

ORDINANCE NO. _____ - 2022

AN ORDINANCE AMENDING CHAPTER 22 OF THE CODE OF ORDINANCES AS FOLLOWS: SECTION 22-1, CREATING OR AMENDING THE DEFINITIONS OF AUTHORIZED STRENGTH, CLASSIFICATION OR CLASS, QUALIFIED ADULT, AND UNIFIED PAY PLAN, RENUMBERING SUBSECTIONS, AND DELETING REFERENCES TO SECTION 22-5; SECTION 22-2, UPDATING TERMINOLOGY AND RENUMBERING SUBSECTIONS; SECTION 22-3, UPDATING TERMINOLOGY AND RENUMBERING SUBSECTIONS; SECTION 22-6, UPDATING TERMINOLOGY, UPDATING REFERENCES TO THE KENTUCKY REVISED STATUTES AND KENTUCKY ADMINISTRATIVE REGULATIONS AND RENUMBERING SUBSECTIONS; SECTION 22-7, UPDATING TERMINOLOGY AND RENUMBERING SUBSECTIONS; SECTION 22-9, UPDATING TERMINOLOGY; SECTION 22-16, UPDATING TERMINOLOGY; SECTION 22-18, RENUMBERING SUBSECTIONS; SECTION 22-19, RENUMBERING SUBSECTIONS; SECTION 22-20, UPDATING TERMINOLOGY, DELETING SECTION 22-20(5) AND RENUMBERING SUBSECTIONS; SECTION 22-23, UPDATING TERMINOLOGY AND RENUMBERING SUBSECTIONS; SECTION 22-24, UPDATING CODE REFERENCES; SECTION 22-25, UPDATING TERMINOLOGY AND RENUMBERING CODE SECTIONS; SECTION 22-26, CLARIFYING THE PROCESS FOR WITHIN GRADE SALARY INCREASES AND RENUMBERING SUBSECTIONS; SECTION 22-27, CLARIFYING THE PROCESS FOR RECLASSIFICATION AND UPDATING TERMINOLOGY; SECTION 22-28, RENUMBERING SUBSECTIONS; SECTION 22-29, CLARIFYING DISMISSAL PROCESS; SECTION 22-30, RENUMBERING SUBSECTIONS; SECTION 22-31, UPDATING TERMINOLOGY AND RENUMBERING SUBSECTIONS; SECTION 22-32, UPDATING TERMINOLOGY AND RENUMBERING SUBSECTIONS; SECTION 22-34, UPDATING REFERENCES TO THE DRUG FREE WORKPLACE POLICY TO INCLUDE ANY AMENDMENTS; SECTION 22-40, DELETING REFERENCE TO SECTION 22-5, UPDATING TERMINOLOGY AND RENUMBERING SUBSECTIONS; SECTION 22-41, UPDATING TERMINOLOGY, DELETING REFERENCE TO SECTION 22-5 AND RENUMBERING SUBSECTIONS; SECTION 22-42, UPDATING TERMINOLOGY, DELETING REFERENCE TO SECTION 22-5 AND RENUMBERING SUBSECTIONS; SECTION 22-43, UPDATING TERMINOLOGY, DELETING REFERENCE TO SECTION 22-5 AND RENUMBERING SUBSECTIONS; SECTION 22-44, UPDATING TERMINOLOGY, DELETING REFERENCE TO SECTION 22-5 AND RENUMBERING SUBSECTIONS; SECTION 22-45, UPDATING TERMINOLOGY, DELETING REFERENCE TO SECTION 22-5, RENUMBERING SUBSECTIONS, AND CHANGING THE TERM OF THE POSITION OF COUNCIL ADMINISTRATOR FROM A TERM OF TWO (2) YEARS CORRESPONDING WITH THE TERMS OF THE DISTRICT COUNCILMEMBERS TO A TERM OF FOUR (4) YEARS CORRESPONDING WITH THE TERM OF THE AT-LARGE COUNCILMEMBERS; SECTION 22-46, UPDATING TERMINOLOGY, DELETING REFERENCE TO SECTION 22-5 AND RENUMBERING SUBSECTIONS; SECTION 22-47, UPDATING TERMINOLOGY, DELETING REFERENCE TO SECTION 22-5 AND RENUMBERING SUBSECTIONS; SECTION 22-48, UPDATING TERMINOLOGY, DELETING REFERENCE TO SECTION 22-5 AND RENUMBERING SUBSECTIONS; SECTION 22-49, UPDATING TERMINOLOGY, DELETING REFERENCE TO SECTION 22-5, DELETING SECTION 22-49(3) AND RENUMBERING SUBSECTIONS; SECTION 22-50, UPDATING TERMINOLOGY, DELETING REFERENCE TO SECTION 22-5 AND RENUMBERING SUBSECTIONS; SECTION 22-51, UPDATING TERMINOLOGY, DELETING REFERENCE TO SECTION 22-5 AND RENUMBERING SUBSECTIONS; SECTION 22-52, UPDATING TERMINOLOGY AND DELETING REFERENCE TO SECTION 22-5; SECTION 22-52.1, RENUMBERING SUBSECTIONS; SECTION 22-53.1, UPDATING TERMINOLOGY AND AMENDING MAXIMUM AGE FOR SUBMITTING AN APPLICATION FROM THIRTY-SEVEN TO FORTY-ONE (41); SECTION 22-53.2, UPDATING TERMINOLOGY AND RENUMBERING SUBSECTIONS; SECTION 22-54, UPDATING TERMINOLOGY AND RENUMBERING SUBSECTIONS; SECTION 22-55, UPDATING TERMINOLOGY, DELETING REFERENCE TO SECTION 22-5 AND RENUMBERING SUBSECTIONS; SECTION 22-55.1, UPDATING TERMINOLOGY, CHANGING REFERENCES TO THE DIVISION OF RISK MANAGEMENT TO THE DEPARTMENT OF LAW, AND RENUMBERING SUBSECTIONS; SECTION 22-56, UPDATING TERMINOLOGY, DELETING REFERENCE TO SECTION 22-5 AND RENUMBERING SUBSECTIONS; SECTION 22-57, UPDATING TERMINOLOGY, DELETING REFERENCE TO SECTION 22-5 AND RENUMBERING SUBSECTIONS;

SECTION 22-58, UPDATING TERMINOLOGY, DELETING REFERENCE TO SECTION 22-5 AND RENUMBERING SUBSECTIONS; AND SECTION 22-59, UPDATING TERMINOLOGY, AMENDING IMMEDIATE FAMILY FOR PURPOSES OF SICK LEAVE TO INCLUDE QUALIFIED ADULT RELATIONSHIPS, AND DELETING SUBSECTION (2) RELATING TO HEALTH INSURANCE FOR PART-TIME EMPLOYEES AND RENUMBERING SUBSECTIONS; ALL EFFECTIVE UPON PASSAGE OF COUNCIL.

BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE

URBAN COUNTY GOVERNMENT:

Section 1 – That Section 22-1 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 22-1. - Definitions.

In this chapter, unless the context requires otherwise:

- (1) *Appointing authority* means the person or persons having the power to make or recommend appointments as specified in articles II and III, but does not include any ratifying authority entitled to approve or disapprove appointments.
- (2) *Authorized strength* means the list of positions that have been approved by the Urban County Council.
- (3) *Classification or class* means a group of one (1) or more positions sufficiently similar that the same descriptive title may be used with clarity to designate each position allocated to the classification. Positions are grouped into classifications in regard to:
 - a. Duties performed and responsibilities;
 - b. Minimum qualification requirements of education, experience, licenses, and certifications;
 - c. Tests of knowledge, skills and abilities used to recruit employees;
 - d. Pay grades
 - e. Job title.
- (4) *Director* means the director of human resources.
- (5) *Executive unit* means a division, department or office of the urban county government, as the context of the ordinance indicates.
- (6) *First day of the fiscal year*, for purposes of salary and benefit matters, unless the context dictates otherwise, shall mean the first day of the pay period for which pay is received on or after July 1 of the new fiscal year.
- (7) *Qualified adult* means a person of the same or opposite sex who meets the following criteria:
 - a. Age 18 or older;
 - b. Not related to the employee;
 - c. Resides with employee for a least twelve (12) months prior to applying for the use of sick leave or bereavement leave as set forth in this chapter;
 - d. Unmarried; and
 - e. Financially interdependent with the employee for at least twelve (12) months, and shall certify by affidavit signed by the qualified adult and the employee that at least two (2) of the following conditions have been met in the last twelve months (one (1) from e.i-e.v and one (1) from e.vi-e.ix):
 - i. Joint ownership of real estate property or joint tenancy on a residential lease;
 - ii. Joint ownership of an automobile;

- iii. Joint bank or credit account;
- iv. Joint liabilities;
- v. Joint utility account;
- vi. Will designating the eligible qualified adult as primary beneficiary;
- vii. Retirement plan or life insurance policy beneficiary destination form designating the eligible Qualified Adult as primary beneficiary;
- viii. Durable power of attorney signed to the effect that the employee and eligible Qualified Adult have granted powers to one another; and
- ix. Adoption papers or legal guardianship identifying the employee and Qualified Adult as the joint adopting individuals or joint legal guardians.

- (8) *Supervisor* means the director of the division to which a position is assigned; or, in the case of a position not assigned to a division but to a department, the commissioner of the department; or, in the case of a position in the office of the chief administrative officer, the chief administrative officer; or, in the case of a position in the office of the mayor, the mayor.

When a position is not directly under a division director, a department commissioner, the chief administrative officer, or the mayor, the supervisor is the urban county government officer or employee responsible for assigning the duties and overseeing the performance of them.

- (9) *Unified Pay Plan* means classifications within pay grades in the 500 series.

Section 2 – That Section 22-2 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 22-2. - Adoption and amendment of the plan.

- (a) All positions in the urban county government, except those within the classified civil service provided for in chapter 21 and those within the division of police and division of fire and emergency services provided for in chapter 23, shall be covered by this chapter and shall be grouped into classifications as defined in 22-1.
- (b) Except as otherwise provided by law, the urban county council shall fix, by ordinance, the number and classification of the positions covered by this chapter and the salaries for each classification.
- (c) All subsequent additions, revisions or amendments affecting this chapter shall be made by ordinance.
- (d) The director shall, under the direction of the chief administrative officer, periodically review the positions covered by this chapter and recommend to the urban county council the reallocation of positions from one pay grade to another pay grade or reclassification from one class to another class when it is determined that the classification and/or pay grade is no longer consistent with the actual work performed.

Section 3 – That Section 22-3 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 22-3. - Administration and maintenance of plan.

- (a) The director shall administer all ordinances and regulations pertaining to the employment and compensation of persons covered by this chapter. The director shall be responsible for the administration of all personnel programs relating thereto.
- (b) This chapter shall be construed in conformity with 29 U.S.C. sections 201—219.

The director shall make reasonable and necessary rules and regulations to ensure that 29 U.S.C. sections 201—219 and regulations adopted thereunder are properly applied.

Section 4 – That Section 22-6 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 22-6. - Employee qualifications.

- (a) In addition to the qualifications for each class established by the respective appointing authority, except as provided in subsection (c) of this section or otherwise provided by law, it shall be understood that to be eligible for appointment to a position provided for in article III, an applicant must:
 - (1) Be not less than eighteen (18) years of age;
 - (2) Be able to understand the English language and follow instructions, provided that ability to read and/or write shall be required only where it is a bona fide occupational requirement;
 - (3) Have, in the case of positions involving the operation of a motor vehicle, a driver's license, or for those positions which require it, a commercial driver's license (CDL); and
 - (4) Pass the required medical examination as specified by the director if being appointed to a position requiring a medical examination.
- (b) There shall be no residency requirements for appointment to a position provided for in article III provided that all such appointees shall reside in such proximity to Fayette County as to be able to respond for on-call or emergency duty within a reasonable time.
- (c)
 - (1) As used in this subsection:
 - (i) Child means any person under the age of eighteen (18) years.
 - (ii) Sex crime means a criminal conviction for a violation or attempted violation of Kentucky Revised Statutes Chapters 510, 529, 530, 531 and any other applicable chapters or Kentucky Administrative Regulations. Conviction for a violation or an attempted violation of an offense committed outside Kentucky is a sex crime if such offense would have been a crime as defined in Kentucky statutes or regulations.
 - (iii) Central criminal records file check means a check of criminal records pursuant to KRS 17.160 or any other applicable Kentucky Revised Statutes or Kentucky Administrative Regulations.
 - (2) All applicants for appointment to an unclassified civil service position which would be required to exercise supervisory or disciplinary control over children as a condition of employment shall submit to a central criminal records file check for prior sex crime convictions. Any prospective employee who has a prior sex crime conviction shall not be hired by the urban county government in any capacity which would place the prospective employee in a position of supervisory or disciplinary control over children.
 - (3) The director shall be responsible for administering the records check program.
- (d) In addition to the qualifications for each class as set forth in the job descriptions, it shall be understood that to be eligible for initial appointment to the police academy, an applicant must satisfy all of the following requirements:
 - (1) Be able to read, write and understand the English language and follow instructions.
 - (2) Be a person of sobriety and integrity and is and has been an orderly, law abiding citizen.
 - (3) Be a citizen of the United States.
 - (4) Never have been convicted of a crime involving moral turpitude.

- (5) Must not have within a period of two (2) years hired himself out, performed any service, or received any compensation from any private source for acting, as a privately paid detective, policeman, guard, peace officer or otherwise as an active participant in any labor dispute, or conducted the business of a private detective agency or of any agency supplying private detectives, private policemen or private guards, or advertised or solicited any such business in connection with any labor dispute.
- (6) Be at least twenty-one (21) years of age and shall not have reached their forty-first birthday by the application filing deadline date.
- (7) Have a driver's license, or for those positions which require it, a commercial driver's license (CDL).
- (8) Be a graduate of an accredited high school or have been awarded a governmental educational diploma.
- (9) Not have been, in the twelve (12) months preceding application, suspended for cause, or dismissed or forced to resign from any previous employment for cause. The director shall establish reasonable rules necessary to implement this subsection.

Section 5 – That Section 22-7 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 22-7. - Employee duties; job descriptions.

- (a) Subject only to any specific assignments of duties made by law or ordinance, and limitations of law, supervisors shall prescribe and assign the duties for all unclassified civil service positions within their respective executive unit in such manner as they shall deem necessary or advisable for the efficient, orderly and economical administration of the affairs of the urban county government.
- (b) If requested by the respective appointing authority, the director shall prescribe and propound job descriptions which reasonably establish minimum qualifications and standards for eligibility within each class. The statement of qualifications in any job description is intended to be a guide for determining the eligibility of candidates.
- (c) Based on the duties assigned to each position under subsection (a) herein, the job descriptions shall contain examples of the duties persons holding such positions may properly be required to perform. Such examples are descriptive and explanatory but are not restrictive. The listing of particular duties does not preclude the assignment of other tasks.

Section 6 – That Section 22-9 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 22-9. - Applications.

All persons holding positions provided for in article III shall complete an official urban county government application form and submit it to the division of human resources.

Section 7 - That Section 22-16 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 22-16. - Transfers.

Except as otherwise provided by law, the respective appointing authorities may approve interdepartmental or intradepartmental transfers of individuals between any positions covered by this chapter. The appointing authorities shall notify the division of human resources of any such transfer, and the same must be ratified by the urban county council in any case where council ratification is required for an initial

appointment.

Section 8 – That Section 22-18 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 22-18. - Layoff.

- (a) Except as otherwise provided by law, the urban county council shall, in the exercise of reasonable discretion, have the authority to abolish any position covered by this chapter when economic necessity requires it or there is no longer a need for a particular position to exist. Any person occupying said position shall be laid off.
- (b) When there is to be a layoff in a designated class within an executive unit, the termination shall be in the following order of succession:
 - 1. Section 22-58 seasonal positions;
 - 2. Section 22-57 part-time positions;
 - 3. Section 22-56 temporary positions.
- (c) Any reduction in the number of positions provided for in article III, within any executive unit, shall be made in the reverse order of the seniority of the incumbents, computed the same as under section 21-11(b). In case of equal service, regular employees in the class involved shall be laid off in order of the lowest average performance rating for the last two (2) years of service.

Section 9 – That Section 22-19 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 22-19. - Resignation.

- (a) Except as otherwise provided by law, in order to resign in good standing, written notice of resignation shall be submitted at least fourteen (14) days in advance to the respective appointing authority. The advance notice requirement for resignation in good standing may, for good cause shown, be waived by the appointing authority. Except as otherwise provided by law, all seniority, service credit, and employment rights and duties shall be extinguished upon the appointing authority's acceptance of a resignation.
- (b) The director shall make all resignation notices as well as the date, and if applicable, circumstances of their acceptance by the appointing authority, a part of the individual's personnel file.

Section 10 – That Section 22-20 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 22-20. - Reinstatement.

- (a) Except as otherwise provided by law, any individual who separates from a position shall be eligible for reinstatement to the former position or another position in the same classification for a period of one (1) calendar year following the date of separation.
- (b) Any individual may be reinstated to his former position only upon completion of the following requirements:
 - (1) A written request for reinstatement is made by the individual to the appointing authority within one (1) calendar year from the date of separation from service;
 - (2) The individual received at least a rating of two (2) on his last job performance evaluation prior to separation from service, if any was

performed;

- (3) The director of human resources determines that the individual meets the current requirements for the position, if any; and
 - (4) The appointing authority approves the individual's reinstatement. The recommendation of the individual's former supervisor shall be submitted for consideration by the appointing authority.
- (c) Any individual may be reinstated in accord with the requirements contained in subsection (b) only if a vacancy exists in his former position or in another position in the same classification.
 - (d) The rate of pay for an individual upon reinstatement shall be set at the current pay grade assigned to his former position at the same salary as the individual received when he separated from service, provided, however, that he shall not receive a salary lower than the minimum for the grade salary range.
 - (e) Prior service time shall not be counted for purposes of determining a reinstated individual's seniority or entitlement to vacation leave, sick leave or longevity pay.
 - (f) Nothing in this section shall prohibit an appointing authority from appointing or recommending the appointment of an individual to a position he formerly held, under the procedures established by law for a new appointment.

Section 11 – That Section 22-23 of the Code of Ordinances be and hereby

is amended to read as follows:

Sec. 22-23. - Entrance rates.

- (a) The rate of pay for an employee with no equivalent and relevant verified qualifications beyond the minimum requirements shall be the entry rate of pay of the grade salary range specified for his class. The appointing authority may recommend and the urban county council may approve a rate of pay above the recommended rate when it is found to be difficult to recruit qualified persons at the recommended rate of pay or in recognition of the experience or exceptional qualifications of a candidate.
- (b) For those positions covered by this chapter which are not assigned to a grade, the compensation shall be as provided by ordinance.
- (c) The rate of pay for new employees who qualifications can be verified, may be placed in the range according to their qualifications.
- (d) The appointing authority may recommend and the urban county council may approve a rate of pay above the recommended rate when it is found to be difficult to recruit qualified persons at the recommended rate of pay or in recognition of the experience or exceptional qualifications of a candidate.
- (e) Before a salary offer is made, the division of human resources shall consider the current salaries and length of service in the same job class of the incumbents within the same division.

Section 12 – That Section 22-24 of the Code of Ordinances be and hereby

is amended to read as follows:

Sec. 22-24. - Computation of salaries.

- (a) The compensation rates established by ordinance for full-time positions are fixed on the basis of full-time service as defined in section 22-17. In any case listed below, the salary prescribed for full-time employment shall be adjusted by multiplying same by a fraction of the hours actually worked during the pay period as the numerator and the regular number of hours required for full-time employment as the denominator:
 - (1) Where there is absence from duty without permission within the meaning of

section 22-28.

- (2) Where the inception or termination of employment occurs during the pay period.
- (3) Where there is authorized leave without pay.
- (b) Any unclassified civil service employee in a classification which receives a salary supplement pursuant to section 21-27(d) of the Code shall receive the same salary supplement under the same terms and conditions.
- (c) Any full-time non-sworn unclassified civil service employee who meets the criteria set forth in section 21-27(f) of the Code shall receive the same salary supplement under the same terms and conditions. This subsection shall also apply to deputies in the Office of the Coroner.

Section 13 – That Section 22-25 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 22-25. - Overtime.

- (a) As used in this section:
 - (1) *Employee* is any unclassified civil service employee, but shall not include any individual employed in Fair Labor Standards Act (FLSA) exempt position.
 - (2) *Work week* is the period of time beginning at 12:00 a.m. each Monday and ending at 11:59 p.m. each Sunday.
- (b) Any supervisor may, with approval of his supervisor, direct any unclassified civil service employee to work reasonable hours in addition to the normal work schedule when essential to meet operating needs.
- (c) Any employee who is not exempted by subsection (a)(1) and who is employed for a workweek longer than forty (40) hours shall receive compensation for this employment in excess of forty (40) hours in a workweek at a rate of one and one-half (1½) times the hourly wage at which he is employed. Each individual workweek shall serve as the standard for determining entitlement to overtime compensation and, accordingly, averaging of hours over a two (2) workweek payroll period shall not be permitted.
- (d) Overtime compensation shall only be paid for more than forty (40) hours actually worked within a workweek. Accordingly, no employee shall be paid overtime compensation solely for working in excess of eight (8) hours per day or for work on Saturdays, Sundays, holidays or regular days of rest; and time spent on vacation leave, sick leave, bereavement, leave of absence, holiday leave, disability leave, military leave or any other approved leave shall be excluded in computing entitlement to overtime compensation under this section.
- (e) Where an employee in a single workweek works at two (2) or more different types of urban county government work for which different non-overtime rates of pay have been established, his hourly rate for that week is the weighted average of such rates. That is, his total earnings are computed to include his compensation during the workweek from all such rates, and are then divided by the total number of hours worked at all jobs.
- (f) At the time that the payroll report is submitted to the division of accounting, the supervisor shall submit to the chief administrative officer a report stating which employees worked overtime and the necessity therefor. No individual exempted by subsection (a)(1) shall receive overtime compensation.

Section 14 – That Section 22-26 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 22-26. - Within-grade salary increases.

- (a) On the first day of each fiscal year, all employees with a satisfactory score on their

performance evaluation shall be eligible for a salary increase provided funds are appropriated in the budget. A satisfactory score shall be a score of two (2.0) or above.

- (b) When an individual enters a class at the maximum amount of the grade salary range or when he reaches the maximum for his classification, no salary advancements shall be made.
- (c) Notwithstanding anything to the contrary in this section, all employees in the unified pay plan, who receive a satisfactory score of 2 (two) or above on their performance evaluation shall receive a one (1) percent increase in pay, not to exceed the maximum amount of the pay grade or salary. In the event there are insufficient funds to provide this increase, all employees shall receive an amount equal to the "structure" percentage change in the World at Work Index, provided, however, that if sufficient funds are not available for this increase, the urban county council shall, by ordinance, establish a substitute percentage increase. It is the intent of this section that employee salaries shall have first priority in the budget process except for any debt obligations.

Section 15 – That Section 22-27 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 22-27. - Reclassification or reallocation.

For those positions covered by this chapter which are assigned a grade:

- (a) An employee whose pay grade is changed to a higher grade through a reclassification or reallocation of his position shall have his salary placed at the point in the higher grade salary range that will provide a total increase of seven (7) percent if the reclassification or reallocation is to a grade one (1) grade higher than that existing prior to the reclassification or reallocation, an additional three (3) percent if the reclassification or reallocation is to a grade two (2) grades higher and two (2) percent for each additional grade thereafter; provided, however, the appointing authority may recommend and the urban county council may approve a rate of pay above the recommended rate of pay in recognition of market demands or in recognition of the experience or exceptional qualifications of the employee. In no case, however, shall the employee receive a salary lower than the entrance rate of pay for the grade salary range.
- (b) An employee whose pay grade is changed to a lower grade through a reclassification or reallocation shall retain his salary at the higher level. All employees receiving a salary above the maximum rate prescribed for the class to which their position was reclassified or reallocated shall continue to receive such pay without further increase so long as their positions remain in a class having a rate below the rate being paid the employee.
- (c) An employee shall be eligible for a salary increase or a cost of living adjustment in the position to which he has been reclassified or reallocated on the first day of the fiscal year after the reclassification or reallocation.

Section 16 – That Section 22-28 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 22-28. - Absence without permission.

- (a) No individual holding a position covered by this chapter, except an elected official, shall be absent from duty except while on duly granted leave; or upon sudden serious emergency, in which event the employee shall notify his supervisor as soon as possible, or in the case of one having no accumulated leave, with permission of the supervisor under the circumstances for which such leave is authorized in this Code of Ordinances, but without pay therefor.
- (b) If absence from duty is not either authorized by the supervisor or both occasioned by genuine emergency and reported as soon as possible, it shall be treated as absence without permission. Except as otherwise provided by law, pay shall be

deducted for the period of such absence.

Section 17 – That Section 22-29 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 22-29. - Dismissal.

Except as otherwise provided by law, any individual holding a position covered by this chapter shall serve at the pleasure of the respective appointing authority and may be dismissed at any time.-

Section 18 – That Section 22-30 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 22-30. - Continuity of service requirements.

- (a) Except as applied to section 22-18, service credit required for the purposes of this chapter shall mean continuous service in the employment of the urban county government; or the governments of the City of Lexington or County of Fayette immediately prior to merger, without break or interruption. However, absence on authorized leave of absence with pay, absence authorized to compensate for overtime work, and absence on authorized leave of absence without pay for periods not in excess of thirty (30) calendar days shall not affect the continuity of service. All periods of absence without leave, disability leave, and leave without pay for periods in excess of thirty (30) calendar days shall be deducted in computing total service credit.
- (b) All service credit shall be extinguished upon dismissal or upon acceptance of resignation. As provided in section 22-20, service credit shall not be restored upon reinstatement.

Section 19 – That Section 22-31 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 22-31. - Employee performance evaluation.

For those positions covered by this chapter in the unified pay plan:

- (a) The director shall establish criteria for the supervisor's use in measuring, reporting and recording the job performance of individuals holding such positions.
- (b) Job performance evaluations shall be used for determinations made regarding salary increases, transfers, and, in the case of equal seniority, the order of layoff.
- (c) In preparing job performance evaluations, supervisors shall discuss evaluations with the person being evaluated. Individuals shall be given a copy of the completed evaluation.
- (d) Individuals may appeal decisions made with respect to their job performance evaluation through the grievance procedure outlined in section 22-32.

Section 20 – That Section 22-32 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 22-32. - Grievance procedure.

- (a) If at any time, any individual holding a position covered by this chapter considers himself aggrieved (hereinafter "aggrieved individual") by another urban county government officer or employee's alleged abuse of discretion in his treatment of the former (hereinafter "accused individual"), the aggrieved individual may seek to rectify the situation through the following grievance procedure:

- (1) The aggrieved individual shall orally discuss his grievance with the accused individual or with the individual designated by his supervisor to handle grievances within ten (10) working days of the event or occurrence giving rise to the grievance. Every effort shall be made to reach a satisfactory settlement by informal adjustment. If the grievance is not settled in the initial discussion, the aggrieved individual may, in writing, on the form designated by the chief administrative officer, formally present the grievance to the accused individual within five (5) working days after receiving the accused individual's oral answer. The written grievance shall set forth the nature of the alleged wrong, the date of the occurrence, and the remedy sought. An individual who is presented with a written grievance shall give his answer to the aggrieved individual within five (5) working days after receiving the grievance. If the grievance is not resolved at this stage, a copy of the grievance may be referred by the aggrieved individual, in writing, within five (5) working days after receipt of the accused individual's answer to his supervisor.
 - (2) Upon receipt of the written grievance, the supervisor shall notify his own supervisor of the grievance. The aggrieved individual's supervisor or his designated representative shall discuss the grievance with the aggrieved individual within ten (10) working days after receiving the appeal. If no settlement is reached at this meeting, the supervisor or his designated representative shall give a written answer to the individual within ten (10) working days following the meeting; however, this answer shall receive the prior written approval of his own supervisor. If the grievance is not settled at this stage of the proceedings, the aggrieved individual may refer the written grievance to the chief administrative officer within ten (10) working days after receipt of the answer from the supervisor or his designated representative.
 - (3) The chief administrative officer or his designated representative shall discuss the grievance with the aggrieved individual within ten (10) calendar days after receiving the appeal at a time and place designated by the chief administrative officer or his representative. The chief administrative officer's decision is final and shall be placed in writing within five (5) working days from the date of the meeting. A copy shall be sent to both the aggrieved and accused individuals and the appropriate supervisors. If the accused individual is found to have abused his discretion, appropriate action will be taken to correct the error.
- (b) The provisions of this section shall apply to all individuals below the level of division director.
 - (c) If at any time in this procedure the time limit imposed on the appropriate individual or supervisor is exceeded, the aggrieved individual may automatically appeal to the next level.

Section 21 – That Section 22-34 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 22-34. - Drug free workplace policy.

- (a) It is the policy of the urban county government to maintain an alcohol and drug free workplace. This policy provides for drug and alcohol screening of certain employees to protect employees and the general public from injury and damage caused by the actions of employees impaired by drugs or alcohol.
- (b) The alcohol and drug free workplace policy, as it exists on May 16, 1996, is hereby adopted and incorporated herein by reference, as the instrument by which the above policy shall be implemented, monitored and enforced. True copies of said alcohol and drug free workplace policy, including any amendments, shall be lodged in the office of the clerk of the urban county council and in the division of human resources for inspection by the public.
- (c) Current unclassified civil service employees shall receive a copy of the alcohol and

drug free workplace policy as soon as the policy is implemented. New employees shall receive a copy upon employment.

Section 22 – That Section 22-40 of the Code of Ordinances be and hereby

is amended to read as follows:

Sec. 22-40. - Office of the mayor—Mayor.

- (a) The mayor shall be elected.
- (b) In order to equate the compensation of the mayor with the purchasing power of the dollar, the commissioner of finance shall compute by the second Friday in February of every year, beginning in 1999, the annual increase or decrease in the consumer price index of the preceding year by using 1972 as the base year in accordance with the authorized strength which sets the base salary of the mayor at twenty-five thousand dollars (\$25,000.00) per annum and with section 5.03 of the Charter of the Urban County Government which provides that the council shall set the same by ordinance. The commissioner of finance shall notify the director of the division of accounting of the annual rate of compensation to which the mayor is entitled pursuant to the increase or decrease in the consumer price index. Upon notification from the commissioner of finance, the mayor shall be salaried at the rate stipulated by the commissioner of finance, but the salary shall in no case be set below the base salary.

Section 23 – That Section 22-41 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 22-41. - Same—Chief administrative officer.

- (a) The chief administrative officer shall be appointed by the mayor subject to confirmation by a vote of three-fifths of the urban county council.
- (b) The salary of the chief administrative officer shall be as established by the council in the authorized strength; and the chief administrative officer shall be eligible for the benefits provided in sections 21-32 through 21-42, under the same terms and conditions as specified in those sections, and for any other benefits approved by the council for his position.

Section 24 – That Section 22-42 of the Code of Ordinances be and hereby

is amended to read as follows:

Sec. 22-42. - Same—Staff.

- (a) The mayor shall appoint his administrative aides and other staff. Such positions shall be as established by the urban county council in the authorized strength.
- (b) The salaries of administrative aides and other unclassified civil service staff appointed under this section shall be as established by the council in the authorized strength; and such administrative aides and secretaries shall be eligible for the benefits provided in sections 21-31 through 21-42, under the same terms and conditions as specified in those sections, and for any other benefits approved by the council for these positions.

Section 25 – That Section 22-43 of the Code of Ordinances be and hereby

is amended to read as follows:

Sec. 22-43. - Office of urban county council—Council members and vice-mayor.

- (a) The council members and the vice-mayor shall be elected according to the procedures established by law.

- (b) In order to equate the compensation of the councilmembers with the purchasing power of the dollar, the commissioner of finance shall compute by the second Friday in February of every year, beginning in 1999, the annual increase or decrease in the consumer price index of the preceding year by using 1972 as the base year in accordance with the authorized strength which sets the base salary of each councilmember at six thousand dollars (\$6,000.00) per annum and with section 4.05 of the Charter of the Urban County Government which provides that the council shall set the same. The commissioner of finance shall notify the director of the division of accounting of the annual rate of compensation to which the councilmembers are entitled pursuant to the increase or decrease in the consumer price index. Upon notification from the commissioner of finance, the councilmembers shall be salaried at the rate stipulated by the commissioner of finance, but any upward adjustment in the case of councilmembers other than the vice-mayor shall not exceed ninety (90) percent of the amount of such increase in the consumer price index and the salaries shall not be set below the base salary.
- (c) The councilmembers and the vice-mayor shall be eligible for the benefits provided in sections 21-32 and 21-42, under the same terms and conditions as specified in those sections, and for any other benefits approved by the council for these positions.

Section 26 – That Section 22-44 of the Code of Ordinances be and hereby

is amended to read as follows:

Sec. 22-44. - Same—Citizens' advocate.

- (a) The citizens' advocate shall be appointed by the urban county council according to the procedures established by law.
- (b) The salary of the citizens' advocate shall be as established by the council in the authorized strength; and the citizens' advocate shall be eligible for the benefits provided in sections 21-32 through 21-42, under the same terms and conditions as specified in those sections, and for any other benefits approved by the council for his position.

Section 27 – That Section 22-45 of the Code of Ordinances be and hereby

is amended to read as follows:

Sec. 22-45. - Same—Other staff.

- (a) The urban county council shall appoint the council administrator to the unclassified civil service system by a majority vote.
- (b) The salary of the council administrator shall be as established by the council in the authorized strength; and the employee holding the position of council administrator shall be eligible for the benefits provided in sections 21-31 through 21-42, under the same terms and conditions as specified in those sections, and for any other benefits approved by the council for this position.
- (c) The employee holding the position of council administrator shall serve for four (4) years corresponding with the terms of the at-large councilmembers. The term of the initial appointment of council administrator shall terminate on December 31, 2008 to correspond with the current terms of the district councilmembers. The council administrator may be reemployed for additional four (4) year terms, corresponding to the terms of the at-large councilmembers, by majority vote of the council. The accrual of benefits by the council administrator shall continue as established herein. If the employee holding the position of council administrator is not reemployed by the council, by majority vote for an additional term, then the employee's position is terminated at the end of the term.
- (d) The appointment, dismissal prior to the expiration of the term, or discipline of the council administrator shall be by a majority vote of the urban county council.

- (e) The director shall monitor and provide advice to councilmembers concerning the appointment, dismissal prior to the expiration of the term or discipline of the council administrator.
- (f) Urban county council members shall appoint their aides to council to the unclassified civil service, and the council must ratify same. Such positions shall be established by the council in the authorized strength.
- (g) The salaries of such aides shall be as established by the council in the authorized strength; and employees holding the position of aides to council shall be eligible for the benefits provided in sections 21-31 through 21-42, under the same terms and conditions as specified in those sections, and for any other benefits approved by the council for these positions. Employees holding the position of aide to council shall serve for two (2) years and may be reemployed by any councilmember. The accrual of benefits by the aide to council shall continue as established herein. The director shall monitor and provide advice to councilmembers concerning these appointments.

Section 28 – That Section 22-46 of the Code of Ordinances be and hereby

is amended to read as follows:

Sec. 22-46. - Department commissioners.

- (a) All department commissioners shall be appointed by the mayor, subject to confirmation by vote of the majority of the urban county council and according to the procedures established by law.
- (b) The salaries of the department commissioners shall be as established by the council in the authorized strength; and the department commissioners shall be eligible for the benefits provided in sections 21-32 through 21-42, under the same terms and conditions as specified in those sections, and for any other benefits approved by the council for these positions.

Section 29 – That Section 22-47 of the Code of Ordinances be and hereby

is amended to read as follows:

Sec. 22-47. - Alcoholic beverage control administrator.

- (a) The alcoholic beverage control administrator shall be appointed by the mayor.
- (b) The salary for the alcoholic beverage control administrator, shall be as established by the council in the authorized strength; and, as a part-time employee, the alcoholic beverage control administrator shall receive only those benefits provided for part-time employees in this chapter.

Section 30 – That Section 22-48 of the Code of Ordinances be and hereby

is amended to read as follows:

Sec. 22-48. - Friend of the court.

- (a) The friend of the court shall be appointed by joint action of the Fayette Circuit Court judges at the general term.
- (b) The salary of the friend of the court shall be as established by the urban county council in the authorized strength; and the friend of the court shall be eligible for the benefits provided in sections 21-32 through 21-42, under the same terms and conditions as specified in those sections, and for any other benefits approved by the council for his position.

Section 31 – That Section 22-49 of the Code of Ordinances be and hereby

is amended to read as follows:

Sec. 22-49. - Juvenile division of district court.

- (a) The mayor shall appoint the probation officers and professional and clerical personnel of the juvenile division of the district court. Such positions shall be as established by the urban county council in the authorized strength.
- (b) The salaries of such officers shall be as established by the urban county council; and they shall be eligible for the benefits provided in sections 21-32 through 21-42, under the same terms and conditions as specified in those sections, and for any other benefits approved by the council for these positions.

Section 32 – That Section 22-50 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 22-50. - Adult probation and court services.

- (a) The mayor shall appoint the probation officers and professional and clerical personnel of the adult probation and court services agency of the district court, but the employees of the agency shall be subject to the direction and control of the judges of the district court in the performance of their duties. Such positions shall be as established by the urban county council in the authorized strength.
- (b) The salaries of the employees of the agency shall be as established by the urban county council in the authorized strength; and they shall be eligible for the benefits provided in sections 21-32 through 21-42, under the same terms and conditions as specified in those sections, and for any other benefits approved by the council for these positions.

Section 33 – That Section 22-51 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 22-51. - Office of the coroner.

- (a) The coroner shall be elected. The coroner shall appoint the deputy coroners and clerical personnel. Such positions shall be as established by the urban county council in the authorized strength.
- (b) The salaries of the coroner, deputy coroner and clerical personnel shall be as established by the council in the authorized strength. The coroner shall be eligible for the benefits provided in sections 21-32 and 21-42; and any full- time deputy coroners and clerical personnel shall be eligible for the benefits provided in sections 21-32 through 21-42, under the same terms and conditions as specified in those sections, and for any other benefits approved by the council for these positions. Any part-time deputy coroners and clerical personnel shall receive only those benefits provided for part-time employees in this chapter.

Section 34 – That Section 22-52 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 22-52. - County judge executive and fiscal court commissioners.

- (1) The county judge executive and fiscal court commissioners shall be elected.
- (2) In order to equate the compensation of the county judge/executive with the purchasing power of the dollar, the commissioner of finance shall compute by the second Friday in February of every year, beginning in 2003, the annual increase or decrease in the consumer price index of the preceding year by using 2002 as the base year in which the base salary of the county judge/executive was set at seven thousand five hundred dollars (\$7,500.00) per annum. The commissioner of finance shall notify the director of the division of accounting of the annual rate of compensation to which the county judge/executive is entitled pursuant to the

increase or decrease in the consumer price index. Upon notification from the commissioner of finance, the county judge/executive shall be salaried at the rate stipulated by the commissioner of finance, but the salary shall in no case be set below the base salary.

The county judge/executive shall be eligible for the benefits provided in sections 21-32 and 21-42, under the same terms and conditions as specified in those sections, and for any other benefits approved by the council for his position.

- (3) The salaries of the fiscal court commissioners shall be as established by the urban county council in the authorized strength. They shall not receive any of the benefits provided for in chapter 21.

Section 35 – That Section 22-52.1 of the Code of Ordinances be and hereby

is amended to read as follows:

Sec. 22-52.1. - Constables.

- (a) The constables shall be elected.
- (b) The total personal compensation a constable may receive per annum from both salary and fees shall be equal to the amount annually stipulated by the state department of local government pursuant to KRS 64.527. The constables shall not receive any of the benefits provided for in chapter 21.

Section 36 – That Section 22-53.1 of the Code of Ordinances be and hereby

is amended to read as follows:

Sec. 22-53.1. - Police academy examination for appointment.

- (a) The division of human resources shall create a register for appointment to positions in the police academy.
- (b) The examination for appointment to the police academy shall be comprised of a two (2) phase process. Phase I shall consist of a written examination, a physical fitness test, and an oral examination. Phase II shall consist of a psychological suitability screening test, polygraph examination, and background investigation.
- (c) Candidates shall be at least twenty-one (21) years of age and shall not have reached their forty-first birthday by the application filing deadline date.
- (d) Prior to the academy class, the director shall close the date for applications for each class to be published as required by KRS Ch. 424.
- (e) The examination components shall be approved by the Kentucky Law Enforcement Council, and validated by the division of human resources.
- (f) Phase I shall consist of the following:
 - (1) A job-related written examination shall be prepared by the division of human resources. The test administrator shall provide each candidate with his score on the written examination and shall indicate to each candidate whether he is eligible to proceed.
 - a. A different version of the written test shall be given for each hiring process.
 - (2) Each candidate shall complete and pass the state required, certified physical fitness standard, Kentucky Peace Officer Professional Standards (POPS).
 - (3) An oral examination shall be prepared and administered by the division of police.
 - a. The oral examination board shall consist of the following five (5) members:
 1. A police sergeant, or above, and the police chief or a designated representative;

2. Two (2) police officers appointed by the police chief;
 3. A professional member of the community agreed upon by the director, the commissioner of public safety, and the chief of police; and
 4. At least one (1) African-American and one (1) female. One (1) individual may not satisfy both requirements.
 5. The director, or his designated representative, shall attend all sessions of the oral examination board as a neutral adviser and shall have no vote in any of the proceedings.
 6. A member of the urban county council, to be appointed by the vice mayor, may attend all sessions as a neutral observer and shall have no vote in any of the proceedings.
- (4) After the written and oral examination process, the representative and/or test administrator shall compute the scores of the candidates which will result in a preliminary ranking. Preference points equaling a two (2) percent upgrade will be added to any candidate's score who has served in any branch of the United States military and has received an honorable discharge.
- (g) Phase II shall consist of the following:
- (1) The chief shall establish the maximum number of candidates who shall proceed to Phase II of the hiring process which shall consist of a polygraph examination, a psychological suitability screening test and background investigation.
 - a. Upon completion of Phase II, all components from Phase I and II shall be reviewed and taken into consideration when recommending candidates for selection.
 - b. The division of police shall supply the director with a list of those candidates whom the division recommends be eliminated from the current and future hiring processes. The director shall accept the recommendation for elimination if the circumstances satisfy the requirements of KRS 95.430 and applicable sections of this Code. The aforementioned examination, test, and reports may also be used as a basis to remove a candidate at any other point in the process.
 - (h) When vacancies arise in the division, the chief shall select names from the eligible list equal to the number of approved positions and a sufficient number of alternates.
 - (i) After all requirements have been met the chief shall forward his recommendation through the urban county government chain of command to the mayor with a recommendation for appointment. The mayor may accept or reject any recommendation made through the chain of command and shall have the sole prerogative to make the final selections. After the final selections are made, the mayor shall submit the recommendations to the urban county council for approval to make conditional offers. After conditional offers are made and accepted, each selected candidate shall undergo a physical examination or medical examination and drug screening. All candidates who successfully complete the physical examination or medical examination and drug screening shall begin their probationary period.
 - (j) If a candidate is selected for an academy and is unable to attend or complete the academy due to unforeseen circumstances, the director and chief of police will review the situation and decide if the candidate will be allowed deferral to the next academy. Any candidate who is allowed to defer to the next academy must pass a new physical fitness test, and Phase II requirements.
 - (k) Upon the completion of the orientation section of the academy class, the list may be expired; however, the director and chief shall have the discretion to exhaust or maintain the register.

Section 37 – That Section 22-53.2 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 22-53.2. - Traffic school guards.

- (a) All traffic school guards shall be appointed by the mayor.
- (b) The salaries of the traffic school guards shall be fifteen dollars (\$15.00) per hour.

As part-time employees, the traffic school guards shall receive only benefits provided for part-time employees in this chapter.

Section 38 – That Section 22-54 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 22-54. - County board of elections.

- (a) The county board of elections shall be constituted as provided in KRS 117.035.
- (b) The salaries of those members of the board appointed by the state board of elections to four-year terms or to fill permanent vacancies in the same, shall be according to the following schedule:

- (1) The basic salary for administering the election laws and the registration and purgation of voters within Fayette County shall be forty-eight hundred dollars (\$4,800.00) per annum from July 1 of one (1) year until June 30 of the following year. This salary shall compensate the member for all duties with respect to the primary and the regular general elections. In any case where a member serves pursuant to KRS 117.085(1)(e) as a precinct election officer for absentee voting, he shall receive no additional compensation.
 - (2) In any year in which there are more than two (2) elections, the forty-eight hundred dollars (\$4,800.00) annual salary shall be increased by twelve hundred dollars (\$1,200.00) for each additional countywide election (one including all county precincts) and six hundred dollars (\$600.00) for each additional non-countywide election.
 - (3) In any case where a member is unable to act for the full year, his salary shall be prorated so that he receives that portion of total salary authorized in this section as the service in office bears to the year.
 - (4) The salaries of commissioners serving in place of the county clerk or sheriff on the board and temporary appointees to the board, shall be one hundred dollars (\$100.00) per day for each nonelection day the board meets and three hundred dollars (\$300.00) per day for each Election Day.
- (c) They shall not receive any of the benefits provided for in chapter 21.

Section 39 – That Section 22-55 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 22-55. - Secretary to board of trustees of police and fire fighters pension fund.

- (a) Pursuant to KRS 67A.560(2), the board of trustees of the police and fire fighters pension fund shall appoint the employee in the office of the commissioner of finance designated as secretary to the board of trustees of the police and fire fighters pension fund.
- (b) The salary of such employee shall be as established by the urban county council in the authorized strength; and he shall be eligible for the benefits provided in sections 21-32 through 21-42, under the same terms and conditions as specified in those sections, and for any other benefits approved by the council for this position.

Section 40 – That Section 22-55.1 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 22-55.1. - Local constitutional officers.

- (a) Every local constitutional officer listed below shall execute a bond for the faithful performance of the duties of his office in the amount specified below:

County judge/executive.....\$ 10,000

County clerk 400,000

Sheriff (KRS 70.020) 1,000,000

Sheriff (KRS 134.250) 5,000,000

County surveyor 10,000

Coroner 10,000

Deputy coroners 10,000

Constables 10,000

- (b) Each local constitutional officer listed in subsection (a) of this section who is in office on January 1, 1998, shall have presented his bond with sureties to the department of law for approval by the urban county council prior to that date. Each person elected to a local constitutional office listed in subsection (a) of this section after that date shall present his bond with sureties to the department of law for approval by the urban county council before the day the term of office to which he has been elected begins. Each person appointed to a local constitutional office listed in subsection (a) of this section after that date shall present his bond with sureties to the department of law for approval by the urban county council within thirty (30) days after he receives notice of his appointment.
- (c) Whenever the urban county council approves a bond with sureties pursuant to this section, the clerk of the urban county council shall record the approval of the bonds and sureties in the council's minutes.
- (d) The department of law shall record bonds approved pursuant to this section in the Fayette County clerk's records.
- (e) The department of law shall reimburse the premiums on the bonds of the local constitutional officers approved pursuant to this section from urban county government funds appropriated by the urban county council for that purpose, if a claim is made with a supporting affidavit by a local constitutional officer. However, pursuant to KRS 62.155, the premium on the sheriff's KRS 70.020 bond shall be paid or reimbursed by the Commonwealth of Kentucky and not by the department of law.
- (f) The KRS 70.020 bond of the sheriff shall be renewed annually and the bond of each constable shall be renewed biennially. All other bonds of the local constitutional officers listed in subsection (a) of this section shall be renewed for the term of any person elected or appointed to that office. However, the urban county council may at any time authorized by law require additional sureties of any local constitutional officers listed in subsection (a) of this section.

Section 41 – That Section 22-56 of the Code of Ordinances be and hereby

is amended to read as follows:

Sec. 22-56. - Temporary positions.

- (a) From time to time, the urban county council may authorize the establishment of temporary positions, other than those provided for in article II, including positions for the conduct of special inquiries, investigations or studies for the urban county government. Such temporary positions shall be for a fixed, definite period of time and in no case for an indefinite period of time. Unless otherwise provided by law, the mayor shall make appointments to all temporary positions, subject to ratification by the council.

- (b) The salaries of individuals holding such temporary positions shall be as established by the council in the authorized strength, or as otherwise provided by law. Individuals holding such temporary positions shall be eligible for the benefits provided in sections 21-31 through 21-42, under the same terms and conditions as specified in those sections, and for any other benefits approved by the council for these positions.

Section 42 – That Section 22-57 of the Code of Ordinances be and hereby

is amended to read as follows:

Sec. 22-57. - Part-Time positions.

- (a) From time to time, the urban county council may authorize the establishment of part-time positions, other than those provided for in article II. Unless otherwise provided by law, the mayor shall make appointments to all part-time positions.
- (b) The salaries of individuals holding such part-time positions shall be as established by the council, or as otherwise provided by law. They shall receive only those benefits provided for part-time employees in this chapter.

Section 43 – That Section 22-58 of the Code of Ordinances be and hereby

is amended to read as follows:

- (a) From time to time, the urban county council may authorize the establishment of seasonal positions. Such seasonal positions shall be for periods not in excess of nine (9) months. Unless otherwise provided by law, the mayor shall make appointments to all seasonal positions.
- (b) The salaries of individuals holding such seasonal positions shall be as established by the council in the authorized strength, or as otherwise provided by law. They shall receive only those benefits provided for seasonal employees in this chapter.

Section 44 – That Section 22-59 of the Code of Ordinances be and hereby

is amended to read as follows:

Sec. 22-59. - Benefits.

- (a) Part-time employees who have worked for the urban county government for twenty-four (24) continuous months shall earn vacation leave and sick leave at a rate of five (5) hours per month. Vacation and sick leave shall be credited on the first pay period of each month for the prior month.
 - (1) Vacation leave may only be utilized upon the supervisor's approval of the prior written request of the employee and may be used in any increment. Vacation leave will not be granted in excess of vacation credit earned by service prior to the starting date of leave. It shall be scheduled with regard to operating requirements, seniority of the employee, and, insofar as possible, with the written request of the employee. Absences due to sickness, injury or disability in excess of sick leave authorized in this chapter, for sick purposes, may, at the written request of the employee and with the written consent of the supervisor and the approval of the director, be charged to vacation leave credit. No refund of vacation time shall be allowed for illness incurred while on vacation leave. The vacation leave provided by this section is personal in nature and shall not be transferable from one (1) employee to another for any purpose. No vacation leave may be carried over from one (1) calendar year to the next, and employees shall not be paid for any accumulated vacation at the time of separation from government service. In situations where an employee is unable to obtain prior written approval, the employee may contact his supervisor and obtain verbal approval prior to using vacation leave. A leave form shall be

submitted once the employee returns to work to document the verbal approval.

- (2) Sick leave credit may be utilized by employees in any increment when they are incapacitated for the performance of duty due to sickness or injury, when they are quarantined, for doctor's appointments, and for a period not to exceed three (3) days in the case of death in the employee's immediate family. The immediate family for this purpose shall be deemed to include the parents, spouse or qualified adult, spouse's or qualified adult's parents, children or qualified adult's children, brothers, sisters, grandparents and grandchildren. Employees may also utilize sick leave in the event of serious illness of parents, spouse or qualified adult or children. However, sick leave will not be granted in excess of sick leave credit earned by service prior to the starting date of leave. All foreseeable leave for such purposes shall require specific prior approval of the supervisor; and, except in extenuating circumstances, sick leave shall be requested prior to the beginning of the work shift on the date of the absence. No sick leave compensation may commence until or unless the employee, either personally or through some member of his family or other person, gives such notice, including the reasons for the absence from duty and where the employee can be located, subject to the approval of the supervisor. When a sick leave absence exceeds three (3) consecutive working days, the employee shall provide the supervisor with a medical certificate which indicates the nature and extent of the illness. The sick leave provided by this section is personal in nature and shall not be transferable from one employee to another for any purpose. At the end of a calendar year, employees may carry over forty (40) hours of sick leave; however, employees shall not be paid for any accumulated sick leave upon separation from government service.

Section 45 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

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