

ORDINANCE NO. \_\_\_\_\_ - 2022

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES AS FOLLOWS: SECTION 21-1, AMENDING OR CREATING THE DEFINITIONS OF: AUTHORIZED STRENGTH, CLASSIFICATION OR CLASS, QUALIFIED ADULT, UNIFIED PAY PLAN, DELETING REFERENCE TO SECTION 21-5, AND RENUMBERING SUBSECTIONS; AMENDING SECTION 21-2, UPDATING TERMINOLOGY; SECTION 21-3, UPDATING TERMINOLOGY; SECTION 21-6, UPDATING TERMINOLOGY, UPDATING REFERENCES TO THE KENTUCKY REVISED STATUTES AND KENTUCKY ADMINISTRATIVE REGULATIONS AND RENUMBERING SUBSECTIONS; SECTION 21-7, UPDATING TERMINOLOGY; SECTION 21-8, UPDATING TERMINOLOGY; SECTION 21-9, UPDATING TERMINOLOGY AND DELETING SUBSECTION 21-9(B); SECTION 21-10, UPDATING TERMINOLOGY; SECTION 21-11, UPDATING TERMINOLOGY; SECTION 21-12 UPDATING TERMINOLOGY CONSISTENT WITH KRS CHAPTER 67A, AND RENUMBERING SUBSECTIONS; SECTION 21-13, UPDATING TERMINOLOGY, DELETING SUBSECTION 21-13(E), AND RENUMBERING SUBSECTIONS; SECTION 21-14, UPDATING TERMINOLOGY; SECTION 21-15, UPDATING TERMINOLOGY; SECTION 21-16, UPDATING TERMINOLOGY; SECTION 21-17, UPDATING TERMINOLOGY AND PROVIDING THAT EMPLOYEES WHO TRANSFER TO A NEW POSITION SHALL SERVE A SIX-MONTH PROBATIONARY PERIOD IN THEIR NEW JOB CLASS; SECTION 21-18, UPDATING TERMINOLOGY AND RENUMBERING SUBSECTIONS; SECTION 21-23, UPDATING TERMINOLOGY, DELETING SUBSECTION 21-23(E) AND RENUMBERING A SUBSECTION; SECTION 21-26, UPDATING TERMINOLOGY AND RENUMBERING SUBSECTIONS; SECTION 21-26.1, UPDATING TERMINOLOGY; SECTION 21-27, UPDATING TERMINOLOGY, DELETING SUBSECTIONS 21-27(C) AND (G), AND REMEMBERING SUBSECTIONS; SECTION 21-28, UPDATING TERMINOLOGY AND RENUMBERING SUBSECTIONS; SECTION 21-29, CLARIFYING THE PROCESS FOR WITHIN GRADE SALARY INCREASES AND RENUMBERING SUBSECTIONS; SECTION 21-30, UPDATING TERMINOLOGY; SECTION 21-32, UPDATING TERMINOLOGY, DELETING SUBSECTION 21-32(D) AND RENUMBERING SUBSECTIONS; SECTION 21-33, DELETING REFERENCES TO SECTIONS 21-25 AND 21-31; SECTION 21-34, UPDATING TERMINOLOGY, DELETING REFERENCES TO SECTIONS 21-25 AND 21-31 AND AMENDING IMMEDIATE FAMILY FOR PURPOSES OF SICK LEAVE TO INCLUDE QUALIFIED ADULT RELATIONSHIPS; SECTION 21-35, UPDATING TERMINOLOGY AND AMENDING IMMEDIATE FAMILY FOR PURPOSES OF BEREAVEMENT LEAVE TO INCLUDE QUALIFIED ADULT RELATIONSHIPS; SECTION 21-37, UPDATING TERMINOLOGY AND UPDATING REFERENCES CONSISTENT WITH KRS 337.015 AND RENUMBERING SUBSECTIONS; SECTION 21.37.1, UPDATING TERMINOLOGY AND RENUMBERING SUBSECTIONS; SECTION 21.37.2, UPDATING TERMINOLOGY AND RENUMBERING SUBSECTIONS; SECTION 21-38, CREATING SECTION 21-38(D); SECTION 21- 39, DELETING REFERENCE TO SECTIONS 21-25 AND 21-31; SECTION 21-40, UPDATING TERMINOLOGY AND DELETING REFERENCE TO SECTION 21-25 AND 21-31; SECTION 21-41, UPDATING TERMINOLOGY AND DELETING REFERENCE TO SECTION 21-25 AND 21-31; SECTION 21-42, DELETING REFERENCE TO THE DIVISION OF RISK MANAGEMENT; SECTION 21-45, UPDATING TERMINOLOGY; SECTION 21-52, UPDATING THE DRUG FREE WORKPLACE POLICY TO INCLUDE ANY AMENDMENTS; ALL EFFECTIVE UPON PASSAGE OF COUNCIL.

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BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Section 21-1 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-1. Definitions.

In this chapter, unless the context requires otherwise:

- (1) *Appointing authority* means, for the classified civil service employees in the office of the urban county council, the urban county council, and for all other classified civil service employees, the mayor.
- (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:
  - (i) Duties performed and responsibilities;
  - (ii) Minimum qualification requirements of education, experience, licenses, and certifications;
  - (iii) Tests of knowledge, skills and abilities used to recruit employees;
  - (iv) Pay grades; and
  - (v) Job Title.
- (4) *Commission* means the civil service commission as established under KRS 67A.230.
- (5) *Director* means the director of human resources.
- (6) *Executive unit* means a division, department or office of the urban county government, as the context of this chapter indicates.
- (7) *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.
- (8) *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.
- (9) *Supervisor* means the director of the division in which a classified civil service employee serves; or, in the case of a classified civil service employee either not

serving within a division or division directors themselves, the commissioner of his department; or, in the case of either directors of the divisions within the office of administrative services or employees in the office of the chief administrative officer, the chief administrative officer.

When a classified civil service employee does not serve directly under a division director or a department commissioner or the chief administrative officer, the supervisor is the urban county government officer or employee responsible for assigning his duties and overseeing his performance.

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

Section 2 – That Section 21-2 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-2. Adoption and amendment of the plan.

- (a) All positions in the urban county government, except those exempted from the "civil service" by KRS 67A.210 and from the "classified civil service" by Charter section 9.02, shall be in the classified civil service, and shall be grouped into classifications as defined in 21-1(3).
- (b) The urban county council shall fix, by ordinance, the number and classification of the urban county classified civil service positions and the salaries for each classification. This shall be known as the "classified civil service authorized strength."
- (c) All subsequent additions, revisions or amendments affecting the classified civil service plan shall be made by ordinance. The council shall not initiate or enact any such change without first securing the written recommendations of the mayor, the chief administrative officer and the director. The director shall consult with and seek the advice of the commission on all matters pertaining to the subsequent revision of the classified civil service plan.
- (d) The director shall, under the direction of the chief administrative officer, periodically review the positions in the classified civil service 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, subject to review by the commission, that the classification and/or pay grade is no longer consistent with the actual work performed; however, no civil service employee shall be dismissed, suspended or reduced in grade or pay for reason except as set out in KRS 67A.280 and sections 21-44 and 21-45 hereof.
- (e) 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 3 – That Section 21-3 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-3. Administration and maintenance of the plan.

- (a) With the advice and assistance of the commission, the director shall be responsible for the administration of all ordinances and regulations pertaining to the classified civil service, including recruitment, examination, classification, probation, promotion and compensation programs affecting the classified civil

service. The director shall make and enforce culture- fair rules pursuant thereto. Except in the case of the certification of lists of eligible applicants for employment, he shall initially perform all of the functions arising out of the management of the classified civil service plan, subject to review, amendment, or change by the commission. In respect of all matters delegated, periodic reports shall be made by the director to the commission, not less than monthly.

- (b) Any direction of the commission or any proposed alterations or changes in the action of the director shall be promptly complied with by the director. However, in the event that the commission amends, alters or changes any actions of the director, or in the event the commission gives any directions to the director, or in any way acts to control the director, such amendment, change, alteration, direction or control shall be in writing to the director and the urban county council and shall be supported by findings, which findings shall be supported by substantial evidence of the error of the director.
- (c) Lists of eligible applicants for employment may be prepared by the director, but the commission shall officially certify all applicants to be placed on the list of qualified persons eligible for positions in the classified civil service before submission to the appointing authority. Written notice shall be given to the urban county council whenever the commission preempts the director in the preparation of the lists of eligible applicants.

Section 4 - That Section 21-6 of the Code of Ordinances be and hereby is

amended to read as follows:

Sec. 21-6. Employee qualifications.

- (a) In addition to the qualifications for each class as set forth in the job descriptions, it shall be understood that to be eligible for classified civil service appointment an applicant must:
  - (1) Be not less than eighteen (18) years of age and meet all applicable mental, physical or statutory requirements of the positions.
  - (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).
  - (4) Not have been, in the twelve (12) months preceding the application deadline date or during the application process, suspended, or dismissed or forced to resign from employment with the Lexington- Fayette Urban County Government. However, this subsection shall not apply to any employee terminated as a result of excessive absences due to a serious health condition or illness. Applicants terminated meeting the above criteria may request approval to apply for a position from the mayor or his designee who shall request that the potential applicant provide medical documentation from a health care provider to substantiate the serious medical condition or illness which led to the excessive absences.
- (b) There shall be no residency requirements for appointment to the classified civil service, but all members thereof shall reside in such proximity to the urban county as to be able to respond for on-call or emergency duty within a reasonable time.
- (c) (1) As used in this subsection:

- (a) Child mean any person under the age of eighteen (18) years.
  - (b) 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.
  - (c) 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 a classified 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 all other qualifications, applicants for positions in the division of community corrections shall not have been convicted of a felony and shall be orderly and law-abiding persons. Appointees to security positions in the division of community corrections shall be at least twenty-one (21) years of age.

Section 5 – That Section 21-7 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-7. 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 classified 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) 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 duties assigned to each position under subsection (a) herein, the job descriptions shall contain examples of the duties employees 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 21-8 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-8. Recruitment.

The director, or a designee, in consultation with the supervisor in whose executive unit a vacancy occurs, shall determine the minimum specific recruiting methods to be used; but at a minimum the director, or a designee, will prepare recruitment announcements which shall be used to give public notice of

vacancies by publication pursuant to KRS chapter 424. Recruitment announcements will contain, but not be limited to, position title, specific minimum qualifications, salary, closing date for applications, and such other information as the director deems appropriate.

Section 7 – That Section 21-9 of the Code of Ordinances be and hereby is

amended to read as follows:

Sec. 21-9. Applications.

- (a) All applications must be made in the official format on or before the closing date specified in the recruitment announcement. Incomplete applications may be disqualified from consideration. Applications which are submitted become the property of the urban county government.
- (b) Applicants must satisfy the minimum requirements stated in the job description and the recruitment announcement, or otherwise established by law or ordinance. Supporting documentation may be required and shall be furnished upon request.
- (c) No applicant shall proceed in the recruiting process for any position in the classified civil service who has made false statements of material fact in his application; has used, or attempted to use, any unfair method to obtain an advantage in an examination or appointment to which he is not rightfully entitled; has directly or indirectly obtained knowledge of the contents of the examination to which, as an applicant, he was not entitled, or who has taken part in compiling, administering or scoring the examination; has used or threatened to use or attempted to use political influence in securing employment, reemployment or promotion or has failed to submit his application correctly and fully or within the prescribed time limit.

Section 8 – That Section 21-10 of the Code of Ordinances be and hereby is

amended to read as follows:

Sec. 21-10. Examinations.

- (a) Culture-fair, job-related and open examinations or evaluations will be used to determine the eligibility of applicants for employment and their rankings on the eligible list.
- (b) The content and combination of tests to be used shall be determined by the director, who shall provide for examination of all eligible applicants as to their physical and mental qualification for the particular classification wherein they seek employment.
- (c) Examinations or evaluations may consist of any one or more of the following: Written tests, interviews, appraisals of experience and training, appraisals of past job performance based on performance evaluation, physical agility tests, job performance tests, or other relevant selection criteria. Members of examination or evaluation boards who are not urban county government officers or employees and who have been approved as raters by the director shall be compensated at the rate of forty dollars (\$40.00) for each day of service as a rater.
- (d) The director, or a designee, shall be responsible for the scheduling of all examinations and publishing notices thereof. Actual notice of the time and place of examinations shall be given to all eligible applicants.
- (e) The passing score for each exam shall be determined in accord with criteria established by the American Psychological Association Standards for

## Testing and Examination Procedures.

- (f) After examinations have been scored, a list of qualified eligible applicants in order of their earned rating will be compiled from those who have achieved passing scores. After compilation of the eligible list, it shall be submitted to the commission for approval. If the commission approves the same, the list shall be officially certified to the appointing authority. The director may provide for further, substantially identical examinations, given on the same basis as the original examination, to supplement a list so compiled. The results of each such subsequent examination shall be consolidated, upon approval of the commission, with the results of the prior examinations to provide an eligible list from among all of those who have taken such several examinations.
- (g) In case of a vacancy in the classified civil service where peculiar and exceptional qualifications of a particular professional or educational character are required, upon satisfactory evidence of reasons stated in writing by the appointing authority, the director may suspend the provisions requiring competitive examination under classified civil service.
- (h) The graded test paper of each person examined shall be available for the individual's own inspection in the division of human resources during business hours for a ten-day period, exclusive of Saturday, Sunday and holidays, following the posting of the list. A manifest error in the grading of any examination paper, if called to the attention of the director within this ten-day period, shall be corrected if certification has not occurred within this period, or if after certification, the director shall call the error to the attention of the commission.

Section 9 – That Section 21-11 of the Code of Ordinances be and hereby is amended to read as follows:

### Sec. 21-11. Military and seniority preference.

- (a) Every soldier, sailor, marine, members of the Air Forces, Army Nurses Corp., and members of other branches of the military services and Red Cross nurses who served during a period of hostilities between the United States and another power in World War II, the Korean or Vietnam conflict, the Persian Gulf War, Operation Iraqi Freedom, or Operation Enduring Freedom, who has not been dishonorably discharged and who is an applicant for any classified civil service position shall be entitled to five (5) percent increase on his examination mark on entrance into classified civil service employment.
- (b) Seniority shall be given material consideration in filling a vacancy in the classified civil service of the urban county government as follows:
  - (1) One (1) year for each complete year served in good standing in the level or rank nearest the level or rank in which the vacancy exists up to a maximum of ten (10) years, and one (1) year for each complete year served in good standing in the division in which the vacancy exists, exclusive of "acting service time" or temporary appointment, up to a maximum of ten (10) years, shall be added to the evaluation/examination score of any present employee who applies for a classified civil service position; and the resulting number of points shall be added to the applicant's examination score.
  - (2) Seniority shall be measured from the date of entrance into classified civil service employment, but it shall not be earned during any leave of absence without pay or absence without leave. All seniority credit shall be extinguished upon dismissal

or upon acceptance of resignation.

- (3) Classified civil service employees in the division of community corrections, who were employees of the jailer prior to the consolidation of the offices of jailer and sheriff on January 3, 1994, shall be eligible to receive seniority credit as described in this subsection (b) for all years served as employees of the jailer; however, such seniority shall only be credited when these employees compete for positions within the division of community corrections.
- (c) In no case shall the application of the seniority or military preference consideration contained in this section operate to raise an applicant's unadjusted evaluation score if such score is below the minimum score set for qualification for appointment to the position for which application is made.

Section 10 – That Section 21-12 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-12. Eligibility lists.

- (a) The commission shall, as soon after examination as is practicable, certify to the appointing authority a list of the applicants so examined, with the one having the highest average ranked first and all others ranked numerically according to the results of the examination.
- (b) The director shall maintain an eligible list of all applicants who meet the minimum qualifications for each position to be filled.
- (c) The eligible list shall remain in existence for the time limit established by the director. In no case, however, may a list remain in effect beyond one (1) year from the time of the first interview from the list or beyond two (2) years from the time of certification. The eligible list shall be in effect from the date it is certified by the commission.
- (d) The name of an applicant shall be removed from the eligible list if the applicant has been certified by the commission from an eligible list more than five (5) times to the same division for the same or similar positions; however, certification for temporary appointment shall not be counted as one of such certifications.
- (e) The name of an applicant shall be removed from the eligible list at the expiration of such list, unless extended. In the latter case, the name shall be removed at the end of the extension; but in no case may a name remain in effect beyond one (1) year from the time of the first interview from the list or beyond two (2) years from the time of the certification of the list.
- (f) A person who refuses more than one (1) appointment or accepts appointment to a position in the class for which he is certified shall have his name removed from the eligible list.
- (g) A person who has engaged in fraud or made a misstatement of material fact in his application and/or examination shall have his name removed from the eligible list.

Section 11 – That Section 21-13 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-13. Requisition and certification.



- (a) Whenever a vacancy in a classified civil service position is to be filled, other than by transfer, the supervisor in whose unit the vacancy occurs will notify the appointing authority and the director as far in advance as possible. The appointing authority may request, on a form prescribed by the director, a current list of eligible applicants.
- (b) In cases where selective certification based on a bona fide occupational qualification is desired, the request for personnel will include complete justification for these qualifications.
- (c) At the time of certification to the appointing authority, the director will notify the supervisor in whose executive unit the vacancy exists of the current list of eligible applicants. However, it shall be the responsibility of the appointing authority, or if he delegates, the supervisor, to schedule a pre-employment interview with a minimum of five (5) candidates for all positions in which there are five (5) or more applicants on the list certified by the commission.
- (d) If the number of applicants with military preference points equals or exceeds three (3), the hiring manager shall interview no less than three (3) military applicants.
- (e) If the number of applicants with internal preference points (as defined by KRS 67A.270(6)) equals or exceeds three (3), the hiring manager shall interview no less than three (3) internal applicants.
- (f) Failure to appear at the pre-employment interview without furnishing satisfactory explanation to the supervisor shall warrant the director's removal of an individual from the eligible list.
- (g) When a vacancy is to be filled and a request for a new list has been refused by the director, appointment shall be made by selection of one (1) of the applicants from the current list of eligible applicants.

Section 12 – That Section 21-14 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-14. Appointments.

- (a) The appointing authority shall make all classified civil service appointments, probationary and permanent. Prior to appointment, the appointing authority shall receive recommendations from the supervisor in whose executive unit the vacancy exists. In all cases the appointing authority shall receive the recommendation of the chief administrative officer prior to a conditional offer being made. After recommendations are submitted to the appointing authority, the individual may authorize the division of human resources to make conditional offers. The division of human resources shall submit a report of all classified civil service appointments to the urban county council within thirty (30) days after the appointment is made.
- (b) All classified civil service appointments shall be made only from the list of applicants certified by the commission after examination. Appointments shall be made only by the selection of one (1) of the applicants from the current list of eligible applicants. All such appointments will be probationary pending completion of the probationary period. No employee appointed to a position requiring a physical examination or medical examination, as specified by the director, shall begin work until he has passed the required physical or medical examination. No employee shall be subject to a physical examination or medical examination until after a conditional offer has been made and accepted. If an employee successfully passes his physical examination or medical examination, he may begin his probationary period.
- (c) Before permanent appointment, employees shall serve a six (6) month

probationary period.

- (d) The probationary period shall be used for the effective adjustment of new employees through supervision, counseling and evaluation, as well as for the elimination of any probationary employees who do not meet the required standards of work. The appointing authority may terminate a probationary employee at any time during the probationary period without the right of a hearing before the commission.
- (e) No later than two (2) weeks prior to the conclusion of the probationary period, the employee's supervisor shall recommend in writing to the appointing authority the release or permanent appointment of the employee. The supervisor's recommendation shall not be binding on the appointing authority. A recommendation for permanent appointment shall be accompanied by a certification by the supervisor that the employee's probationary period has been successfully completed.
- (f) Prior to the conclusion of the probationary period, the appointing authority shall either terminate the employee under the same conditions as in subsection (d) or make a permanent appointment as provided in subsection (a). An employee who is not released prior to service of six (6) months in probationary status shall acquire permanent status automatically.

Section 13 – That Section 21-15 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-15. Temporary appointments.

- (a) In the event there is no appointee occupying a particular classified civil service position, a vacancy exists in such position. No person except a probationary or permanent appointee within the meaning of section 21-12 or an acting appointee within the meaning of section 21-16 shall assume the duties of a vacant classified civil service position unless a temporary appointment is made under these provisions. A temporary appointee shall be salaried at the entrance rate of pay of the grade salary range of the vacant position, except that any existing urban county government employee temporarily appointed shall be paid at the point in the higher grade salary range that will provide a total increase of seven (7) percent over the salary he received immediately prior to the temporary appointment if the appointment is one (1) grade higher than that occupied by the employee, three (3) percent for the next grade higher than that occupied by the employee and two (2) percent for each additional pay grade thereafter not to exceed the maximum of the assigned range; 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. A classified civil service employee of the urban county government who is temporarily appointed to another classified civil service position shall be credited with time of service in his own position for time spent in a temporary appointment.
- (b) Where it is imperative to fill a vacancy in the classified civil service, the appointing authority may make a temporary appointment, not to exceed ninety (90) days, from the list of those eligible for permanent appointment, if the person selected accepts such temporary appointment. Successive temporary appointments to the same position shall not be made under this provision. The acceptance or refusal by an eligible applicant of a temporary appointment shall not affect his standing on the register for permanent appointment, nor shall temporary service be counted as part of the probationary service in case of subsequent appointment to a permanent position.

- (c) Whenever it is imperative to fill a vacancy in the classified civil service before the commission can certify a list of persons eligible for appointment after competitive examination, the appointing authority shall nominate a competent person from the same class or the next lower rank to the commission; and if certified by the commission as qualified he may be appointed temporarily to fill the vacancy until an appointment can be made after competitive examination. Temporary appointments hereunder shall continue only until a regular appointment can be made from the eligible list prepared by the commission. In no case shall appointments hereunder continue longer than ninety (90) days; and in no case shall successive appointments be made of the same person or other persons to such vacancy, except as provided herein.
- (d) Where it is imperative to fill a vacancy in the classified civil service and where no one on the eligible list or by promotion from the same class or the next lower rank is available, competent and qualified, the temporary appointment may be made by the appointing authority without examination. Temporary appointments hereunder shall continue only until the regular appointment can be made from the eligible list prepared by the commission. In no case shall appointments hereunder continue longer than ninety (90) days; and in no case shall successive appointments be made of the same person or other persons, to such vacancies, except as provided herein.
- (e) Notwithstanding the ninety (90) day limit for temporary appointments established under the preceding subsections, temporary appointments made by reasons of these provisions, made necessary solely by reason of illness or disability of regular employees, may continue during such period of disability, but in no case longer than nine (9) months.
- (f) Subject to the statutes and urban county government Charter, and except as otherwise provided by law, classified civil service employees may be temporarily appointed to positions in the urban county government which are excluded from the classified civil service. Salary and service credit provisions shall be the same as in subsection (a) hereof.
- (g) An employee receiving a temporary appointment shall sign an agreement acknowledging the understanding that the appointment and pay are temporary and shall end when the position is filled or the employee is removed from the temporary position.

Section 14 – That Section 21-16 of the Code of Ordinances be and hereby

is amended to read as follows:

Sec. 21-16. Acting assignments.

- (a) In the event of the absence of an employee from any position in the urban county government, the director, on the recommendation of the supervisor or supervisors, involved, and with the approval of the chief administrative officer, may assign a classified civil service employee in an acting capacity to perform the duties of the position so absented. No employee so assigned shall receive any additional compensation by reason of said assignment but shall be credited with time of service in his own position for time spent in any position in which the employee is assigned in an acting capacity. If the absence of the employee, for which position a classified civil service employee has been assigned in an acting capacity, becomes vacant within the meaning of section 21-15, the procedures for making a temporary appointment thereunder must be initiated immediately.
- (b) If the absence of the employee exceeds fifteen (15) working days, the employee in the acting assignment shall receive pay at the point in the grade salary range of the absent employee that will provide a total increase of seven (7) percent over the salary he received immediately prior to the acting

assignment if the assignment is to a grade one (1) grade higher than that occupied by the employee, a-three (3) percent for the next grade higher than that occupied by the employee and two (2) percent for each additional pay grade thereafter not to exceed the maximum of the assigned range; 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 shall the employee receive a salary lower than the entrance rate of pay of the grade salary range of the higher position. However, all employees so assigned whether entitled to a pay increase or not, shall receive credit for time of service in their own position for time spent in any position in which the employee is assigned in an acting capacity.

- (c) In the event a vacancy within the meaning of section 21-15 arises, which vacancy must, owing to a bona fide emergency, be immediately filled by an employee, the mayor, the chief administrative officer or the supervisor or supervisors involved may assign a classified civil service employee to such position in an acting capacity. Such assignment shall be valid only until the provisions of section 21-15, relating to temporary appointments, can be initiated and completed.
- (d) In the event there is no qualified person in the classified civil service to assume the duties of the position, appointments shall be made in accord with subsections (b) through (f) of section 21-15.
- (e) An employee receiving an acting assignment shall sign an agreement acknowledging the understanding that the assignment and pay are for filling an absented position and shall end when the absent employee returns or; the assigned employee is removed from the acting position or pursuant to subsection (c) above.

Section 15 – That Section 21-17 of the Code of Ordinances be and hereby

is amended to read as follows:

Sec. 21-17. Transfers or lateral movement.

- (a) The director, subject to the approval of the chief administrative officer, may approve an interdepartmental or intradepartmental transfer in the same class without examination or certification if an employee initiates a request and secures the approval of the supervisor into whose unit the transfer is to be made.
- (b) The director, subject to the approval of the chief administrative officer and affected supervisors, may approve, without examination or certification, involuntary interdepartmental or intradepartmental transfer of employees in the same classification because of reorganizations or changes in workload. Employees so affected shall be given reasonable written advance notice.
- (c) Permanent employees who are transferred to another position in the same classification shall not be required to undergo a probationary period in the position into which they have been transferred.
- (d) The director, subject to the approval of the chief administrative officer, may approve one (1) intradivisional transfer in the same class without examination for any employee during his probationary period. Upon written request of the employee after at least four (4) weeks of employment, the director shall verify that the supervisor involved concurs and that the employee has received orientation in the new position. Probationary employees shall not be eligible for transfer more than once nor to positions outside their division. Time spent by the probationary employee in his original position shall be counted as part of his six-month probationary period.

- (e) If an employee is selected for a position in a new job class that has the same pay grade as the current job class, the employee shall not receive a new salary recommendation and shall move to the new job class at the current salary. The employee shall be required to undergo a probationary period in the position in the new job class.

Section 16 – That Section 21-18 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-18. Promotions.

- (a) All vacancies in the classified civil service shall be filled through open, competitive examination unless the urban county council shall designate by ordinance positions for which examinations, shall first be given exclusively to current employees. The certification of applicants for all appointments and promotions shall be based on an evaluation of examination, qualification, seniority, and military preference, as provided in the statutes and ordinances.
- (b) Any urban county government employee who obtains a position within the classified civil service having a higher grade than his former 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 promotion is to a grade one (1) grade higher than that occupied by the employee, three (3) percent for the next grade higher than the employee's current position and two (2) percent for each additional pay grade thereafter. The resulting pay shall be no less than the entrance rate of pay of the new pay grade and shall be no less than a seven (7) percent increase. The new salary shall not be more than the maximum salary of the assigned pay grade; provided, however, that the appointing authority may recommend and the urban county council may approve a rate of pay above these 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 of the grade salary range of the higher position.

Section 17– That Section 21-23 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-23. Reinstatement.

- (a) Any former classified civil service employee who, after completing his probationary period, separates from his position other than by dismissal shall be eligible for reinstatement to his former position or another position in the same classification for a period of one (1) calendar year following the date of separation.
- (b) Any employee may be reinstated to his former position only upon completion of the following requirements:
  - (1) A written request for reinstatement is made by the employee to the appointing authority within one (1) calendar year from the date of separation from service.
  - (2) The employee received at least a two (2) rating on his last job performance evaluation prior to separation from service.
  - (3) The director, or a designee, determines that the employee meets the current requirements for the position.
  - (4) The appointing authority approves the employee's reinstatement.

The recommendation of the employee's former supervisor shall be submitted for consideration by the appointing authority.

- (c) Any employee 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 employee upon reinstatement shall be set at the current pay grade assigned to his former position at the same salary as the employee 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 employee's seniority or entitlement to vacation leave, sick leave or for employees hired before June 24, 1996, longevity pay.

Section 18 - That Section 21-26 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-26. 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 this class. The appointing authority may recommend and the urban county council may approve a rate of pay above the entry rate of pay for the grade when it is found to be difficult to recruit qualified persons at the entry rate of pay or in recognition of the experience or exceptional qualifications of a candidate.
- (b) The rate of pay for new employees, whose qualifications can be verified, may be placed in the range according to their qualifications.
- (c) 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.
- (d) 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 19 – That Section 21-26.1 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-26.1. Demotion.

- (a) The appointing authority, upon the recommendation of the director and approval of the urban county council, may grant voluntary demotion to an employee who meets the following criteria:
  - (1) The employee must apply in writing to his division director for voluntary demotion to an existing vacant position, and the division director shall forward the completed application to the director.
  - (2) The employee must have previously held a position in the class to which he is requesting demotion or have been on an eligibility list for the position or have performed a majority of the duties of the position even if the class title may have changed after he left the position.
  - (3) The employee must secure the approval of the supervisor into whose

division the demotion is to be made.

- (4) The employee must have received a rating of at least two (2) on one (1) of his last two (2) performance evaluations.
- (5) An employee who seeks voluntary demotion because of physical inability to perform job duties must provide appropriate medical documentation to support the request. Said documentation shall be attached to the employee's written request for voluntary demotion.
- (6) Any employee who is granted a voluntary demotion shall be placed in the grade salary range of the position to which he is being demoted with a total reduction in salary of seven (7) percent for the first pay grade below the employee's current pay grade, three (3) percent for the next pay grade and a two (2) percent for each additional pay grade thereafter, provided, however, that no employee shall be paid below the entrance rate of pay or above the maximum for the grade.
- (7) The director shall make reasonable rules and regulations necessary to implement this section.

(b) If an employee is selected for a position in a new job class that has a lower pay grade than the current job class, the employee shall be placed in the grade salary range of the job class to which he is being demoted with a total reduction in salary of seven (7) percent for the first pay grade below the employee's current pay grade, three (3) percent for the next pay grade and a two (2) percent for each additional pay grade thereafter; provided, however, that no employee shall be paid below the entrance rate of pay or above the maximum for the grade.

Section 20 – That Section 21-27 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-27. Computation of salaries.

- (a) The biweekly salary rates described in the salary schedules are fixed on the basis of full-time service as defined in section 21-19. In any case listed below, the salary prescribed for full-time employment for any classified civil service employee 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 a classified civil service employee is absent from duty without permission within the meaning of section 21-43;
  - (2) Where the inception of termination of employment occurs during the pay period;
  - (3) Where a classified civil service employee is on authorized leave without pay.
- (b) The salary of an employee in the division of computer services, the division of police, the division of fire and emergency services, the division of community corrections, the office of the chief information officer, and the division of enterprise solutions, who is exempted from statutory overtime requirements shall be computed as in subsection (a) of this section, except that there shall be a ten (10) percent increment to the biweekly salary rate for any pay period during which said employee is required to be on twenty-four-hour standby status for the emergency servicing of computer equipment. By July 1 of each fiscal year, each affected division shall submit to the director of human resources a listing of employees and the specific pay periods they will be required to serve on the twenty-four-hour standby

status.

- (c) Nonexempt employees required by their job duties to hold a commercial driver's license (CDL) shall receive a one dollar and eight cents (\$1.08) per hour supplement to their hourly rate so long as they hold a position requiring the commercial driver's license (CDL). Exempt employees required by their job duties to hold a commercial driver's license (CDL) shall receive a forty-three dollar and twenty cents (\$43.20) weekly supplement so long as they hold a position requiring the commercial driver's license (CDL). These supplements reflect the additional responsibility and scrutiny required to qualify for and maintain the commercial driver's license (CDL). The director shall make reasonable rules and regulations necessary to implement this section.
- (d) The urban county council may, on the recommendation of the director and with the approval of the chief administrative officer, authorize a salary supplement to classifications in the classified civil service under the following terms and conditions:
  - (1) Employment market conditions must make it exceptionally difficult to recruit and retain qualified employees in the classifications as reflected by multiple unsuccessful recruitment processes, excessively high turnover rates and evidence from outside sources that employment market conditions warrant such a supplement.-
  - (2) When the employment market conditions supporting the salary supplements change so as to make the salary supplement unnecessary for a given classification, the director, with the approval of the chief administrative officer, shall recommend to the urban county council that the supplement be discontinued.
  - (3) The salary supplements shall not be included in the computation of salary increases; such increases are based on a percent of each employee's base salary without the supplement.
  - (4) The director shall make reasonable rules and regulations to implement this section.
- (f) Any classified civil service employee who is officially designated as "on-call" shall receive additional compensation at the rate of ten dollars (\$10.00) per day, Monday through Friday, and fifteen dollars (\$15.00) per day on weekends and holidays. On-call employees who are called back to work shall be compensated for a minimum of two (2) hours. The CAO may adopt an administrative policy by which the director shall implement the provisions of this subsection.
- (g) The director may, with the approval of the chief administrative officer and subject to sufficient funding, authorize a salary supplement of ninety dollars (\$90.00) per month to full time, non-sworn employees holding positions in the classified civil service under the following terms and conditions:
  - (1) A full time, non-sworn employee shall be deemed to be in a high risk position when, cumulatively, the majority of the employee's work and duties are performed under conditions which could result in serious illness, severe personal injury or a substantial endangerment to health when exposed to minimally controllable or hazardous conditions, notwithstanding preventative efforts such as training, skills, abilities, protective equipment or engineered controls as required by OSHA.
  - (2) The director, after desk audits of positions identified as having high physical demands or hazardous working conditions in the current position classification system, shall identify those employees whose positions qualify them for the high risk job pay supplement.



- (3) A position identified as high risk must, for a majority of the employee's work time, either singly or cumulatively, expose the employee to: lifting, carrying, pushing or pulling; heavy equipment; falling; machinery with moving parts; confined spaces; traffic; excavation; ladders or scaffolding; hazardous materials and chemicals; falling objects; or biological or infectious diseases.
- (4) If a given position is not identified as a high risk position, the employee holding the position may appeal to a committee comprised of the director, the director of the division in which the position is located, the commissioner of the department in which the division is located, and representatives from the division of human resources and the office of the urban county council. The decision of the appeal committee shall be final.
- (5) The directors of the divisions in which these positions are identified shall be responsible for tracking employees who qualify for this supplement.

Section 21 – That Section 21-28 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-28. Overtime.

- (a) As used in this section:
  - (1) Employee is any classified civil service employee, but shall not include any individual employed in a Fair Labor Standards Act (FLSA) exempt position.
  - (2) Workweek 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 member of the classified civil service to work reasonable hours in addition to the normal work schedule when essential to meet operating needs. A member's refusal to comply with such a request shall be grounds for disciplinary action.
- (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, 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 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. Except as provided in section 21-27(b), no member of the classified civil service exempted by subsection (a)(1) shall receive overtime compensation.

Section 22 – That Section 21-29 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-29. Within-grade salary increases.

- (a) On the first day of each fiscal year, all employees in the unified pay plan with a satisfactory score on their performance evaluation be eligible for a salary increase provided funds are appropriated in the budget. A satisfactory score shall be a score of two (2) or above.
- (b) When an employee 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 two (2) 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 23 – That Section 21-30 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-30. Reclassification or reallocation.

- (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 rate of pay 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 now being paid the employee.

- (c) An employee shall be eligible for a salary increase or 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.
- (d) The effective date of all reclassifications or reallocations shall be the beginning of the next pay period following approval by the Urban County Council.

Section 24 – That Section 21-32 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-32. Automobile and maintenance allowances.

- (a) The following automobile allowances shall be allowed:
  - (1) Any classified civil service employee who would otherwise be required to use an urban county government vehicle on a regular and consistent basis may voluntarily choose to operate his own automobile in the authorized conduct of urban county government business, and in lieu of using an urban county government vehicle, shall be reimbursed for such travel at a rate which corresponds with the current standard mileage rate established by the Internal Revenue Service for income tax purposes, as amended, per mile. Any employee so authorized by his commissioner and the commissioner of general services shall abide by the record keeping and insurance requirements established by the commissioner of general services.
  - (2) Any classified civil service employee who is specifically authorized by his supervisor on a periodic basis to operate his own automobile on duly authorized conduct of urban county government business shall be reimbursed for such travel upon proper certification of distance traveled. The rate of reimbursement per mile shall not exceed the rate established by the Commonwealth of Kentucky for similar use of privately owned vehicles and shall be set administratively by the chief administrative officer so as not to exceed the annual appropriations for such reimbursement established by the urban county government budget ordinance and amendments thereto.
- (b) Persons occupying positions assigned to the detention facilities and all personnel in the division of youth services whose presence is required to continuously supervise juveniles shall receive meals when appropriate during their assigned shift. Living quarters for self and family shall be provided to the director of the division of water quality and the plant operations supervisor seniors.
- (c) Two (2) houses may be rented to classified civil service employees in the division of water quality at the discretion of the director of the division of water quality. Houses, apartments and other living quarters managed by the division of parks and recreation may be rented to individuals in accordance with written criteria approved by the commissioner of the department of general services. Rental arrangements for these houses, apartments and living quarters shall be subject to the review and approval of the chief administrative officer.
- (d) Any permanent classified civil service employee holding the position of heavy equipment technician, vehicle and equipment technician, or fleet operations supervisor who is specifically required by his supervisor to provide the tools necessary to perform the duties of the above-listed positions shall receive a tool maintenance allowance of six hundred dollars (\$600.00) at the beginning of each fiscal year.

- (f) Any permanent classified civil service employee holding the position of vehicle and equipment mechanic-apprentice, or heavy equipment mechanic-apprentice who is specifically required by his supervisor to provide the tools necessary to perform the duties of the above-listed positions shall receive a tool maintenance allowance of three hundred dollars (\$300.00) at the beginning of each fiscal year.
- (g) Each safety officer shall receive a uniform allowance of sixty dollars (\$60.00) per month.

Section 25 – That Section 21-33 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-33. Vacation leave.

- (a) Every classified civil service employee shall earn vacation leave at the rate of ten (10) hours per month of service for the first ten (10) years of service. Newly hired employees, however, shall, for the first month of employment only, earn vacation leave at the prorated rate of two and one-half (2½) hours for each full week of service. Every employee with more than ten (10) years of service shall earn vacation leave at the rate of fourteen (14) hours per month of service for the duration of employment. Employees may accumulate vacation leave but may not carry forward after the later of December 31 or the end of the first payroll period of each calendar year in which December 31 of the previous calendar year falls more than twenty-one (21) working days (one hundred sixty-eight (168) hours).
- (b) Vacation leave may only be utilized upon the supervisor's approval of the prior written request of the employee. It 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.

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.

- (c) Employees shall earn vacation leave during their probationary periods, but shall not be authorized to use it until they complete their probation; provided, however, that the following probationary employees may use vacation leave:
  - (1) Those with immediate prior urban county government service and no break in service.
  - (2) Those who exhaust sick leave and who can provide a doctor's excuse substantiating the need for leave.
  - (3) Those who are appointed to new positions during their probationary periods after six (6) months of urban county government service so long as the supervisor certifies to the director that the employee's service is satisfactory.
- (d) Absences on account of 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.
- (e) Upon separation from service, all employees shall be paid for accumulated

- vacation leave at their then current pay rate computed on an hourly basis.
- (f) 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.
  - (g) The chief administrative officer, may, upon request, extend the deadline for vacation carryover to the end of a fiscal year. Said extension shall only be granted in cases where employees are unable to use their leave time due to weather, work demands, or other extenuating circumstances as determined by the chief administrative officer. Approved extensions shall be submitted in writing to the division of accounting with a copy of same to the council administrator.
  - (h) An employee who is granted an extension but separates from service prior to the end of the fiscal year shall be paid pursuant to section 21-33(e) of the Code of Ordinances for no more than one hundred sixty-eight (168) hours plus any hours of vacation leave accrued during the extension period (January 1—June 30).

Section 26 – That Section 21-34 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-34. Sick leave.

- (a) Effective with the initial date of employment or January 1, 1949, whichever is later, every classified civil service employee shall be granted ten (10) hours sick leave credit for each completed calendar month of service. Newly hired employees, however, shall, for the first month of employment only, be granted sick leave credit at the prorated rate of two and one-half (2½) hours for each full week of service. Such sick leave may be accumulated to a maximum of seventy-five (75) working days (six hundred (600) hours). Employees having accumulated the maximum of sick leave credit shall continue to accumulate such credit, but shall be paid for such excess accumulation, each calendar year, at the employee's then current pay rate computed on an hourly basis.
- (b) 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, whenever the bereavement leave provided for in section 21- 35 is exhausted. The immediate family for this purpose shall be deemed to include the parents, spouse, qualified adult, spouse's parents, children, brothers, sisters, grandparents and grandchildren. Employees may also utilize sick leave in the event of serious illness of parents, spouses, qualified adults, children, grandparents, spouse's or qualified adult's children, parents and grandparents, any relative for whom an employee is legally responsible or relatives who are residing with and are under the care of an employee during the relative's prolonged illness or incapacitation. However, sick leave will not be granted in excess of sick leave credit earned by service prior to the starting date of leave.
- (c) 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 day 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 (i.e. ill or injured) from duty and where the employee can be located, subject to the approval of the supervisor.
- (d) When a sick leave absence exceeds three (3) consecutive working days or where there is a suspected abuse of sick leave, such as in the case of

chronic absenteeism, the supervisor or director shall notify the employee of their rights and responsibilities under the Family and Medical Leave Act, as required by the Act. Failure of the employee to comply with any such request shall authorize disallowance of sick leave compensation and may be deemed to be absence without permission within the meaning of section 21-43.

- (e) In the case of long-term sick leave absences, medical certification may also be required both periodically and again when the employee returns to work under the same terms and conditions as set forth in subsection (d). The employee is under a duty to notify the supervisor of his intention to return to work as soon as his recovery is foreseeable.
- (f) Except as provided in the leave bank program created in section 21-37.2, the sick leave provided by this section is personal in nature and shall not be transferable from one (1) employee to another for any purpose.

Section 27– That Section 21-35 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-35. Bereavement leave.

- (a) In the case of death in the employee's immediate family, up to three (3) days bereavement leave may be utilized by any probationary or permanent classified civil service employee. Such leave shall be treated as permitted absence without loss of pay so long as notice is given and, if requested, substantiation of death later provided. The immediate family for this purpose shall be deemed to include: spouse, qualified adult, children, foster children, parents/legal guardians, brothers/sisters, half-siblings, grandchildren, grandparents, great-grandparents (includes "in-laws", "step" and "qualified adult" relationships).
- (b) In the case of death in the employee's extended family, up to one (1) day bereavement leave may be utilized by any probationary or permanent classified civil service employee. Such leave shall be treated as permitted absence without loss of pay so long as notice is given, and if requested, substantiation of death later provided. The extended family for this purpose shall be deemed to include: aunt, uncle, first cousin, niece, or nephew (this does not include "in-law", "step" or "qualified adult" relationships).
- (c) Three (3) days of sick leave, authorized in subsection 21-34(b), may be utilized in addition to the bereavement leave.

Section 28 – That Section 21-37 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-37. Leave of absence.

- (a) In addition to other leaves authorized in this chapter, a supervisor may authorize an employee to be absent without pay for personal reasons for a period or periods not to exceed ten (10) working days in any calendar year.
- (b) The chief administrative officer may, with the approval of the urban county council, authorize special leaves of absence with or without pay for permanent employees for any period or periods not to exceed three (3) calendar months in any one calendar year for the following purposes: attendance at college, university or business school for the purpose of training in subjects related to the work of the employee and which will benefit the employee and the urban county government; urgent personal business for an extended period, such as illness of the employee or illness or death of a relative, settling estates, liquidating businesses, attending court as a witness, or for such other purposes as may be deemed beneficial to the

- service.
- (c) The chief administrative officer may recommend, and the urban county council may grant, leaves of absence with or without pay in excess of the limitations above for the purpose of permitting the attending of courses in training at recognized universities or colleges and for other purposes that are deemed to be beneficial to the urban county government.
  - (d) A supervisor may authorize up to four (4) hours personal leave annually per employee with pay for participation in community projects which are not directly work-related.
    - (1) Prior to the granting of leave by a supervisor, the event or program for which the leave is requested must be approved in writing by the mayor, and a copy of the request must be forwarded to the director.
    - (2) Such projects shall include but shall not be limited to canvassing for donations to recognized charitable organizations, participation of parents and guardians in school events, and participation in and organization of authorized community events which contribute to the support and enhancement of good stewards of the community.
    - (3) There shall be no accumulations of community projects leave at any time nor compensation for the same upon resignation, retirement or termination. Such leave may not be used in lieu of vacation leave.
  - (e) An employee may be granted leave with pay, not to exceed three (3) calendar months in any one calendar year, by his supervisor for the purpose of serving on a duly impaneled jury of any court under the following terms and conditions:
    - (1) An employee serving on a jury shall be paid, at his current hourly rate, for each hour of jury duty up to a maximum of eight (8) hours per court day and shall be marked absent with leave (AWL) for such court time.
    - (2) As soon as the employee receives a summons to jury duty, he shall provide a copy of the summons to his supervisor along with a written request for jury duty leave; however, the employee shall request such leave no later than two (2) weeks prior to the beginning of his term of duty. The supervisor shall forward copies of the employee's summons and request for jury duty leave to the director.
    - (3) Employees on jury duty leave shall report for work when excused by the court for part of a day or for one (1) or more whole days. Failure to report for work when excused by the court shall result in termination of jury duty leave and may expose the employee to disciplinary action.
    - (4) An employee on jury duty leave shall accrue vacation and sick leave as defined in sections 21-33 and 21-34 for all time served on the jury up to the maximum of three (3) months in any one calendar year.
    - (5) Time served on jury duty shall not be considered hours worked for purposes of computing overtime pursuant to section 21-28
  - (f) Pursuant to KRS 337.015, upon written request, every employee shall be granted reasonable personal leave not to exceed six (6) weeks when the reception of an adoptive child under the age of ten (10) is the reason for such request.
    - (1) Personal leave for purposes of this section shall mean accrued vacation leave as defined in section 21-33, accumulated holiday

leave as defined in section 21-38 or leave of absence without pay as defined in section 21-37.

- (2) This section shall not apply to an adoption by a fictive kin, stepparent, stepsibling, blood relative, including a relative of half-blood, first cousin, aunt, uncle, nephew, niece, and a person of a preceding generation as denoted by prefixed grand, great, or great-great, or a foster parent who adopts a foster child in already in his care.
- (3) The director shall establish reasonable rules and procedures necessary to implement this section.

(g)

- (1) A classified civil service employee may receive up to four (4) hours of leave with pay to donate blood at any licensed blood center certified by the Food and Drug Administration, during the employee's work hours.
- (2) No leave time shall be granted to employees who donate on their own time, including lunch times.
- (3) Employees must obtain approval for leave prior to the donation and must submit verification of blood donation or deferral upon their return to work.
- (4) Employees deferred from donation shall not be charged for the time used in attempting to donate, but will not receive the four (4) hours leave time granted to those who donate.
- (5) There is no limitation on the number of times an employee may donate blood pursuant to this section other than those imposed by the blood centers.

Section 29 – That Section 21-37.1 of the Code of Ordinances be and

hereby is amended to read as follows:

Sec. 21-37.1. Compensatory time leave program.

- (a) Classified civil service employees exempted from overtime payments by subsection 21-28 (a)(1) shall accumulate and use compensatory time under the following terms and conditions:
  - (1) Compensatory time shall mean leave time granted for hours worked by a classified civil service employee in excess of forty (40) hours per week.
  - (2) Employees may accumulate up to one hundred twenty (120) hours of compensatory time and may use accumulated compensatory time in any increment.
  - (3) Vacation, sick and bereavement leave hours shall not count as hours worked for purposes of computing compensatory time earned in a week.
  - (4) Compensatory time may only be accrued and utilized upon the supervisor's prior approval of an employee's written request. 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 compensatory time. A leave form shall be submitted once the employee returns to work to document the verbal approval.



- (5) No employee shall be paid for accumulated compensatory time upon separation from urban county government employment.
- (6) Once maximum accumulations have been reached, employees may not count hours worked in excess of their regular hours as compensatory time. Once their hours drop below maximum accumulation, only hours worked subsequent to the reduction shall be credited as compensatory time. Compensatory time hours shall be posted at the end of each pay period; and, in no event, shall any compensatory time hours be credited retroactively.

Section 30 – That Section 21-37.2 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-37.2. Sick leave transfer program.

- (a) A sick leave transfer program for classified and unclassified employees shall be established to provide that any eligible employee may transfer unused accrued sick leave hours to another eligible employee experiencing disabling illness or injury or a death in the immediate family. The program shall be administered by the division of human resources.
- (b) The following definitions shall apply to this section:
  - (1) *Employee* means a civil service or unclassified civil service employee with more than six (6) months employment.
  - (2) *Recipient* means an employee who is eligible to receive sick leave benefits under this program.
  - (3) *Donor* means an employee who meets the requirements to transfer leave under this program.
  - (4) *Disabling illness or injury* means a medically certified illness or injury of an employee or an employee's family member, which will result in the employee being absent from duty for at least ten (10) consecutive working days, for which the employee does not have available paid leave and which may result in the employee incurring a substantial loss of income.
    - (i) "Disabling illness or injury" does not include self-inflicted injuries, job related illnesses or injuries covered by workers compensation, illnesses or injuries covered by automobile insurance benefits, and/or illnesses or injuries suffered as a result of secondary employment.
  - (5) *Family member* means a parent or step-parent, spouse, child (including step or adopted children), grandparent, spouse's parent, spouse's grandparent, qualified adult as defined in CAO Policy No. 46, any relative for whom an employee is legally responsible, or relatives who are residing with and are under the care of an employee during the relative's disabling illness or injury.
- (c) In order to participate in this program, the donor and recipient must meet the following criteria:
  - (1) A recipient must complete the sick leave sharing application and submit the application to the division of human resources. To be eligible to participate in this program, the recipient must have exhausted all available paid leave, including sick leave, vacation, holiday and compensation time;

- (2) A donor wishing to transfer unused accrued sick leave to a qualified recipient must file the sick leave sharing donation form with the division of human resources requesting that a specified number of hours of accrued sick leave be transferred to another eligible named employee. However, only employees with a sick leave balance of over one hundred sixty (160) hours are eligible to be donors. And an employee's requested transfer of sick leave may not result in that employee's sick leave balance dropping below one hundred sixty (160).
  - (3) The minimum number of sick leave hours that an employee may transfer annually is eight (8).
- (d) Once the proper documentation has been submitted by both the proposed recipient and donor employees, the human resources department shall within five (5) days of receipt review the documentation and notify the donor and recipient, in writing, if they meet the eligibility requirements of this program. If so, the recipient shall be entitled to use the transferred sick leave under this program.
- (1) Benefits to an employee on maternity/paternity leave shall be available only if the employee's newborn child suffers from a serious medical condition that requires an absence longer than the employee's original request for maternity/paternity leave.
- (e) [Reserved.]
- (f) Transferred sick leave will be paid at the recipient's regular rate of pay and on the government's regular pay periods.
- (g) Transferred sick leave may only be used by a recipient while he, ~~she~~ or a family member is experiencing a disabling illness or injury. It is the responsibility of the recipient employee to notify the division of human resources, in writing, within five (5) days from the date that his ~~or her~~ disabling injury or illness no longer exists. Further, in the event of the recipient's death or retirement, or if his ~~or her~~ employment is terminated, the recipient is no longer eligible to receive sick leave transfer benefits.
- (h) While receiving sick leave transfer benefits, a recipient employee shall accrue sick and vacation leave. A paid holiday occurring during an approved benefit period shall be paid as a holiday, and not paid as transferred sick leave.
- (i) An employee receiving sick leave transfer benefits must comply with the provisions of the sick leave policy, section 21-34.
- (j) Any sick leave transfer benefits received under this program will run concurrently with all other leaves set forth by chapter 21.
- (k) Once sick leave has been transferred under this program, it cannot be restored to the donor for any reason.
- (l) No employee shall directly or indirectly intimidate, threaten or coerce or attempt to intimidate, threaten or coerce any other employee for the purpose of interfering with that employees right to participate in this program, including the donation, receipt, or use of transferred sick leave. For the purposes of this section, "intimidate, threaten or coerce" shall include, but not be limited to, the promise to confer or conferring any benefit related to employment or affecting or threatening to affect any reprisal against any other employee.
- (m) The director of human resources shall make reasonable rules and

regulations to implement this section and a copy of the sick leave transfer program shall be on file in the division of human resources.

Section 31 – That Section 21-38 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-38. Holidays and holiday compensation.

(a) The following days are declared holidays for all classified civil service employees:

- (1) The first day of January (New Year's Day).
- (2) The third Monday in January (Martin Luther King, Jr. Day).
- (3) The third Monday in February (Washington's Birthday).
- (4) The last Monday in May (Memorial Day).
- (5) The nineteenth day of June (Juneteenth Day).
- (6) The fourth day of July (Independence Day).
- (7) The first Monday in September (Labor Day).
- (8) The eleventh day of November (Veterans Day).
- (9) The fourth Thursday (Thanksgiving Day) and Friday in November.
- (10) The twenty-fourth day of December (Christmas Eve).
- (11) The twenty-fifth day of December (Christmas Day).

(b)(1) When any holiday listed above falls on a Saturday or Sunday, the preceding Friday or following Monday may be designated as a holiday by a proclamation of the mayor.

(b)(2) In addition, on January 1 of each calendar year, each employee shall be granted two (2) swing holidays which may be taken by employees at any time during the calendar year in accordance with the requirements of subsections (c) and (d) of this section.

(c) No employee shall lose any pay as a result of the advent of a designated holiday. Employees required to work on a holiday shall be compensated by equal time off at the earliest opportunity instead of by additional pay. Holiday leave may only be utilized upon the supervisor's prior approval of the written request of the employee. Holiday leave time may be used in any increment; provided that holiday leave will not be granted in excess of holiday credit earned by service prior to the starting date of leave. It shall be scheduled with regard to operating requirements, seniority of the employees, and insofar as possible, as requested by the employee. An employee may not carry forward more than ten (10) working days (eighty (80) hours) of holiday leave past January 1 of any calendar year. Upon separation from service, all employees shall be paid for accumulated holiday leave at their then current pay rate computed on an hourly basis.

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 holiday leave. A leave form shall be submitted once the employee returns to work to document the verbal approval.

- (d) In the event that a supervisor certifies and the chief administrative officer approves, with justification, that it is not practical to give equal time off because of shortages of personnel or otherwise, then employees required to work on holidays because of the continuous nature of the operation or scheduling difficulties shall be paid in addition to their holiday pay for each hour worked between the hours of midnight and midnight on the holiday, at their then current pay rate computed on an hourly basis.

Section 32 – That Section 21-39 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-39. Disability leave.

- (a) Any classified civil service employee who suffers injury or illness as a result of service-connected accident or illness shall be granted, upon proper investigation and authentication, leave equal to full pay for a period up to twelve (12) months for each incident. At the end of the first thirty (30) days and again following each thirty-day period thereafter, the director may require the employee to be examined by competent medical authority to determine the employee's entitlement to full disability leave.
- (b) As soon as possible after a service-related injury or illness, but no later than ninety-six (96) hours after the occurrence, the employee, through his supervisor, shall submit the disability leave request and light-duty/substitute work form to the director. Failure to submit the appropriate paperwork will void an employee's eligibility for disability leave except in unusual or exceptional circumstances where an injury or illness is not immediately apparent, but one is subsequently substantiated by appropriate medical authority and documentation submitted to the director within one (1) calendar month of the work-related incident. An employee's immediate supervisor or a supervisor designated by the division director shall submit the paperwork in the event that the employee is incapacitated. The employee may be placed on accumulated sick leave or vacation leave until a determination is made by the director that the injury or illness is service-connected and a determination of disability is made by competent medical authority. Once such determinations are made, sick days and vacation days shall be restored and the employee placed on workers' compensation and disability leave. If the employee has insufficient sick leave or vacation leave accumulated, he may be placed on workers' compensation and disability leave immediately upon injury or illness. Time spent on workers' compensation or disability leave status over ninety (90) consecutive calendar days shall not be included in computing months of service under sections 21-33 and 21-34, and neither sick leave nor vacation leave may be accumulated during absence from duty in excess of ninety (90) consecutive calendar days.
- (c) The disability leave payable under the foregoing sections shall be supplementary to any workers' compensation income benefits to which the employee is eligible. In the event that any supplemental payment is made under the foregoing sections and a subsequent workers' compensation income benefit is paid to the employee for the period for which payment under this chapter has been made, the employee shall refund to the urban county government an amount equal to any workers' compensation income benefits received for a period for which the salary of the subject employee has been paid by the urban county government under the foregoing provisions. In no case shall payments under this section exceed the difference between the employee's workers' compensation benefits and his average weekly earnings as, defined in KRS 342.140.
- (d) Upon a determination of permanent disability by competent medical authority, the employee will be instructed to apply to the appropriate pension fund for disability retirement benefits. Failure to so apply or commencement

of disability retirement benefits will terminate disability leave short of the twelve (12) months. Disability leave shall also be terminated early if such medical authority determines that the employee is able to return to duty and perform the same or substitute work at the same salary.

- (e) Disability leave shall terminate at the end of the twelve-month period. If the employee is not then, in the opinion of competent medical authority, able to return to duty, he shall receive a lump sum payment for accrued vacation leave as provided by section 21-33. An employee placed on disability retirement may elect to supplement his disability retirement as provided in section 21-36, but in no case shall the total weekly income from the pension and sick leave exceed his average weekly wage as defined in KRS 342.140. On the recommendation of the chief administrative officer, with approval of the urban county council, an employee who fails to qualify for disability retirement at the end of twelve (12) months may be continued on disability leave; but no payment for accrued vacation leave or sick days shall be made until termination of disability leave benefits.

Section 33 – That Section 21-40 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-40. Reservist military service leave.

- (a) Any classified civil service employee, including a probationary employee, who is a member of the National Guard or of any reserve component of the Armed Forces shall have such employment rights and benefits to which he is entitled under 38 U.S.C. 4301 et seq., including, but not limited to, an unpaid leave of absence for which an employee may elect, but may not be required, to use vacation or sick leave; reemployment rights dependent on length of military service; benefits and rights based on seniority that an employee would have attained had he or she remained continuously employed; and any non-seniority benefits or rights that are available to employees on comparable nonmilitary leaves of absence, all subject to the terms, limitations, and requirements under applicable law.
- (b) In addition to the benefits provided under subsection (a), every classified civil service employee, including a probationary employee, who is a member of the National Guard or of any reserve component of the Armed Forces of the United States shall be entitled, while in the performance of duty or training in the service of this state or the United States, to reservist military service leave, with pay for a period of twenty-one (21) calendar days in any one (1) federal fiscal year (October 1—September 30). Any unused military leave in a federal fiscal year shall be carried over to the next federal fiscal year. Any unused reservist military leave shall expire two (2) federal fiscal years after it has accrued.
- (c) Reservist military service leave provided for in this section shall be in addition to regular vacation.

Section 34 – That Section 21-41 of the Code of Ordinances be and hereby as amended to read as follows:

Section 21-41. Regular military leave

- (a) Any classified civil service employee who is inducted or enlists in the armed forces of the United States shall have all such reemployment rights and benefits to which he is entitled under 38 U.S.C. section 4301 et seq. including, but not limited to, an unpaid leave of absence for which an employee may elect, but may not be required, to use vacation or sick leave; reemployment rights dependent on length of military service; benefits and rights based on seniority that an employee would have attained had he or

she remained continuously employed; and any non-seniority benefits or rights that are available to employees on comparable nonmilitary leaves of absence, all subject to the terms, limitations, and requirements under applicable law.

- (b) In addition to the benefits provided under subsection (a), all classified civil service employees called by the United States government for an extended period of service in the armed forces of the United States during a national emergency, whether volunteering for or inducted or ordered into such service, shall be given regular military service leave with pay for a period of fourteen (14) calendar days.

Section 35 – That Section 21-42 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-42. Health and life insurance.

- (a) All classified civil service employees and their dependents shall be eligible to participate in any group life insurance and dismemberment coverage approved by the urban county council.
- (b) Classified civil service employees who, as part of their duties, drive urban county government vehicles or operate high-risk heavy equipment may participate in the "Employee Safety Reward Program." The director is authorized to implement the "Employee Safety Reward Program".

Section 36 – That Section 21-45 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-45. Suspension and reprimand; appeal.

- (a) Irrespective of other sections of this Code, a classified civil service employee may be suspended or reprimanded pursuant to this section by the appointing authority or by his supervisor.
- (b) No employee may be suspended hereunder for more than thirty (30) days in any twelve-month period or reprimanded hereunder more than twice in any twelve-month period.
- (c) No employee shall be reprimanded or suspended hereunder for any reason except inefficiency, misconduct, insubordination or violation of law involving moral turpitude.
- (d) Any action under this section shall be in writing, shall set out the grounds therefor and the nature of the reprimand or extent of suspension, and shall state that the employee may appeal to the commission by filing such appeal with the secretary to the commission in the division of human resources within ten (10) days of such action.
- (e) At the time any action is taken under this section, the person taking such action shall file a copy thereof with the division of human resources for placement in the personnel file of the employee affected and shall furnish a copy to the chief administrative officer.
- (f) Any employee suspended or reprimanded under this section may appeal to the commission by filing such appeal with the secretary to the commission in the division of human resources within ten (10) days of such action. The action appealed from shall not be suspended pending action of the commission.
- (g) The suspension or reprimand appealed from may be reviewed, reduced or revoked by the commission after a hearing in which the person taking the

disciplinary action shall have reasonable opportunity under rules established by the commission to support his charges. The commission shall have the power, in the event it finds any suspension or reprimand hereunder in error, to take such action as shall be necessary to compensate the appealing employee for such error.

- (h) The director shall, by July 14, 1983, develop and implement a uniform disciplinary code for all employees, except probationary employees, and shall administer and monitor the uniform disciplinary code. After implementation, changes to the uniform disciplinary code shall be, after notice to the commission, approved by the appropriate urban county council committee.

Section 37 – That Section 21-52 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-52. 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 classified 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 38 - 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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