to perform Safety- Sensitive duties.

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

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

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

- **Transferring/Promotion Employees**

  Such employees must meet pre-employment testing requirements before reporting for safety-sensitive duties as described in the Covered Employee section of this policy. A positive drug test result or alcohol level of 0.02 or

greater will result in disciplinary action as defined by this policy. This provision shall only apply to Non-Covered Employee being transferred or promoted to Safety Sensitive Covered Duty.

- **Reasonable Suspicion**

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

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

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

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

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

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

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

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

- **Post-Accident**

As soon as practical following an accident involving a commercial motor vehicle or other city vehicle, the City shall conduct drug and alcohol testing.

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

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

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

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

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

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

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

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

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

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

  Former employees wishing to be re-employed after quitting for other reasons before he/she completed their required drug screens and treatment from a Substance Abuse Professional after positive drug/alcohol tests must also abide by these same requirements.

**Refusal to Test**

All employees subject to testing under this policy are required to participate in the testing program as a condition of employment. Refusal to test in any drug/alcohol testing under this policy will result in immediate dismissal.

Certain behaviors constitute a refusal to test. These behaviors include:

A. Failure to follow all instructions provided by the Breath Alcohol Technician/urine sample collector and/or the collection site's supervisory presence. Cooperation in the drug/alcohol testing process is a mandatory condition of employment.
B. Tampering with or attempting to adulterate a specimen or collection procedure.
C. Not reporting to the collection site immediately upon notification of selection
D. Leaving the scene of an accident as defined by this policy without a valid reason before testing has been conducted.
E. Failure to provide adequate breath/urine samples without a valid medical reason, or
F. Engaging in any conduct that clearly obstructs the testing process.

Employees are to provide an adequate amount of breath upon the instruction of the Breath Alcohol Technician. The Breath Alcohol Technician will ask an employee who is unable to provide enough breath to complete the test. If the employee is unable to provide an adequate breath sample, the collection site supervisor is to be notified that a positive test result is declared as a result of the employee's inability to provide an adequate sample. After notifying the HR Department, the supervisor shall refer the employee to a licensed Physician acceptable to the City. The Physician will determine whether the employee has a medical condition, or could have a medical condition, that precluded him/her from providing an adequate breath sample.

If the Physician cannot make such a determination, the employee's test is considered positive because of a refusal to test, and the employee will be terminated from employment. The Physician will provide the HR Department with his/her written conclusions.

Drug tests require at least 45 milliliters of urine. If the employee cannot provide this minimum amount, the collector will advise the employee to drink not more than 24 ounces of fluid, and, after a period not to exceed three (3) hours, again attempt to provide an adequate amount of urine. The original sample is to be discarded. If the employee still cannot provide an adequate sample, the specimen is to be discarded and testing discontinued, and the collector will inform the site supervisor who will inform The HR Department. The HR Department will inform the drug testing program's Medical Review Officer. After consultation, the employee may be referred to a licensed Physician acceptable to the City to determine if there could be a medical reason for the employee's failure to provide an adequate urine

sample. If the Physician cannot make such a determination, the test result is to be issued as positive, refusal to test and the employee will be terminated from employment. The Physician will provide the HR Department with a written report of his/her conclusions.

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

**Testing Procedures**

A site supervisor with authority to relieve an employee from duty for prohibited conduct will represent supervisory authority at all collection locations. The Breath Alcohol Technician/urine sample collector will report to the highest-ranking supervisor at a testing location and inform him/her that testing of specific employees is to take place. Employees will be verbally informed by a supervisor that they are to report to a specific location for drug/alcohol testing. Collection sites can be either a City facility, a mobile testing unit or a facility designated by the City. Once informed, the employee is to report for testing immediately.

Employees are to identify themselves through picture identification. In the event no picture identification is readily available, the collection site supervisor can verify the employee's identity. Employees who refuse to cooperate with the test collector/site supervisor will have their test results issued as positive, refusal to test and will be dismissed from employment.

- **Drug Testing Procedures**

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

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

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

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

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

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

If the test results of the primary sample are positive, the employee may request the split (second) sample be analyzed at a different certified laboratory for the presence of drug(s) initially certified as positive. Before any test is certified as positive by the Medical Review Officer, every reasonable attempt will be made to contact the employee to discuss whether a medical or other condition may have triggered the positive result. The employee will be allowed 72 hours from the time of positive test certification to request the second analysis be conducted. Any employee providing a certified positive urine sample is to be removed immediately from covered duty until the end of the current shift, referred to a Substance Abuse Professional, and disciplined under the authority of this Policy.

- **Alcohol Testing Procedures**

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

Alcohol testing is to be conducted in a location that affords visual and aural privacy to the individuals unauthorized person(s) shall be permitted access to the testing location at any time while testing is being conducted. In unusual circumstances, a test may be administered at a location that does not meet the federal standards for testing locations and the collector is to provide for the privacy of the employee to the greatest extent possible. Standard forms have been created by the U.S. Department of Transportation for use in the alcohol testing process, ensuring results are attributed to the correct employee.

Once the employee has identified himself/herself, an individually sealed mouthpiece is to be removed and attached to Evidential Breath Testing device in the employee's presence. The employee is to forcibly blow into the mouthpiece for at least six (6) seconds or until the Evidential Breath Testing device indicates enough breath has been accomplished. The employee is to be shown his/her test result, test number, testing device, serial number of the testing device, time and quantified result are to be recorded by the Breath Alcohol Technician.

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

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

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

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

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

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

**Record Retention and Confidentiality**

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

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

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

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

**Consequences of Prohibited Conduct**

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

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

Discipline is to be administered under the City's authority to discipline employees found to be in violation of prohibited workplace activity. The following disciplinary schedule applies to all Covered Employees and employees tested under the Reasonable Suspicion provisions of this policy. Disciplinary action taken hereunder against members of the Police Department shall be subject to review in accordance with the applicable provisions of W.Va. Code § 8-14-20 and § 8-14A-3. Disciplinary action taken hereunder against members of the Fire Department shall be subject to review in accordance with the applicable provisions of W. Va. Code §8-15-25 and §8-14A-3. Disciplinary action taken hereunder against non-uniformed employees shall be subject to the applicable provisions of the City's Human Resources Policy.

A. Pre-Employment First Offense – A positive drug test or breath alcohol concentration of 0.02 or greater will cause the potential employee not to be offered employment.

B. Introductory Period/Probationary Employees – A positive drug test or breath alcohol concentration of 0.02 or greater will cause the employee to be dismissed from employment.

C. First Offense - Random/reasonable suspicion/employee transfer/promotion/positive drug test/alcohol concentration of 0.04 or greater result will cause the employee to be dismissed; provided that such dismissal shall be deemed a suspension without pay if within 48 hours of notification of test results, the employee executes a consent agreement whereby the employee agrees to the following conditions:

    1. The employee waives all rights to grieve or to have a hearing on the issues before applicable hearing boards, civil service commissions or any other administrative or judicial process, except as the same may relate to an alleged breach of the terms of this consent agreement.
    2. The employee will be evaluated by a qualified Substance Abuse Professional as soon as reasonably practicable and in any event within (7) calendar days of the notification of positive test result and shall authorize and cause a copy of the evaluation and treatment plan, and any follow-up reports, to be delivered to the Director of HR.
    3. The employee agrees to abide by the treatment program established by the Substance Abuse Professional.
    4. The employee agrees to pay for such evaluation and treatment.
    5. The employee agrees to follow-up drug and/or alcohol testing at a rate directed by the Substance Abuse Professional to be conducted on an unannounced basis and of a frequency of not less than six (6) during the first twelve (12) months following the employee's return to work, with it being understood and agreed that the Substance Abuse Professional may continue or terminate the follow-up testing requirement at any time after the first six (6) tests, and for such reasonable period beyond twelve (12) months as may be deemed necessary, at his/her discretion
    6. The employee agrees to pay for all costs associated with follow-up testing.
    7. The employee agrees to authorize and give consent to any Substance Abuse Professional or other

treatment provider to release any information the City requests regarding the employee's evaluation, treatment, or fitness for duty.

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

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

D. Second Offense – Dismissal

E. Random/Reasonable Suspicion/Employee Transfer/Promotion Alcohol Concentration of 0.02 But Less Than 0.04

1. First Offense – The employee is to be relieved from duty as required by this policy for no less than 24 hours from the time of being informed of the results. In addition, the employee shall be suspended without pay for up to 15 days. If the employee seeks the guidance of a Substance Abuse Professional, he/she will be allowed a Leave Status upon receipt by the HR Department of the date and time of initial visit from the Substance Abuse Professional in order to initiate a treatment program established by the Substance Abuse Professional. Employees must report to the Substance Abuse Professional within seven (7) calendar days from notification, and failure to report to the Substance Abuse Professional shall result in employee dismissal. If the prescribed treatment involves in-patient admission, the employee will be granted the use of leave consistent with the City of Bridgeport's policies. All conditions set forth by the Substance Abuse Professional must be met in order to return to work performing duties as defined in the Covered Employees section of this policy. A Return to Duty alcohol test, showing a breath alcohol concentration of less than 0.02, is required of the employee. Follow-up testing, at a rate directed by the Substance Abuse Professional, will be conducted on an unannounced basis and shall be at a frequency of not less than six (6) during the first twelve (12) months following the employee's return to work. Follow-up testing cannot exceed a period of sixty (60) months from the employee's return to duty. The Substance Abuse Professional may terminate the Follow-up Testing requirement at any time after the first six tests, at his/her discretion. Any employee who does not follow the entire plan set forth by the Substance Abuse Professional will be terminated upon written verification of such.

2. Second Offense – Dismissal

F. Post-Accident – Positive Drug Test Result/Alcohol Concentration of 0.02 or Greater - Dismissal
G. Return to Duty/Follow Up Positive Drug Test result/Alcohol Concentration of 0.02 or Greater - Dismissal
H. Refusal to Test - Dismissal

**Appeals Process**

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

1. Any such appeal must be made within seventy- two (72) hours of notification of a positive test.
2. Employee/applicant will pay for the cost of a retest.
3. A challenge test MUST be performed on the same sample as the first test. However, a retest/re-analysis is not subject to cut-off levels and will be reported positive if any detectable drug metabolite is found.

4. If the result proves negative, the employer will pay for the cost of the challenge test. The employee will be reinstated to the former position with no loss of benefits or pay.
5. When employee testing for alcohol results in a 0.02 or greater alcohol concentration, an immediate confirmation test shall be performed. The BAT will instruct the employee in the steps necessary to complete the confirmation test. The confirmation test is to be performed within (20) minutes, but not less than (15) minutes of the initial test. There is no appeal of the confirmation results.

**Substance Abuse Assistance**

At the discretion of the City, any employee who violates the drug-free workplace policy may be required, in connection with or in lieu of disciplinary sanctions, to participate to the City's satisfaction in an approved drug assistance or rehabilitation program.

Employees in need of substance abuse assistance may be referred to services such as:

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

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

**Voluntary Referral Program**

The City will assist and support employees who, of their own accord and prior to being informed they are to submit to testing, voluntarily seek help for drug and/or alcohol dependency/addiction. The City will cooperate with the employee in attempted rehabilitation, provided the employee fully cooperates with such rehabilitation efforts, and provided rehabilitative efforts were not attempted in the past. The employee will be allowed a Leave Status consistent with the City of Bridgeport's policies for up to forty-five (45) days to meet initial rehabilitation demands established by a Substance Abuse Professional.

No Disciplinary Action will be initiated as a result of Voluntary Referral. The employee will be returned to duty upon the recommendation of the Substance Abuse Professional. The employee will be required to present a negative return to duty drug and alcohol test result.

The City will not attempt rehabilitation of employees who distribute, sell, or transfer illegal drugs or controlled substance. The medical information will be treated as confidential in accordance with existing City policy.

**Substance Abuse Professional**

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

**Medication Reporting**

It is incumbent upon City employees to advise their immediate supervisors, department heads, or the Director of Human Resources before reporting to work, should they:

- consume medication or are under the influence or are impaired thereby, when the substance warns that it may

cause drowsiness or other similar side effects,

- This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effects on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to their supervisor.

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

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

**Search**

It is the right of the City and its authorized agents to search all city owned automobiles, lockers, and other property at any time.

**Changes to Policy**

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

**Definitions**

Alcohol- The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol.

Alcohol Concentration – The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test using Evidential Breath Testing (EBT) devices.

Alcohol Use – The consumption of any beverage, mixture or preparation, including any medication, containing alcohol.

Breath Alcohol Technician (BAT) – An individual who instructs and assists individuals in the alcohol testing process and is certified to operate an Evidential Breath Testing device.

Chain of Custody – Procedures to insure for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen.

Collection Site - A place designated by the City where individuals present themselves for the purpose of providing a breath and/or urine sample for analysis.

Collection Site Supervisor – An individual designated by The Personnel/HR Department who serves as a third party at a collection site to ensure compliance with Federal regulations and this policy and to protect employee rights during the collection process.

Confirmation or Confirmatory Drug Test: In drug testing, a second analytical procedure to identify the presence of specific drugs or metabolites that is independent of the initial screening test and that uses a different technique and chemical principle from that of the screening test in order to ensure reliability and accuracy. (Gas Chromatography/Mass Spectrometry is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.) In Alcohol Testing: a second test, following an initial screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration.

Covered Duty – Job duties in safety sensitive positions, as defined in Section 2 of this policy.

Evidential Breath Testing Device (EBT) – An EBT approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL) and identified on the CPL as conforming with the model specifications available from NHTSA, Office of Alcohol and State Programs.

Medical Review Officer or Facility – A licensed physician responsible for receiving laboratory results generated by the City's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his/her medical history and any other relevant biomedical information.

Safety-Sensitive Position

(a) CDL Holders - Employees who possess a Commercial Drivers' License (CDL); operate a commercial motor vehicle; and/or repair commercial motor vehicles.

(b) City of Bridgeport Safety Sensitive Position – Employees who discharge duties fraught with risks of injury to themselves or others. Includes use of dangerous tools and equipment; performing job duties at heights; use of dangerous chemicals; routinely operating a vehicle in the course of their job duties such that a concrete risk of massive property damage, personal injury, or death is present; or carrying a firearm.

Screening Test (or Initial Tests) - Drug Test: An immunoassay screen to eliminate negative urine specimens from further analysis. Alcohol Test: an analytic procedure to determine whether an employee may have prohibited concentration of alcohol in a breath specimen.

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

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

Under the Influence **-** Under the influence of **alcohol** means breath alcohol concentration equal to or greater than 0.02, or actions, appearance, speech or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use. Under the influence of **drugs** means a confirmed positive test result for illegal drugs or controlled substances. Employees requiring testing shall be tested for evidence of Marijuana, Methamphetamines, Opiate Expansion, Cocaine, Barbiturates, Propoxyphene, Amphetamines, Benzodiazepines, Opioids, Methadone, Phencyclidine (PCP), and Methaqualone. In addition, the misuse of legal drugs (prescription or over-the-counter) or when there is not a valid prescription from a physician for the lawful use of a drug in the course of medical treatment.

**2-7. Workplace Violence**

The City of Bridgeport is strongly committed to providing a safe workplace. The purpose of this policy is to minimize the risk of personal injury to employees and damage to City and personal property.

The City does not expect employees to become experts in psychology or to physically subdue a threatening or violent individual. Indeed, the City of Bridgeport specifically discourages employees from engaging in any physical confrontation with a violent or potentially violent individual. However, the City does expect and encourage employees to exercise reasonable judgment in identifying potentially dangerous situations.

Experts in the mental health profession state that prior to engaging in acts of violence, troubled individuals often exhibit one or more of the following behaviors or signs: over-resentment, anger and hostility; extreme agitation; making ominous threats such as bad things will happen to a particular person, or a catastrophic event will occur; sudden and significant decline in work performance; irresponsible, irrational, intimidating, aggressive or otherwise inappropriate behavior; reacting to questions with an antagonistic or overtly negative attitude; discussing weapons and their use, and/or brandishing weapons in the workplace; overreacting or reacting harshly to changes in City policies and procedures; personality conflicts with co-workers; obsession or preoccupation with a co-worker or supervisor; attempts to sabotage the work or equipment of a co- worker; blaming others for mistakes and circumstances; or demonstrating a propensity to behave and react irrationally.

**Prohibited Conduct**

Threats, threatening language, obscenities, ethnic slurs, or epithets directed toward other individuals, or any other acts of aggression or violence made toward or by any City employee WILL NOT BE TOLERATED. For purposes of this policy, a threat includes any verbal or physical harassment or abuse, any attempt at intimidating or instilling fear in others, menacing gestures, stalking or any other hostile, aggressive, injurious, or destructive action undertaken for the purpose of domination or intimidation, and brandishing of any object that could reasonably be perceived as a weapon in the workplace (police officers and other authorized Personnel are exceptions). To the extent permitted by law, employees and visitors are prohibited from carrying weapons onto City premises.

**Procedures for Reporting a Threat**

All potentially dangerous situations, including threats by co-workers, should be reported immediately to any member of management with whom the employee feels comfortable. Supervisors are required to take appropriate, immediate action to curtail any such behavior or comments. Any known weapon possession or potential serious violent situations shall be reported immediately to the Police Department by the supervisor.

Reports of threats may be maintained confidential to the extent maintaining confidentiality does not impede the City of Bridgeport's ability to investigate and respond to the complaints. All threats will be promptly investigated. All employees must cooperate with all investigations. No employee will be subjected to retaliation, intimidation, or disciplinary action as a result of reporting a threat in good faith under this policy.

If the City determines, after an appropriate good faith investigation, that someone has violated this policy, the City will take swift and appropriate corrective action.

If the employee is the recipient of a threat made by an outside party, that employee should follow the steps detailed in this section. It is important for the City to be aware of any potential danger in its offices. Indeed, the City wants to take effective measures to protect everyone from the threat of a violent act by employees or by anyone else.

Violations of this policy will lead to immediate disciplinary action up to, and including, termination and any appropriate legal action. Supervisors may require a psychological evaluation of the offending employee, along with disciplinary action, depending upon the severity of the offense.

## Section 3 - OPERATIONAL POLICIES

### 3-1. Employee Classification

For purposes of this handbook, all City of Bridgeport employees fall within one of the classifications below.

**Full-Time Employees** - Employees who regularly work at least 40 hours per week who were not hired on a short-

term basis.

**Part-Time Employees** - Employees who regularly work on average fewer than 20 hours per week who were not hired on a short-term basis.

**Temporary Part-time Employees** - Employees who were hired for a specific short-term project, or on a short-term freelance, per diem or temporary basis.

In addition to the above classifications, employees are categorized as either "**exempt**" or "**non-exempt**" for purposes of federal and state wage and hour laws. Employees classified as exempt do not receive overtime pay; they generally receive the same weekly salary regardless of hours worked. The employee will be informed of these classifications upon hire and informed of any subsequent changes to the classifications.

**3-2. Salary Classification and Compensation Plan**

The City Manager maintains a classification plan by which each class of positions is assigned a pay grade. Bridgeport's City Council shall establish a salary ordinance on an annual basis.

**Compensation Plan**

a) Description

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

Regular cost of living or across the board salary increases are typically applied to the base salary chart for all steps and grades. All regular full-time employees are eligible for additional compensation under this plan. Regular part-time and temporary part-time employee pay raises will be considered on a case-by-case basis.

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

b) New Employees

(1) New employees will be required to serve an introductory period of six months. This may be extended at the discretion of the Department Head. The introductory period of new employees begins on the day their job duties commence. Introductory employees can be terminated at any time during the introductory period without cause. Civil Service employees shall adhere to the policies established by their applicable Civil Service Commissions.

State Code provides that all police/fire civil service employees must have a one-year probationary period. Successful completion of the probationary period does not alter the employee's at-will status. All Police and Fire civil service employees are required to follow the applicable local commission rules and regulations.

(2) All step advancements take effect the last pay period in June and will be paid on the first paycheck of July. A new employee will be eligible for his/her step advancement on the first payday in July, following satisfactory completion of the six-month introductory period (or probationary period for

police/fire civil service employees) provided their overall evaluation grade is at minimum "Meets Expectations."

c) Advancement for Existing Employees

(1) Provided step increases are approved in the budget by the City Council, an employee must receive an overall rating of "Meets Expectations" and cannot receive any "Unacceptable" remarks on his or her annual performance review to be eligible for a step advancement. This appraisal shall be performed by the department head or person having direct supervision of the employee and must be approved by the City Manager if the step is not being granted. This review covers a twelve-month period from April 1 to March 31 each year.

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

d) Promotions: Employees who are promoted to a higher-grade classification shall be placed in the step in the new grade which best reflects their education and experience.

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

g) Wage/Step Schedule:

1) The wage/step schedule includes the annual or hourly rates for all steps within each job classification and grade.

2) The wage/step schedule is subject to annual adjustments to reflect cost of living increases, etc.

h) Salary Reclassification: In situations where an employee's position has been re-evaluated by the Director of Human Resources and a pay reclassification is approved by the City Manager and doesn't create a budget shortfall, the City Manager has the discretion to place the employee in a different grade and (or) step.

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

**3-3. Interim Duties Compensation**

Employees will receive a minimum 5-step temporary salary increase under the following conditions:

- When the employee is appointed as an interim for another position unrelated to their current duties outside of their department
- When the employee is serving in an acting capacity for a period exceeding four weeks, and
- When an employee assumes a significant number of higher-level responsibilities in addition to their own responsibilities on a temporary basis when that service is expected to be for a period of four weeks or longer

An employee is not eligible for a temporary salary increase or extra service payments under the following conditions:

- When the employee assumes responsibilities for a subordinate

- When the employee is serving in an acting capacity for a period of less than four weeks

**3-4. Your Employment Records**

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

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

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

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

Employees are required to keep their personnel file up to date by informing the Director of Human Resources of any changes in, or corrections to, information recorded in their individual Personnel & Payroll files such as home address, telephone number, or other pertinent information. Unreported changes of address, marital status, etc. can affect withholding tax and benefit coverage. Further, an "out of date" emergency contact or an inability to reach employees in a crisis could cause a severe health or safety risk or other significant problem. Employees also should inform the Director of Human Resources of any specialized training or skills they acquire, as well as any changes to any required visas.

**Contents of Personnel Files**

An employee's Personnel/HR file contains:

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

**3-5. Working Hours and Schedule**

**Administrative Work Week or Work Period for Most Departments**

Generally, the official work period for administrative employees in City departments for which separate work periods are not established elsewhere in these policies is a seven-day period beginning on Friday at 12:00 AM and ending at 11:59 PM on the following Thursday.

Normal working hours are Monday through Friday from 7:30AM to 4:00PM with an unpaid one-half hour lunch for a total of 40 hours per week. All break times are determined by the department head. Any changes to this schedule must be approved by the department head.

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

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

**Shift Differential Pay**

Under this policy, Shift Differential Pay is defined as a specified rate of premium pay paid to a non-exempt employee in addition to their regular salary not otherwise compensated by another form of premium pay (i.e. overtime and compensatory time). Shift Differential Pay will be paid to Police Officers at a rate of $0.80 per hour for afternoon shift and $1.05 per hour for night shift. Shift Differential Pay will be paid to Public Works employees at a rate of $1.00 per hour for special projects outside of regular work hours, as deemed appropriate by the City Manager.

**Exemptions from FLSA (Overtime Compensation)**

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

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

**Daylight Savings Time**

When applicable by federal law, Daylight Savings Time (DST) runs from the second Sunday of March to the first Sunday of November. Hourly (non-exempt) employees who are to “work” at 2:00 a.m. when the clocks are pushed back typically will work an extra hour that day/week and will be paid for it, including overtime if the extra hour pushes or contributes to the employee’s workweek hours exceeding forty. Fire department employees working a 24- hour shift will report this extra hour on the following day. Employees who are scheduled when the time springs forward would then lose an hour of work. Fire department employees working a 24-hour shift on that Sunday would report only 23 hours for that workday.

**Leave or Holidays Taken and Overtime**

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

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

**"On Call" Time**

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

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

Compensation for just being "on call," regardless of whether actual work is done or not in response to a call, depends on the departmental response time requirements as well as on the amount of expected "on call" activity during an average week. Response time requirements refer to the moment a call is received related to the amount of time that can elapse before the employee is required to physically respond to the call. Those departments that have a shorter response time requirement limit the personal activities of their employees more than other departments that have longer response time expectations. The City will compensate employees in the Garage, Police Department, Public Works, and Wastewater Treatment Plant for "on call" time in the amount of $50.00 per week. In addition, the Wastewater Treatment Plant and Public Works employees will be compensated with an additional $1.25 added to their hourly rate of pay for the week they are "on call."

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

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

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

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

**3-6. Timekeeping Procedures**

Supervisors must keep track of all hours worked, either by paper form or electronically within the City's time entry system in payroll. Forms may be provided by the City for tracking.

Employees must record their actual time worked for payroll and benefit purposes. Non-exempt employees must record the time work begins and ends, as well as the beginning and ending time of any departure from work for any non-work-related reason, on forms as prescribed by management.

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

Exempt employees are required to record their daily work attendance and report full days of absence from work for

reasons such as leaves of absence, sick leave, or personal business.

Non-exempt employees may not start work until their scheduled starting time. For payroll timekeeping purposes, employees will be rounded according to a seven-minute grace period with a fifteen-minute round. This policy applies to both early and late arrivals. For example, if an employee reports to work at 6:53 AM, they will be paid beginning at 7:00 am. If an employee reports to work at 6:52 AM, they will be paid starting at 6:45 AM. The same rule holds at the end of the day. If an employee's shift normally ends at 3:30 PM, they leave work at 3:37 PM, their stop time will round to 3:30 pm. If an employee leaves work at 3:38 PM, their stop time will round to 3:45 PM.

It is a city-wide policy that employees must report to work within 7 minutes from the start of their scheduled shift and leave work within 7 minutes of the end of their scheduled shift unless otherwise approved by their supervisor.

Department heads have the authority to create and enforce their own policy on when their employees must report to work and leave work provided it is within this 7-minute grace period. For example, if a department head wants to require their employees to report to work within 3 minutes of their shift, they may do so as long as the policy is enforced in a uniform manner among all department employees.

If an employee fails to comply with the city-wide policy or a more restrictive departmental policy, he/she may be subject to disciplinary action up to and including dismissal.

Time records must be reviewed and signed off electronically or in writing by the employee and by the employee's immediate supervisor. Any errors in the time record should be reported immediately to a supervisor, who will attempt to correct legitimate errors. Each Department Director is responsible for ensuring that all hours worked and leave time taken are accurately reported to payroll.

**3-7. Overtime Compensation**

The policy of the City is to keep overtime to a minimum, but like many organizations, the City of Bridgeport experiences periods of extremely high activity. During these busy periods, additional work is required from all of us. Employees may be required to provide services in addition to their normal hours or on weekends or holidays. In these situations, the policy of the City is to compensate the employee in the following manner:

1. Any non-exempt employee who works overtime will be compensated at the rate of one and one-half times (1.5) their normal hourly wage regardless of actual hours worked. Payment at the rate of one and one-half times the employee's regular hourly rate; or

2. Compensatory time off within the next 120 days at one and one-half times the number of hours worked up to a maximum number of 120 hours, which may be accrued. Compensatory time off must be used or paid for by the last pay of the fiscal year in which the time has been earned.

The City discourages the accumulation of compensatory time off. The maximum allowed compensation time accrued will be 120 hours. Any hours accrued after the 120 hours will be paid out to the employee. All compensatory time must be preapproved by Department Heads.

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

For purposes of calculating overtime for non-exempt employees who normally work 8-hour shifts, the workweek begins at 12 a.m. on Friday and ends at 11:59 p.m. on the following Thursday. For employees who normally work 24-hour shifts, anything over 212 regular hours in a 28-day period is considered overtime.

**3-8. Travel Time for Non-Exempt Employees**

**Overnight, Out-of-Town Trips**

Non-exempt employees will be compensated for time spent traveling on assignment (except for meal periods) during their normal working hours, on days they are scheduled to work and on unscheduled workdays (such as weekends). Non-exempt employees also will be paid for any time spent performing job duties during otherwise non-compensable travel time; however, such work should be limited without advance management authorization.

**Out-of-Town Trips for One Day**
Non-exempt employees who travel out of town for a one-day assignment will be paid for all travel time, except for, among other things: time spent traveling between the employee's home and the employer location (i.e. City Municipal Building, Sports Complex, Library, Fire Dept., etc.), plane terminal, bus, train station, etc.; and meal periods.

**Local Travel**
Non-exempt employees will be compensated for time spent traveling on assignment from one job site to another job site during a workday. The trip home, however, is non-compensable when the employee goes directly home from the final job site.

**Commuting Time**
Under the Portal-to-Portal Act, travel from home to work and from work to home is generally non-compensable.
If compensable travel time results in more than 40 hours worked by a non-exempt employee, the employee will be compensated at the overtime rate of one and one-half (1-1/2) times the regular rate or with compensatory time off. To the extent that applicable state law provides greater benefits, state law applies.

**3-9. Safe Harbor Policy for Employees**

It is the City of Bridgeport's policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure proper payment and that no improper deductions are made, employees must review pay stubs promptly to identify and report all errors.

Those classified as exempt salaried employees will receive a salary which is intended to compensate them for all hours they may work for the City of Bridgeport. This salary will be established at the time of hire or classification as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work performed.

Under federal and state law, salary is subject to certain deductions. For example, unless state law requires otherwise, salary can be reduced for the following reasons:

- full-day absences for personal reasons
- full-day absences for sickness or disability if the deduction is made in accordance with a bona fide plan, policy, or practice of providing wage replacement benefits for such absences (deductions also may be made for the exempt employee's full-day absences due to sickness or disability before the employee has qualified for the plan, policy, or practice or after the employee has exhausted the leave allowance under the plan)
- full-day disciplinary suspensions for infractions of our written policies and procedures
- Family and Medical Leave Act absences (either full- or partial-day absences)
- to offset amounts received as payment from the court for jury duty and witness fees or from the military as military pay
- the first or last week of employment in the event the employee works less than a full week; and
- any full work week in which the employee does not perform any work.

Salary may also be reduced for certain types of deductions such as a portion of health, dental or life insurance premiums; state, federal or local taxes; social security; or voluntary contributions to a 457 (b) or pension plan. In any work week in which the employee performed any work, salary will not be reduced for any of the following reasons:

- partial day absences for personal reasons, sickness or disability;
- an absence because the City has decided to close a facility on a scheduled work day;
- absences for jury duty, attendance as a witness, or military leave in any week in which the employee performed any work (subject to any offsets as set forth above); and
- any other deductions prohibited by state or federal law.

However, unless state law provides otherwise, deductions may be made to accrued leave for full- or partial- day absences for personal reasons, sickness, or disability.

If employees believe they have been subject to any improper deductions, they should immediately report the matter to a supervisor. If the supervisor is unavailable or if the employee believes it would be inappropriate to contact that person (or if the employee has not received a prompt and fully acceptable reply), they should immediately contact the Payroll & Benefits Coordinator or any other supervisor in City of Bridgeport with whom the employee feels comfortable.

**Separation**

Upon separation of employment, employees must be given and asked to sign a notice provided by HR or Payroll notifying them that if they believe they have not received all compensation due to them for wages and/or fringe benefits after separation from employment with the City of Bridgeport, they must make a written demand seeking payment to the Human Resources Director, and they must state each alleged nonpayment or underpayment, the type of benefit they believe is owed, the amount of the benefit they believe is owed, and any other information that may be needed to address their claim.

**3-10. Your Paycheck**

City employees are paid bi-weekly for all the time worked during the past pay period. Checks or direct deposits are issued every other Friday or if a payday falls on a holiday, checks or direct deposits will be issued on the last working day preceding the holiday.

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

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

Payroll stubs itemize deductions made from gross earnings and will differentiate between regular pay received and overtime pay received. By law, the City of Bridgeport is required to make deductions for Social Security, federal income tax and any other appropriate taxes. These required deductions also may include any court-ordered garnishments. With the approval of the City Manager, other deductions from an employee's pay may be authorized by the employee for group health/medical insurance premiums, retirement, deferred compensation, and such other deductions as may be authorized by the City Manager and in compliance with the WV Wage Payment and Collection Act.

If there is an error in any employee's pay, the employee should bring the matter to the attention of the Payroll & Benefits Coordinator immediately so the City can resolve the matter quickly and amicably.

Paychecks will be given only to the employee, unless the employee requests that they be mailed or authorizes in writing that another person may accept the check.

Employees who quit, resign, or are terminated must be paid no later than the next regular payday in which the wages would otherwise have been due and payable, either through the regular pay channels, or by mail if requested by the employee. No leave may be taken, unless the employee is retiring, unless approved by the Director of Human Resources or the City Manager.

**3-11. Direct Deposit**

The City of Bridgeport strongly encourages employees to use direct deposit. Authorization forms are available from the Payroll & Benefits Coordinator.

**3-12. Salary Advances**

The City of Bridgeport does not permit advances on paychecks or against accrued paid time off. The only exception to this is for Earned Days Off (EDO), which depends on department policy.

**3-13. Gift Cards**

An employee may receive one $25 gift card as a reward every 5 years of service for their service to the City. The Human Resources Director will issue the gift card and keep record of who received one, as well as note the gift card number. Distribution of gift cards is not permitted under any other circumstances unless permitted by law and with the City Manager's approval.

**3-14. Performance Review**

A written performance evaluation and an evaluation interview shall be conducted with each City employee at least annually, as scheduled. The purpose of a performance evaluation is to help improve the employee's understanding of his or her progress on the job and the supervisor's understanding of the employee's viewpoints about factors that affect his/her performance during the period covered by the evaluation. Scheduled evaluations provide an opportunity to assess progress and plan for future performance improvements but should never replace day-to-day communication between the supervisor and employee regarding performance expectations and actual performance.

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

The annual evaluation will also be utilized by City administrative staff to make recommendations to the City Manager regarding step increases. A positive performance evaluation does not guarantee an increase in salary, a promotion or continued employment. Compensation increases and the terms and conditions of employment, including job assignments, transfers, promotions, and demotions, are determined by and at the discretion of management.
Supervisors and department heads are also encouraged to conduct additional employee performance evaluations during the probationary period to assess new and promoted employees' compatibility with their jobs.

Performance evaluation records are maintained in each employee's Personnel file.

**3-15. Job Descriptions**

The City Manager shall establish and periodically review an official job description for each position in the City. Every

City position must have a job description which describes the essential functions, duties, responsibilities of the position, and the FLSA exemption status.

**3-16. Vacancies and Job Postings**

The City of Bridgeport is dedicated to assisting employees in managing their careers and reaching their professional goals through promotion and transfer opportunities. The City encourages employees to apply for any vacant City position for which they are qualified.

When vacancies occur in a department, the Department Head shall notify the Director of Human Resources by sending a Payroll Change Notice to remove the former employee from payroll. If the Department Head wishes to fill the vacancy, he/she must send a Job Posting Request Form to the Director of Human Resources. The Director of Human Resources may advertise either internally, externally, or both for applicants to fill any City vacancy, except for, Police/Fire Civil Service.

Vacancies in City positions are filled based on merit, whether by promotion, transfer or by initial appointment. Selections of the most qualified persons are made based on occupational qualifications and on job-related factors such as skill, knowledge, education, experience, and ability to perform the essential functions of the specific job.

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

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

**Application Form**

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

Applications/resumes received when solicited, will remain on file (hard copy or electronically) for one year and then be destroyed.

**Age Requirements**

Persons under 18 years of age will not be employed in any Regular Full-time position. Individuals 14 years of age and older may be hired on a part-time (permanent or temporary) basis in positions and worked during times that are in accordance with Fair Labor Standard Act (FLSA) regulations.

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

**Qualifications**

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

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

**Selection**

Except for appointments reserved to the City Council by statute or ordinance, the City Manager has exclusive authority to fill all City vacancies including Department Director positions. The Departments have authority to employ

department personnel, subject to approval by the City Manager and the Director of Human Resources within the limits of these policies and the City budget.

**Method of Recruitment and Selection**

The City may utilize several methods of recruiting and selecting persons to fill vacancies including but not limited to:

- Promotion from within
- Lateral Transfer from within
- Public announcement and competitive consideration of applicants for employment
- Selection from valid current eligibility lists
- Selection from existing applications on file
- Employment agencies
- The City Manager or the Director of Human Resources, in consultation with the Department Director, determines the method of selection to be used in filling each vacancy. Consideration may first be given to promotion from within when the hiring authority feels that enough viable candidates are available.

**Public Announcements**

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

**Prior Service with City**

Employees entering service with the City who have had prior service with the City may be considered for reappointment only with the specific approval of the City Manager.

**Reemployment**

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

If a former employee is rehired under these conditions, no credit will be given for former service with respect to benefit accruals or other forms of longevity entitlements that are normally associated with an employee's continuous service unless they return within 6 months and left city employment on good terms and with proper notice. Each reemployment will accrue benefits as would any other new employee.

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

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

**Reinstatement**

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

If a former employee is reinstated under these conditions, credit will be given for former service with respect to vacation, sick leave, and years of service that would have accrued had the employee not had a break in service. Additionally, each reinstatement will be assigned a pay rate commensurate with the rate received at the time of separation. However, a new anniversary date will be established based on the date of reinstatement even though an

introductory period of employment will not be required. Health insurance will begin as a new employee.

**Testing**

Certain department positions may require selection testing.

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

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

It will be the responsibility of the Director of Human Resources, in consultation with Department Heads, to determine the manner and methods of selection tests to be used, and to make arrangements for the use of facilities and City resources necessary for conducting such examinations. No applicant taking a selection test will be treated in any preferential way to any other applicant participating in the same selection test to the extent that such treatment would compromise the impartiality of the testing process.

Applicants participating in selection tests who are found to cheat, falsify information, or be disruptive to others will be subject to immediate disqualification from further consideration. If such applicants are current employees of the City, they may have their employment terminated.

Testing, both for initial employment and promotion for Police Officers and Fire Fighter/EMT or Fire Fighter/paramedic, is the responsibility of the Police Civil Service Commission or the Fire Civil Service Commission.

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

**Internal Applicant Requirements**

To be eligible to apply for an open position, employees must meet the following requirements:

- a current, regular, full-time, or part-time employee
- have been in current position for at least six (6) months.
- maintain a performance rating of satisfactory or above.
- not be on conduct/performance-related probation or warning.
- meet the minimum job qualifications listed on the job posting, and
- provide their current manager with notice prior to applying for the position.

If employees find a position of interest posted and they meet the eligibility requirements, an internal job posting application must be completed to be considered for the position. Not all positions are guaranteed to be posted. The City reserves the right to seek applicants solely from outside sources or to post positions internally and externally simultaneously.

For more specific information about the program, please contact the Human Resources Department.

### 3-17. Applicant Disqualification

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

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

### 3-18. Freedom of Information Act (FOIA)

The Freedom of Information Act (FOIA) provides that any person has a right, enforceable in court, to obtain access to records, except to the extent that such records (or portions of them) are protected from public disclosure by one of nine exemptions. A FOIA request can be made for any record.

This policy is in place to provide detailed instructions for the internal handling and processing of Freedom of Information Act requests received at the City of Bridgeport. All FOIA requests are received and processed by the City Clerk (regardless of which department may gather the information) in accordance with the requirements of the City of Bridgeport Freedom of Information Act for individuals or businesses who want to view City documents.

Any person, business, or organization requesting records of the City of Bridgeport, West Virginia, under the Freedom of Information Act shall make such a request by completing a Freedom of Information Request form, and present it to the City Clerk, City of Bridgeport, 515 West Main Street, Bridgeport, WV 26330, during normal business hours (Monday through Friday, 7:30 a.m. to 4 p.m.).

See the City Manager Department Policies for the City of Bridgeport FOIA Policy and Fee Schedule.

### 3-19. Publicity/Statements to The Media

All media inquiries regarding the position of the City as to any issues must be referred to the City Manager. Only the City Manager is authorized to make or approve public statements on behalf of the City. No employees, unless specifically designated by the City Manager, are authorized to make those statements on behalf of City. Employees wishing to publish an article, paper, or other publication on behalf of the City must first obtain approval from the Department Head and/or City Manager.

## Section 4 - BENEFITS

### 4-1. Benefits Overview

In addition to good working conditions and competitive pay, it is the City of Bridgeport's policy to provide a combination of supplemental benefits to all eligible employees. In keeping with this goal, each benefit program has been carefully devised. These benefits include time-off benefits, such as vacations and holidays, and insurance and other plan benefits. We are constantly studying and evaluating our benefits programs and policies to better

meet present and future requirements. These policies have been developed over the years and continue to be refined to keep up with changing times and needs.

This section of the handbook contains a brief outline of the benefits programs the City of Bridgeport provides employees and their families. Of course, the information presented here is intended to serve only as guidelines.

The descriptions of the insurance and other plan benefits merely highlight certain aspects of the applicable plans for general information only. The details of those plans are spelled out in the official plan documents, which are available for review upon request from the Payroll & Benefits Coordinator. Additionally, the provisions of the plans, including eligibility and benefits provisions, are summarized in the summary plan descriptions ("SPDs") for the plans (which may be revised from time to time). In the determination of benefits and all other matters under each plan, the terms of the official plan documents shall govern over the language of any descriptions of the plans, including the SPDs and this handbook.

Further, the City of Bridgeport (including the officers and administrators who are responsible for administering the plans) retains full discretionary authority to interpret the terms of the plans, as well as full discretionary authority regarding administrative matters arising in connection with the plans and all issues concerning benefit terms, eligibility and entitlement.

While the City intends to maintain these employee benefits, it reserves the absolute right to modify, amend or terminate these benefits at any time and for any reason.

If employees have any questions regarding benefits, they should contact the Payroll & Benefits Coordinator.

**4-2. Medical and Life Insurance**

The City provides access to medical insurance coverage for regular full-time employees, their spouses and families. Employees will be responsible for a portion of these benefit premiums. These premiums are set yearly during the budget process and are subject to change. Any insurance company surcharges assessed on employees who use tobacco will be the responsibility of the employee. It is the employee's responsibility to keep information updated and accurate. If you experience a qualifying event, you only have a window of time to change your coverage. If you do not act within that timeframe, you cannot make the change until the next open enrollment. Qualifying events which end eligibility (such as divorce) must be reported immediately.

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

Benefits start on the first day of the month following the date the enrollment forms are completed by the employee. Most benefits allow the employee the month they are hired and two additional months to enroll.

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

**4-3. Long-term Disability and Life Insurance**

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

This is solely a monetary benefit and not a leave of absence. Employees who will be out of work must also request a formal leave of absence. See the Leave of Absence sections of this handbook for more information.

The City also provides a $10,000 life insurance policy for each employee. Employees may also opt into additional life insurance coverage at their cost.

**4-4. Insurance Opt-Out Program**

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

1. An employee may elect to drop his/her insurance coverage entirely with the City of Bridgeport. If an employee has family coverage and/or single coverage and has health insurance by another private major medical health insurance provider, he/she can elect to opt out of the City's insurance coverage and receive a monthly incentive less applicable payroll deductions based upon the budget amount approved by City council on a year-to-year basis. Employees may also cover themselves on the City's plan and provide proof of all other family dependents coverage with another major medical plan to receive the single Opt-Out payment. To qualify for this program, the employee must provide a certificate of insurance stating that he/she has other private major medical health insurance coverage annually during open enrollment or when the employee makes a change in coverage. Medical cards offered through State agencies such as the Department of Health & Human Services (DHHR) do not qualify a person for this optional insurance program. If at any time the employee loses his/her other coverage, he/she will be required to notify the payroll department in writing within thirty (30) days and renew at least the employee's single coverage with the City.

2. An employee, whose spouse is also an employee, may elect to drop his/her insurance coverage with the City entirely and be covered under the spouse's policy with the City. The employee who elects to drop coverage will be eligible for the family Opt-Out. Should both employees choose to carry coverage (single and/or single and dependents), neither will be eligible for Opt-Out. Lastly, if the spouse is covered under another plan entirely and the employee elects single coverage, the employee and the spouse will both be eligible for the single Opt-Out.

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

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

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

**4-5. Social Security**

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

**4-6. Retirement Plan**

The City is a member of the West Virginia Public Employees Retirement System (PERS). Both the employee and the City contribute to the employee's retirement account. Employees who leave City employment prior to retirement will, after filing a request with PERS, be refunded their portion of the retirement account plus interest earned on their portion. City employees are vested in the PERS system after a certain period of time set in WV State Code. Retirement benefits are determined by a formula provided by WV State Code. Each new employee receives information about the City's specific retirement coverage and options under PERS at the time of employment.

The City also participates in the Municipal Police Officers and Firefighters retirement system (MPFRS). All new police officers and firemen hired after July 1st, 2017 are required to participate.

**4-7. Deferred Compensation Plan**

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

**4-8. Paid Holidays**

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

The days are as follows:

New Year's Day
Martin Luther King's Birthday***
President's Day ***
Primary Election Day *** (when applicable)
City Election Day *** (when applicable)
Memorial Day
West Virginia Day
Independence Day
Labor Day
Columbus Day ***
General Election Day ***
Veteran's Day
Thanksgiving Day
Day after Thanksgiving (Lincoln's Day)
Christmas Eve +
Christmas Day

+The State recognizes ½ day Christmas Eve and ½ day New Year's Eve. The City of Bridgeport may choose to recognize the Christmas Holiday as a full day in place of the ½ New Year's Eve.

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

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

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

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

Non-civil service, non-exempt regular full-time employees required to work on any of the observed days of the five (5) major holidays (Memorial Day, Independence Day, Labor Day, Thanksgiving Day, or Christmas Day) shall be paid at a rate of 1 ½ times for the hours "worked" that day regardless of whether time off had been taken during the applicable pay period.
For civil service employees, if the observed day does not fall on the same day as one of the 5 major holidays, employees will be paid 1 ½ times for hours worked for one of the two days, but not both.

**Working During Holidays**

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

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

1. May designate an alternate day off for the employee if the holiday falls on the employee's regular day off or if the employee is required to work all or any part of a holiday; or

2. With the approval of the City Manager, may pay an employee an extra day's pay at the regular, straight-time hourly rate, for each holiday worked.

Non-civil service, exempt employees may be required to work on holidays. An employee who works on a holiday shall be entitled to an additional day of leave. This day may be taken by the employee subject to approval by the department head.

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

Any hourly employee required to work on the following Major Holidays: Memorial Day, Independence Day, Labor Day, Thanksgiving Day, or Christmas Day, shall be paid at a rate of 1 ½ times for that shift regardless of whether time off had been taken during the applicable pay period.

**Employees on 212 Hour Pay Periods**

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

**Holiday During Vacation**

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

**4-9. Paid Vacations**

The City of Bridgeport appreciates how hard employees work and recognizes the importance of providing time for rest and relaxation. The City of Bridgeport fully encourages employees to get this rest by taking vacation time. Regular full-time employees will accrue and use vacation time according to the following schedule:

80 hours will be accrued per year, plus eight (8) hours for each additional year of employment, not to exceed 160 hours per year unless otherwise agreed upon by a separate agreement approved by the City Manager. An individual becomes entitled to take vacation time after one (1) month of employment. An employee who has completed at least twenty-five years of credited service shall be entitled to begin accruing at a rate equal to five weeks' vacation on his/her 25th anniversary date. Employees starting in the middle of a pay period will accrue an amount proportional to the fraction of time they actually worked.

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

**Unused Vacation Leave**

For all regular, full-time employees, no more than a total of 200 hours of vacation and EDO (Earned Days

Off) may be carried over to the next year. After the first pay in January, any vacation leave balance in excess of 200 hours will be reduced to that maximum allowable carry over unless otherwise approved by the City Manager.

Accumulated vacation leave will be paid upon termination only if the employee has completed the initial first year of employment and has given the proper 2-weeks' notice of resignation.

**Scheduling Vacation Leave**

Vacation leave must be scheduled and approved at least 24 hours in advance and must accommodate the City's work schedule unless approved by the department head. Department Directors are responsible for establishing vacation schedules for employees in their departments. Provided departmental workloads will permit, employees should be permitted to select their desired vacation periods. If there is a conflict in vacation schedules involving two or more employees, employees are granted their preference on a "first come, first served" basis. If two requests are made at approximately the same time and cover the same requested vacation period, the employees will be granted their preference in accordance with their seniority. If the desired schedules conflict with City requirements, the City's requirements are given first consideration. An employee's request to take vacation leave in excess of 10 working days consecutively or non-consecutively within a 30-day period must be submitted by the employee 30 days in advance and must be approved by both the Department Director and the City Manager. Once again, the Department Director shall have discretion in equitably scheduling this time.

**4-10. Sick Leave**

All permanent full-time City employees are eligible for City sick leave benefits. An eligible employee may claim sick leave if the employee is absent from work due to:

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

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

**Medical Statement**

Employees who are absent for more than a consecutive 24-hour (two 24-hour shifts for employees working a 24-hour workday) period shall provide a written Doctor's excuse prior to returning to work. The Director of Human Resources may disallow sick leave if such proof is not provided.

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

- A pattern of taking sick leave on days before or after a holiday or day(s) off, or using it during holidays, hunting season every year, etc.
- A pattern of using sick leave as soon as it is accrued.

The City Manager, Department Director and the Director of Human Resources have the authority to require a

doctor's certificate of illness or to require the employee to be examined by a doctor of the City's choice. There is potential for misuse or abuse of sick leave benefits. All Department Directors are encouraged to counsel employees as to the consequences if sick leave is abused or misused. If the abuse or misuse of sick leave is continual by an employee, the employee is subject to disciplinary action, which may include dismissal.

Employees who use more than 5 consecutive sick days (40 hours) must complete the applicable Family Medical Leave Act (FMLA) request and the Department of Labor FMLA request completed by the employee's (or covered family member) physician with the Human Resources Department at least 30 days in advance or in an emergency, as soon as practical. It is the responsibility of the employee and the Department Head to ensure this paperwork is completed and turned into the Director of Human Resources to be approved.

**Accumulation of Sick Leave Benefits**

Each eligible employee shall be entitled to paid sick leave only when the employee meets all the applicable requirements of these Human Resources Policies and any City ordinances. Sick leave is computed on the basis of 12 hours of sick leave for each complete month of service for the first 42 months (3.5 years) of employment. After 42 months of employment, sick leave is computed on the basis of 8 hours of sick leave for each complete month of service employees accrue. Employees starting in the middle of a pay period will accrue an amount proportional to the fraction of time they actually worked. Employees with over 480 hours of accumulated sick leave on the final pay in November of each year will be paid for ¾ of all such accumulated hours over 480 hours up to 576 hours, at the employee's regular rate of pay. The payment of this benefit will be distributed on the first pay period in December or early as practical. No payment will be made to such employees for the remaining one-fourth of such accumulated hours over 480 hours up to 576 hours. Some employees may be entitled to receive a portion of sick leave upon separation. See the Separation section of this policy for further details.

**Sick Leave Incentive Pay**

To reduce absenteeism and improve productivity, the City will offer yearly incentive pay to all full-time employees. To qualify, the employee must use less than 40 hours of Total Combined Leave, each fiscal year and be employed at the beginning of the fiscal year. Total Combined Leave shall mean the sum total hours of all sick leave, all unpaid leave, and all parental leave used by the employee as calculated at the end of the current fiscal year. The amount paid will be prorated depending on the number of hours taken (employees are paid more when less hours are taken). The pay amount will vary based on the funds allocated for incentive pay each year and the number of employees that qualify to be paid. The amount will be paid in July of the following fiscal year.

**Use of Sick Leave**

Sick leave can be used after the employee's first 30 days of employment for authorized purposes. Employees must notify their supervisor of the need to be placed on sick leave within one (1) hour of the start of their scheduled shift. To have adequate time to staff for public safety reasons, Police Department employees are required to notify their supervisor of the need to be placed on sick leave within two (2) hours of the start of their scheduled shift. Failure to do so may result in the employee's being placed on leave-without-pay status and could result in disciplinary action against the employee, up to and including dismissal.

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

**Illness while on Annual Leave**

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

**Leave Banking**

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

The number of sick leave hours that can be contributed to sick leave banking shall not exceed 40 hours of leave per employee per year. Such contributions shall reduce, to the extent of such contribution, the number of leave hours accumulated by the contributing employee.

**Advanced Sick Leave**

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

**Sick Leave at Termination of Employment**

Upon separation from employment, employees shall not be paid or compensated in any manner for accumulated sick leave, except as otherwise specifically provided in this Handbook for employees who leave City employment after twenty years of service. An employee with at least 20 years of service may take advantage of the following benefits, but they must give at least 2-weeks' notice of resignation to their supervisor unless otherwise approved by the City Manager due to extenuating circumstances:

- Employees having 20 years or more of service may be paid 50% of their unused accumulated sick leave.
- Employees with less than 20 years of service who are eligible for a reduced or full retirement may be eligible to use unused leave to acquire additional credited service in accordance with the WV Public Employees Retirement System rules and regulations.
- Members may apply unused leave towards the purchase of retiree health insurance if determined eligible.

Eligible employees CANNOT divide unused leave between both retirement and medical premiums. Members who separate from employment prior to eligibility for a retirement annuity CANNOT apply unused leave towards additional retirement service or medical premiums at a later date.

**Modification of Sick Leave Benefits**

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

**4-11. Employee Assistant Program (EAP)**

The City of Bridgeport will provide confidential and voluntary assistance through its Employee Assistance Program (EAP) to all regular full-time employees and one family member who may be faced with mental health challenges that result from financial concerns, legal issues, alcohol or drug problems, marital problems, illness of a family member, emotional worries, childcare problems, etc. For the welfare of employees as well as for effective business operations, the City encourages its employees to take advantage of this valuable benefit.

**Meetings with EAP counselors**

EAP counselors are available to meet with employees or family members to assess a problem and develop a plan for resolution. The counselors may suggest a referral to an outside resource, such as a therapist, agency, physician, treatment facility or other professional that would be appropriate to assist in resolving the problem or situation.
Employees or their families may use the services of the EAP at no charge up to 3 visits for the employee and 3 visits for one family member per fiscal year (July 1 – June 30). The EAP counselors will make every effort to coordinate referrals for ongoing treatment with the employee's health insurance coverage as well as with his or her ability to pay.
Employees and their family members can refer themselves to the EAP. The program may be reached 24 hours a day on weekdays and weekends at 304-293-5590.

**EAP visits during work hours**

In most cases, an EAP visit that is urgent or cannot be scheduled outside of work will be treated similar to other doctor's appointments. Refer to Sections 4-9 and 4-10 of the Benefits Section (Section 4) of this Handbook for guidance.

**Referrals for employee performance or behavior issues**

When an employee's job performance or attendance is unsatisfactory or there appears to be signs of other problems impacting work performance, the supervisor should counsel the employee in consultation with human resources with an end toward resolving the situation. If the circumstances warrant, the employee may be referred to the EAP to assist in the resolution of the problem. Depending on the situation, the employee may accept or refuse participation in the EAP. However, there may be situations where continued employment at the City of Bridgeport may be contingent on the employee's calling the EAP for assistance.

Voluntary participation in the EAP does not jeopardize job security or promotional opportunities. However, it does not excuse the employee from following company policies and procedures or from meeting required standards for satisfactory job performance except where specific accommodations are required by law.

**Confidentiality**

All contact between an employee and the EAP is held strictly confidential. In cases where an employee's continued employment is contingent on calling the EAP, the EAP counselor will only verify whether the employee has contacted the EAP and, if ongoing treatment is necessary, that the employee is following through on the treatment. Information given to the EAP counselor may be released to the City of Bridgeport only if requested by the employee in writing. All counselors are guided by a professional code of ethics.

**4-12. Memberships to City Facilities**

Effective July 1, 2023, the City provides regular full-time employees the opportunity for a gym membership at The Bridge Sports Complex. The City also provides regular full-time employees the opportunity for an annual family pool membership at the City outdoor seasonal pool. These benefits are not qualified as de minimis and therefore must be taxed.

In lieu of a city-provided membership at The Bridge Sports Complex, the City provides regular full-time employees the opportunity for gym memberships with several workout facilities located in the city limits of Bridgeport. The City will set the cap on the amount it will contribute monthly for these memberships. This benefit is not qualified as de minimis and therefore must be taxed.

Employees may inquire with the Payroll and Benefits Coordinator for more information regarding memberships. Regular part-time employees who have been actively employed for at least 5 consecutive years will also be eligible for this benefit.

**4-13. Credit Union Memberships**

Employees of the City of Bridgeport may be eligible for memberships to local Credit Unions. Employees may inquire with the Payroll and Benefits Coordinator for more information regarding membership.

**4-14. Lactation Breaks**

The City of Bridgeport will provide a reasonable amount of break time to accommodate employees desiring to express breast milk for their infant child, in accordance with and to the extent required by applicable law. The break time, if possible, must run concurrently with rest and meal periods already provided. If the break time cannot run concurrently with rest and meal periods already provided, the break time will be unpaid, subject to applicable law.

The City will make reasonable efforts to provide employees with the use of a room or location other than a toilet stall to express milk in private. This location may be the employee's private office, if applicable. The City may not be able to provide additional break time if doing so would seriously disrupt the City's operations, subject to applicable law. Please consult the Human Resources Director with questions regarding this policy.

Employees should advise management if they need break time and an area for this purpose. Employees will not be discriminated against or retaliated against for exercising their rights under this policy.

**4-15. Parental Leave**

**Reason for Policy**

It is the policy of the City of Bridgeport to provide Paid Parental Leave to eligible employees due to the birth of an employee’s child or the placement within an employee’s home of an adopted or foster child. For purposes of adoption or foster placement, Paid Parental Leave shall be available only when the child is newly placed in the employee's home as a result of the adoption or foster placement. An employee shall not be eligible for Paid Parental Leave based on an adoption or foster placement that occurs after the child has already been residing in the employee's home, including circumstances in which the adoption or foster placement is finalized at a later date. The purpose of Paid Parental Leave is to give parents additional flexibility and time to bond with their new child, adjust to their new family situation, and balance their work obligations. As the workforce continues to change, flexibility and family-friendly workforce polices are essential. Such polices are critical for the City of Bridgeport if it is to attract and retain the best staff, achieve diversity goals, and continue to create the most livable city in America. This policy will run concurrently with eligible leave under the Family and Medical Leave Act (FMLA). This policy is in effect for childbirth, adoptions, placement of foster children in the employee’s care occurring on or after March 1, 2023.

**Eligibility**

Paid Parental Leave is available to regular full-time employees who are FMLA eligible. An employee is FMLA eligible if he/she has been employed with the City of Bridgeport for at least twelve (12) months and has worked a minimum of 1,250 hours during the 12-month period prior to the leave.

Surrogate mothers and sperm donors are excluded from coverage under this policy.

**Provisions**

An eligible employee is qualified to receive up to four continuous weeks of pay. Paid Parental Leave is in addition to, and not a replacement for, any other leave for which an employee is eligible.

Paid leave will be based on the employee's certified normal rate of pay (based on full-time equivalency) not including premiums or scheduled overtime.

Vacation and sick leave benefits will continue to accrue during the period of Paid Parental Leave. The City will continue to pay its share of the cost of an eligible employee's group health insurance during a Paid Parental Leave. The eligible employee's share of the premium will be deducted from the eligible employee's pay in accordance with normal practices.

Paid Parental Leave must be utilized within twelve weeks following the birth, adoption, or placement of a child through foster care. This benefit is only available for an adoption or placement event that results from a qualifying placement or adoption occurring for the first time. If a child has been living with the employee prior to the adoption (e.g., the employee was acting as a caregiver without a qualifying foster-care placement), the later adoption does not qualify for Paid Parental Leave. This benefit may also be utilized if a pregnant employee is placed on bed rest or hospitalized prior to the birth of the child, but this would require a written medical statement from the employee's physician. Paid Parental Leave will not reduce eligibility for other types of paid and unpaid leaves such as sick leave, vacation, and holiday.

If a holiday observed by the City of Bridgeport occurs during the eligible employee's Paid Parental Leave, the eligible employee will receive holiday pay in lieu of a paid parental day. Use of holiday pay during a Paid Parental Leave will not extend the length of the leave.

In the event an employee is the recipient of short-term disability (STD) benefits, if those benefits go into effect prior to the time their paid parental leave time is exhausted, parental leave will only compensate wages not paid by STD benefits. For example, if the STD benefit is 75% of the employee's normal wages, the city will pay the remaining 25% under the Parental Leave Policy.

The fact that a multiple birth, foster, or adoption occurs (for example, the birth, fostering, or adoption of twins) does not increase the length of Paid Parental Leave granted for that event. In the event an employee adopts, fosters, or births children at two different times within a 12-month period, they are not entitled to additional paid parental leave. If both parents are eligible employees, each will be able to utilize the appropriate provisions of this policy.

**Documentation**

An eligible employee must submit a completed FMLA Leave Request Form, to the Human Resources department at least thirty (30) days prior to the anticipated date of the leave. To the extent the 30-day notice is not possible, the employee must submit an FMLA Leave Request Form to Human Resources as soon as possible.

An eligible employee will be required to furnish appropriate medical documentation for the birth of a child. If applicable, the medical certification requirements for FMLA leave will govern. The medical documentation must be completed and signed by the individual's health care provider.

An eligible employee will be required to furnish appropriate documentation regarding the placement of a foster child in the home or, in the case of an adoption, furnish appropriate adoption documentation, such as a letter from an adoption agency, or from the attorney in cases of private adoptions.

A fraudulent request for Paid Parental Leave is grounds for discipline, up to and including discharge.

**4-16. Workers' Compensation**

On-the-job injuries are covered by City of Bridgeport's Workers' Compensation Insurance Policy, which is provided at no cost to the employee. If employees are injured on the job, no matter how slightly, they should report the incident immediately to their supervisor. Failure to follow City procedures may affect the ability of employees to receive Workers Compensation benefits.

This is solely a monetary benefit where medical and salary continuation payments are made to employees who receive bona fide, on-the-job, work-related injuries. This is not a leave of absence entitlement. Employees who need to miss work due to a workplace injury must also request a formal leave of absence. See the Leave of Absence sections of this handbook for more information.

**4-17. Return to Work Program**

The City of Bridgeport is committed to providing a safe and healthy workplace for our employees. Preventing injuries and illnesses is our primary objective. If an employee is injured, the City will return an injured employee to modified or alternative work as soon after an injury as possible. This will be done by temporarily modifying the employee's job or providing the employee with an alternative position. The employee's medical condition along with any limitations or restrictions given by the attending physician will be considered as a priority when identifying the modified/alternative position. The duration of the modified job duties should be temporary in nature and should aid in returning the injured employee to full duty as early as practical. Modified or light duty will be limited to a period of six months, with the option of extending if the employee is progressing with treatment and with City Manager approval. This may be modified or changed with approval of the City Manager. Modified or light duty will be accommodated according to the provisions in the Temporary Light Duty policy.

**Purpose**

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

**Responsibilities**

**The City of Bridgeport:**

- The Safety Manager and/or the Director of Human Resources will:
    - Handle all injuries and the duration of the disability.
    - Act as a liaison between the City of Bridgeport, the injured worker, the attending physician, and the applicable insurance company providing workers compensation coverage.
    - Ensure all paperwork and forms have been properly handled and submitted to the appropriate parties.
    - Monitor the modified or alternative work and gather any additional information that may be needed to properly handle the return-to-work efforts.

- **All Managers and Supervisors**
    - In the event of an injury, the manager or supervisor will make sure that the injured employee receives first aid, or if necessary, proper medical treatment. If possible, the Manager/Supervisor or the Safety Manager will accompany the employee to the treating physician or medical clinic determined by the City.
    - The attending physician shall be notified by the employee on the first visit that the City of

Bridgeport has a return-to-work program, and that modified or alternative work may be provided. The manager or supervisor will work closely with the Director of HR and/or Safety Manager to coordinate the return-to-work efforts and will be responsible for introducing the employee back into the work place in the modified or alternative position.
    - The manager or supervisor will make sure that the injured employee receives necessary assistance from co-workers and that the employee does NOT work outside any restrictions.
    - Monitoring for transition into full duty work is responsibility of the manager or supervisor.
- **Employees**
    - If an injury occurs on the job, the employee is required to report the injury to their manager or supervisor immediately. Together with the physician, the employee's physical restrictions and limitations shall be discussed. If able, employees are expected to return to the worksite the very SAME day to report the physician's findings and to discuss modified or alternative work. This will enable all parties to be kept abreast of the employee's condition.

      Once an employee has returned to work, it is his/her responsibility to work within the physical limitations that the physician has specified. The employee shall perform only those duties that are assigned. An employee shall immediately notify the manager or supervisor of any difficulty in performing the duties. The employee must also notify their manager or supervisor in advance of any medical appointments. Time off will be allowed for medical appointments associated with an on-the-job injury. The employee shall keep the manager or supervisor informed of the recovery process and his/her ability to perform modified or alternative work.

      If a workers' compensation claim involves time away from work, the City has elected to permit the injured employee to use their vacation or sick time to make up for lost wages equal to 100% of their base pay with worker's compensation benefits and vacation or sick combined. In addition, the employee designates the time away from work as 'workers compensation' and not as 'sick' or 'vacation' for payroll purposes. Employees with time away from work due to a workers' compensation claim are subject to the provisions of the Family Medical Leave Act policy. The employees time away from work will run concurrently with FMLA leave benefits.

**Light (Modified) Duty**

**City of Bridgeport Temporary Light Duty Policy**

It is the purpose of this policy to establish the authority for temporary light-duty assignments and procedures for granting temporary light duty to eligible employees within the City. For purposes of this policy, any full-time employee of the City of Bridgeport suffering from a medically certified illness or injury requiring treatment of a licensed healthcare provider and who, because of injury or illness, is temporarily unable to perform the regular assignment, but is capable of performing alternative assignments. All employees of the City are covered by the workers' compensation insurance program for on the job, work- related injuries.

Temporary light-duty assignments, when available, are for employees who, because of injury or illness are temporarily unable to perform their regular assignments. Use of temporary light duty can provide employees with an opportunity to remain productive while convalescing as well as provide a work option for employees who may otherwise risk their health and safety or the safety or others by remaining in their assigned position when physically or mentally unfit for their assignment. Therefore, it is the policy of the City that eligible personnel may be given a reasonable opportunity to work in temporary light duty assignments where available and consistent with this policy.

**General Provisions**

Temporary light-duty positions are limited in number and variety. Therefore, personnel injured while

performing a job function shall be given preference in initial assignments to light-duty (workers' compensation) and assignments may be changed at any time, upon the approval of the treating physician, if deemed in the best interest of the employee or the City.

No specific position within the City shall be established for use as a temporary light-duty assignment, nor shall any existing position be designated or utilized exclusively for personnel on temporary light- duty.

Light-duty assignments are strictly temporary and normally should not exceed six months in duration. After six months, personnel on temporary light duty who are not capable of returning to their original duty assignment must present a request for extension or temporary light-duty with supporting documentation to the Department Head and Director of Human Resources or designee, or the employee must pursue other options as provided by employment provisions of this agency or federal or state law.

Employees on temporary light duty are prohibited from engaging in outside employment in which they may reasonably be expected to perform functions for which they have been determined physically or mentally unable to perform on behalf of the City and that form the basis for their temporary light-duty assignment.

Depending upon the nature and extent of the illness or injury, an employee on temporary light duty may be prohibited from wearing their departmental uniform, driving a City vehicle, or otherwise limited in employing powers as determined. This will be resolved between the Department Head and Director of Human Resources. If the certified healthcare provider indicates no limitation on the ability to handle a weapon, the Chief of Police or designee in cooperation with the Director of Human Resources will determine if an officer on light duty may carry a service weapon.

Civil Service Fire Department employees on modified duty will work five days of eight hours. In addition, those employees will be accruing their earned days off at a rate of eight hours per holiday during the time they are on modified duty. EDO hours will be adjusted accordingly during that time period.

Light-duty assignments shall not be made for disciplinary purposes. Employees may not refuse temporary light-duty assignments that are supported by and consistent with the recommendations of an attending or certified healthcare provider.

**Temporary Light-Duty Assignments**

Temporary light-duty assignments may be drawn from a range of technical and administrative areas that include but are not limited to the following:

- Administrative functions (e.g., report review, supervising community service workers, special projects),
- Report taking (e.g., telephone), or
- Clerical functions (e.g., filing)

Temporary light-duty assignments will originate from the Department Head and the Director of Human Resources.

Decisions on temporary light-duty assignments shall be made based upon the availability of an appropriate assignment given the applicant's knowledge, skills, and abilities; availability of light-duty assignments; and the physical limitations imposed on the employee.

**Requests for and Assignment to Temporary Light Duty**

Requests for temporary light-duty assignments shall be submitted to the employee's immediate supervisor. Requests must be accompanied by a statement of medical certification to support a requested reassignment,

which must be signed either by the treating physician or other licensed health-care provider. The certificate must include an assessment of the nature and probable duration of the illness or injury, prognosis for recovery, nature of work restrictions and an acknowledgement by the health-care provider of familiarity with the light-duty assignment and the fact that the employee can physically assume the duties involved.

The request for temporary light duty and the physician's statement shall be forwarded to both the Department Head and the Director of Human Resources, who shall make a determination regarding the temporary light duty assignment. The City can approve or deny the request.

The City may require the employee to submit to an independent medical examination by a health provider of the agency's choosing. In the event the opinion of this second health provider differs from the foregoing health provider, the employee may request a third opinion at the employee's expense.

An employee who has not requested temporary light duty may be recommended for such assignment by submission of a request from the employee's immediate supervisor or Department Head to the Director of Human Resources. Such a request must be accompanied by an evaluation of the employee conducted by a competent medical authority expressing the need for temporary light duty or by a request/order for a medical or psychological fitness-for-duty examination.

Oral or written notification shall be provided to the employee of the proposed temporary light- duty assignment together with justification for the recommendation.

As a condition of continued assignment to temporary light duty, employees may be required to submit to monthly physical assessments of their condition as specified by the Department Head and Director of Human Resources.

Pregnant employees are eligible for temporary light-duty assignments as available and as appropriate to their physical capabilities and well-being. On a regular basis, pregnant employees shall submit physician’s medical certificates that document:

- The employee's physical ability to perform the present assigned duties,
- The physician's appraisal that the type of work being performed will not injure employee or her expected child, and
- Any recommended duty restrictions or modifications including temporary light duty.

Pregnant employees shall be permitted to continue working on regular duty or temporary light-duty assignments as long as they present regular physician certificates or until such time as a physician recommends that work be curtailed.

**4-18. Jury Duty**

The City of Bridgeport realizes that it is the obligation of all U.S. citizens to serve on a jury when summoned to do so. All employees will be granted leave with pay for jury duty, and for serving as a subpoenaed witness in legal proceedings initiated by the City of Bridgeport. Employees are required, however, to provide proper notice of a request to perform jury duty and verification of their service from the appropriate court demonstrating that the employee was in attendance for the particular period of time. Any compensation given to employees by the court for court services (excluding mileage and travel compensation) shall be reimbursed to the City.

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

**4-19. Bereavement Leave**

The death of a family member is a time when employees wish to be with their families. If the employee is full-time and loses a close relative, the employee will be allowed paid time off twice per rolling calendar year, up to three (3) days per occurrence, to assist in attending to obligations and commitments. In an unusual circumstance where more occurrences happen that may require bereavement time, these hours may be approved by the City Manager. For the purposes of this policy, a close relative includes a spouse, child, parent, sibling, grandparent, grandchild, stepparent, stepchild, stepsibling, or any other relation required by applicable law. Paid leave days only may be taken on regularly scheduled workdays within a reasonable amount of time following the death. Employees must inform their supervisor prior to commencing bereavement leave. In administering this policy, the City of Bridgeport may require verification of death.

**4-20. Voting Leave**

If work schedules don't permit an employee, who is a registered voter, to vote on his/her own time, he/she will be allowed up to one-hour civil leave to vote, during work time, while the polls are open. This time should be taken at the beginning or end of the regular work schedule, whatever is most convenient for the City. Where possible, supervisors should be notified at least two (2) days prior to the voting day.

**4-21. Salary Continuation**

The City of Bridgeport provides enhanced monetary short-term disability benefits to full-time employees. These enhanced monetary benefits are inclusive of any monetary workers' compensation or statutory short-term disability benefits.

This is not a leave of absence provision. Employees who will be out of work must request a leave of absence. See the Leave of Absence sections of this handbook for more information. Employees will be required to submit medical certification as requested by City of Bridgeport. Required medical certification under this policy may differ from the medical certification required for any leave of absence requested.

**4-22. Education Tuition Reimbursement Program**

The City of Bridgeport is committed to providing a quality workplace for all employees. To continue striving for excellence, the City offers an Education Tuition Reimbursement Program. Only full-time employees who have been employed by the City for one-year qualify for this program unless otherwise approved by the City Manager. The City of Bridgeport considers education a partnership between the employee and the City. The pursuit of formal education by any regular full-time employee must be beneficial to the strategic goals of the department and the City.

The City will consider applications for tuition expenses for Associate's, Bachelor's or Master's degree programs. Each request will be considered separately. Reimbursement is given only upon successful completion of the course(s).

**Eligibility**

Full-time employees are eligible for 50% reimbursement of their total tuition costs provided it does not exceed the fiscal year maximum hourly amount approved during the budget process. Part-time and seasonal/temporary employees, volunteers, and contract workers are not eligible to participate in the Education Tuition Reimbursement Program.

**Covered Expenses**

This program covers tuition expenses only. All other expenses (e.g. books, administrative fees, financial service fees, student services fees, technology fees, parking, class fees, etc.) are not eligible for tuition reimbursement.

The employee must be enrolled in a degree program such as an Associate, Bachelor, or Master's degree or considered beneficial to the department and the City of Bridgeport. An employee may be reimbursed only for courses of study which the City of Bridgeport determines are directly related to the employee's present job or which will enhance the employee's potential for advancement to other jobs within the City.

Degree programs and/or courses must be taken through an accredited institution and for academic credit. Non-credit courses and certification programs are not eligible for tuition reimbursement. Certificate programs may be covered by Training and Education line items in department budgets.

**Participation in the Education Tuition Reimbursement Program is based on the following guidelines:**

A. Before beginning a course of study, an employee must complete an *Education Tuition Reimbursement Application*, an *Education Tuition Reimbursement and Repayment Agreement,* and submit course registration documentation to the Human Resources (HR) Director for the City Manager's review and approval. An employee may not change his/her course of study without the approval of the City Manager if they want reimbursement for that course.

B. *Education Tuition Reimbursement Application*s for each term must be submitted to Human Resources and approved by the City Manager at least fifteen (15) business days prior to the first day of class. Employees must notify Human Resources if there is a desired course title change or withdrawal from a course which has already been approved.

C. If course work is approved by the City Manager, the employee will be notified in writing by Human Resources of the approval. The employee is responsible to pay for the tuition to the educational institution in accordance with the applicable educational facility payment procedures.

D. All employees accepted into the Education Tuition Reimbursement Program must submit proof of enrollment within thirty (30) calendar days of approval for tuition reimbursement. If the employee fails to provide the necessary documentation, the employee's approval for tuition reimbursement may be considered revoked for that fiscal year.

E. Eligible employees must receive and present documentation of a final grade of "C" or better (or "pass" in a pass/fail class) for undergraduate courses or with a grade of "B" or better (or "pass" in a pass/fail class) for graduate-level courses to be reimbursed the cost of tuition. Incomplete or withdrawn coursework will not be reimbursed.

F. The employee must submit documentation regarding tuition reimbursement to Human Resources within thirty (30) calendar days of the completion of the final class or payment will not be rendered. Once the documentation is received, Human Resources will submit the payment request to the Finance Department for payment as early as practical.

G. The Education Tuition Reimbursement Program will not duplicate other financial aid programs such as Pell Grants, Veteran's Administration Benefits, Scholarships, etc. It is the employee's responsibility to obtain necessary documentation from the school regarding VA benefits, grants, scholarships, etc. and submit such documentation to Human Resources with each tuition reimbursement application. Any financial aid received will be deducted from the tuition reimbursed by the City. For example, if an employee's tuition amount for a class is $1,200 and he/she receives a $1,000 Pell Grant, VA Benefit or Scholarship, the City will reimburse $100 for that class.

H. An employee terminating employment with the city while taking classes is not eligible for tuition reimbursement upon completing the class(es).

I. The City requires employees to continue their employment with the City for at least 3 years after receiving reimbursement. If an employee terminates employment prior to reaching three (3) years of service, the City will require the employee to payback the entire amount reimbursed to the employee. Employees will have a period of 2 years from the termination date to repay all amounts due to the city.

**Time off for Class Attendance and Study Assignments**

An employee is expected to schedule class attendance and the completion of study assignments outside of their regular working hours. The employee's direct supervisor may approve attendance at a class that occurs during normal working hours when it is required curriculum and when a scheduling issue exists that would prevent the employee from receiving the degree. However, the employee must utilize leave time or make up the time off for the approved absence as long as the time is made up during the same pay period and documented on the employee's timesheet. This will not be allowed if the same class/course is being offered at a time that is outside the regular work schedule.

**Program Funding**

The City will not reimburse employees for tuition expenses if the tuition reimbursement budget is fully expended prior to the end of the fiscal year. Once an employee is accepted into the program, it is the intent of the City to continue granting reimbursement to the employee during their pursuit of the degree as long as the employee complies with the contents and guidelines set forth in this policy. However, the City may change or cease funding of the Tuition Reimbursement Program as a result of the annual budget process or administrative necessity due to budget limitations.

**4-23. Expense Reimbursement Program**

City employees will be reimbursed for allowable and reasonable expenses incurred while performing official City business. Expenses will not be reimbursed without prior authorization from the Department Director. These expenses may include uniform, boots, air travel, hotels, motels, meals, cab fare, rental vehicles, or gas and car mileage for personal vehicles. ALL training expenses must have prior approval from the Department Director. All expenses incurred should be submitted to the Finance Director along with the receipts in a timely manner.

Employees are expected to exercise restraint and good judgment when incurring expenses. Employees should contact their supervisor in advance if they have any questions about whether an expense will be reimbursed.

Reimbursement for expenses may be requested one of two ways:

- Actual costs incurred (cost reimbursement)
- Per diem

  When traveling to any area in the State of West Virginia for training and education and meeting the reimbursement criteria as outlined in this policy, employees shall be entitled to a daily per diem on an annual basis for breakfast, lunch and dinner as determined by the City annually. Additionally, if a meal is included in the registration fee, employees will not receive a per diem for that portion of the meal's reimbursement.

  Additionally, when traveling outside of the State of West Virginia for training and education and meeting the reimbursement criteria as outlined in this policy, employees will receive a per diem based upon the Federal Government's meal expense allowances for that specific City/State.

**Cost Reimbursement**

Employees should be frugal in the use of City funds, and they may be required to justify all expenditures.
Receipts must be attached to the reimbursement request form. Expense reports will be completed by employees detailing all costs and will attach associated receipts. The following items are reimbursable:

- Commercial flights only when the cost is less than the cost of automobile mileage or where the travel time by automobile is of significance.
- Bus, limousine, or taxi; determined by the most economical means available
- Automobile: use of City vehicle for travel to and from City related business is encouraged. When a City vehicle is not available, and an employee uses his/her own vehicle, the employee will be reimbursed at a rate of the current IRS allowable rate per mile. Passengers traveling in the same vehicle for the same purposes will not receive mileage reimbursement. Car rental is not reimbursable without approval of the City Manager. When multiple employees are attending the same training, they are encouraged to ride together. If the employee elects to use his/her own vehicle for transportation when a city vehicle is available, he/she may not be compensated or may be paid at a lesser value. If it is deemed that an airline flight would cost less than the vehicle travel allowance, the employee may only be reimbursed the value of the commercial flight.
- Registration fees
- Meals: Meals will be reimbursed as per diems. Receipts are not required unless the amount exceeds the per diems and the City Manager has approved an amount above the per diem rate. Meal reimbursement is only made when overnight travel is required. However, if an employee has been traveling for more than two hours in excess of his/her normal breakfast/dinner mealtime then these meals may be reimbursed per IRS regulations.
- Lodging: Reasonable and necessary lodging expenses at the single room rate are reimbursable unless rooms are shared by multiple employees.
- Phone calls: Calls necessary for official City business are reimbursable.
- Parking and tolls: Parking, highway and bridge expenses are reimbursable provided the employee is on official City business.
- Work boots (if required by department)
- Internet access fees.

The following items are NOT reimbursable:

- Alcoholic beverages
- Entertainment
- Laundry and dry cleaning
- Room service charges
- Expenses of family or friends traveling with the employee

**Per Diem**

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

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

The only expenses that may be reimbursed as per diems are meals and mileage. A reimbursement form must be filled out by the employee and signed by the Department Head and approved by the Finance Director prior to any disbursements regardless of whether the request is for pre-payment or payment following the travel activity. For pre-paid per diems, should the travel activity change from the original request, the employee must reimburse the per diem received for the travel activity that was altered.

Meal reimbursement is as follows:

| **Meal** | **Time Leaving** | **Time Returning** | **Amount Reimbursable** |
|---|---|---|---|

| | | | |
|---|---|---|---|
| Breakfast | Prior to 6:00 AM | After 10:00 AM | Annual basis |
| Lunch | Prior to 10:00 AM | After 2:00 PM | |
| Dinner | Prior to 3:00 PM | After 7:00 PM | |

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

### 4-24. Cell Phone Stipend

Certain City employees depending on position will be given the option of receiving a cell phone stipend to be paid to the employee monthly on their paycheck and will use their personal cell phone in the course of their job duties. As an alternative, they may choose to utilize a City-provided cell phone. If the stipend option is chosen, the employee's Department Head and the City Manager will determine whether the employee needs a stipend that includes compensation for data usage as there are two different stipend amounts based on need for data usage.

The amount for the stipend will be decided annually during the budget process.

ELIGIBILTY

Cellular phone stipends or services are provided to employees deemed to require cellular phones and/or data devices based on demonstrated business need and job function as determined by the City Manager. This includes but is not limited to employees whose duties involve public safety issues, on-call duties, employees who perform their duties away from their assigned workspace during the normal course of employment, and employees who have a demonstrated need to be in contact with their offices outside of normal working hours. City departments should limit the use of cellular phones, services, and stipends to those employees who have a demonstrated business need to have them. Other communication means such as land-line phones, network access, email, etc. should be used instead of portable communication devices whenever possible.

Employees receiving a stipend must make their personal phone available for business use. The employee receiving a stipend is free to contract with any cellular provider.

The following criteria should be used to determine whether an employee is eligible for either a portable communication device or cellular device or cellular stipend:

**Reachable.** The employee's job duties and responsibilities are such that it is important that the organization be able to reach him/her and/or transmit data outside of normal hours or means.

**On-Call.** The employee is in a paid on-call status outside of the workplace and cannot be reached through other means.

**Fixed location.** The employee's job duties and responsibilities are such that he/she is not working at a fixed location the majority of the time and cannot be reached through other means.

**Safety.** The employee's job duties and responsibilities are such that he/she needs a portable communication device for safety.

### 4-25. Volunteerism

The City of Bridgeport encourages employees to become involved in their communities, lending their voluntary support

to programs that positively impact the quality of life within these communities.
The following guidelines are for The City of Bridgeport's employees who serve as volunteers in 501(c)(3) non-profit community programs that are either of personal interest or are City-sponsored initiatives.

**Volunteer Time**
Employees can take up to 2 hours of paid time off each month to participate in their specific volunteer program.
Volunteer time must be requested in advance and when possible, should be regular and on a set schedule to help with the coordination of other work-related responsibilities.
Volunteer time should not conflict with the peak work schedule and other work-related responsibilities, create the need for overtime or cause conflicts with other employees' schedules.

**Eligibility**
All full-time employees are eligible.
Interested employees must be meeting or exceeding performance standards.
Interested employees should meet with their managers to discuss their volunteer choice, schedule and to receive approval.

## Section 5 - LEAVES OF ABSENCE

### 5-1. Personal Leave

If employees are ineligible for any other City leave of absence, the City Manager, under certain circumstances, may grant a personal leave of absence without pay. Such leave is not authorized unless there is a reasonable expectation that the employee will return to employment with the City at the end of the approved period. A written request for a personal leave should be presented to the City Manager at least one (1) week before the anticipated start of the leave or as early as reasonably possible. If the leave is requested for medical reasons and employees are not eligible for leave under the federal Family and Medical Leave Act (FMLA) or any state leave law, medical certification also must be submitted. The request will be considered based on staffing requirements and the reasons for the requested leave, as well as performance and attendance records.

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

A personal leave may be appropriate for the reasons listed below. (Under normal circumstances, a personal leave is limited to a maximum of 30 days. However, under extraordinary circumstances, the City Manager may extend the period of leave-without-pay). However, a personal leave may be extended if, prior to the end of leave, employees submit a written request for an extension to the City Manager and the request is granted.

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

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

Employees on leave of absence without pay receive no compensation and they accrue no benefits. However, previously accrued benefits are retained during leave of absence unless otherwise prohibited by the terms or provisions of the benefit programs.

The City of Bridgeport will continue health insurance coverage during the leave if employees submit their share of the monthly premium payments to the City in a timely manner, subject to the terms of the plan documents. When the employees anticipate returning to work, they should notify management of the expected return date. This notification should be made at least one (1) week before the end of the leave if possible.

Upon completion of the personal leave of absence, the City will attempt to place the employee in the same or equivalent position, at the salary of the position offered. Should that employee refuse to accept that new position, they will be considered terminated. Reinstatement, however, is not guaranteed.

Failure to advise management of availability to return to work, failure to return to work when notified or a continued absence from work beyond the time approved by the City will be considered a voluntary resignation of employment.

**5-2. Involuntary Administrative Leave**

The City Manager (or designee) is authorized to place an employee on involuntary administrative leave, with or without pay, in circumstances following an allegation of misconduct requiring an investigation and review of related facts, including but not limited to allegations that said employee: (1) violated the law; (2) violated City Policy or Regulation; (3) acted in a manner contrary to the City's Mission; (4) acted in a manner that could place the City's resources in danger and (5) acted in a manner that could negatively affect the reputation and good name of the City. The City Manager has the authority to determine the employee's employment and/or classification status following the results of the investigation and/or disciplinary action.

**5-3. Military Leave**

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

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

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

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

The City will also continue to deduct any optional coverage as long as the employee remains on paid leave. At the completion of the paid leave, the employee needs to follow the specific notations indicated under the heading of "Benefits". The City of Bridgeport will make every effort to support our employees serving in the armed forces.

If the employee's monthly salary from the armed forces is less than his/her monthly salary from the City of Bridgeport the shortfall in the difference will be made up by the City for a period of one year from the date the employee was called to active duty. The employee must provide official documentation containing the military wage information to the Finance Department prior to the City disbursing the checks. If for some reason the Military wages change while the employee is on active duty, then the employee is required to notify the Finance Department immediately advising of the change. Arrangements for this shortfall to be paid to the employee can be made with the Finance Department. This pay supplement will cease on the day that the employee is released from active duty or one year from the date placed on active duty, whichever comes first.

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

**Benefits**

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

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

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

| | |
|---|---|
| Health and/or Life Insurance | Payment is due in the Finance Department by the 5th of the month. |
| 457 Deferred Comp Plan | Contributions will be discontinued until the employee returns to work. See the Payroll & Benefits Coordinator for contact information. |
| Pension | Contact the Payroll & Benefits Coordinator for PERS/MPFRS questions. |
| Optional Life/Disability Insurance | Employees are encouraged to contact the Payroll & Benefits Coordinator for options. |

**Responsibilities**

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

**Re-employment**

It is the intent of the City of Bridgeport to abide by all aspects of the Title 38 of the United States Code regarding reemployment of individuals called to active duty in relation to this conflict. An employee's entitlement to the benefits outlined in Title 38 and this document terminates upon:

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

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

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

*Unless impossible through no fault of the employee

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

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

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

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

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

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

Any employee who decides not to return to employment with the City of Bridgeport should submit their written notice to the Director of Human Resources.

**5-4. Family and Medical Leave**

**The Leave Policy**

Employees may be entitled to a leave of absence under the Family and Medical Leave Act (FMLA). This policy provides employees information concerning FMLA entitlements and obligations employees may have during such leaves. If employees have any questions concerning FMLA leave, they should contact the Director of Human Resources.

**I. Eligibility**

FMLA leave is available to "eligible employees." To be an "eligible employee," the employee must: 1) have been employed by the City for at least 12 months (which need not be consecutive) and 2) have been employed by the City for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave.

**II. Entitlements**

As described below, the FMLA provides eligible employees with a right to leave, health insurance benefits and, with some limited exceptions, job restoration.

**A. Basic FMLA Leave Entitlement**

The FMLA provides eligible employees up to 12 workweeks of unpaid leave for certain family and medical reasons during a 12-month period. The 12-month period is determined based on a rolling 12-month period measured backward from the date the employee uses their FMLA leave. Leave may be taken for any, or for a combination, 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, daughter, or parent (not in-law) who has a **serious health condition.**
- For the employee's own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care or childbirth) that makes the employee unable to perform one or more of the essential functions of the employee's job; and/or
- Because of any **qualifying exigency** arising out of the fact that the employee's spouse, son, daughter or parent is a military member on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty) in the Reserves component of the Armed Forces for deployment to a foreign country in support of contingency operation or Regular Armed Forces for deployment to a foreign country.

A **serious health condition** is an illness, injury, impairment or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents employees from performing the functions of their job or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

**Qualifying exigencies** may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, caring for the parents of the military member on covered active duty and attending post-deployment reintegration briefings.

**B.** Additional Military Family Leave Entitlement (Injured Servicemember Leave)

In addition to the basic FMLA leave entitlement discussed above, an eligible employee who is the spouse, son, daughter, parent or next of kin of a **covered servicemember** is entitled to take up to 26 weeks of leave during a single 12-month period to care for the servicemember with a serious injury or illness. Leave to care for a servicemember shall only be available during a single 12-month period and, when combined with other FMLA-qualifying leave may not exceed 26 weeks during the single 12-month period. The single 12-month period begins on the first day an eligible employee takes leave to care for the injured servicemember.

A "covered servicemember" is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status or is on the temporary retired list, for a serious injury or illness. These individuals are referred to in this policy as "current members of the Armed Forces." Covered servicemembers also include a veteran who is discharged or released from military services under condition other than dishonorable at any time during the five years preceding the date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment,

recuperation or therapy for a serious injury or illness. These individuals are referred to in this policy as "covered veterans."

The FMLA definitions of a "serious injury or illness" for current Armed Forces members and covered veterans are distinct from the FMLA definition of "serious health condition" applicable to FMLA leave to care for a covered family member.

**C. Intermittent Leave and Reduced Leave Schedules**

FMLA leave usually will be taken for a period of consecutive days, weeks, or months. However, employees also are entitled to take FMLA leave intermittently or on a reduced leave schedule when medically necessary due to a serious health condition of the employee or covered family member or the serious injury or illness of a covered servicemember. Qualifying exigency leave also may be taken on an intermittent basis.

**D. No Work While on Leave**

The taking of another job while on family/medical leave or any other authorized leave of absence is grounds for immediate discharge, to the extent permitted by law.

**E. Protection of Group Health Insurance Benefits**

During FMLA leave, eligible employees are entitled to receive group health plan coverage on the same terms and conditions as if they had continued to work.

**F. Restoration of Employment and Benefits**

At the end of FMLA leave, subject to some exceptions including situations where job restoration of "key employees" will cause the City substantial and grievous economic injury, employees generally have a right to return to the same or equivalent positions with equivalent pay, benefits, and other employment terms. The City will notify employees if they qualify as "key employees," if it intends to deny reinstatement, and of their rights in such instances. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an eligible employee's FMLA leave.

**G. Notice of Eligibility for, and Designation of, FMLA Leave**

Employees requesting FMLA leave are entitled to receive written notice from the City telling them whether they are eligible for FMLA leave and, if not eligible, the reasons why they are not eligible. When eligible for FMLA leave, employees are entitled to receive written notice of: 1) their rights and responsibilities in connection with such leave; 2) City's designation of leave as FMLA-qualifying or non-qualifying, and if not FMLA-qualifying, the reasons why; and 3) the amount of leave, if known, that will be counted against the employee's leave entitlement.

The City may retroactively designate leave as FMLA leave with appropriate written notice to employees provided the City's failure to designate leave as FMLA-qualifying at an earlier date did not cause harm or injury to the employee. In all cases where leaves qualify for FMLA protection, the City and employee can mutually agree that leave be retroactively designated as FMLA leave.

**I. Employee FMLA Leave Obligations**

**a. Provide Notice of the Need for Leave**

Employees who take FMLA leave must timely notify the City of their need for FMLA leave. The following describes the content and timing of such employee notices.

**1. Content of Employee Notice**

To trigger FMLA leave protections, employees must inform the Director of Human Resources of the need for FMLA-qualifying leave and the anticipated timing and duration of the leave, if known. Employees may do this by either requesting FMLA leave specifically or explaining the reasons for leave so as to allow the City to determine that the leave is FMLA-qualifying. For example, employees might explain that:

- a medical condition renders them unable to perform the functions of their job.
- they are pregnant or have been hospitalized overnight.
- they or a covered family member are under the continuing care of a health care provider.
- the leave is due to a qualifying exigency caused by a military member being on covered active duty or called to covered active-duty status to a foreign country, or
- if the leave is for a family member, that the condition renders the family member unable to perform daily activities or that the family member is a covered servicemember with a serious injury or illness.

Calling in "sick," without providing the reasons for the needed leave, will not be considered sufficient notice for FMLA leave under this policy. Employees must respond to the City's questions to determine if absences are potentially FMLA-qualifying.

If employees fail to explain the reasons for FMLA leave, the leave may be denied. When employees seek leave due to FMLA-qualifying reasons for which the City has previously provided FMLA-protected leave, they must specifically reference the qualifying reason for the leave or the need for FMLA leave.

**2. Timing of Employee Notice**

Employees must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, or the approximate timing of the need for leave is not foreseeable, employees must provide the City notice of the need for leave as soon as practicable under the facts and circumstances of the particular case. Employees who fail to give 30 days' notice for foreseeable leave without a reasonable excuse for the delay, or otherwise fail to satisfy FMLA notice obligations, may have FMLA leave delayed or denied.

**b. Cooperate in the Scheduling of Planned Medical Treatment (Including Accepting Transfers to Alternative Positions) and Intermittent Leave or Reduced Leave Schedules**

When planning medical treatment, employees must consult with the City and make a reasonable effort to schedule treatment so as not to unduly disrupt the City's operations, subject to the approval of the employee's health care provider. Employees must consult with the City prior to the scheduling of treatment to work out a treatment schedule that best suits the needs of both the City and the employees, subject to the approval of the employee's health care provider. If employees providing notice of the need to take FMLA leave on an intermittent basis for planned medical treatment neglect to fulfill this obligation, the City may require employees to attempt to make such arrangements, subject to the approval of the employee's health care provider.

When employees take intermittent or reduced work schedule leave for foreseeable planned medical treatment for the employee or a family member, including during a period of recovery from a serious health condition or to care for a covered servicemember, the City may temporarily transfer employees, during the period that the intermittent or reduced leave schedules are required, to alternative positions with equivalent pay and benefits for which the employees are qualified and which better accommodate recurring periods of leave.

When employees seek intermittent leave or a reduced leave schedule for reasons unrelated to the planning of medical treatment, upon request, employees must advise the City of the reason why such leave is medically necessary. In such instances, the City and employee shall attempt to develop a leave schedule that meets the employee's needs without unduly disrupting the City's operations, subject to the approval of the employee's health

care provider.

c. **Submit Medical Certifications Supporting Need for FMLA Leave (Unrelated to Requests for Military Family Leave)**

Depending on the nature of FMLA leave sought, employees may be required to submit medical certifications supporting their need for FMLA-qualifying leave. As described below, there generally are three types of FMLA medical certifications: an **initial certification**, a **recertification,** and a **return to work/fitness for duty certification**. It is the employee's responsibility to provide the City with timely, complete, and sufficient medical certifications. Whenever the City requests employees to provide FMLA medical certifications, employees must provide the requested certifications within 15 calendar days after the City's request, unless it is not practicable to do so despite the employee's diligent, good faith efforts. The City will inform employees if submitted medical certifications are incomplete or insufficient and provide employees at least seven calendar days to cure deficiencies. The City will deny FMLA leave to employees who fail to timely cure deficiencies or otherwise fail to timely submit requested medical certifications.

With the employee's permission, the City (through individuals other than the employee's direct supervisor) may contact the employee's health care provider to authenticate or clarify completed and sufficient medical certifications. If employees choose not to provide the City with authorization allowing it to clarify or authenticate certifications with health care providers, the City may deny FMLA leave if certifications are unclear.

Whenever the City deems it appropriate to do so, it may waive its right to receive timely, complete and/or sufficient FMLA medical certifications.

**1. Initial Medical Certifications**

Employees requesting leave because of their own, or a covered relation's, serious health condition, or to care for a covered servicemember, must supply medical certification supporting the need for such leave from their health care provider or, if applicable, the health care provider of their covered family or service member. If employees provide at least 30 days' notice of medical leave, they should submit the medical certification before leave begins. A new initial medical certification will be required on an annual basis for serious medical conditions lasting beyond a single leave year.

If the City has reason to doubt initial medical certifications, it may require employees to obtain a second opinion at the City's expense. If the opinions of the initial and second health care providers differ, the City may, at its expense, require employees to obtain a third, final and binding certification from a health care provider designated or approved jointly by the City and the employee.

**2. Medical Recertifications**

Depending on the circumstances and duration of FMLA leave, the City may require employees to provide recertification of medical conditions giving rise to the need for leave. The City will notify employees if recertification is required and will give employees at least 15 calendar days to provide medical recertification.

**1. Return to Work/Fitness for Duty Medical Certifications**

Unless notified that providing such certifications is not necessary, employees returning to work from FMLA leaves that were taken because of their own serious health conditions that made them unable to perform their jobs must provide the City with medical certification confirming they are able to return to work and the employees' ability to perform the essential functions of the employees' position, with or without reasonable accommodation. The City may delay and/or deny job restoration until employees provide return to work/fitness for duty certifications.

d. **Submit Certifications Supporting Need for Military Family Leave**

Upon request, the first time employees seek leave due to qualifying exigencies arising out of the covered active duty or call to covered active duty status of a military member, the City may require employees to provide: 1) a copy of the military member's active duty orders or other documentation issued by the military indicating the military member is on covered active duty or call to covered active duty status and the dates of the military member's covered active duty service; and 2) a certification from the employee setting forth information concerning the nature of the qualifying exigency for which leave is requested. Employees shall provide a copy of new active-duty orders or other documentation issued by the military for leaves arising out of qualifying exigencies arising out of a different covered active duty or call to covered active-duty status of the same or a different military member.

When leave is taken to care for a covered servicemember with a serious injury or illness, the City may require employees to obtain certifications completed by an authorized health care provider of the covered servicemember. In addition, and in accordance with the FMLA regulations, the City may request that the certification submitted by employees set forth additional information provided by the employee and/or the covered servicemember confirming entitlement to such leave.

e. **Substitute Paid Leave for Unpaid FMLA Leave**

Employees must use any accrued paid time while taking unpaid FMLA leave.

The substitution of paid time for unpaid FMLA leave time does not extend the length of FMLA leave. The paid time will run concurrently with the employee's FMLA entitlement.

Leaves of absence taken in connection with a disability leave plan or workers' compensation injury/illness shall run concurrently with any FMLA leave entitlement.

f. **Pay Employee's Share of Health Insurance Premiums**

During FMLA leave, employees are entitled to continued group health plan coverage under the same conditions as if they had continued to work. Unless the City notifies employees of other arrangements, whenever employees are receiving pay from the City during FMLA leave, the City will deduct the employee portion of the group health plan premium from the employee's paycheck in the same manner as if the employee was actively working.

If FMLA leave is unpaid, employees must pay their portion of the group health premium through a ''pay-as- you-go'' method with the City’s Finance Department.

The City's obligation to maintain health care coverage ceases if the employee's premium payment is not made within the parameters set forth by the Public Employee Insurance Agency. If for some reason the City pays for maintaining coverage during the employee’s unpaid leave, the employee will be required to reimburse the City for the cost of the premiums.

**II. Exemption for Highly Compensated Employees**

The City may choose not to return highly compensated employees (highest paid 10% of all City employees) to their former or equivalent positions following a leave if restoration of employment will cause substantial economic injury to the City. (This fact-specific determination will be made by the City on a case-by-case basis.) The City will notify employees if they qualify as "highly compensated" if the City intends to deny reinstatement, and of the employee's rights in such instances.

### III. Questions and/or Complaints about FMLA Leave

If you have questions regarding this FMLA policy, please contact the Director of Human Resources. The City is committed to complying with the FMLA and, whenever necessary, shall interpret and apply this policy in a manner consistent with the FMLA.

The FMLA makes it unlawful for employers to 1) interfere with, restrain or deny the exercise of any right provided under FMLA; or 2) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or involvement in any proceeding under or relating to FMLA. If employees believe their FMLA rights have been violated, they should contact the Director of Human Resources immediately. The City will investigate any FMLA complaints and take prompt and appropriate remedial action to address and/or remedy any FMLA violation.

### IV. Coordination of FMLA Leave with Other Leave Policies

The FMLA does not affect any federal, state, or local law prohibiting discrimination, or supersede any State or local law that provides greater family or medical leave rights. For additional information concerning leave entitlements and obligations that might arise when FMLA leave is either not available or exhausted, please consult the City's other leave policies in this handbook or contact the Director of Human Resources.

## Section 6 - GENERAL STANDARDS OF CONDUCT

### 6-1. Introduction

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

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

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

### 6-2. Workplace Conduct

Because everyone may not have the same idea about proper workplace conduct, it is helpful to adopt and enforce rules all can follow. Unacceptable conduct may subject the offender to disciplinary action, up to and including discharge, in the City's sole discretion. The following are examples of some, but not all, conduct which can be considered unacceptable:

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

11. Failure to report accidents, personal injury, or property damage to an employee's supervisor.
12. Failure to observe City regulations.
13. Engaging in horseplay
14. Wasting work materials
15. Theft or removal of any property belonging to the City or another employee without proper authorization.
16. Failure to properly clean assigned work areas as requested by supervisor.
17. Gambling on City property
18. Reporting false reasons for absence.
19. Refusal to work requested overtime without an acceptable reason.
20. Insubordination
21. Failure to record work time off or time at work properly or recording or altering another employee's time.
22. Failure to perform assigned job duties.
23. Careless handling, unauthorized use or loaning of City vehicles or other equipment
24. Failure to secure City equipment
25. Threatening, intimidating, coercing, or using indecent or abusive language to another employee or citizen
26. Malicious gossip, slander, or talk against another employee or citizen.
27. Defrauding a citizen
28. Violation of the City's Drug and Alcohol Policy.
29. Illegal possession of firearms or other weapons on City premises
30. Giving false or misleading employment information
31. Attempted or accomplished theft of City property, an employee's property, or a citizen's property
32. Failure to attend required meetings.
33. Smoking in posted and prohibited areas.
34. Fighting on City time or property
35. Renting or lending City property without proper authorization
36. Giving information to the media (other than dept. news releases) without prior approval from the City Manager.
37. Failure to wear seat belts in City vehicles when provided.
38. Any other violation of City of Bridgeport policy.
39. Stealing, removing, or defacing City of Bridgeport property or a co-worker's property, and/or disclosure of confidential information.
40. Performing work of a personal nature during working time.

Obviously, not every type of misconduct can be listed. Note that all employees are employed at-will, and City of Bridgeport reserves the right to impose whatever discipline it chooses, or none at all, in a particular instance. The City will deal with each situation individually and nothing in this handbook should be construed as a promise of specific treatment in a given situation. However, the City of Bridgeport will endeavor to utilize progressive discipline but reserves the right in its sole discretion to terminate the employee at any time for any reason.

The observance of these rules will help to ensure that our workplace remains a safe and desirable place to work.

**6-3. Personal Appearance/Promoting a Positive Public Image**

It shall be the responsibility of all employees to represent the City to the public in a manner that will be courteous, efficient, and helpful. Employees shall conduct themselves, whether on or off the job, in a manner that does not damage or have the probable expectation of damaging or bringing the public image, integrity, or reputation of the City into discredit or disrepute.

Employees are expected to always report to work well groomed, clean, and dressed in a manner suitable for the public service according to the requirements of their position. They must always reflect favorably on the City's image. Some employees may be required to wear uniforms or safety equipment/clothing. It is the employee's responsibility to keep the uniforms neat and clean. Uniforms are provided to many City departments. The costs of the uniforms are covered through the departmental uniform allowance policies. If an employee is provided with a uniform, he/she is required to

wear it while on duty. According to the IRS, uniforms for everyday use including jackets, bibs, etc. that are purchased by the City for the employees use, excluding safety equipment, does not qualify as de minimis and therefore is "taxable" to the employee. Purchasing, along with the assistance of Department Heads, will provide payroll with accurate information when uniforms are purchased, and taxes will be collected for this fringe benefit.

No employee shall be permitted to wear shorts or sweatpants while on duty unless they are in a role where a sports activity is required or other rare cases where authorized by his/her department head with approval by the City Manager. Tank tops and pajamas are not permitted to be worn while on duty. Uniforms for civil service employees may be determined by their department head.

Due to the nature of, and complexity of, the various departments throughout the City, individual departments may implement other guidelines and/or restrictions relating to appearance with the approval of the Director of HR and/or the City Manager. Specific department standards must not conflict with policies in this handbook. Employees should contact their supervisor for specific information regarding acceptable attire for their position if not specifically mentioned in this policy. The employees' Supervisor will discuss the subject of personal appearance with the employee if it is felt his/her appearance does not positively reflect on the image of the City. If employees report to work dressed or groomed inappropriately, they may be prevented from working until they return to work well-groomed and wearing the proper attire.

**6-4. Outside Employment**

Full-time employees may engage in outside employment or enterprise with written approval of the Department Head, Director of Human Resources, and City Manager. Said employment or enterprise shall not:

- Be inconsistent or incompatible with employment with the City.
- Affect the employee's job performance adversely; no outside employment shall be done within 8 hours of the beginning of the employee's regular starting time unless prior approval is obtained in writing from the City Manager
- Be performed during City work time.
- Involve the use of City property unless authorized by the City Manager.
- Benefit the employee financially through business with the City unless authorized by the City Manager due to special circumstances, such as where a service is not available through any other means.

Approval request must be submitted using the City approved form and provided to the Human Resources Department to be placed in the employee's Personnel file after all required signatures have been obtained.

**6-5. Communications and Chain of Command**

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

The intent of this policy is to protect City employees from being diverted from their primary jobs and tasks unnecessarily. It shall also serve to build confidence in the quality and accuracy of information dispersed to the citizenry as well as the information circulated within the City that represents positions of their elected and appointed officials.

Matters that involve City policy, operations, and the organization are brought before the City Council by the City Manager, or by his/her designee.

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

**Communication to City Council**

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

**Communication Outside Chain of Command**

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

**6-6. Punctuality, Timekeeping, and Attendance**

Employees are hired to perform important functions at City of Bridgeport. As with any group effort, operating effectively takes cooperation and commitment from everyone. Therefore, attendance and punctuality are very important. Unnecessary absences and lateness are expensive, disruptive and place an unfair burden on fellow employees and Supervisors. We expect excellent attendance from all employees. Excessive absenteeism or tardiness will result in disciplinary action up to and including discharge.

**Restrictive Leave for Attendance**

Employees shall be placed on the Restrictive Leave at the discretion of the Department Head, Human Resource Director, or the City Manager in response to the following behavior:

Restrictive Leave shall be implemented when three (3) or more separate absence occurrences are acquired within a one-month period.

The monthly period referred to in this policy is defined as a rolling 30-day period commencing from the date of the most recent incident of absenteeism.

Occurrence is defined by a single absence or consecutive day absences within a work week when an employee is out for the same reason. If an absence occurs adjacent to a scheduled day off, the absence constitutes a separate occurrence. Employees on restrictive leave who go 90 days without an absence will be taken off restrictive leave.

The following standard applies the day after an employee is placed on Restrictive Leave. This policy does not apply to Scheduled Absences, which is defined as a pre-approved absence from work including, but not limited to Workers' Compensation, FMLA, ADA accommodation, leave of absence, holiday, bereavement, jury duty, and vacation, sick, and EDO days approved in advance. This policy does not apply to employees who have not completed their probationary period, as they are subject to immediate dismissal for violations of any kind.

**Step 1 – Documented Counseling:** If an employee utilizes more than one occurrence of absences within a two (2) month period, employee may receive a verbal corrective action.

**Step 2 – Written Warning:** If an employee acquires two (2) additional occasions of absences or tardiness within three (3) months of the date of the first corrective action, they will receive a written corrective action.

**Step 3 – Final Written Warning (Employer may suspend employee if necessary):** If the employee acquires two (2) additional occasions of absences or tardiness three (3) months following the date of the second corrective

action (written warning), they will receive a Final Written Warning. If employee is being suspended, the number of days suspended must receive prior approval by the Director of Human Resources or the City Manager.

**Step 4 – Termination:** If there is one (1) additional incident of absenteeism or tardiness within three (3) months of the last corrective action (suspension), employee may be terminated.

**Bonus Step – Last Chance Agreement (LCA):** Following the suspension, at the City of Bridgeport's sole discretion, the employee may be given an LCA to prove themselves worthy of employment by signing and fulfilling the LCA.

If after returning to work an employee is off work again for the same reason within five (5) scheduled workdays, he/she will be charged with another occasion of absence.

One (1) unnotified absence will result in an automatic Final Written Warning. Two (2) unnotified absences will be considered a "quit without notice" and employment will be terminated.

Patterns of absence (call-ins adjacent to scheduled days off, on previously requested but denied days off, on or adjacent to holidays, weekends, on payday, etc.) will be subject to progressive discipline up to and including termination of employment. The employee does not need to be on restrictive leave to be subject to disciplinary action for patterns of absence.

Acts of God days missed will not be counted against attendance under this policy provided a State of Emergency has been declared by the governor and the roads are clear.

Asking another employee, friend or relative to give the City notice of your absence is improper. Employees should call, stating the nature of the illness and its expected duration, for every day of absenteeism.

**6-7. Use Of Communications and Computer Systems**

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

Employees are required to sign an acknowledgment of receiving this handbook and the End User Agreement before receiving access to the various computer and network systems in use at the City of Bridgeport.

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

The HR department maintains the computer and technology resource usage policy on behalf of the City of Bridgeport. However, other departments may develop supplemental policies and controls to accommodate specific requirements so long as these policies do not compromise City policies and controls and must gain the approval of the Director of Personnel/HR and/or the City Manager prior to implementation.

**Monitoring**

The City of Bridgeport provides the network, personal computers, electronic mail and other communications devices for your use on City business. The City of Bridgeport may access and disclose all data or messages stored on its systems or sent over its electronic mail system. The City of Bridgeport reserves the right to monitor communication and data at any time, with or without notice, to ensure that City property is being used only for business purposes. The City also reserves the right to disclose the contents of messages for any purpose at its sole discretion.

**Retrieval**

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

**Passwords**

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

Employees are required to login to any city owned computer system using MFA (Multi-Factor Authentication). Any attempt to bypass or circumvent the use of MFA is strictly prohibited.

**Message Content**

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

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

**Legal Proceedings**

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

**Network Security**

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

**Personal Computer Security**

Only legally licensed software will be installed on the City of Bridgeport computers. Users are expected to read, understand and conform to the license requirements of any software product(s) they use or install. Software cannot

be copied or installed without the permission or involvement of the IT department. IT will configure all workstations with virus protection software, which should not be removed or disabled. Each employee is responsible for protecting his/her computer against virus attacks by following IT procedures by not disabling the anti-virus application installed on his/her workstation. Staff should lock the computer when they will be away from their desk for an extended period.

**Internet Use**

The Internet is to be used for business purposes only. Employees with Internet access are expressly prohibited from accessing, viewing, downloading, or printing pornographic or other sexually explicit materials. In addition, employees should be mindful that there is no assurance that e-mail, texts and attachments sent within the company and on the Internet will not be seen, accessed or intercepted by unauthorized parties. However, Department Heads may permit employees to use the City's computers for Internet usage, emails, social networking sites, etc., as long as the employee utilizes his/her own personal time, i.e., lunch, after hours, etc. and realizes that the usage is subject to the monitoring rules set forth in this policy. The City reserves the rights to control the access to the internet as deemed necessary.

**Software Usage**

Employees are expected to use the standard software provided by IT or identify applications they need in the course of their work. Staff members are not permitted to download applications, demos or upgrades without the involvement of IT. Employees will use the standard email system provided by the City of Bridgeport for official email communications and should not install their own email systems. Additionally, use of instant messaging for personal use is prohibited unless otherwise approved by management or the IT Department.

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

The City of Bridgeport's communication and computer systems are intended primarily for business purposes; however, limited personal usage is permitted if it does not hinder performance of job duties or violate any other City policy. This includes the voicemail, e-mail, and Internet systems. Users have no legitimate expectation of privacy regarding their use of the City of Bridgeport systems.

The HR department maintains the computer and technology resource usage policy on behalf of the City of Bridgeport. However, other departments may develop supplemental policies and controls to accommodate specific requirements so long as these policies do not compromise City policies and controls and must gain the approval of the Director of Personnel/HR and/or the City Manager prior to implementation.

The City may access the voicemail and e-mail systems and obtain the communications within the systems, including past voicemail and e-mail messages, without notice to users of the system, in the ordinary course of business when the City deems it appropriate to do so. The reasons for which the City may obtain such access include but are not limited to maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; and ensuring that City operations continue appropriately during the employee's absence.

Further, the City of Bridgeport may review Internet usage to ensure that such use with City property, or communications sent via the Internet with City property, are appropriate. The reasons for which the City may review employees' use of the Internet with City property include but are not limited to maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; and ensuring that City operations continue appropriately during the employee's absence.

The City may store electronic communications for a period of time after the communication is created. From time to time, copies of communications may be deleted.

The City's policies prohibiting harassment, in their entirety, apply to the use of City's communication and computer systems. No one may use any communication or computer system in a manner that may be construed by others as harassing or offensive based on race, national origin, sex, sexual orientation, age, disability, religious beliefs or any other characteristic protected by federal, state or local law.

Further, since the City's communication and computer systems are intended for business use, all employees upon request, must inform management of any private access codes or passwords.

Unauthorized duplication of copyrighted computer software violates the law and is strictly prohibited.

No employee may access, or attempt to obtain access to, another employee's computer systems without appropriate authorization.

Violators of this policy may be subject to disciplinary action, up to and including discharge.

**6-8. Use of Social Media**

The City of Bridgeport respects the right of any employee to maintain a blog or web page or to participate in a social networking, including but not limited to Twitter, Facebook, Instagram, TikTok, Snapchat, and LinkedIn.

However, to protect City interests and ensure employees focus on their job duties, employees must adhere to the following rules:

Employees may not post on a blog or web page or participate on a social networking platform during work time or at any time with City equipment or property.

All rules regarding confidential and proprietary business information apply in full to blogs, web pages and social networking platforms, such as Twitter, Facebook, Instagram, TikTok, Snapchat, and LinkedIn or similar sites. Any information that cannot be disclosed through a conversation, a note or an e-mail also cannot be disclosed in a blog, web page or social networking site.

Whether the employees are posting something on their own blog, web page or social networking site, or on someone else's, if the employee mentions the City and also expresses either a political opinion or an opinion regarding the City's actions that could pose an actual or potential conflict of interest with the City, the poster must include a disclaimer. The poster should specifically state that the opinion expressed is his/her personal opinion and not the City's position. This is necessary to preserve the City's good will.

Any conduct that is impermissible under the law if expressed in any other form or forum is impermissible if expressed through a blog, web page, social networking, or similar site. For example, posted material that is discriminatory, obscene, defamatory, libelous, or violent is forbidden. City policies apply equally to employee social media usage.

The City of Bridgeport encourages all employees to keep in mind the speed and manner in which information posted on a blog, web page, and/or social networking site is received and often misunderstood by readers.

Employees must use their best judgment. Employees with any questions should review the guidelines above and/or consult with their manager. Failure to follow these guidelines may result in discipline, up to and including discharge.

**6-9. Personal And Company-Provided Portable Communication Devices**

The City of Bridgeport-provided portable communication devices (PCDs), including cell phones and personal digital assistants, should be used primarily for business purposes. Employees have no reasonable expectation of privacy

regarding the use of such devices, and all use is subject to monitoring, to the maximum extent permitted by applicable law. This includes, as permitted, the right to monitor personal communications as necessary.

Some employees may be authorized to use their own PCD for business purposes. These employees should work with the IT department to configure their PCD for business use. Communications sent via personal PCD also may subject to monitoring if sent through the City's networks and the PCD must be provided for inspection and review upon request.

All conversations, text messages and e-mails must be professional. When sending a text message or using a PCD for business purposes, whether it is a City-provided or personal device, employees must comply with applicable City guidelines, including policies on sexual harassment, discrimination, conduct, confidentiality, equipment use and operation of vehicles. Using a City-issued PCD to send or receive personal text messages is prohibited at all times and personal use during working hours should be limited to emergency situations.

If employees who use a city provided PCD for business resign or are discharged, they will be required to submit the device to the IT department for resetting on or before their last day of work. At that time, the IT department will reset and remove all information from the device, including but not limited to, City information and personal data (such as contacts, e-mails and photographs). The IT department will make efforts to provide employees with the personal data in another form (e.g., on a disk) to the extent practicable; however, the employee may lose some or all personal data saved on the device.

Whether employees use their personal PCD or a City-issued device, the City's electronic communications policies, including but not limited to, proper use of communications and computer systems, remain in effect.

**6-10. Camera Phones/Recording Devices**

The use of voice recording devices anywhere on City property, including to record conversations or activities of other employees or management, or while performing work for the City, is also strictly prohibited, unless the device was provided to you by the City and is used solely for legitimate business purposes.

**6-11. Inspections**

The City of Bridgeport reserves the right to require employees to agree to the inspection of work areas. This includes city offices, lockers, vehicles, desks, cabinets, workstations, packages, as well as personal mail sent to the City. Employees are expected to cooperate in the conduct of any inspection.

**6-12. Smoking**

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

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

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

**6-13. Personal Visits and Telephone Calls**

Disruptions during work time can lead to errors and delays for you and your coworkers. Therefore, personal visits from family and/or friends should be rare, for a very short period of time, not be a hinderance to coworkers doing business with other employees or the public and be kept to a minimum.

Personal telephone calls must be kept to a minimum, and only be made or received after working time, or during lunch or break time.

**6-14. Solicitation And Distribution**

To avoid distractions, solicitation by the employee of another employee is prohibited while either employee is on work time. "Work time" is defined as the time the employee is engaged, or should be engaged, in performing their work tasks for the City of Bridgeport. Solicitation of any kind by non-employees on City premises is prohibited at all times.

Distribution of advertising material, handbills, printed or written literature of any kind in working areas of the City is prohibited at all times. Distribution of literature by non-employees on City premises is prohibited at all times.

**6-15. Bulletin Boards**

Important notices and items of general interest are continually posted on the City of Bridgeport bulletin boards. Employees should make it a practice to review bulletin boards frequently. This will assist employees in keeping up with what is current at the City. To avoid confusion, employees cannot post or remove any material from the bulletin board.

**6-16. Ethical Standard and Conflict of Interest**

It is the City of Bridgeport's policy that all employees avoid any conflict between their personal interests and those of the City. The purpose of this policy is to ensure that the City's honesty and integrity, and therefore its reputation, are not compromised. The fundamental principle guiding this policy is that officers or employees of the City shall not have financial interests in the profits of any contract, service, or other work performed by the City, nor have any personal profit directly or indirectly from any contract, purchase, sale, or service between the City and any person or company unless authorized by the City Manager due to special circumstances, such as where a service is not available through any other means.

An employee of the City shall not:

- Solicit or accept or agree to accept a financial benefit, other than from the City, which might reasonably tend to influence his or her performance of duties for the City or that he/she knows or should know is offered with the intent to influence the employee’s performance.
- Accept employment or compensation that might reasonably induce him/her to disclose confidential information acquired in the performance of official City duties.
- Accept outside employment or compensation that might reasonably tend to impair independence of judgement in performance of duties for the City.
- Make any personal investment that might reasonably be expected to create a substantial conflict between the employee’s private interest and duties for the City.
- Solicit or accept or agree to accept a financial benefit from another person in exchange for having performed duties as a City employee that will benefit that person
- Engage in an illegal work slowdown or strike, or
- Fail to perform a duty because of personal interests.

It is the employee's responsibility to report any actual or potential conflict that may exist between the employee and the City.

**6-17. Gifts**

Employees will not accept personal gifts from contractors, vendors, or other persons who have business dealings with the City unless the gift is valued at $25 or less. Any questions in this regard should be addressed immediately to the Department Director who will contact the Director of Human Resources and/or the City Manager for consultation.

**6-18. Political Activity**

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

A City employee may not:

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

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

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

**6-19. Use Of Facilities, Equipment and Property**

Equipment essential in accomplishing job duties is often expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards and guidelines.

Employees should notify their supervisor if any equipment, machines, or tools appear to be damaged, defective or in need of repair. Prompt reporting of loss, damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. Supervisors can answer any questions about the employees' responsibility for maintenance and care of equipment used on the job.

Improper, careless, negligent, destructive, or unsafe use or operation of equipment can result in discipline, up to and including discharge.

Further, the City is not responsible for any damage to employees' personal belongings.

**6-20. Health And Safety**

The health and safety of employees and others on City property are of critical concern to City of Bridgeport. The City intends to comply with all applicable health and safety laws. To this end, we must rely upon employees to ensure that work areas are kept safe and free of hazardous conditions. Employees are required to be conscientious about workplace safety, including proper operating methods, and recognize dangerous conditions or hazards. Any unsafe conditions or potential hazards should be reported to management immediately, even if the problem appears to be corrected. Any suspicion of a concealed danger present on the City's premises, or in a product, facility, piece of

equipment, process or business practice for which the City is responsible should be brought to the attention of management immediately.

Periodically, the City may issue rules and guidelines governing workplace safety and health. The City may also issue rules and guidelines regarding the handling and disposal of hazardous substances and waste. All employees should familiarize themselves with these rules and guidelines, as strict compliance will be expected.

Any workplace injury, accident, illness, or observed unsafe act or condition that could lead to an injury or accident must be reported to the employee's supervisor as soon as possible, regardless of the severity of the injury or accident. Employees not adhering to all safety rules, policies, procedures, and safety orders directed by a member of management or the Safety Manager may face disciplinary action. Employees are responsible for reporting emergencies to 911 in addition to their supervisor. Emergencies include but are not limited to fires, medical emergencies, hazardous substance spills, criminal or violent behavior, telephone bomb threats, natural disasters, or extended power loss.

**6-21. Hiring Relatives/Employee Relationships**

This policy is intended to avoid conflicts of interest between work-related and personal/family obligations; reduce favoritism or even the appearance of favoritism; prevent personal/family conflicts from affecting the workplace; and decrease the likelihood of sexual harassment and/or gender discrimination in the workplace.

1. **Prohibition on using influence in hiring and changing terms and conditions of employment**

    a. Supervision

        1. An employee shall not directly through the chain of command supervise or act in a lead capacity to a person with whom they have a familial, cohabitant, or amorous relationship.

        2. An employee shall not recommend advancement, contribute to a performance rating or play any role in the hiring, assignment, or placement of a person with whom they have a familial, cohabitant, or amorous relationship.

        3. An employee shall not be assigned to, or contribute in, the investigation of a complaint and/or disciplinary action pertaining in any way to a person with whom they have a familial, cohabitant, or amorous relationship.

        4. Exceptions to the supervision rule will exist during an emergency to prevent stoppage of public business and when emergency action is taken by the Police Department, Fire Departments, or other City departments in response to an urgent event or immediate crisis.

        5. For purposes of seasonal employment only, seasonal employees may be employed in a department/area their relative manages when there is proof that such arrangement is necessary to provide City services. In this case, this, and other special circumstances must be approved by the City Manager.

2. **Notification and Disclosure of Relationship**

    a. <u>New Job Actions:</u> All applicants must disclose known familial, amorous, and cohabitant relationships to or with employees on their employment application.

    b. <u>Current Employee Disclosure:</u> All current employees who have relationships preexisting this policy shall disclose in writing to their department head or Human Resources within ten (10) days their own familial, amorous, and cohabitant relationships to or with any other city employee in their assigned department.

c. Developing Relationships Disclosure: All employees who develop relationships after the date of and in conflict with this policy, shall disclose the conflict within ten (10) days from the relationship's inception to their department head or in the case of an appointing authority, to Human Resources or the City Manager.

d. Romantic relationships between supervisors and subordinate employees are prohibited:

Public trust, safety, and City morale require that employees avoid the appearance of a conflict between their professional responsibilities and any involvement that they may have in a romantic or sexual relationship with other City employees.

In order to promote efficient operation of the City and to avoid misunderstandings, complaints of favoritism, other problems of supervision, security, morale, and possible claims of sexual harassment and/or gender-based discrimination, romantic and/or sexual relations between supervisors and subordinate employees within any department are prohibited. This provision applies to all supervisors and employees within a department. No supervisor shall have a romantic or sexual relationship with any employee within their department, regardless of whether the supervisor exercises any supervisory authority over the employee.

Where there is a supervisory-subordinate relationship the person in the higher-level position will bear the primary burden of accountability and must ensure that they do not exercise any supervisory or evaluative function (or does not remain in a position where they can influence the supervisory or evaluative function) related to the other person.

e. Romantic Relationships between Co-Employees in the Same Department: Romantic and/or sexual relationships between co-employees in the same department (except as indicated above) are permissible except when the Department Head determines that the circumstance of that employment raises an undue hardship upon the other employees within the department or that such continued employment is detrimental to the supervision, safety, security and/or morale of the department.

**3. Inquiry**

a. Upon discovery that a familial, amorous, or cohabitant relationship exists between two (2) employees, the employees' appointing authority, Department Head, and the Director of Human Resources shall be responsible for determining if there is a violation of this policy.

b. If there is no violation of the policy, no action is necessary.

c. If there has been a violation of this policy, the burden will be on those employees involved to identify alternate employment arrangements by transferring elsewhere within the City if there are positions available and they are the most qualified candidate.

d. If an alternative placement is not possible, the City Manager will determine whether separation of employment from City service is appropriate on a case-by-case basis in consultation with the Department Head and Director of Human Resources.

e. The decision as to which employee may be subject to an alternative employment action shall be left solely to the City Manager's discretion.

**4. Failure to Disclose**

The failure of any employee to disclose their known familial, amorous, or cohabitant relationship with another City employee shall be a violation of this policy and the employees may face disciplinary action up to and including dismissal. In the case of a supervisory-subordinate relationship, the primary responsibility to make the notifications and the responsibility to ensure that alternative supervisory arrangements are put into place rests with the person in the higher-level position.

**5. Enforcement**

Any relationship that interferes with the company culture of teamwork, the harmonious work environment, or the productivity of employees, will be addressed by applying the progressive discipline policy up to and including employment termination.

**6. Definitions for Section 6-21**

Amorous Relationship:
An amorous relationship is any relationship where there is a consensual romantic, sexual, or dating relationship, including, but not limited to, marriage, domestic partnership, or a civil union relationship.

Applicant:
A person applying for or accepting a job with the City in any capacity including, but not limited to, new hire, rehire, transfer, promotion, and demotion.

Cohabitant Relationship:
A cohabitant relationship is any relationship where an individual shares a residence with a City employee.

Relative (Related, Familial):
A connection between individuals by blood, marriage, adoption, including individuals who reside in the same household, and including Spouse, Parent, Child, Sibling, Grandparents, and Grandchildren.

Supervisor-Subordinate Relationship:
Any workplace relationship, regardless of job description or title, in which one employee has the authority to directly through the chain of command control, direct or supervise the duties and responsibilities of the other.

**6-22. Operation Of Vehicles**

All employees authorized to drive City-owned or leased vehicles or personal vehicles in conducting City business must possess a current, valid driver's license and an acceptable driving record. Any change in license status or driving record must be reported to management immediately.

Employees must have a valid driver's license in their possession while operating a vehicle on or off City property. It is the responsibility of every employee to drive safely and obey all traffic, vehicle safety, and parking laws or regulations. Drivers must always demonstrate safe driving habits.

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

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

Should any employee be involved in a traffic accident involving a private vehicle or city vehicle operated by the employee in the course of employment, he/she must notify the City of Bridgeport Police Department immediately and

provide all necessary information. If the accident takes place outside of the City's jurisdiction, a police report from the applicable police agency must be obtained. Alcohol and drug testing may be required following an at-fault accident. Refer to the Post Accident Alcohol and Drug Testing section in the Drug Free Workplace policy.
Employees who use City vehicles for commuting purposes shall inform the Finance Department within ten (10) days of starting such practice and comply with the reporting requirements specified by that Department and by state and federal laws.

**Utilization of Assigned City Vehicles**

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

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

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

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

**Seat Belts**

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

**Locking of Vehicles**

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

**Other Instances**

In those instances when the employee is not available to respond, i.e. vacation, schooling, illness, no telephone, etc., the City vehicle will be temporarily reassigned to the employee who substitutes for the person that is temporarily absent. In those instances when there is no substitute, the vehicle will be stored in a location designated by the applicable Department Director.

**Care of City Vehicles**

Smoking in City vehicles is not permitted.

Employees are required to keep the inside of their assigned vehicle clean and neat.

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

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

**Portable Communication Device Use While Driving**

Employees who drive on City business must abide by all state or local laws prohibiting or limiting portable communication device (PCD) use, including cell phones or personal digital assistants, while driving. Further, even if use is permitted, employees may choose to refrain from using any PCD while driving. "Use" includes, but is not limited to, talking, or listening to another person or sending an electronic or text message via the PCD.

Regardless of the circumstances, including slow or stopped traffic, if any use is permitted while driving, employees should proceed to a safe location off the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is necessary while the employees are driving, and permitted by law, they must use a hands-free option and advise the caller that they are unable to speak at that time and will return the call shortly.
Under no circumstances should employees feel that they need to place themselves at risk to fulfill business needs.

Since this policy does not require any employee to use a PCD while driving, employees who are charged with traffic violations resulting from the use of their PCDs while driving will be solely responsible for all liabilities that result from such actions.

Texting and e-mailing while driving is prohibited in all circumstances.

**6-23. References**

The City of Bridgeport will respond to reference requests through the Human Resources Department. The City will provide general information concerning the employee such as date of hire, date of discharge, and positions held unless written authorization is given by the employee. Requests for reference information must be in writing, and responses will be in writing. Please refer all requests for references to the Human Resources Department as only the Human Resources Department may provide references.

## Section 7 - DISCIPLINE

**7-1. Progressive Discipline Procedure**

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

1. Investigation should begin within two (2) working days of the incident, or within two (2) working days of knowledge of the incident or as soon as practical.

2. Employees affected by the investigation should be notified, either verbally or in writing, by their Department Director within 24 hours of any interview or interrogation being conducted as long as the integrity of the investigation is not jeopardized.

3. The investigation should be conducted in the quickest and most effective and efficient manner possible.

4. Within 24 hours of completing the investigation, or as soon as practical, the individual involved will be notified of the results and of any disciplinary action that will be taken.

5. Documentation will be made on all disciplinary actions and will be stored with the Human Resources Department.

The City shall follow the following progressive disciplinary system unless the severity of the infraction requiring

discipline is great enough to warrant taking stronger initial action. All the actions listed below require the Human Resources Director's signature and Steps 3 and 4 require the City Manager's signature. All records, except for investigation findings, of disciplinary action are documented and placed in the employee's Personnel file:

1. **Documented Counseling**– the supervising authority gives verbal instructions regarding behavior, performance, attitude, or any other infraction addressed in this manual and documents the conversation.

2. **Written Reprimand** – the supervising authority gives written instructions regarding behavior, performance, attitude, or any other infraction addressed in this manual.

3. **Final Written (Suspension if necessary)** – the supervising authority gives written instructions regarding behavior, performance, attitude, or any other infraction addressed in this manual. Employee may also be removed from duty, with or without pay, for up to 30 working days.

4. **Termination** – separation of employment through an involuntary dismissal or voluntary resignation

These Personnel actions may be imposed by the Department Director, in coordination with the Director of Human Resources. In addition to the above, employees may be subject to any of the following disciplinary actions to correct or modify disciplinary behavior:

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

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

Disciplinary action, including termination, may result from any of the conduct listed in Section 6 of this handbook. This list does not prevent the City from determining that other infractions not listed above may require disciplinary action. The items listed are not listed in any order of severity of discipline.

**7-2. Appeal of Disciplinary/Corrective Action**

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

**Non-Civil Service Employees**

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

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

- Conduct, or cause to be conducted, additional investigation into the circumstances surrounding the

grievance.

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

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

**Appeals Board**

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

**Filing**

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

## Section 8 – GRIEVANCES & APPEALS

**Purpose**

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

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

**Grievance Procedures**

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

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

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

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

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

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

**Appeals Board**

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

**Filing of Grievances**

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

## Section 9 - SEPARATIONS

### 9-1. Types of Separation

Should any employees decide to leave the City, we ask that they provide a supervisor with at least two (2) weeks advance notice of departure. Thoughtfulness will be appreciated. All City property including, but not limited to, keys, security cards, parking passes, laptop computers, fax machines, uniforms, etc., must be returned at separation. Employees also must return all the City's Confidential Information upon separation. To the extent permitted by law, employees will be required to repay the City (through payroll deduction, if lawful) for any lost or damaged City property. As noted previously, all employees are employed at-will and nothing in this handbook changes that status.

**Resignation**

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

**Retirement**

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

**Reduction in Workforce**

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

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

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

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

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

**Dismissal**

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

**Disability**

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

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

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

**Death**

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

**9-2. Separation Pay**

Upon separation from City employment, a Regular employee will be paid for accrued and unused vacation leave up to the limit of his/her maximum allowable accumulation if they gave the required 2-week notice and have completed their one-year introductory period. Employees dismissed for poor performance, attendance issues, or misconduct will not receive separation pay of any kind unless required by law.

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

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

- The total work time and allowable vacation and compensatory leave time will be calculated as a total number of hours for which compensation is due.

- The employee's regular hourly rate will be determined for most employees by dividing the employee's regular annual salary by 2080 working hours per year. Fire Fighters' regular hourly rate will be determined by dividing their regular annual salary by 2764 working hours per year.

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

**Compensatory Time**

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

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

**Sick Leave**

When employment is terminated, no accumulated sick leave shall be paid except when an employee terminates or retires with over twenty years accumulated service at which time the employee shall be entitled to 3/4 pay for all accumulated sick leave on the effective retirement date. At the discretion of the employee, he/she may elect to convert sick leave in to insurance premium supplements as provided by the Public Employees Insurance Agency (PEIA) or utilize sick leave as provided by the Public Employees Retirement Board (PERS). Sick leave regulations shall not apply to elected officials or those appointed to various boards and commissions of the City. (Amended 11-22-00)

Employees who qualify for additional service credit for military service in accordance with WV Code §5- 10-15 as indicated by the West Virginia Public Employees Retirement System (PERS) or who have additional service credit with PERS from a previous participating employer may be eligible to use up to 1 year of such service time to meet the twenty-year active service requirement as outlined in the personnel policy for sick leave benefits. The employee is solely responsible to inform the HR department at the time of termination or retirement if he/she qualifies for the program. The City will verify additional credit with PERS to determine eligibility.

**Final Payment**

Final payment as outlined in WV Code will be made on or before the next regular payday on which the wages would otherwise be due and payable. Employees should be encouraged to return all City equipment and property at the time the final payment is picked up.

**9-3. Exit Interviews and Records**

When an employee is voluntarily separated from employment with the City, the Department Director should

encourage the employee to complete an Exit Interview with the Director of HR.

**9-4. Continuation of Group Insurance**

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

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

Each covered employee is responsible for notifying the City of any change in family status (separation, divorce, or a child becoming ineligible for dependent's coverage). If the change would cause the employee or a covered dependent to become ineligible for the City's group insurance, the City will provide a 'Continuation of Coverage Election Form' to be completed by the appropriate person(s). Specific time periods must be met, and full premiums must be paid in a timely manner by the employee or the applicable spouse or child. Divorce must be reported immediately to PEIA. Failure to do so could result in criminal charges and/or civil penalties on both the State and/or Federal level.

**9-5. Health Insurance Portability and Accountability Act (HIPAA)**

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

## Section 10 – A FEW CLOSING WORDS

This handbook is intended to give employees a broad summary of things they should know about City of Bridgeport. The information in this handbook is general in nature and, should questions arise, any member of management should be consulted for complete details. While we intend to continue the policies, rules and benefits described in this handbook, City of Bridgeport, 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 management if they have any questions about the City or its personnel policies and practices.

## Section 11 – GLOSSARY OF TERMS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Regular Part-time – an employee who is employed to hold an authorized position that involves regularly working on average fewer than 30 hours per week who were not hired on a short-term basis.

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

Reinstatement – returning an employee to service following a period of separation or a leave of absence.
Safety-sensitive Position – Any City position in which employees or volunteers regularly operate City vehicles or equipment as part of his/her normal City responsibilities or those employees who are required to possess commercial drivers' licenses.

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

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

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

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

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

Under the Influence – when an employee is affected by a drug(s) and/or alcohol in any detectable manner.
Unauthorized Absence - an absence in which the employee is absent from regular duty without the approval of the Department Director. Employees are not paid for unauthorized absences, and such absences are cause for disciplinary action.

## GENERAL HANDBOOK ACKNOWLEDGMENT

This Employee Handbook is an important document intended to help employees become acquainted with City of Bridgeport. This document is intended to provide guidelines and general descriptions only; it is not the final word in all cases. Individual circumstances may call for individual attention.

Because the City's operations may change, the contents of this Handbook may be changed at any time, with or without notice, in an individual case or generally, at the sole discretion of management.

Please read the following statements and sign below to indicate your receipt and acknowledgment of this Handbook.

**I understand a copy of this handbook is available for my review in my department and on the City website at all times. I understand it is my responsibility to read and familiarize myself with this handbook. If I have questions regarding the contents of the handbook, I understand it is my responsibility to reach out to the Human Resources Director or my supervisor to have those questions answered. I understand that the policies, rules, and benefits described in it are subject to change at the sole discretion of the City at any time.**

**I further understand that my employment is terminable at will, either by myself or the City, with or without cause or notice, regardless of the length of my employment or the granting of benefits of any kind.**

**I understand that no representative of the City of Bridgeport other than Director of Human Resources or City Manager may alter "at will" status and any such modification must be in a signed writing.**

**I understand that my signature below indicates that I have read and understand the above statements and that I have received a copy of the City's Employee Handbook.**

Employee's Printed Name: _____

Employee's Signature: _____

Position: _____

Date: _____

The signed original copy of this acknowledgment should be given to management - it will be filed in your personnel file.

## EXPECTATION OF PRIVACY AGREEMENT

I understand and am aware that the City of Bridgeport and its authorized agents reserve the right to search all city owned technology, automobiles, lockers, desks, cabinets, workstations, and other property at any time. Employees are expected to cooperate in the conduct of any search or inspection.

Employee's Printed Name: _____

Employee's Signature: _____

Position: _____

Date: _____

The signed original copy of this acknowledgment should be given to management - it will be filed in your personnel file.

## RECEIPT OF NON-HARASSMENT POLICY

It is the City of Bridgeport's policy to prohibit intentional and unintentional harassment of or against job applicants, contractors, interns, volunteers or employees by another employee, supervisor, vendor, customer or any third party on the basis of actual or perceived race, color, creed, religion, national origin, ancestry, citizenship status, age, sex or gender (including pregnancy, childbirth and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, military service and veteran status, physical or mental disability, genetic information or any other characteristic protected by applicable federal, state or local laws (referred to as "protected characteristics"). Such conduct will not be tolerated by the City of Bridgeport.

The purpose of this policy is not to regulate our employees' personal morality, but to ensure that no one harasses another individual in the workplace, including while on City premises, while on City business (whether or not on City premises) or while representing the City. In addition to being a violation of this policy, harassment or retaliation based on any protected characteristic as defined by applicable federal, state, or local laws also is unlawful. For example, sexual harassment and retaliation against an individual because the individual filed a complaint of sexual harassment or because an individual aided, assisted or testified in an investigation or proceeding involving a complaint of sexual harassment as defined by applicable federal, state, or local laws are unlawful.

**Harassment Defined**

Harassment generally is defined in this policy as unwelcome verbal, visual or physical conduct that denigrates or shows hostility or aversion towards an individual because of any actual or perceived protected characteristic or has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Harassment can be verbal (including slurs, jokes, insults, epithets, gestures, or teasing), visual (including offensive posters, symbols, cartoons, drawings, computer displays, text messages, social media posts or e- mails) or physical conduct (including physically threatening another, blocking someone's way, etc.). Such conduct violates this policy, even if it does not rise to the level of a violation of applicable federal, state, or local laws. Because it is difficult to define unlawful harassment, employees are expected to behave at all times in a manner consistent with the intended purpose of this policy.

**Sexual Harassment Defined**

Sexual harassment can include all the above actions, as well as other unwelcome conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities and other verbal, visual or physical conduct of a sexual nature when:

- submission to that conduct or those advances, or requests is made either explicitly or implicitly a term or condition of an individual's employment; or
- submission to or rejection of the conduct or advances or requests by an individual is used as the basis for employment decisions affecting the individual; or
- the conduct or advances or requests have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples include:

1. unwelcome flirtations, leering, whistling, touching, pinching, assault, blocking normal movement.
2. requests for sexual favors or demands for sexual favors in exchange for favorable treatment.
3. obscene or vulgar gestures, posters, or comments
4. sexual jokes or comments about a person's body, sexual prowess, or sexual deficiencies
5. propositions or suggestive or insulting comments of a sexual nature

6. derogatory cartoons, posters, and drawings
7. sexually explicit e-mails, text messages or voicemails
8. uninvited touching of a sexual nature
9. unwelcome sexually related comments
10. conversation about one's own or someone else's sex life
11. conduct or comments consistently targeted at only one gender, even if the content is not sexual, and
12. teasing or other conduct directed toward a person because of the person's gender.

**Reporting Procedures**

If the employee has been subjected to or witnessed conduct which violates this policy, the employee should immediately report the matter to the Director of Human Resources. If the employee is unable for any reason to contact this person, or if the employee has not received an initial response within five (5) business days after reporting any incident of what the employee perceives to be harassment, the employee should contact the City Manager. If the person toward whom the complaint is directed is one of the individuals indicated above, the employee should contact any higher-level manager in the reporting hierarchy.

**Investigation Procedures**

Every report of perceived harassment will be fully investigated, and corrective action will be taken where appropriate. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. All employees must cooperate with all investigations conducted pursuant to this policy.

**Retaliation Prohibited**

In addition, the City will not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy. If the employee has been subjected to any such retaliation, the employee should report it in the same manner in which the employee would report a claim of perceived harassment under this policy.

Violation of this policy including any improper retaliatory conduct will result in disciplinary action, up to and including termination.

I have read and I understand City of Bridgeport's Non-Harassment Policy.

Employee's Printed Name: _____

Employee's Signature: _____

Position: _____

Date: _____

The signed original copy of this receipt should be given to management - it will be filed in your personnel file.