

## Personnel Resolution 2012

### **STATEMENT OF ISSUE**

The Personnel Resolution must be amended periodically to reflect workplace changes and sound business practices.

### **BACKGROUND**

We want to be proactive in ensuring workplace productivity, high morale and fair treatment. Persons in leadership positions have the greatest responsibility and opportunity to impact these factors. We want to clearly communicate leadership expectations concerning intimate relations with subordinates.

### **RECOMMENDATION**

**Current Policy Section 6.02 - Anti-Harassment Policy / (Sexual and Other Forms of Harassment).** (Amended 06/09). Our policies, as well as various laws and regulations, generally prohibit employment decisions from being made on the basis of race, color, sex, religion, national origin, age, disability, or similar distinctions. In addition, it is our policy to provide a working environment in which employees are free from discomfort or pressure resulting from jokes, ridicule, slurs, threats and harassment either relating to such distinctions or simply resulting from a lack of consideration for a fellow human being.

Disputes sometimes arise as to whether conduct was welcomed or unwelcomed. Conduct which would violate this policy if it were unwelcome will be considered to violate the policy if anyone complains of it. A good rule to follow in order to avoid violating this policy is as follows: *Never do or say anything to an employee or customer which you would not do or say if your mother were standing right next to you.*

If you feel that this policy has been violated by anyone with whom you come in contact on the job, regardless of whether it is by a fellow worker, a supervisor, or a member of the general public, you should report the incident(s). There are several ways that you can do this:

- (A) Report to your supervisor or to a higher level in your "chain of command;" or
- (B) Report to the Human Resources Director; or
- (C) Report to the City Manager or Assistant City Manager.

## IMPORTANT

Employees are encouraged to put their complaints in writing. In order to avoid misunderstandings, supervisors, City Management and the Human Resources Director all have Harassment Report forms which you may use for this purpose. You will be given a copy of the completed form.

These procedures have been established to enable you to get relief if you feel that you are the victim of harassment. The U.S. Supreme Court has said that as a general rule you may not sue the City for a violation of your rights unless you first give us notice and an opportunity to end the harassment. The reporting procedures which we have adopted are intended to establish a clear record of what has been reported.

### Anti-Retaliation Policy

The City forbids retaliation against anyone who has reported unlawful harassment in good faith, and it will not tolerate retaliation or harassment against you for reporting a violation of this Anti-Harassment Policy. If any employee engages in conduct which you believe is retaliatory, you should report it in one of the ways listed above for reporting harassment. You will not be penalized for reporting such retaliation.

### Supplemental Policy for Supervisors

**Sexual Harassment:** It is a violation of the City's Anti-Harassment policy for a supervisor or other employee with supervisory authority (regardless of job title) to engage in conduct with a lower level employee which would be considered sexual harassment if it were unwelcome. This means that if the lower level employee later complains that the conduct was unwelcome, the supervisor is guilty of violating City policy and will be disciplined accordingly. **Threats (Joking or Serious):** It is part of a supervisor's duty to counsel employees that certain acts or omissions will lead to disciplinary action. City policies say the same thing. Threats directed against an employee or citizen because of race, color, sex, religion, national origin, age, disability and the like are a form of illegal discrimination. Further, it is a violation of City policy for any employee to threaten another employee in such a manner either jokingly or seriously. It is a violation regardless of whether the threat is carried out and it is a violation regardless of whether the threat is of a physical nature or of a job action (such as a denial of a pay raise) nature. The discipline referred to in this special policy may range from oral warning to written warning to suspension to demotion to discharge in the discretion of City Management.

**Amended Policy Section 6.02 -Anti-Harassment Policy / (Sexual and Other Forms of Harassment).** (Amended 06/12). Our policies, as well as various laws and regulations, generally prohibit employment decisions from being made on the basis of race, color, sex, religion, national origin, age, disability, or similar distinctions. In addition, it is our policy to provide a working environment in which employees are free from discomfort or pressure resulting from jokes, ridicule, slurs, threats and harassment either relating to such distinctions or simply resulting from a lack of consideration for a fellow human being.

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**Threats (Joking or Serious):** It is part of a supervisor’s duty to counsel employees that certain acts or omissions will lead to disciplinary action. City policies say the same thing. Threats directed against an

employee or citizen because of race, color, sex, religion, national origin, age, disability and the like are a form of illegal discrimination. Further, it is a violation of City policy for any employee to threaten another employee in such a manner either jokingly or seriously. It is a violation regardless of whether the threat is carried out and it is a violation regardless of whether the threat is of a physical nature or of a job action (such as a denial of a pay raise) nature. The discipline referred to in this special policy may range from oral warning to written warning to suspension to demotion to discharge in the discretion of City Management.

## **BACKGROUND**

Current City sick leave policy provides a considerable benefit in the case of employee illness. However, the current policy language may lead an employee to feel he has a guaranteed entitlement to exhaust all sick leave. This could create an unintended liability for the City.

## **RECOMMENDATION**

**Current Policy Section 7.04 - Sick Leave.** (Amended 06/09) Use of accrued sick leave with pay may be authorized for all persons in regular full-time positions (including new employees in their introductory period) when they are incapacitated from the performance of their duties by their own sickness or injury or when absent for the purpose of being treated professionally. Sick leave is a matter of privilege and not right and is to be authorized by the department head.

Employees who cannot report for work due to illness or injury should notify their supervisor promptly, indicating the nature of the illness / injury and when they expect to return to work.

Sick leave for regular full-time employees is earned at the rate of two workweeks for each year of service, beginning the first calendar month from the date of employment. Regular part-time employees earn 7.5 sick days each year. No sick leave is earned by temporary employees. Sick leave is cumulative; however, unused sick leave is non-reimbursable upon departure from the City (see exceptions in Section 7.05). All full-time regular employees who retire from employment with the City with 20 or more years of service as a City employee may be paid for a portion of their unused sick leave. This payment is calculated on the basis of three (3) days of unused sick leave for each year of service up to a maximum of 45 days. (Please see T.E.R.I. Plan at Section 8.10.)

At the discretion of the department head, an employee may be required to present documentation of illness and the need to miss work before a use of sick leave is approved. This documentation is to be furnished to the supervisor, who is responsible for reporting such information to the City payroll division so that it may be entered upon the record.

Sick leave is accrued in hourly increments. For all employees, one day of sick leave equals eight hours of leave earned, and, when the employee uses the leave, the one day is the equivalent of eight hours.

On an annual basis, during a time period established by the City, employees having at least 30 days of accumulated sick leave may choose to convert 10 days of unused sick leave into 5 days of annual leave.

Effective January 1, 1991 the City of Rock Hill established a citywide sick leave bank for eligible employees who earn sick leave. The purpose of the sick leave bank is to protect employees from undue financial burdens which might result when extended absence from work is necessary due to a catastrophic personal illness or accident. The sick leave bank may be administered according to policy established in the "Regulations for Sick Leave Bank for Catastrophic Illness or Accident." You may contact the Human Resources Department for more information.

**Amended Policy Section 7.04 - Sick Leave. (Amended 06/12)** Use of accrued sick leave with pay may be authorized for all persons in regular full-time positions (including new employees in their introductory period) when they are incapacitated from the performance of their duties by their own sickness or injury or when absent for the purpose of being treated professionally. Sick leave is a matter of privilege and not right and is to be authorized by the department head.

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***The City permits unlimited sick leave accumulation. Sick leave is a matter of privilege and not right. There is no guarantee that because an employee has sick leave, he will be retained on payroll beyond the 12 weeks of FMLA leave. If it is the decision to discontinue the employment relationship after the 12 weeks of FMLA leave, the City policy on non-reimbursable unused sick leave applies.***

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## **BACKGROUND**

Regular full-time employees receive three days bereavement leave for the death of an immediate family member. We would like to provide a pro rata bereavement leave of two days to an employee who works a minimum of 30 hours / week year round, but less than 40 hours / week.

## **RECOMMENDATION**

**Current Policy Section 7.06 - Bereavement Leave.** (Amended 06/11). Bereavement leave is defined as absence from work due to death in the immediate family of the employee or spouse. Immediate family is spouse, mother, father, sister, brother, grandparents, children, stepchildren, stepparents and step-siblings grandchildren, in-laws and aunts and uncles of employee or spouse. This type of paid leave, up to three days, may be granted to regular status employees without being charged against other earned leave. Additional bereavement with pay may be approved if the employee has accumulated leave. Additional bereavement leave without pay may also be granted if the employee does not have accumulated leave. Employees not on regular status do not receive paid bereavement leave but may take unpaid leave (accrued annual or other appropriate leave) for bereavement purposes. All bereavement leave is subject to approval of the department head and City Manager.

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