



**JOURNAL of the PROCEEDINGS
of the
CITY COUNCIL**

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, September 19, 2016
at 7:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

OFFICIAL RECORD

Danny Jones
Mayor

JB Akers
City Clerk

CALL TO ORDER

The Council met in the Chambers of the City Building at 7:00 P.M., for the second meeting in the month of September on the 19th day, in the year 2016, and was called to order by the Honorable Mayor, Danny Jones. The invocation was delivered by Councilman Richardson and the Pledge of Allegiance was led by Councilman Burton. The Honorable Clerk, JB Akers, called the roll of members and it was found that there were present at the time:

BURKA	BURTON	
CHESTNUT	CLOWSER	DAVIS
EALY	FAEGRE	HAAS
HARRISON	HOOVER	
LANE	MILLER	MINARDI
OVERSTREET	PERSINGER	REISHMAN
RICHARDSON	SALISBURY	SLATER
SMITH		STEELE
TALKINGTON	WARE	MAYOR JONES

With twenty-four members being present, the Mayor declared a quorum present.

Pending the reading of the Journal of the previous meeting, the reading thereof was dispensed with and the same duly approved.

PUBLIC SPEAKERS

1. Brittany Javins spoke about the upcoming Festival events and handed out brochures.

CLAIMS

1. A claim of Steven L. Thomas, 1416 Bedford Road, Charleston, WV; Alleges damage to vehicle.
Refer to City Solicitor.

COMMUNICATIONS

TO: J.B. AKERS
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON SANITARY BOARD

DATE: SEPTEMBER 19, 2016

I recommend that John Michael Johnson, 2156 Kay Neva Lane, Charleston, WV 25312, be reappointed to the Charleston Sanitary Board, with a said term to expire March 17, 2019.

I respectfully request City Council's approval of this recommendation.

Dj/dmp

Councilman Harrison moved to approve the recommendation. Councilman Lane seconded the motion. By unanimous vote, the recommendation was approved.

TO: J. B. AKERS
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: COMMITTEE ASSIGNMENT

DATE: SEPTEMBER 19, 2016

I am appointing Councilman Archie Chestnut to the Council Committee on Finance. He's replacing John Miller.

Dj/dmp

Received and filed.

TO: J. B. AKERS
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: COMMITTEE ASSIGNMENT

DATE: SEPTEMBER 19, 2016

I am appointing Councilman John Miller to the Council Committee on Facilities. He's replacing Archie Chestnut.

DJ/dmp

Received and filed.

Resolution No. 802-16:

Introduced in Council: September 19, 2016

Introduced by: Andy Richardson, Mike Clowser, Keeley Steele, Karan Ireland, Bernard Slater, Jerry Ware

WHEREAS: Like much of America, West Virginia, and Charleston face a health crisis with preventable diseases as the leading cause of death and disability, including that 68.8% of Americans are overweight/obese, 70% of deaths in the U.S. are preventable, and over \$315 billion is spent on healthcare each year treating heart disease and stroke; and

WHEREAS: Seafood nutrition offers significant solutions for all ages, such as eating 8 ounces of seafood a week reduces the risk of dying from heart disease by 36%; moms-to-be that eat 8 to 12 ounces of seafood a week have better outcome for baby brain, eye health, and IQ of the baby; and older adults who had the highest blood levels of the fatty acids found in fish lived, on average, over 2 years longer; and

WHEREAS: U.S. Department of Agriculture (USDA) dietary guidelines recommend eat seafood at least twice a week for multiple health and nutrition benefits, and more awareness leads to a healthier diet that includes seafood; and

WHEREAS: The national non-profit Seafood Nutrition Partnership seeks to educate and encourage citizens to reduce risks of heart disease and improve baby brain wellness by educating Americans about the multiple health benefits and nutrients from eating more seafood; and

WHEREAS: Charleston is one of eight cities nationally designated by the Seafood Nutrition

Partnership for a grassroots public health campaign to educate and engage people in our city, state, and nation about health and nutritional benefits of seafood; and

WHEREAS: The public education and advocacy of a nutritional diet in year two of the Seafood Nutrition Partnership's public health campaign complements Charleston's other efforts toward becoming a healthier City, combatting obesity and diminishing the incidence of cardiovascular disease in our community.

Therefore be it resolved by The Council and Mayor of The City of Charleston, West Virginia:

That we, the elected leaders of Charleston, designate October 2016 as

Seafood Nutrition Partnership Month

And, in partnership with coalition members representing healthcare, academia, business and non-profit organizations, we encourage Charlestonians to take the Healthy Heart Pledge, eating at least two servings of seafood each week as recommended by the USDA Dietary Guidelines for Americans. By participating in this challenge and eating more seafood, we will lower the risk of cardiovascular disease, help expectant mothers to have babies with better outcomes for brain and eye health, and provide higher levels of omega-3 fatty acids in older Americans to help them live healthier and longer lives.

Danny Jones

Mayor Tom Lane, Council President

Councilman Richardson moved to approve the resolution. Councilman Lane seconded the motion. By unanimous vote in the affirmative, the resolution was passed.

REPORTS OF COMMITTEES

COMMITTEE ON ORDINANCE AND RULES

1. Your committee on Ordinance and Rules has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7712 do pass.

Bill No. 7712– A BILL repealing and re-enacting Chapter 86 of the Municipal Code of the City of Charleston; amending and re-enacting Chapter 2, Division 3, Section 2-181 and enacting Section 2-184, of the Municipal Code of the City of Charleston; amending a reenacting Chapter 2, Division 6, Sections 2-241, 2-242, 2-243, and enacting Section 2-244 of the Municipal code of the City of Charleston; and adopting the Personnel Rules and Administrative Policies for City of Charleston non-uniform employees for the purpose of stating, updating, and revising the law and policy related to the administration of the workforce of the City of Charleston.

WHEREAS, the City administration has acknowledged that the efficient and effective delivery of service to the citizens of the City depends upon recruiting and maintaining a competent and diverse workforce; and

WHEREAS, in an effort to treat employees fairly, and to provide a framework for reasonable and consistent administration of employment policies and protections, the City of Charleston has established, through its Municipal Code, a system for the management of City employees; and

WHEREAS, although certain sections have been updated or changed, the current code has not been reviewed in its entirety for over 20 years; and

WHEREAS, after review by a committee of employees responsible for the implementation and enforcement of the personnel code, it was determined that the existing code was outdated, and that the practices of the City were not necessarily aligned with the antiquated code or with the goals of recruiting and maintaining the desired workforce; and

WHEREAS, the City administration undertook the revision of Chapter 86 for the purpose of updating and modernizing the code to be consistent with current law and practices, and to continue to provide reasonable and consistent policies ensuring accountability to the public and equitable decision-making; and

WHEREAS, although certain policies and procedures practiced by the City need to be articulated for employees to understand process and expectations, but do not need to be codified, the administration developed Personnel Rules and Administrative Policies to assist in day-to-day operations, and to provide flexibility to adapt to changing personnel needs; and

WHEREAS, the administration held meetings with department heads and other stakeholders to review the proposed code revisions and the Personnel Rules and Administrative Policies to refine the code and policies so that they reflect actual practices and provide employees with a clear and detailed reference setting forth expectations and benefits; and

WHEREAS, stakeholder revisions were incorporated into the modified code and Personnel Rules and Administrative Policies; and

WHEREAS, it is desirable to clarify the various roles, responsibilities and authority in promulgating and administering the personnel code and the policies of the City;

Now, therefore, be it Ordained by the Council of the City of Charleston, West Virginia:

That the Personnel Rules and Administrative Policies dated September 19, 2016, are hereby adopted.

And be it further Ordained by the Council of the City of Charleston, West Virginia:

That Chapter 86 of the Municipal Code of the City of Charleston is hereby repealed in its entirety, and re-enacted to read as follows:

~~Chapter 86 – PERSONNEL~~

~~ARTICLE I. – IN GENERAL~~

~~Secs. 86-1 – 86-30. – Reserved.~~

~~ARTICLE II. – CIVIL SERVICE (POLICE AND FIRE EXCEPTED)~~

~~DIVISION 1. – GENERALLY~~

~~Sec. 86-31. – Definitions.~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Allocation* means the assignment of a position to a class on the basis of the kind, difficulty and responsibility of work of the position.~~

~~*Appointing authority* means the mayor, an officer or any person having the power, by virtue of the Charter or other lawfully delegated authority, to make appointment to positions in the city service.~~

~~*Class or classification* means a position or group of positions that involve similar duties and responsibilities, require similar qualifications, and have a single title indicative of the kind of work.~~

~~*Classified service* means all positions not specifically included in the unclassified service.~~

~~*Commission* means the civil service commission of the city.~~

~~*Demotion* means the movement of an employee from a position in one class to a position in another class having a lower maximum salary rate.~~

~~*Department* means a major operating unit of the executive branch of the city government.~~

~~*Department head* means the officially appointed head of any department.~~

~~*Director* means the personnel director.~~

~~*Eligible applicant* means any person who has applied for a position in the classified service and who is determined by the director to meet all qualifications for a position in the classified service.~~

~~*Full-time employment* means employment in a position which normally requires at least 35 hours work per week.~~

~~*Grievance* means a complaint, misunderstanding or disagreement between an employee and the city, as employer, arising out of a belief on the part of the employee that he is being treated wrongfully or unfairly in regard to the terms or conditions of employment.~~

~~*Immediate family* means husband, wife, child, father, mother, sister and brother, stepchild, stepmother, stepfather, stepbrother, stepsister, father-in-law and mother-in-law, unless otherwise specified.~~

~~*Irregular part-time employee* refers to an employee who works generally 20 hours per week or less and does not exceed 1,039 hours per calendar year.~~

~~*Layoff* means the separation of an employee from the classified service which has been made necessary by lack of work or funds or other reasons not related to fault, delinquency or misconduct on the part of the employee.~~

~~*Leave of absence* means an approved period of time during which the employee is not physically present for work and for which the employee receives no pay.~~

~~*Original appointment* means an appointment in the city service of a person who is not a present employee of the city and who is not being reinstated from a reemployment list.~~

~~*Overtime* means authorized time worked in excess of 40 worked hours per week. For purposes of determining whether an employee is entitled to overtime, only actual hours worked and holiday time shall count towards the amount of authorized time an employee has worked in a week. Vacation, sick leave, funeral leave, jury leave and any other leave shall not be counted towards the amount of authorized time an employee has worked in a week.~~

~~*Part-time employment* means employment in a position which normally requires less than 35 hours per week.~~

~~*Pay period* means payroll periods normally used by the city for issuing pay to employees.~~

~~*Pay range* refers to the range of salary rates, consisting of several incremental pay steps, assigned to each particular classification.~~

~~*Probationary period* means a working test period of six months during which a new employee is required to demonstrate fitness for a position to which he is appointed by actual performance of all duties of the position.~~

~~*Promotion* means the movement of any employee from a position of one class to a position of another class having a higher maximum salary.~~

~~*Reallocation* means the official determination of the personnel director that a position be assigned to a class different from the one to which it was previously assigned.~~

~~*Reemployment list* means a list of persons who have been but are no longer regular employees and who are entitled to have their names certified for appointment to a position upon favorable rating.~~

~~*Regular employee* means an employee, regular full time or regular part time, who has been appointed to a position in the classified service in accordance with this article after successful completion of a probationary period. Such employees are entitled to the benefits afforded a city employee and subject to the terms and conditions of this article and other provisions of this Code.~~

~~*Regular part time employee* means a part time employee who works on a regularly scheduled basis, but does not work in excess of 1,819 hours per calendar year.~~

~~*Reprimand* means a written or oral notice to any employee informing such employee of the specific manner in which his conduct or work performance does not meet prescribed standards.~~

~~*Seasonal employment* means employment on a full time basis of an intermittent or seasonal nature not to exceed 1,039 hours per calendar year.~~

~~*Seniority* means the status attained by regular employees by virtue of longevity with the city, and shall be calculated based upon the total length of service since the date of hire. When part-time regular employees convert from part time to full time employment, the seniority of the heretofore part time employee shall be calculated as half the total length of service since the date of hire.~~

~~*Supervisor* means any person responsible for directing the work of others.~~

~~*Temporary employment* means full time employment of a nonpermanent nature, the duration of which does not exceed 90 calendar days in any one year, except in those situations where the temporary employee is being utilized to replace an employee on extended leave of absence or workers' compensation injury, in which case the employment shall remain temporary, but not to exceed 1,039 hours.~~

~~Transfer means the movement of an employee from one position to another position.~~

~~Unclassified service includes all officers elected by the people, the directors or heads of all departments, members of boards and commissions, all probationary, irregular part-time employees, seasonal and temporary employees, members of the police and fire departments, and all other G employees listed in any budget passed by the council.~~

~~Vacation leave. A vacation day earned is equal to eight hours. A vacation day taken will be charged in hourly increments in accordance with the employee's regularly scheduled shift hours.~~

~~Workday or working day means any one shift during which a department is open for business or on which an employee is scheduled to work.~~

~~Workweek means the number of hours regularly scheduled to be worked from Sunday through Saturday.~~

~~Sec. 86-32. Penalty.~~

~~Any person who willfully violates any provision of this article shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not more than \$100.00 or imprisoned not more than 30 days, or both such fine and imprisonment, in the discretion of the court.~~

~~Sec. 86-33. General purpose of article.~~

~~The general purpose of this article is to attract to the service of this city personnel of the highest ability and integrity by the establishment of a system of personnel administration based on merit principles governing the appointment, promotion, transfer, layoff, removal, discipline, classification, compensation and welfare of its civil employees, and other incidents of city employment. Appointments and promotions to positions in the city service shall be made solely on the basis of merit and fitness, except as specified in this article.~~

~~Sec. 86-34. Applicability of this article.~~

~~The protection of this article shall apply to all regular full-time and regular part-time employees, except for fire and police.~~

~~Secs. 86-35—86-50. Reserved.~~

~~DIVISION 2. ADMINISTRATION~~

~~Sec. 86-51. Establishment, composition, appointment and terms of members, and powers and duties of civil service commission; filling vacancies; removal of members; officers; compensation of members.~~

~~(a) There shall be a civil service commission comprised of three members who shall be appointed by the mayor and confirmed by the city council. No more than two members shall be of the same political party. The first appointees shall be appointed for terms of one, two and three years respectively. Thereafter, all appointments shall be for three-year terms. Each~~

~~member of the commission shall hold office until his successor is appointed and qualified. Vacancies shall be filled by appointment for the unexpired term.~~

- ~~(b) Members shall be residents of the city, but no officer or employee of the city shall be eligible for appointment to the commission. A member of the commission may be removed by the affirmative vote of a majority of city council after being given a written statement of the charges against him and a hearing, which shall be a public hearing, if he so requests.~~
- ~~(c) The commission shall annually elect its chairman and such other officers as it desires from among its members and shall establish its own rules of procedure. Two members shall constitute a quorum for the transaction of business and two affirmative votes shall be required for final action on any matter acted upon by the commission unless otherwise provided in this article.~~
- ~~(d) The commission shall have power and shall be required to:
 - ~~(1) Advise the mayor, city council and personnel director on matters concerning personnel administration, including training programs and the fostering of interest by educational institutions and civic, professional and employee organizations in the improvement of the city service.~~
 - ~~(2) Review the personnel rules and regulations as amended as developed and recommended by the personnel director; conduct hearings; approve or reject such rules in whole or in part and with or without modifications; and transmit such rules with recommendations to the city council for its consideration and legislative action where appropriate.~~
 - ~~(3) Hear timely filed appeals in accordance with section 86-198 by any employee in the classified service from a decision by that employee's supervisor and affirmed by the appropriate department head as set forth in section 86-196(d), or in the case of a grievance relating to transfer, by that employee's department head as authorized in section 86-133 and report in writing to the appealing employee, the supervisor and the department head within the time frame set forth in section 86-198 its findings and decisions, which decisions shall be binding unless appealed pursuant to section 86-198(e).~~
 - ~~(4) Hear timely filed grievances relating to discharge, suspension, reduction in classification or pay filed directly with the commission within the time frame set forth in section 86-197 and issue decisions on these matters within the time frame set forth in that section, providing notice in writing to the grieving employee, the supervisor and department head.~~
 - ~~(5) Make any investigation which it may consider desirable concerning personnel administration in the city service and report to the mayor and city council its findings, conclusions and recommendations.~~~~

- ~~(6) Perform such other related duties as may be necessary to fulfill its responsibilities or as may be assigned by the mayor or city council.~~
- ~~(e) The commission, for purposes of conducting any hearing or investigation by authority of this article, shall have the power to administer oaths, subpoena witnesses and compel the production of pertinent records and books.~~
- ~~(f) Members of the commission shall serve without pay but shall be reimbursed for necessary expenses.~~

~~Sec. 86-52. Personnel director; secretary of commission; personnel department.~~

~~The mayor shall appoint a personnel director, who shall:~~

- ~~(1) Be the secretary of the commission.~~
- ~~(2) Be the administrative head of the personnel department, directing and supervising all activities.~~
- ~~(3) Be responsible for the proper conduct of all administrative affairs of the personnel department and for the execution of the personnel program.~~
- ~~(4) Apply and carry out the rules adopted by the commission.~~
- ~~(5) Establish and maintain a roster of all employees in the city civil service, in which there shall be set forth, as to each employee, the class title, pay and other pertinent data, and develop and maintain a classification plan and a compensation plan consistent with this chapter.~~
- ~~(6) Develop evaluation forms for each position in the classified service to be used by supervisors annually to measure each employee's performance. Such evaluations may be used as a factor in determining eligibility for salary adjustments, potential for advancement, disciplinary matters and the advisability of transfer. The evaluation forms will be maintained in permanent personnel files and shall be kept confidential.~~
- ~~(7) Appoint such employees of the department and such experts and special assistants as may be necessary to carry out effectively the provisions of this article.~~
- ~~(8) Foster and develop, in cooperation with appointing authorities and others, programs for the improvement of employees effectiveness, including training, safety, health, counseling and welfare. The director shall encourage training opportunities and assist, where requested, in organizing training programs that will make employees more effective and qualified for promotion. The director shall also develop training aids for new employees to familiarize them with their obligations and rights in city service and general functions of the city government. The director shall investigate working conditions and recommend to the department heads concerned suggestions for the correction of harmful conditions which are believed to be preventable or which are not in compliance with established rules, regulations and requirements.~~

~~(9) Prepare and provide department heads with forms to create a record of all appointments, transfers, promotions, demotions, dismissals, sick leave, vacation leave, leave of absence without pay, change of salary rate and other temporary or permanent change in the employee position in both the classified and unclassified service. These forms shall be utilized by department heads and sent to the director.~~

~~(10) Perform any other lawful acts which may be necessary or desirable to carry out the purposes and provisions of this article.~~

~~Secs. 86-53—86-70. Reserved.~~

~~DIVISION 3. CLASSIFICATION AND COMPENSATION PLANS~~

~~Sec. 86-71. Classification plan.~~

~~(a) *Classification plan.* The personnel director shall maintain a classification plan describing each class of employees in the classified service. Each class specification shall include the class title, a description of the duties and responsibilities of the work and a statement of the qualifications a person shall possess to enable that person to enter upon the duties of a position within the class with reasonable prospects of success.~~

~~(b) *Allocating positions into classes.* The personnel director shall allocate each position into a class, subject to approval by the mayor and city council, taking into consideration the duties and responsibilities of each position in the classified service and shall reevaluate such duties on an annual basis to reflect changing responsibilities and ensure proper classification. Allocation of a position to a class shall not limit the authority of any department head to assign duties not specifically included in the specifications in that particular class.~~

~~(c) *Reallocation.* Whenever a department head desires to make any permanent and substantial change in the duties or responsibilities of a position, written notification of the proposed change shall be submitted to the director. After due investigation, the director shall allocate the position to the proper class and promptly notify the department head of such allocation. The director may, upon his own initiative or the request of a department head or regular employee, study the duties of any position to determine if its allocation is proper. Following such study, the director may reallocate the position to an appropriate class subject to the approval of the mayor and city council.~~

~~(d) *Effect of reallocation.* A regular employee occupying a position which has been reallocated shall continue in the position only if the director has determined that the employee possesses the qualifications, training and experience requisite for such position. In any case, where an incumbent is ineligible to continue in the position and such employee is not transferred or promoted, the layoff provisions of this article shall apply. Personnel changes required by the reallocation of the position should be completed within a period of three months following the date of the reallocation notice to a department head. Whenever a proposed reallocation or reclassification actually represents an assignment to a new or~~

~~different position, the provisions of this article governing appointment, promotion, transfer or demotion shall apply.~~

~~(e) *Review of allocation.* A regular employee may at any time submit a written request to the director for a review of the allocation of his position. This request must set forth the employee's reasons justifying a review. The director shall make an investigation of the position with a view of determining its correct allocation and shall report in writing to the appealing employee and the appointing authority its findings and decisions, which decision shall be binding upon the appointing authority.~~

~~(f) *New positions.* New positions in the classified service may be created by the mayor upon the approval by city council and the necessary budgetary allocation for such new positions.~~

~~Sec. 86-72. Compensation plan.~~

~~(a) *Adoption of plan.* The personnel director shall be responsible for developing and revising annually a recommended compensation plan subject to the approval of the mayor and city council which shall cover all positions in the classified service and shall be based on the principle of equal pay for equal work. The plan shall prescribe the manner of its administration, including the methods of fixing individual pay rates and of rewarding exemplary service by pay increases within established ranges. There shall be a pay range designated for each class within the classification plan, as well as a designated pay range for each position recognized within that class. Within each such pay range, there shall be pay steps.~~

~~(b) *Annual budget.* Prior to the preparation of each annual budget as well as at other times, the director shall make such comparative studies as he deems necessary of the factors affecting the level of salaries in the city service. On the basis of the information derived from such studies, the director shall recommend to the city council such changes in the pay plan as are pertinent to the fairness and adequacy of the overall salary structure, including salary ranges for new classes.~~

~~(c) *Pay range allocation.* In those cases where modification of the compensation plan results in a classification being allocated to a higher pay range, the incumbent in the position shall be advanced in pay to the same pay step in the new pay range as he is allocated in his present pay range; provided, that the mayor may, at the request of a department head, adjust the pay step when it is consistent with the spirit and purpose of the merit system provisions, provided that such adjustment does not reduce the rate of pay of the employee. A change in the pay range allocation shall have no effect upon normal eligible dates for salary increases, otherwise authorized.~~

~~(d) *Beginning salary.* The minimum rate of pay for a position shall normally be paid to any person on his original appointment. Original appointment above the minimum rate may be paid if a department head submits a written request outlining reasons for such action for the approval of the director. Approval shall be granted only when there is a lack of available~~

~~eligible applicants at the minimum rate or in recognition of exceptional qualifications of an eligible applicant. Whenever such action is authorized, the director shall make a study of like positions in the service to determine whether the existing salary range is appropriate, whether such proposed rate represents an unreasonable departure from rates of other employees so classified, and whether the salary range should be amended to enable the employment of sufficient qualified employees at the minimum rate. When any employee is reemployed in a class in which he was previously employed, the director may authorize an appointment at the salary step in the range for the class corresponding to that which the employee had been receiving upon the termination of his previous service.~~

- ~~(e) *Salary advancements.* A probationary employee shall be entitled to a one step salary increase after successful completion of a six month probationary period, provided that such employee was not hired at the highest pay step for the class of such employee's position. Thereafter, each employee shall be eligible for a salary increase for continued satisfactory service on a semiannual basis. Salary increases will take effect no sooner than six months after the effective date of the employee's last step increase, or if he is a new employee, six months after completion of the probationary period. An employee shall be permitted to rise no more than one step within the applicable salary range during any six month period. Salary increases will be granted only if supported by a recommendation of the department head confirmed by the records of the personnel director, and approved by the mayor.~~
- ~~(f) *Promotion, transfer or demotion.* In the case of promotion, the rate of the promoted employee shall be increased to that step in the new pay range next above the rate of pay prior to promotion. In the case of transfer, the employee's rate will remain unchanged at the time of transfer. In the case of demotion, the rate of the demoted employee shall be reduced only as necessary to bring his rate at the time of demotion within the range established for the position within the class to which he is demoted.~~
- ~~(g) *Overtime payment.* All overtime pay arrangements for overtime shall be approved in advance by the department head in accordance with policies established by the mayor or provided by state and federal law. All overtime shall be offered consistent with section 86-134. Vacation, sick leave, funeral leave, jury leave and any other leave shall not be computed into the time determined to establish overtime.~~
- ~~(h) *Travel and other official expenditures.* Any employee who uses his personal vehicle in the course of employment for authorized travel purposes shall be reimbursed for such reasonable costs.~~
- ~~(i) *Temporary assignment to different positions.* Employees temporarily assigned to positions having classifications higher than their own shall have such assignments noted in their personnel records and given consideration in future opportunities for promotion. The period during which an employee can be assigned the duties of a higher classification without a change of salary shall not exceed 60 days or the equivalent number of working days aggregate in any 12-month period. Employees in a bona fide training program may be~~

~~required to perform the duties of a higher classification without a change of salary for any period of time so long as such training is necessary to assume the position of the higher classification.~~

~~Sec. 86-73. Individual employment in more than one department.~~

~~The prescribed rates of pay for the several classes shall include payment for all work performed in those classes during the standard workweek, even though work may be performed in more than one department. Each department may pay its proportionate share of such services, but the total compensation received by such employee shall be fixed at one step in the prescribed range for the class.~~

~~Secs. 86-74—86-100. Reserved.~~

~~DIVISION 4. APPOINTMENTS TO CITY SERVICE~~

~~Sec. 86-101. Recruitment.~~

~~(a) Requisition. When a vacancy in the classified service is to be filled, the department head shall submit a requisition to the director stating the class title, number of positions to be filled, and all other pertinent information.~~

~~(b) Public announcement of vacancies and hirings. The personnel director shall make announcement of all vacancies in the classified service which are to be filled by appointment at least 15 days in advance of the last date, the closing date, for filing of applications, by means of announcement posted on the official bulletin board of the personnel department and on the official bulletin boards of all other departments within city government and with the city clerk. Announcements shall remain posted at all locations until the position is filled. If none of the applicants are qualified for a particular vacancy as of the announcement's closing date, then an announcement to this effect shall be posted on all bulletin boards. Where there are qualified applicants and one or more are current city employees, such city employee applicants shall be granted an interview. Vacancies shall not be filled prior to the closing date. When a position is filled, a notice shall be posted on all bulletin boards to this effect and filed with the city clerk documenting the date that the vacancy was announced and the date the position was filled. Announcements of vacancies shall be given such other publicity as the director deems warranted in the interest of attracting adequate numbers of eligible applicants. The announcements shall specify the title and salary range of the class for which the vacancy is announced; the nature of the work to be performed; the minimum qualifications required for the performance of the work of the class; the time, place and manner of making application; the closing date for receiving applications; and other pertinent information. For those classes for which there is to be continuous recruitment, a statement shall be included in the announcement to the effect that applications will be received until further notice.~~

~~Sec. 86-102. Application for employment.~~

- ~~(a) *Application form.* All applications shall be made on forms prescribed by the personnel director and shall be filed with the director on or prior to the closing date specified in the announcement, or postmarked before midnight of that date. Applications may require information concerning that applicant's background, training, experience, education, references, residence, physical fitness, where relevant, and other pertinent information. All applications shall be signed and the truth of the statements contained in the applications certified by such signature. The director shall require such proof of age, education, experience and other claims as may be appropriate.~~
- ~~(b) *Freedom from bias.* No question in any application form shall be so framed as to elicit any information concerning the political or religious opinions or affiliations, or the sex, race, color, national origin, ancestry or disability of any applicant in any manner inconsistent with state or federal law; nor shall any inquiry be made concerning such opinions or affiliations; and all such disclosures shall be discountenanced, except that the city may inquire whether any person employed or retained in the city service advocates or belongs to an organization advocating the overthrow or change of our government by force or violence.~~
- ~~(c) *Consideration for hiring.* Persons who submit applications on or before the closing date and whose applications clearly show that they are qualified for the position as specified in the official announcement shall be considered for the position for which they are applying. Where doubt exists as to whether an applicant is qualified for the position, the personnel director may authorize a request for further information.~~

~~Sec. 86-103. Age requirements.~~

- ~~(a) All applicants for positions in the civilian classified service shall not be less than 16 years of age nor more than 70 years of age; except that the personnel director may, with approval of the mayor, modify the minimum or maximum age requirement when it is in the interest of the city to do so. The maximum age requirement shall not apply to promotional opportunities. Any person, other than an elected official, in the paid service of the city who shall have attained the age of 70 years shall be retired. Upon the written request of any such person, the mayor may continue such person in the service after age 70, from year to year only, but in no case beyond the age of 75.~~
- ~~(b) No person shall be rehired as a regular employee by the city who is retired from city employment, except upon written approval by the mayor.~~

~~Sec. 86-104. Medical examination.~~

~~Appointees to positions may be required to undergo a medical examination by a physician to determine physical and mental fitness where pertinent to the performance of the work in the position for which appointment is to be made. An employee's medical record will not be kept in his personnel file.~~

~~Sec. 86-105. Eligibility and ratings.~~

- ~~(a) *Eligibility for hire and promotion.* All appointments to positions in the classified service shall be made according to ratings based upon merit and fitness. Positions shall be open to all citizens of the United States, regardless of residence, who may be lawfully appointed to a position in the class concerned, and who appear to meet the qualifications and other requirements for the class as set forth in the vacancy announcement. Consideration for a position may be limited to regular full time or part time employees in the city service or a particular department within the city service when the personnel director, after consultation with the department head concerned, determines that there are a sufficient number of qualified candidates within the classified service.~~
- ~~(b) *Qualifications.* In addition to the qualifications required for a specific position, personal qualifications required of every employee in any class shall include good citizenship, honesty, loyalty, sobriety, industry, amenability to supervision, and suggestions of superiors for improvement of service and willingness to cooperate with associates.~~
- ~~(1) *Competitive ratings.* Applicants shall be judged for hire and promotion on the basis of ratings. Ratings shall be based upon the capacity, merit and fitness of applicants to discharge the duties of the position sought by them, taking into consideration such factors as education, experience, desirability, demonstrated performance, potential, competitive attitude, reliability, aptitude, knowledge, character, personality, physical fitness to perform a given job (as determined by physical or medical examinations, or both), clerical skills (when appropriate and as determined by testing), seniority and quality of service, where the applicant is a city employee, as evidenced by his employment record, possession of necessary certification to operate mechanical equipment, or any other qualifications or attributes which in the judgment of the director enter into the determination of the relative fitness of the applicants.~~
- ~~(2) *Noncompetitive rating.* The director may conduct a noncompetitive promotion rating to establish eligibility for appointment to a higher class in the case of a regular employee whose position is reallocated in recognition of a gradual change in his duties and responsibilities.~~
- ~~(3) *Ratings for a lower class.* Any applicant who fails to qualify as an eligible applicant for the class for which he applied may, with the approval of the director, be rated for eligibility for a lower class for which application was made if the applicant has signified willingness to accept appointment to a position in such lower class.~~

~~Sec. 86-106. Certification by director and hiring.~~

~~Applicants found to be eligible for the position applied for will be rated by the hiring authority according to the qualifications listed in section 86-105(b). In the case of a tie in final ratings, the applicant with seniority will be given preference according to the degree of seniority possessed. All regular employees will be deemed to have earned some degree of seniority, whether employed part-time or full-time. Any remaining ties shall be broken by arranging names~~

~~in the order in which applications were received. The hiring authority will then identify those eligible applicants with the highest ratings and convey one or more of those names, in order of the highest ratings, to the personnel director for certification. Any certified eligible applicant may thereafter be offered the position that he has been certified for; however, no applicant may be hired or promised employment prior to the closing date; further, if no eligible applicants exist on the closing date, the personnel director shall make public announcement of such fact and set a new closing date for applications according to the procedures in section 86-101 until an eligible applicant is found. If the eligible applicant who is offered the position refuses, such refusal shall be transmitted to the director, who shall then certify the next highest rated eligible applicant.~~

~~Sec. 86-107. Reemployment lists.~~

~~Regular employees with a satisfactory employment record who are involuntarily separated from the city service through no fault of their own shall be placed on appropriate class reemployment lists in the order of their years of continuous service with the city. Employees with the same total years of service shall be placed on the list for the class in question in order of their final performance evaluation. The eligibility of all candidates on class reemployment lists shall expire two years from the date of their separation from the city service.~~

~~Sec. 86-108. Disqualifications for certification.~~

- ~~(a) The director may remove or withhold from certification the name of an eligible applicant for any of the following reasons:~~
- ~~(1) If the eligible applicant is found to lack any of the established qualifications for the position.~~
 - ~~(2) Anticipated or pending appointment to fill a vacancy having the same or a higher minimum salary at the election of the applicant.~~
 - ~~(3) Filing of a statement by the eligible applicant that he is not willing to accept appointment.~~
 - ~~(4) Declination of an appointment under such conditions as an eligible applicant previously had indicated he would accept.~~
 - ~~(5) Failure to respond within five working days to any written inquiry of the director relative to availability for appointment.~~
 - ~~(6) Failure to report for duty within the times prescribed by the department head.~~
 - ~~(7) If the eligible applicant, who is already a city employee, is reported to have committed an offense after his name was submitted for certification subjecting that applicant to disciplinary action.~~
 - ~~(8) Failure to maintain a record of current address at the personnel department. For this purpose, the return of a letter of the personnel department by the postal authorities, if~~

~~properly addressed to the last address on record, shall be deemed sufficient grounds for such action.~~

~~(9) In the case of promotion lists, upon termination of city service.~~

~~(b) Whenever the director removes or withholds from certification the name of an eligible applicant on a list, he shall inform such person of the reasons for such action.~~

~~Sec. 86-109. Availability of eligible applicants.~~

~~It shall be the responsibility of eligible applicants to notify the personnel department in writing of any change in address or other change affecting availability for employment. However, the director may use lists or other methods to determine at any time the availability of eligible applicants. Whenever an eligible applicant submits a written statement restricting the conditions under which he will be available for employment, his name shall be withheld from all certifications which do not meet the conditions he has specified. An eligible applicant may file a new written statement at any time prior to certification modifying any prior statement as to conditions under which he will be available for employment.~~

~~Sec. 86-110. Probationary and temporary appointment.~~

~~(a) Probationary appointments.~~

~~(1) During the six month probationary period, a probationary employee may be dismissed by the appointing authority without the right of the employee to review of any kind. Notification of any dismissal of a probationary employee shall be made in writing by the appointing authority to the employee and the personnel director. No statement of reason for dismissal need be given unless the reason for dismissal bears upon the eligibility of the employee for other employment with the city.~~

~~(2) At least ten days prior to the expiration of the employee's probationary period, the appointing authority shall make a written evaluation of the performance of the employee and shall provide such evaluation to the director and the employee. Upon receipt by the director of a favorable report the appointment of the employee shall be made regular at the expiration of the probationary period. If the evaluation is unfavorable, the employment of the probationary employee shall be terminated.~~

~~(b) Temporary appointments. An appointing authority may make temporary appointments for a period not to exceed 90 days excepting those circumstances where the temporary employee is replacing an employee on an extended leave of absence or workers' compensation injury, but not to exceed 1,039 hours. Successive temporary appointments to the same position shall not be made within a 12-month period. An employee under a temporary appointment may be dismissed by the appointing authority without the right of the employee to review of any kind.~~

~~Sec. 86-111. Gifts and emoluments.~~

~~No person seeking appointment to or promotion in the city service shall give, render or pay any money, service or other valuable thing to any person in connection with his rating, appointment or promotion. No person shall accept from any other person any gift or emolument of any sort on behalf of any applicant or employee for such appointment or promotion.~~

~~Sec. 86-112. Nepotism.~~

~~No member of the immediate family of any supervisor shall be employed in that supervisor's department unless the written approval of the mayor is obtained.~~

~~Secs. 86-113–86-130. Reserved.~~

~~DIVISION 5. CONDITIONS OF EMPLOYMENT~~

~~Sec. 86-131. Discrimination.~~

~~All city employees have the right to work in an environment free from all forms of discrimination. It is the city's policy to recruit and offer employment for all jobs without regard to race, creed, color, sex, age, national origin, religion, veteran's status, or mental or physical disability. City employees have the right to work in an environment free from harassing, coercive or disruptive conduct based upon any of these protected criteria, and have the additional right to work in an environment free from sexual harassment. Sexual harassment, including deliberate or repeated advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature and which may interfere with work performance or create a hostile working environment, is strictly prohibited.~~

~~Sec. 86-132. Political activities.~~

- ~~(a) No employee in the classified service shall continue in such position after becoming a candidate for nomination or election to any paid public office. Electioneering in any city office, building or premises by any employee during applicable working hours is prohibited.~~
- ~~(b) No employee in the classified service or member of the commission or the director shall directly solicit or take any part in soliciting any political assessment, subscription, contribution or service. No person shall solicit any such assessment, subscription, contribution or service of any employee in the classified service.~~

~~Sec. 86-133. Transfers.~~

- ~~(a) *Generally.* A position may be filled by transferring an employee from another position of the same class or similar class with essentially the same basic qualifications and having the same maximum salary. Interdepartmental transfers shall be approved by both department heads affected and the director, and shall be executed on a prescribed form. Vacancies to be filled by transfer within a department need not be announced pursuant to section 86-101.~~

- ~~(b) *Propriety of transfer.* No transfer shall be made without good cause and without the transferred employee's being qualified for the position. Good cause shall exist when such transfer will result in the more efficient operation of the city.~~
- ~~(c) *Notice of transfer.* Any employee subject to transfer must be given written notice stating the reasons for transfer seven calendar days prior to the effective date of the transfer. The city manager shall also receive a copy of such notice at that time.~~
- ~~(d) *Protest to transfer.* If the employee and affected supervisor agree to the transfer, the date of transfer can be immediate. If an employee objects to the transfer on the grounds that there is no good cause for the transfer, such employee may file a grievance pursuant to section 86 196 prior to the scheduled date of transfer. Such filing shall be made to the present department head. If such protest is filed, the affected employee shall have the right to remain in the present job position until the matter is resolved. If the department head rules against the affected employee, such employee may appeal this decision to the commission, as set forth in section 86 196(b)(3), provided that such appeals may, in the commission's discretion, be heard and ruled upon by a single commissioner, in which event the ruling shall have the force and effect of a commission ruling.~~

~~Sec. 86 134. Hours of work.~~

~~Regular working hours for all full time employees shall be not less than 35 nor more than 40 hours each week, which shall be the standard unless otherwise provided by departmental regulation and approved by the mayor. Overtime shall be offered first to full time employees. Each department shall develop a system to afford full time employees an equal opportunity for overtime on an annual basis.~~

~~Sec. 86 135. Assignment of wages.~~

~~No assignment of an employee's net wages, earned or unearned, as a transfer or as a security for a debt, shall be binding on the city unless such assignment shall have been approved in writing by the director prior to the execution of such assignment.~~

~~Sec. 86 136. Employee records.~~

- ~~(a) *Employee evaluations.* Each employee's job performance shall be evaluated annually by his supervisor. These evaluations shall be on the form prescribed by the personnel director and will be retained in personnel files dedicated to each employee. These evaluations shall record whether the employee's performance is satisfactory or unsatisfactory, the perceived strengths and weaknesses of that employee, and the promotion potential of such employee. Each employee shall have an opportunity to review his evaluation. If the employee objects to such evaluation, as prepared by his supervisor, the employee shall be provided the opportunity to have such evaluation reviewed by the next highest person in command.~~
- ~~(b) *Documenting unsuitable conduct.* Each supervisor shall keep records regarding each employee under his supervision and must document all significant unsuitable or~~

~~unsatisfactory conduct on the part of each employee on the forms prescribed by the director. These records shall specifically address any unsuitable conduct or attribute which bear upon the effectiveness or the performance of the job.~~

~~Secs. 86-137—86-160.—Reserved.~~

~~DIVISION 6. —HOLIDAYS AND OTHER LEAVE⁽²⁾~~

~~Sec. 86-161.—Paid holidays.~~

~~(a) The following days shall be regarded, treated and observed as legal holidays:~~

~~(1) January 1, New Year's Day;~~

~~(2) The third Monday of January, Martin Luther King's Birthday;~~

~~(3) The third Monday of February, Presidents' Day;~~

~~(4) The last Monday in May, Memorial Day;~~

~~(5) June 20, West Virginia Day;~~

~~(6) July 4, Independence Day;~~

~~(7) The first Monday of September, Labor Day;~~

~~(8) The second Monday of October, Columbus Day;~~

~~(9) November 11, Veterans Day;~~

~~(10) The fourth Thursday and Friday of November, Thanksgiving Day Holidays;~~

~~(11) December 25, Christmas Day;~~

~~(12) Any day on which a national, state or other governmental election is conducted within the City of Charleston; and~~

~~(13) Any day proclaimed or ordered by the mayor, the governor or the President of the United States as a day of special observance or Thanksgiving, or for the general cessation of business.~~

~~(b) If a holiday as identified in subsection (a) of this section falls on Saturday or Sunday, either the preceding Friday or the succeeding Monday shall be regarded, treated and observed as such legal holiday; provided that this subsection (b) shall not apply to subdivisions (12) or (13) of subsection (a) of this section.~~

~~(c) An employee absent without authorized leave on the last working day preceding or the first working day following a holiday shall not receive regular compensation for the holiday. If a holiday as identified in subsection (a), but excluding subsections (12) and (13) of subsection (a) of this section when occurring on a Saturday or Sunday, is observed on a full-time or regular part-time employee's regularly scheduled day off, the employee shall be compensated by straight time pay or an additional day off in lieu thereof. The determination~~

~~of whether compensation will consist of pay or an additional day off shall be at the discretion of the city manager. If compensated by pay, such pay shall be for a normal working day at the straight hourly equivalent rate for his position classification.~~

~~(d) Employees who are required to work on a holiday as identified in subsection (a), but excluding subsections (12) and (13) of subsection (a) of this section when occurring on a Saturday or Sunday, shall be compensated in accordance with city policy. Upon request to his/her supervisor, a full time or regular part time employee who is required to work on an election day, as identified in subsection (a)(12) of this section, shall be provided with reasonable time and opportunity during his/her work day to vote, without any reduction in pay or leave, if applicable.~~

~~Sec. 86-162. Sick leave.~~

~~(a) Except as otherwise provided in this article, each employee, including nonclassified and classified, shall be entitled to and shall receive sick leave when and if needed with full pay computed on the basis of eight hours for each complete calendar month of service, or major portion. Part time regular employees shall have sick leave computed on the basis of four hours for each calendar month of service, or major portion.~~

~~(b) Sick leave, with pay, shall not be accorded to irregular part time, temporary or seasonal employees.~~

~~(c) In cases of emergency, the city manager may, at his discretion, grant advance sick leave up to 30 working days beyond that accumulated; provided that all regularly earned sick and vacation leave have been used.~~

~~(d) The minimum charge against sick leave shall be one half day, and additional leave shall be charged in multiples. Absences of less than half a day shall be recorded and shall be charged in multiples of half a day as they accumulate.~~

~~(e) Employees shall have the right to carry over from year to year any unused sick leave. When the service of an employee has been terminated, all sick leave credited to such employee shall be canceled as of his last working day with the city. However, after a reduction in force, any accumulated sick leave may be reinstated, if a permanent employee is reinstated to the city within a period of one year from date of separation. When an employee retires, the employee will have the privilege of converting up to 96 hours of sick leave accrued under subsection 86-162(a) on or after January 1, 2015, or any remaining unused sick leave accrued prior to January 1, 2015, whichever is greater, to insurance benefits based on the formula of 16 hours for one month single coverage insurance premium or 24 hours for one month family coverage insurance premium. Any sick leave accrued by an employee under subsection 86-162(a) on or after January 1, 2015, that is not converted to insurance benefits to the extent permitted by this section shall be forfeited effective as of the date of the member's retirement or separation from employment.~~

- ~~(f) Sick leave shall be granted to employees for the following reasons:~~
- ~~(1) Illness on the part of or injury to the employee, incapacitating such employee for duty.~~
 - ~~(2) Illness in the immediate family (see definition in section 86-34) of such a critical nature as to require the presence of the employee. This provision shall not be construed to cover absence for the purpose of nursing or caring for members of the family not declared by the attending physician to be critically ill.~~
 - ~~(3) Exposure to contagious disease and determination by his supervisor that the presence on duty of the employee may jeopardize the health of others.~~
 - ~~(4) Illness due to pregnancy may be charged to sick leave under the same conditions applying to any other illness. A pregnant employee is deemed able to work unless she provides a physician's statement stating that she is unable to work.~~
- ~~(g) An employee shall furnish a certificate from the attending physician for all consecutive days of sick leave granted beyond three working days.~~
- ~~(h) After the equivalent of one half of annual sick leave is used and that use is without a physician's excuse or documentation, the employee shall furnish documentation from a physician or other medical provider establishing reason for relief from duty for use of additional sick leave. If additional days are taken without a physician's or other medical provider's excuse, the additional sick leave is an unexcused absence.~~
- ~~(i) This section shall not be applicable to paramedics and emergency medical technicians of the city emergency ambulance service department. The eligibility of paramedics and emergency medical technicians of the city emergency ambulance service to receive sick leave with pay shall be determined in accordance with the provisions of this section.~~
- ~~(j) In the event of an emergency, as declared by the mayor and by resolution of the city council, an attending physician's excuse may be required for any day missed; and, further, during such emergency the mayor may suspend, in whole or in part, any sick leave as permitted by subsection (f) of this section.~~

~~Sec. 86-163. Funeral leave with pay.~~

~~In the case of the death of the mother, father, brother, sister, stepmother, stepfather, stepbrother, stepsister, husband, wife, child, stepchild, mother in law or father in law, grandparent or grandchild, or in the case of death of any other relative residing in the immediate household of an employee, the employee shall be allowed two days' funeral leave with regular pay without deduction from his pay or accumulated sick leave. In the case of death of a sister in law, brother in law, son in law, aunt, uncle, nephew, niece or first cousin of the employee or spouse, the employee shall be allowed one day's funeral leave with regular pay without deduction from his pay or accumulated sick leave. In addition, the employee may be allowed to use two days of his accumulated sick leave, in the case of death of any of these persons.~~

~~Sec. 86-164. Annual vacation.~~

~~(a) The eligibility of full-time and part-time regular employees, including nonclassified and classified employees, to receive a vacation with pay within the current calendar year shall be determined in accordance with the following schedule:~~

Net Credited Service as of December 31 of the Calendar Year		Vacation
(1)	a. Less than six months	None
	b. Six months or more but less than 12 months	½ day per month of total service
(2)	One year or more but less than five years	10 days
(3)	Five years or more but less than 15 years	15 days
(4)	15 years or more	20 days

~~Part-time employees earn half the vacation days per month that full-time employees earn.~~

~~(b) An employee may carry forward no more than ten days of accumulated annual vacation from one calendar year to another and may accumulate no more than 30 vacation days. If an employee's services are terminated for any reason, including his resignation, such employee shall be paid for accumulated annual vacation, but no more than 30 days. No employee is entitled to any vacation with pay prior to becoming a regular employee.~~

~~(c) An employee's weekly wages for vacation pay purposes shall consist of the basic weekly wage paid on the week prior to the vacation period.~~

~~(d) The minimum charge against annual vacation shall be one-half days, and additional vacation shall be charged in multiples of such days.~~

~~(e) Annual vacation may be granted to an employee because of illness, provided all earned sick leave has been exhausted.~~

~~(f) In the event of death of an employee who has not used all of his earned annual vacation, payment for accumulated vacation shall be made to his heirs or estate.~~

~~(g) If a holiday is observed within the vacation period, that day shall not be counted as a vacation day for the employee on vacation.~~

~~(h) If an employee begins a leave of absence without first taking all earned vacation leave, such leave will begin to run immediately. When vacation leave has expired, the leave of absence officially begins and runs until the employee returns to work. Leave of absences shall be no longer than six months.~~

- ~~(i) Vacation request of employees shall be permitted to the extent permitted by work requirements, service conditions and availability of employees, as determined by the appointing authority.~~
- ~~(j) Any employee charged with or convicted of a felony or a crime relating to employment with the city, and who has been dismissed because of this misconduct, shall forfeit all or any part of such vacation.~~
- ~~(k) Any employee seeking to receive annual vacation of four or more consecutive workdays must request it three weeks in advance. Supervisors must respond to such requests within one week. Any employee seeking annual leave of three or less consecutive workdays must request such leave at least 48 hours in advance. Supervisors must respond to these requests within 24 hours of the request and may not cancel approved vacation unless in the event of an emergency. Supervisors may, at their discretion, grant request for leave that fail to meet the time requirements in this section. Where two or more employees request the same days as annual vacation and a request must be denied to ensure the efficient operation of the department, then annual vacation will be granted on the basis of seniority. However, if the same individuals again request annual leave on the same days, the supervisor may, in his discretion, grant annual vacation to the individual with less seniority, as fairness dictates.~~

~~Sec. 86 165. Leaves of absence without pay.~~

- ~~(a) Leaves of absence without pay may be granted to regular full-time and regular part-time employees, by a department head, for a period not to exceed one month. For extended leaves of absence between 30 days and six months, the approval of the department head and the director must be obtained.~~
- ~~(b) Such leave shall be granted only when it will not result in undue burden to the city in filling the position of the absent employee with a competent replacement. Failure on the part of an employee on leave to report promptly at its expiration, without good cause, shall be considered as a resignation.~~

~~Sec. 86 166. Absence without leave.~~

~~Any unauthorized absence of an employee for duty shall be deemed to be an absence without pay and may be made grounds for disciplinary action by the department head. In the absence of such disciplinary action, any employee who is so absent for three or more days shall be deemed to have resigned.~~

~~Sec. 86 167. Military leave.~~

- ~~(a) All employees who are members of the National Guard, air national guard or of any of the reserve components of the armed forces of the United States shall be entitled to leave of absence from duty with pay, and without penalty to status, seniority rights and without reprimand, on all days during which they shall be engaged in drills or parades during business hours ordered by proper authority, or for field training or active service for a maximum~~

~~period of 30 calendar days in any one calendar year ordered or authorized under provisions of state law. The term "without loss of pay" shall mean that the employee shall continue to receive his normal salary or compensation, notwithstanding the fact that such employee may have received other compensation from federal or state sources during the same period. Furthermore, such leave of absence shall be considered as time worked for the agency in computing seniority, eligibility for increase and experience with the city. The terms of this subsection shall not apply under the provisions of any selective training and service act, or other such act whereby the President may order into active duty the National Guard and the reserve components of the armed forces of the federal government. An employee shall be required to submit an order or statement in writing from the appropriate military officer in support of the request for military leave referred to in this section.~~

~~(b) Any employee who may enter the military, naval, marine corps, air force or coast guard service of the United States may obtain a leave of absence from his service with the city and upon the honorable discharge from any such armed service shall have the right to reassume service with the city. This subsection shall not be construed:~~

~~(1) As an attempt to enlarge or to extend the length of terms of any limited term employee or to create a definite term where no definite term with respect to the position existed.~~

~~(2) As providing that the salary paid by the city shall continue to be paid to the employee while he is not performing the duties of his position with the city because of such service with the armed forces.~~

~~Sec. 86-168. Special leave.~~

~~(a) An employee may receive special leave with pay when that employee is required to serve on a jury and the hours of jury duty conflict with the hours of his city work. Whenever an employee serves on a jury, that employee must inform his supervisor of the jury service.~~

~~(b) Special leave with pay may also be granted by a department head for attendance in court or before an administrative tribunal in connection with an employee's officially assigned duties, the performance of other authorized duties in connection with city business, or authorized attendance at a trade or professional meeting which relates directly to official duties; and such leave shall not be considered a leave of absence.~~

~~Sec. 86-169. Length of service as affected by leave of absence.~~

~~Length of service requirements for increased vacation leave and for other purposes shall be determined by calculating an employee's continuous service with the city without a break or interruption. However, any authorized leave of absence with or without pay or by reason of layoffs for 30 calendar days or less shall not affect the continuity of service. Leaves without pay, layoffs for a period in excess of 30 calendar days, all suspensions and all absences without leave shall be deducted in computing the total length of service with the city.~~

~~Secs. 86-170—86-190. Reserved.~~

~~DIVISION 7. – DISCIPLINE AND SEPARATION FROM CITY SERVICE~~~~Sec. 86-191. – Resignation.~~

~~Any employee who is in good standing may resign from the city service by presenting his resignation in writing to the department head at least two weeks prior to the effective date. Such resignation shall be promptly forwarded to the director by the department head. The director may make such investigation as deemed warranted for the purpose of verifying reasons for each resignation. Such resignation may be withdrawn by the employee at any time prior to the effective date with approval of the director.~~

~~Sec. 86-192. – Reemployment after resignation.~~

~~Reemployment after resignation may be allowed only in the following cases:~~

- ~~(1) In the case of resignation due to pregnancy.~~
- ~~(2) Where the appointing authority determines that the exceptional knowledge or experience of such former employee is such that it is in the best interests of the city to reemploy the former employee; however, such former employee shall be treated in all respects as a new employee; and benefits, including longevity, sick leave and vacation leave, shall not be reinstated.~~

~~Sec. 86-193. – Reduction in force; layoff.~~

- ~~(a) *Generally.* A department head may separate any employee because of lack of funds or curtailment of work, after giving written notice of at least five working days to such employee. No regular employee shall be separated from any department while there are probationary or temporary employees serving in the same class of positions in that department. Whenever a classified position is abolished or a reduction in force becomes necessary, layoffs shall be based on seniority, beginning with those employees with the least seniority and continuing with those with the least seniority when the qualifications of the employees to perform the available work are substantially equal; otherwise, the employees best qualified to perform the work shall be retained. Where layoffs are not based on seniority, the reasons shall be reported to the personnel director. Any employee adversely affected by such action may appeal to the commission within ten days of the date of receipt of the written notice of reduction in force.~~
- ~~(b) *Laid-off employees on reemployment lists.* The names of regular employees who have been laid off shall be placed on the appropriate reemployment list in accordance with section 86-107.~~
- ~~(c) *Appointment of laid-off employees to lower class.* An appointing authority shall appoint an employee who is to be laid off to an existing vacancy for which he is qualified in the same class in the city service. If no such vacancy exists, such employee to be laid off shall be~~

~~appointed to replace any less senior employee in the same or lower class citywide provided such employee to be laid off is qualified to perform in such other position.~~

~~Sec. 86-194. Cause of disciplinary action.~~

- ~~(a) Any action which reflects discredit upon the city service or is a direct hindrance to the effective performance of the municipal government functions shall be considered good cause for disciplinary action against any employee. Good cause may include but shall not be limited to the following:~~
- ~~(1) Use of intoxicating beverages on the job or so as to affect job performance or the use or sale on the job of controlled substances as defined by state law which have not been prescribed by a physician.~~
 - ~~(2) The conviction of a felony, or conviction of a misdemeanor or violation of a city ordinance which, in the opinion of the director, reflects adversely on the character and integrity of such officer or employee.~~
 - ~~(3) Improper political activity as defined in this article.~~
 - ~~(4) Offensive conduct or language toward the public or toward city employees, including sexual harassment.~~
 - ~~(5) Insubordination or any conduct unbecoming to an employee of the city.~~
 - ~~(6) Incompetence or failure to perform the duties of his position.~~
 - ~~(7) Damage to or negligence in the care or handling of city property.~~
 - ~~(8) Violation of any regulation made or given by his superior, where such violation or failure to obey amounts to an act of insubordination or a serious breach of discipline; or results, or might reasonably have been expected to result, in loss or injury to the city, to other employees of the city, or to the public.~~
 - ~~(9) Commission of acts or omissions unbecoming an incumbent of the particular office or position held, which render that employee's reprimand, suspension, demotion or dismissal necessary or desirable for the economical or efficient conduct of the business of the city or for the best interest of the municipal government.~~
 - ~~(10) Willful violation of any of the provisions of this Code.~~
 - ~~(11) The inducement of any officer or employee in the city service to commit an illegal act or to act in violation of any departmental or official regulation or order.~~
 - ~~(12) Solicitation or receipt from any person of any fee, gift or other valuable thing that is given in the hope or expectation of receiving a favor or better treatment than that accorded other persons.~~

~~(13) Use or attempted use of personal or political influence or bribery to secure an advantage in a rating or promotion, leave of absence, transfer, change of grade, pay or character or work.~~

~~(14) Absence from duty without leave contrary to this article.~~

~~(b) Violation of the provisions of this section shall be punishable by reprimand, suspension, demotion or dismissal.~~

~~(c) A copy of this section, with any amendments, shall be submitted to each department head to be posted in such manner as will bring it to the attention of all employees of such department.~~

~~Sec. 86-195. Disciplinary action.~~

~~(a) Oral reprimands. A department head or supervisor may reprimand any employee for conduct deemed to be unsatisfactory by giving a verbal warning. Documentation of this verbal warning will not be placed in the employee's personnel file.~~

~~(b) Written reprimands. Supervisors or department heads may issue written reprimands which shall describe the offense or conduct which is unsatisfactory. Upon delivery of the written reprimand, the employee will be directed to sign the written reprimand and will be permitted to write directly on the document any objections to the charge made or any justifications for the unsatisfactory conduct. If an employee refuses to sign the reprimand, the department head will make a note on the document that the employee has declined signature. A copy of the written reprimand, along with any notations made on it by the employee and/or department head, shall be kept in the employee's personnel file. Written reprimands may be appealed to the commission through the grievance process described in section 86-196.~~

~~(c) Suspension. If the unsatisfactory conduct is of such a nature that the department head determines, in his discretion, that suspension is warranted, the employee may be suspended from work without pay for a period of time up to 15 days, the length of suspension depending on the seriousness of the offense. An employee may be suspended for no more than 30 days in one calendar year. The department head shall notify the employee concerned and the director in writing not later than one day after the date of suspension is made effective. Such notice shall include the reasons for and duration of the suspension. Any employee who is suspended may appeal for a hearing, in writing, to the commission within ten days of notice of suspension. If the unsatisfactory conduct is such that dismissal is warranted, an employee may be suspended without pay pending dismissal.~~

~~(d) Demotion. A department head may demote an employee for cause. A written statement of the reasons for any such action shall be furnished to the employee and a copy filed with the director at least 15 days prior to the effective date of the action. A demotion shall be made only to an open position to which the employee to be demoted is qualified. Any employee~~

~~who is demoted may appeal for a hearing, in writing, to the commission within ten days of notice of such action.~~

- ~~(e) *Dismissal.* A department head may dismiss for cause any regular employee under his jurisdiction. Such dismissal may be made by delivering a written statement of reasons to the employee concerned and to the director. Any employee so dismissed shall have the right to appeal, in writing, within ten days of the date of receipt of the letter of dismissal, to the commission and shall be granted a hearing as provided for in this article.~~
- ~~(f) *Sequence of discipline.* For serious offenses, including but not limited to those affecting safety or involving theft of city property or actions which would constitute a crime of any nature, excepting minor traffic offenses, the supervisor or department head shall have discretion to take any disciplinary action either believes is warranted by the offense. For other offenses, the supervisor or department head shall take action according in the following sequence:
 - ~~(1) First, issue an oral reprimand as provided in subsection (a) of this section.~~
 - ~~(2) Second, if the conduct continues, issue a written reprimand as provided in subsection (b) of this section.~~
 - ~~(3) Third, if the conduct continues after the written reprimand, suspension is proper, as provided in subsection (c) of this section.~~
 - ~~(4) Fourth, if the conduct continues after the suspension, demotion is proper, as provided in subsection (d) of this section.~~
 - ~~(5) Fifth, if the conduct continues after the demotion, dismissal is proper as provided in subsection (e) of this section.~~~~

~~Sec. 86-196. Review of disciplinary action.~~

- ~~(a) *Generally.* The commission, in such manner as it may provide and at its discretion, shall receive and consider appeals, suggestions or complaints, including those relating to the administration of this article from any department head or regular employee. All employees filing grievances will be free from restraint, interference, discrimination or reprisal.~~
- ~~(b) *Procedure for filing appeals.*
 - ~~(1) *Grievance filed with supervisor.* All grievances, other than those arising from disciplinary action, and those relating to transfer as proscribed in section 86-133 must be in writing and must be filed first with an employee's immediate supervisor within ten days of the incident. Grievances must describe in detail the nature of the complaint. Within three days of filing, an informal conference will be held between the employee and the supervisor, giving the employee the opportunity to state his concerns. The supervisor must issue a written decision within five days of the informal conference. If the supervisor believes the employee has justification for continued dissatisfaction, the~~~~

~~supervisor shall take immediate corrective action to the extent that his authority permits. If the supervisor lacks authority for corrective action or fails to find a solution satisfactory to the employee, the department head shall be promptly notified, and the responsibility for the satisfactory solution of the situation shall be transferred to that official. In arriving at a solution, the department head may consult with the personnel director.~~

~~(2) Appeal to department head. If the supervisor's decision was not satisfactory to the employee, the employee may file an appeal of the grievance with the department head within five days of the supervisor's decision. Any grievance relating to transfer shall be filed directly with the department head. Such filing must be in writing and describe the nature of the complaint. Within five days of the filing, a conference will be held between the department head and the employee. The department head, may, in his discretion, also include the supervisor in the meeting so that both positions will be presented. The department head shall issue a written decision within five days. The department head may consult with the personnel director to arrive at a solution.~~

~~(3) Appeal to the commission. If an employee is not satisfied by the decision of the department head, that employee may appeal the grievance to the commission. A copy of such appeal will be filed at the city clerk's office, and shall be immediately delivered by the clerk's office to the director and the commission. Such appeals must be in writing stating the nature of the complaint in specifics and must be filed within five days of the supervisor's decision. The commission will hold a hearing on the matter within 30 days of the filing.~~

~~(c) Disciplinary action grievances. Any regular employee who is suspended, removed or reduced in classification or pay shall have the right to file a grievance directly with the commission by filing a statement of appeal describing the actions taken at the city clerk's office not later than ten days after receiving notice of such action. The clerk's office shall immediately deliver a copy of such grievances to the director and the commission. The commission may, in its discretion, accept grievances filed after the ten day period expires only in exceptional circumstances, such as illness or accident of the employee or the employee's immediate family and death in the immediate family. The appeal must be in writing, setting forth the reasons why such disciplinary action is improper.~~

~~Sec. 86-197. Investigations; subpoenas; false swearing; penalty.~~

~~(a) In connection with its review of any appeal or for any other purpose necessary to determine the adherence to any provision of the Charter or applicable ordinance regarding personnel administration, the commission may obtain the necessary records or reports of any city department.~~

~~(b) The commission shall have the power to administer oaths, subpoena witnesses and compel the production of books and records pertinent to any investigation or hearing it is authorized~~

~~to conduct. Any person who fails to appear in response to a subpoena, to answer any question or to produce any books or records pertinent to any such hearing or investigation or who shall knowingly give false testimony shall be guilty of a misdemeanor, punishable by imprisonment for a period not to exceed 30 days, or by a fine not to exceed \$100.00, or both, and, if he is an employee of the city, shall also be subject to immediate discharge.~~

~~Sec. 86-198. Hearings.~~

- ~~(a) *Notice of hearing.* Public hearings required to be held by the commission shall be held only after suitable notice has been given. Such notice shall set forth the time, date, place and purpose of the hearing and shall be posted on the official bulletin board of the personnel department and sent to all interested parties at least five days in advance of the date set for the hearing. A hearing on an appeal by an individual employee or department head shall be preceded by written notice sent by registered mail at least five days in advance of the date of the hearing to each appellant and to the administrative officers affected, specifying the time, date, place and subject matter of the hearing.~~
- ~~(b) *Conduct of hearing.* All appeals shall be in writing and shall be heard by the commission within 30 days after its receipt. The commission shall furnish the department concerned with a copy of any appeal to be heard in advance of the hearing. The hearing shall be informal. Both an employee and his department head shall have the right to have subpoenas issued, present witnesses, be assisted by representatives of his own choosing, and give evidence before the commission. If the commission enters a bench ruling, the ruling shall become effective immediately unless otherwise stated. This procedure shall govern hearings on all appeals.~~
- ~~(c) *Finding of hearing.* Within 30 days after a hearing on any appeals coming before it, the commission shall render its findings and decision in writing and shall transmit the decision to the department head and the employee concerned. The decision of the commission shall be binding unless it is timely appealed to the circuit court of the county.~~
- ~~(d) *Modification of penalties.* In any disciplinary action appeal, the commission shall have the authority to increase, reduce or in any manner modify the penalties ordered by a department head.~~
- ~~(e) *Judicial review.* Any final action or decision taken or made under this section shall be subject to review by the circuit court of the county if appeal is made within 30 days of the action or decision complained of.~~

~~Secs. 86-199 – 86-230. Reserved.~~

~~ARTICLE III. DRUG-FREE WORKPLACE^[4]~~

~~Sec. 86-231. Objectives.~~

~~The purpose of this testing policy is to establish and implement a procedure for testing prospective and existing employees in safety sensitive positions for the presence of drugs or alcohol in their body system and employees who are reasonably suspected of being under the influence of drugs or alcohol while on the job. An additional purpose of this policy is to comply with the United States Department of Transportation Regulations, including those found in Title 49 of the Code of Federal Regulations part 40 and part 382. The city intends to prevent drug or alcohol influenced employees from endangering their own safety, the safety of other employees, or the public safety and to promote a drug and alcohol free workplace.~~

~~Sec. 86-232. Definitions.~~

~~*Alcohol* means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol.~~

~~*Alcohol concentration* means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test using evidential breath testing (EBT) devices.~~

~~*Alcohol use* means the consumption of any beverage, mixture or preparation, including any medication containing alcohol.~~

~~*Breath alcohol technician (BAT)* means an individual who instructs and assists individuals in the alcohol testing process and is certified to operate an evidential breath testing device.~~

~~*Chain of custody* means procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen.~~

~~*Collection site* means a place designated by the agency where individuals present themselves for the purpose of providing a breath and/or urine sample for analysis.~~

~~*Collection site supervisor* means an individual designated by human resources who serves as a third party at a collection site to ensure agency compliance with federal regulations and this policy and to protect employee rights during the collection process.~~

~~*Confirmation or confirmatory drug test* means in drug testing, a second analytical procedure to identify the specific drugs or metabolite that is independent of the initial screening test and that uses a different technique and chemical principle from that of the screening test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.) In alcohol testing: a second test, following an initial screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration.~~

~~*Covered duty* means covered duty means the employee is performing job duties in safety sensitive positions as related to this policy. The term covered duty has the same definition as safety sensitive function and is defined in the section of positions as related to this policy.~~

~~*Evidential breath testing device (EBT)* means an EBT approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL) and identified on the CPL as conforming with the model specifications available from NHTSA, office of alcohol and state programs.~~

~~*Medical review officer or facility* means a licensed physician responsible for receiving laboratory results generated by the agency's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his/her medical history and any other relevant biomedical information.~~

~~*Safety sensitive position* means:~~

- ~~(1) *CDL holders* means employees who possess a commercial drivers license (CDL); operate a commercial motor vehicle; and/or repair commercial motor vehicles.~~
- ~~(2) *City of Charleston Safety sensitive Position* means employees who discharge duties fraught with risks of injury to themselves or others. Includes use of dangerous tools and equipment; performing job duties at heights; use of dangerous chemicals; routinely operating a vehicle in the course of employment; or carrying a firearm.~~
- ~~(3) *Screening test (or initial test)* means drug test: an immunoassay screen to eliminate negative urine specimens from further analysis. Alcohol test: an analytic procedure to determine whether an employee may have prohibited concentration of alcohol in his or her system.~~

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

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

~~Sec. 86-233. Covered employees.~~ [H](#)

~~*Covered employees* under this policy include employees who are commercial drivers and employees who work in other safety sensitive positions.~~

- ~~(a) *Commercial driver.* Employees who, as a condition of employment, are required to possess a commercial drivers license in order to operate a commercial motor vehicle. Employees who are drug and/or alcohol tested under this criteria are tested under the authority of the US~~

~~Department of Transportation/Federal Highway Administration as set forth in 49 CFR, Part 40 and 382.~~

~~(1) A commercial motor vehicle, as defined in 49 CFR part 382.107, means a motor vehicle or combination of motor vehicles if the motor vehicle.~~

~~a. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle rating of more than 10,000 pounds; or~~

~~b. Has a gross vehicle weight rating of 26,001 or more pounds; or~~

~~c. Is designed to transport 16 or more passengers, including the driver; or~~

~~d. Is of any size and is used in the transportation of materials found to be hazardous for the purpose of Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).~~

~~(2) Covered employees under this section of the policy are those who:~~

~~a. Are required to possess a commercial drivers license to operate a commercial motor vehicle as described above; or~~

~~b. Are subject, at any given time, to be dispatched to operate a commercial motor vehicle as described above; or~~

~~c. Any mechanic who services, maintains or is subject to service and maintain at any given time, a commercial motor vehicle as described above that requires a commercial drivers license to operate.~~

~~(b) City of Charleston defined safety sensitive employees. Employees who perform the following safety sensitive functions for the city will be drug and alcohol tested under the authority of the city to ensure public safety from the magnitude of harm that could result from a safety sensitive employee being impaired by drugs or alcohol.~~

~~(1) "Safety sensitive employees" under this section of the policy are those who:~~

~~a. Discharge duties fraught with risks of injury to themselves or others or employees whose job responsibilities involve public safety or the safety of others; or~~

~~b. Must use dangerous tools/equipment in the performance of their job duties; or~~

~~c. Must perform job duties at heights; or~~

~~d. Must perform job duties and use dangerous chemicals; or~~

~~e. Routinely operate a vehicle in the course of their job duties; or~~

~~f. Must carry a firearm in the performance of job duties; or~~

~~g. Any person occupying a covered position contained in Addendum A.~~

~~(c) Determination of safety sensitive employees. The director of human resources, upon approval from the city manager, will have the authority and discretion to determine which employee positions qualify as "safety sensitive" under the definitions and mandates of the policy. In the event the director of human resources, with the approval from the city manager, in his/her discretion, determines that a position must be added or deleted from the original "covered employees" list, attached as "Addendum A" hereto, he/she shall make such change, in writing, and post it in a location visible to all employees and notify the head of the department where said position is employed.~~

~~Sec. 86-234. Participation.~~

~~Applicable participation by all employees is a condition of employment. Employees who are not covered employees are subject only to reasonable suspicion testing. Refusal to participate in the testing program is considered as refusing to test and will result in employee dismissal. All employees must comply with all instructions and participate in all drug and alcohol testing including reasonable suspicion testing as a condition of employment. A supervisory presence, with the authority to remove the employee from duty, will be maintained at the collection site in case an employee engages in prohibited behavior associated with the drug and alcohol testing rules.~~

~~Sec. 86-235. Required hours of compliance/prohibited behavior.~~

~~(a) Employees are required to be in compliance with drug and alcohol regulations during any time while at work.~~

~~(b) Alcohol use is prohibited:~~

~~(1) While performing any job duty.~~

~~(2) Within four hours of reporting to work.~~

~~(3) Up to eight hours following an accident, or until post accident testing has occurred; and,~~

~~(4) No employee may report for duty, or remain on duty, under the influence of or impaired by drugs and/or alcohol, or having a breath alcohol concentration of 0.02 or greater.~~

~~(c) Use and ingestion of prohibited drugs is not allowed at any time, whether at work or not.~~

~~Sec. 86-236. Testing categories—Drugs and alcohol.~~

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

~~(b) All covered employees will be tested for, and all employees may be tested for it reasonable suspicion to do so, the presence of:~~

~~(1) Marijuana.~~

~~(2) Cocaine.~~

~~(3) Amphetamines.~~

~~(4) Opiates.~~

~~(5) Phencyclidine (PCP).~~

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

~~(d) Seven drug/alcohol testing categories require mandatory participation by all covered employees. All other employees are subject only to reasonable suspicion testing. The seven categories are:~~

~~(1) Pre employment. All applicants for employment who will be performing safety sensitive functions as defined in the policy are required to produce a negative drug screen prior to reporting for covered duty.~~

~~a. Once an applicant has been approved for employment, human resources will contact the potential employee providing details of the drug/testing procedure. A conditional offer of employment will be made to the applicant. The applicant must provide a negative drug test result. A positive drug test will disqualify the applicant for employment.~~

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

~~(2) Random. Random testing provisions require covered employees be subject to drug testing at any time while at work and alcohol testing at any time an employee is performing or subject to perform safety sensitive duties.~~

~~a. Every covered employee shall be subject to unannounced random drug and alcohol testing. Two separate selection pools will be maintained. One random pool will be for commercial drivers and the other random pool will be for all other employees defined as covered employees.~~

~~1. Regularly employed means full time, part time, seasonal, temporary, provisional or contracted driver or other covered employee.~~

~~b. Names will be selected for random testing using computer technology and methodology established by the USDOT/FHWA in 49 CFR part 40 and part 382. The method of selection requires each employee have an equal change at being selected for any given testing period. Testing in one testing period does not preclude the employee from being selection again in another testing period. The city is required to conduct a minimum amount of drug/alcohol tests in a calendar year. The minimum rate will be determined by USDOT. Nothing in this policy is to~~

~~imply that the city cannot test covered employees at a rate higher than the minimum rate established by the USDOT.~~

- ~~e. Employees are to be removed from safety-sensitive testing pools when they are, for any reason, in a non-working status for 30 or more consecutive days. Testing requirements must be met before an employee who has been in a nonworking status for 30 or more consecutive days can again perform safety-sensitive duties as described in the covered employees section of this policy. Covered employees who are off from work for 30 or more consecutive days must notify the safety coordinator at least four days in advance of their return to work date so that return to work testing can be scheduled and results known before returning to work. If an employee fails to do this, he/she may be delayed in returning to work and will not receive pay for time off from work due to this delay.~~
- ~~(3) Transferring/promotion employees. Such employees must meet pre-employment testing requirements before reporting for safety-sensitive duties as described in the covered employees section of this policy. A positive drug test result or alcohol level of 0.02 or greater will result in disciplinary action as defined by this policy. This provision shall only apply to non-covered employees being transferred or promoted to safety-sensitive covered duty.~~
- ~~(4) Reasonable suspicion. Only supervisors who have attended a training course in the signs and symptoms of alcohol misuse and drug abuse can order employees to undergo reasonable suspicion testing when it can be reasonably suspected the employee has violated the alcohol or controlled substance prohibitions. Tests can only be ordered based upon specific contemporaneous articulable observations concerning the appearance, behavior, speech, or body odors of a employee while at work.~~
 - ~~a. No employee under this policy shall report for duty under the influence of or impaired by drugs or alcohol, as shown in the behavioral, speech, and performance indicators of drug and alcohol misuse, nor shall the agency allow an employee to perform or continue to perform their covered duties until a drug/alcohol test is administered.~~
 - ~~b. Reasonable suspicion includes, but is not limited to management's observation of one or more of the following examples of erratic behavior; unusual, excessive, drowsiness; slurred or incoherent speech; unusually aggressive behavior; unexplained changes in mood; lack of otherwise normal manual dexterity; lack of coordination; or unexplainable work related accidents and/or injuries.~~
 - ~~c. Supervisors are required to have a concurring opinion from another trained supervisor documenting the employee's conduct and behavior in all cases when practical. If a second confirming supervisor is not available one supervisor can request testing if necessary. Reasonable suspicion testing under this rule is~~

~~authorized only if the required observations are made during, just preceding, or just after a period of the workday the employee is required to be in compliance with these rules. Immediate supervisors are to contact their department head (or a designee) in order to discuss the circumstances as they relate to the employee's on-duty behavior. The department head (or designee) will make the determination to initiate testing and will inform human resources as soon as practical.~~

- ~~d. A written record, Form AH-505, is to be maintained and forwarded to human resources in all drug and/or alcohol reasonable suspicion testing situations. If approval to test a particular employee is not granted, no record of the drug/alcohol reasonable suspicion indicators is to be kept for any reason.~~
- ~~e. Reasonable suspicion drug tests require the employee be removed from duties until drug testing is completed and results certified. (Alcohol test results are immediately available). If an employee is informed that reasonable suspicion drug testing has been authorized, the employee must provide a urine sample within 24 hours of being informed testing has been authorized. It is the employee's responsibility to be available to provide a urine sample once he/she has been informed of the testing requirement, and failure to meet the testing requirement shall have the test result issued as positive, refusal to test.~~
- ~~f. A written record (Form AH-505, reasonable suspicion documentation, with attachments, if space is not sufficient), to be forwarded to human resources, shall be made of the observations leading to a controlled substance test and signed by the supervisor who made the observations, within 24 hours of the observed behavior. Negative drug test results require that no record of the specific incident be maintained. Positive results require disciplinary action as defined by this policy.~~
- ~~g. If an alcohol test is not performed within two hours following the department head's (or a designee's) approval to test, the supervisor is to prepare and forward to human resources a record (Form AH-505, reasonable suspicion documentation, with attachments, if space is not sufficient), stating the reasons the alcohol test was not administered promptly. If an alcohol test is not administered within eight hours following the department head's (or a designee) approval, the supervisor shall cease attempts to administer the test and state in the record the reasons for not administering the test.~~

~~(5) Post accident. As soon as practical following an accident involving a commercial motor vehicle or other city vehicle, the city shall conduct drug and alcohol testing when the situation meets any one of the following criteria:~~

- ~~(1) The accident involves a fatality;~~
- ~~(2) The employee receives a citation under state or local law for a moving traffic violation arising from the accident and:~~

- ~~a. One or more of the vehicles involved in the accident cannot be moved or has to be towed from the scene; or,~~
 - ~~b. Someone receives medical treatment away from the scene of the accident.~~
- ~~(3) Nothing in this policy shall be construed to require the delay of necessary medical attention for injured people following an accident, or to prohibit an employee from first seeking assistance in responding to the accident, or to obtain necessary medical treatment. A covered employee who is subject to post accident testing must remain available for testing or the agency will consider the employee has refused to participate in the testing process and disciplinary action, as described by this policy, will be taken. The employee subject to post accident testing cannot consume alcohol for eight hours following the accident, or until he/she submits to an alcohol test, whichever comes first.~~
- ~~(4) When the required controlled substance and/or alcohol test has not been administered in a reasonable time following the accident, the following actions shall be taken:~~
- ~~a. If the employee has not submitted to an alcohol test within two hours, the department head (or designee) shall prepare and forward to human resources a written record stating the reason the test was not properly administered.~~
 - ~~b. If the employee has not been tested for prohibited alcohol concentration within eight hours, attempts to administer the alcohol test shall cease, the department head is to prepare and forward the written record to human resources.~~
 - ~~c. If the employee has not submitted to a controlled substance test within 32 hours, the city shall cease attempts to administer the test, and the department head is to prepare and forward the previously mentioned record.~~
- ~~(5) Employees may be required to provide two different samples as a result of an accident. Federal regulation requires that the city drug and alcohol screen for specific accidents, and a law enforcement agency may request testing under its authority as well. If the city cannot perform the required tests as a result of the accident, a drug/alcohol test administered by federal, state, and local authorities will meet the requirements of the federal post accident testing regulations under the following conditions:~~
- ~~a. The official must have independent authority to conduct the test;~~
 - ~~b. Test must conform to federal, state, and local requirements;~~
 - ~~c. Alcohol tests require a blood or breath sample, and controlled substance testing requires urine samples be collected.~~

~~(6) In addition to any disciplinary action resulting from the accident itself, the agency will initiate disciplinary action as defined by this policy, for any positive test result provided by any covered employee under post accident requirements.~~

~~(6) Return to duty/follow up. The city shall ensure that before an employee returns to covered duty after engaging in conduct that is prohibited under this policy, the employee is to undergo a return to duty alcohol test indicating an alcohol concentration of 0.02 or less and/or a certified negative drug test result.~~

~~(1) In the event return to duty testing is required, the employee must have been evaluated by a substance abuse professional and participate in any substance abuse assistance program as prescribed.~~

~~(2) Following the determination that an employee is in need of assistance in resolving problems associated with substance abuse and his/her successful return to covered duty, the city shall ensure the employee is subject to unannounced follow up alcohol/drug testing as required by the substance abuse professional for up to 60 months. Federal regulations require the employee be subject to a minimum of six follow up tests during the first 12 months.~~

~~(7) Re hiring. The city may at its sole discretion decide to re hire a former employee who was terminated or quit as the result of a positive drug/alcohol test. Eligibility for re-employment will be decided by such matters as previous work record, rehabilitation, availability of work and ability to test drug/alcohol free.~~

~~(1) A former employee wishing to be re-employed after being terminated or quitting as the result of a positive drug/alcohol test must be retested for drugs and alcohol in accordance with this policy and be medically certified. Upon re-employment, the employee is subject to additional tests at the city's discretion for up to 60 months following the employee's return to employment with out prior notice. Two tests are to occur within six months of the employee's return to employment. Any positive test results or a refusal to submit to testing shall result in termination of employment without the issuance of a warning letter and no opportunity of later reinstatement, such termination will be viewed as a voluntary quit.~~

~~Sec. 86-237. Substance abuse professionals.~~

~~The city will advise employees of local substance abuse professionals meeting the minimum requirements for such through human resources. However, employees are free to choose their own substance abuse professional as long as the individual meets the minimum requirements for such established in 49 CFR part 382.107.~~

~~Sec. 86-238. Refusal to test.~~

~~(a) All employees are required to participate in applicable testing programs as a condition of employment. Refusal to test in any drug/alcohol testing will result in immediate dismissal.~~

~~(b) Certain behaviors constitute a refusal to test. These behaviors include:~~

- ~~(1) Failure to follow all instructions provided by the breath alcohol technician/urine sample collector and/or the collection site's supervisory presence. Cooperation in the drug/alcohol testing process is a mandatory condition of employment; or~~
- ~~(2) Tampering with or attempting to adulterate a specimen or collection procedure; or~~
- ~~(3) Not reporting to the collection site immediately upon notification of selection; or~~
- ~~(4) Leaving the scene of an accident as defined by this policy without a valid reason before testing has been conducted; or~~
- ~~(5) Failure to provide adequate breath/urine samples without a valid medical reason; or~~
- ~~(6) Engaging in any conduct that clearly obstructs the testing process.~~

~~(c) Employees are to provide an adequate amount of breath upon the instruction of the breath alcohol technician. The breath alcohol technician will ask an employee who is unable to provide a sufficient amount of breath to complete the test. If the employee is unable to provide an adequate breath sample, the collection site supervisor is to be notified that a positive test result is declared as a result of the employee's inability to provide an adequate sample. After notifying human resources, the supervisor shall refer the employee to a licensed physician acceptable to the city. The physician is to make a determination as to whether or not the employee has a medical condition, or could have a medical condition, that precluded him/her from providing an adequate breath sample. If the physician cannot make such a determination, the employee's test is considered positive because of a refusal to test and the employee will be terminated from employment. The physician is to provide human resources with his/her written conclusions.~~

~~(d) Drug tests require at least 45 milliliters of urine. If the employee cannot provide this minimum amount, the collector will advise the employee to drink not more than 40 ounces of fluid, and, after a period not to exceed three hours, again attempt to provide an adequate amount of urine. The original sample is to be discarded. If the employee still cannot provide an adequate sample, the specimen is to be discarded and testing discontinued, and the collector will inform the site supervisor who will inform human resources. Human resources will inform the drug testing program's medical review officer. After consultation, the employee may be referred to a licensed physician acceptable to the city to determine if there could be a medical reason for the employee's failure to provide an adequate urine sample. If the physician cannot make such a determination, the test result is to be issued as positive, refusal to test and the employee will be terminated from employment. The physician is to provide human resources with a written report of his/her conclusions.~~

~~(e) In the event an employee cannot provide an adequate breath or urine sample and is referred to a licensed physician acceptable to the city for medical evaluation, the employee will be advised that he/she must provide the required medical documentation within seven~~

~~calendar days from the date of notification. Failure to provide the necessary documentation will result in the test being issued as positive, refusal to test and the employee will be terminated.~~

~~Sec. 86-239. Testing procedures.~~

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

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

~~(c) Drug testing procedures.~~

~~(1) The collector will inform the employee of the procedures necessary to fulfill his/her obligation under the drug testing rules. The employee's privacy will be maintained and allow for individual privacy unless there is a reason to believe that a particular individual may alter or substitute the specimen to be provided.~~

~~(2) For the purposes of this policy, the following circumstances are the exclusive grounds constituting a reason to believe that an individual may alter or substitute the specimen, mandating a witnessed collection:~~

~~a. The employee has presented a urine specimen that falls outside the normal temperature range (32-38 degree Centigrade or 90-100 degree Fahrenheit).~~

~~b. The employee declines to provide a measurement of oral body temperature.~~

~~c. Oral body temperature varies by more than 1 degree Centigrade/1.8 degree Fahrenheit from the temperature of the specimen.~~

~~d. The last urine specimen provided by the employee (i.e. on a previous occasion) was determined by the laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below .2g/L.~~

~~e. The collection site person observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample (e.g., substitute urine in plain view, blue dye in specimen present, etc.~~

- ~~f. The employee has previously been determined to have used a controlled substance without medical authorization and the particular test was being conducted under this policy providing for follow-up testing upon or after a return to service.~~
- ~~(3) Only the urine sample collector has authority to witness an employee's providing of a urine sample, and he/she must be of the same gender as the person providing the sample. The director of human resources (or his/her designee) is to be contacted for approval by the collection site supervisor/urine sample collector prior to any witnessed collection requirements directed by the policy.~~
- ~~(4) Collectors will be trained in the procedures established by the federal regulations and will conduct all testing in accordance with those standards.~~
- ~~(5) At the collection site, employees will be asked to provide a urine sample for analysis. The split sample method of collection will be utilized, meaning the larger sample will be divided into two smaller ones. Both bottles will be sealed and shipped in a single container to the laboratory for analysis. Chain of Custody forms and procedures, established in 49 CFR part 40 and part 382, apply to all urine collections and will easily identify test results so they are attributed to the correct employee. Laboratories have to be certified to perform the analysis by the U.S. Department of Health and Human Services. A medical review officer, (a licensed physician, NIDA certified) certifies the results of the drug tests to human resources.~~
- ~~(6) If the test results of the primary sample are positive, the employee may request the split (second) sample be analyzed at a different certified laboratory for the presence of drug(s) initially certified as positive. Before any test is certified as positive by the medical review officer, every reasonable attempt will be made to contact the employee to discuss whether or not a medical or other condition may have triggered the positive result. The employee will be allowed 72 hours from the time of positive test certification to request the second analysis be conducted. Any employee providing a certified positive urine sample is to be removed immediately from covered duty until the end of the current shift, referred to a substance abuse professional, and disciplined under the authority of this policy.~~
- ~~(d) Alcohol testing procedures:~~
- ~~(1) Breath alcohol technicians are to be trained to proficiency in the use of the evidential breath testing device to be used in alcohol testing procedures. The evidential breath testing device must be one approved for use by the National Highway Traffic Safety Administration.~~
- ~~(2) Alcohol testing is to be conducted in a location that affords visual and aural privacy to the individuals being tested, sufficient to prevent unauthorized persons from seeing or hearing test results. No unauthorized person(s) shall be permitted access to the testing location at any time while testing is being conducted. In unusual circumstances, a test~~

~~may be administered at a location that does not meet the federal standards for testing locations and the collector is to be provided for the privacy of the employee to the greatest extent possible. Standard forms have been created by the U.S. Department of Transportation for use in the alcohol testing process; ensuring results are attributed to the correct employee.~~

- ~~(3) Once the employee has identified himself/herself, an individually sealed mouth piece is to be removed and attached to evidential breath testing device in the employee's presence. The employee is to forcibly blow into the mouthpiece for at least six seconds or until the evidential breath testing device indicates a sufficient amount of breath has been accomplished. The employee is to be shown his/her test result, and the test result, test number, testing device, serial number of the testing device, time and quantified result are to be recorded by the breath alcohol technician.~~
- ~~(4) When results of less than 0.02 are generated, the actual testing procedure is over and the breath alcohol technician will inform the employee of the signature requirements of the reporting form. If the alcohol concentration is 0.02 or greater, a confirmation test shall be performed. The breath alcohol technician will instruct the employee in the steps necessary to complete the confirmation test. The confirmation test is to be conducted within 20 minutes, but not less than 15 minutes, of the initial test.~~
- ~~(5) Refusal by an employee to complete and sign the breath alcohol testing form, to provide adequate amounts of breath, or otherwise to cooperate with the testing process in a way that prevents the completion of the test, shall be noted by the breath alcohol technician and the testing process immediately terminated.~~
- ~~(6) Any employee with an alcohol concentration of 0.02 or greater is to be removed immediately from duty until the end of the current shift.~~
- ~~(7) The collection site supervisor is to be notified by the breath alcohol technician that an employee possess an alcohol concentration at levels of 0.02 and greater. The supervisor is to relieve the employee from duty and contact the director (or designee) of human resources.~~
- ~~(8) A breath alcohol test is to be considered invalid under the following circumstances:
 - ~~a. The next scheduled calibration check on the evidential breath testing device produces a result that differs by more than the tolerance stated in the quality assurance plan of the manufacturer from the known value of the test standard. In this event, every result of 0.02 or above obtained on the device since the last valid external calibration check shall be invalid.~~
 - ~~b. The breath alcohol technician does not observe the minimum 15 minute waiting period prior to a confirmation test.~~~~

- ~~e. The breath alcohol technician does not perform an air blank of the evidential breath testing before a confirmation test, or an air blank does not result in a reading of 0.00 prior to the administration of the test.~~
- ~~d. The breath alcohol technician does not sign the form as required.~~
- ~~e. The breath alcohol technician has failed to note in the remarks section of the form that the employee has failed or refused to sign the form following or printing on or attachment to the form of the test result.~~
- ~~f. An evidential breath testing device fails to print a confirmation test result.~~
- ~~g. On a confirmation test, or where applicable, on a screening test, the sequential test number of alcohol concentration displayed on the evidential breath testing device is not the same as the sequential test number or alcohol concentration on the printed result.~~

~~Sec. 86-240. Record retention and confidentiality.~~

- ~~(a) All drug and alcohol testing records will be maintained under rules of confidentiality established in the federal regulations. Human resources will provide employees with their testing records upon receipt of a written request for such records. Records will be disclosed only to those individuals authorized by the USDOT/FHWA rules or other authorized city official to receive such information.~~
- ~~(b) The city shall maintain records of its alcohol misuse and controlled substances testing programs as required by 49 CFR Part 382.401. The city shall maintain documentation relating to refusals to test, breath alcohol results of 0.02 or greater and positive drug test results for a period of five years. Negative drug test results and breath alcohol test results of 0.02 or less shall be maintained for a period of one year. All other records shall be maintained as required by 4 CFR Part 382.401.~~
- ~~(c) All records will be maintained in a secure location within human resources in a controlled access area. Human resources will provide employees with their testing records upon making a request in writing. The city will not release any drug/alcohol testing records without the employee's written authorization. However, the agency may disclose information required to be maintained to the decision maker in a lawsuit, grievance or other proceeding initiated by or on behalf of the individual and arising from the results of an alcohol and/or drug test or from the city's determination that the employee engaged in prohibited conduct (including, but not limited to worker's compensation, unemployment compensation or other proceeding relating to a benefit sought by the employee).~~
- ~~(d) Positive drug test results shall be reported by the city's medical review officer to designated contacts within human resources. Supervisory personnel will be advised on a need to know basis. Alcohol results are available on-site at the time of the test and results of 0.02 or greater shall be reported to the collection site supervisor. The collection site supervisor will in turn~~

~~inform the designated contact(s) in human resources. Supervisors will be informed on a need to know basis.~~

~~Sec. 86-241. Consequences of prohibited conduct.~~

- ~~(a) The city's medical review officer will certify positive drug test results to human resources. Alcohol test results are available on-site and supervisors are to proceed based upon the criteria established under this policy. Human resources will inform the supervisor (or designee) of the positive drug test results and the director of human resources (or his/her designee) is to be informed by the site supervisor of the positive alcohol test (0.02 or greater) and the actions taken as mandated by this policy. The employee is to be removed from duty immediately upon notification of positive drug test results and/or an alcohol concentration of 0.02 or greater.~~
- ~~(b) If, for any reason, errors are made in reporting employee test results, which cause the employee monetary loss and/or disciplinary action, the affected employee will have his/her status restored as if the error in the test result reporting never occurred. All documentation relating to a situation such as this will be purged from the city's drug and alcohol records management system.~~
- ~~(c) Discipline is to be administered under the city's authority to discipline employees found to be in violation of prohibited workplace activity. The following disciplinary schedule applied to all employees. Disciplinary action taken hereunder against members of the police department shall be subject to review in accordance with applicable provisions of W.Va. Code § 8-14-20 and § 8-14A-3. Disciplinary action taken hereunder against members of the Fire Department shall be subject to review in accordance with the applicable provision of W.Va. Code § 8-15-25 and § 8-14A-3, Disciplinary action taken hereunder against non-uniformed employees in the city's classified service as defined by Charleston City Code § 86-31 shall be subject to review in accordance with the applicable provisions of the city's civil service code.~~
- ~~(1) *Pre-employment first offense.* A positive drug test or breath alcohol concentration of 0.02 or greater will cause the potential employee not to be offered employment.~~
- ~~(2) *Probationary employees.* A positive drug test or breath alcohol concentration of 0.02 or greater will cause the employee to be dismissed from employment.~~
- ~~(3) *First offense.* Random/reasonable suspicion/employee transfer/promotion/positive drug test result/alcohol concentration of 0.02 or greater results will cause the employee to be dismissed.~~
- ~~a. Provided, that such dismissal shall be deemed a suspension without pay if within 48 hours of the notification of test results the employee executes a consent agreement whereby the employee agrees to the following conditions:~~

- ~~b. The employee waives any and all rights to grieve or to have a hearing on the issues before applicable hearing boards, civil service commissions, or any other administrative or judicial process, except as the same may relate to an alleged breach of the terms of this consent agreement;~~
- ~~c. The employee will be evaluated by a qualified substance abuse professional as soon as reasonably practicable and in any event within seven calendar days of the notification of positive test result and shall authorize and cause a copy of the evaluation and treatment plan, and any follow-up reports, to be delivered to the director of human resources;~~
- ~~d. The employee agrees to abide by the treatment program established by the substance abuse professional;~~
- ~~e. The employee agrees to pay for such evaluation and treatment without reference to or claims for reimbursement against city healthcare benefits;~~
- ~~f. The employee agrees to follow up drug and/or alcohol testing at a rate directed by the substance abuse professional, to be conducted on an unannounced basis and of a frequency of not less than six during the first 12 months following the employee's return to work, with it being understood and agreed that the substance abuse professional may continue or terminate the follow up testing requirement at any time after the first six tests, and for such reasonable period beyond 12 months as may be deemed necessary, at his/her discretion;~~
- ~~g. The employee agrees to pay for all costs associated with follow-up testing;~~
- ~~h. The employee agrees to authorize and give consent to any substance abuse professional or other treatment provider to release any information the city requests regarding the employee's evaluation, treatment, or fitness for duty;~~
- ~~i. Any additional terms, conditions, or stipulations that the city may deem necessary to effectuate the intent of this provision;~~
- ~~j. And provided further, that the suspension will be lifted and the employee will be returned to his or her regular duties, or in the city's discretion to duties in another capacity, only upon certification from a substance abuse professional that the employee is fit to return to duty;~~
- ~~k. And provided further, that any employee who does not follow the entire plan set forth by the substance abuse professional, or violates the terms and conditions of the consent agreement in any way, or tests positive on a follow-up drug test shall, upon reasonable verification of the same, be immediately dismissed, regardless of whether the suspension had been previously lifted or not.~~

~~(4) Second offense – Dismissal.~~

~~(d) Post accident. Positive drug test result/alcohol concentration of 0.02 or greater—Dismissal.~~

~~(e) Return to duty/follow up positive drug test result/alcohol concentration of 0.02 or greater—Dismissal.~~

~~(f) Refusal to test—Dismissal.~~

~~(1) Appeals process. An employee/applicant wishing to challenge the results of any positive drug test may do so, provided:~~

~~a. Any such appeal must be made within 72 hours of notification of a positive test.~~

~~b. Employee/applicant will pay for the cost of a retest.~~

~~c. A challenge test must be performed on the same sample as the first test. However, a retest/re-analysis is not subject to cut-off levels and will be reported positive if any detectable drug metabolite is found.~~

~~d. If the result proves negative, the employer will be pay for the cost of the challenge test. The employee will be reinstated to the former position with no loss of benefits.~~

~~e. When employee testing for alcohol results in a 0.02 or greater alcohol concentration, an immediate confirmation test shall be performed. The BAT will instruct the employee in the steps necessary to complete the confirmation test. The confirmation test is to be performed within 20 minutes, but not less than 15 minutes of the initial test. There is no appeal of the confirmation results.~~

~~Sec. 86-242. Changes to policy.~~

~~This policy is subject to change as regulatory requirements make necessary or as determined by the city. Any changes in this policy will be posted in a location visible to all employees.~~

~~Sec. 86-243. Voluntary referral program.~~

~~Any employee covered by this policy, who, of their own accord and prior to being informed they are to submit to testing, voluntarily seeks the assistance of a substance abuse professional, will be allowed a leave status consistent with the city's policies for up to 45 days to meet initial rehabilitation demands established by a substance abuse professional. No disciplinary action will be initiated as a result of voluntary referral. The employee will be returned to duty upon the recommendation of the substance abuse professional. The employee will be required to present a negative return to duty drug and alcohol test result.~~

~~(1) Contact person. The City of Charleston's Human Resources Department assists in administering the drug and alcohol testing program and answers questions about the policy for all employees. Human resources will maintain a list of substance abuse professionals, maintain records and answer questions about the testing program;~~

~~Human Resources~~

~~City of Charleston~~

~~Room 303, City Hall
301 Virginia Street
Charleston, WV 25301
(304) 348-8015
(304) 348-8055 (Fax)~~

~~CITY OF CHARLESTON~~

~~DRUG/ALCOHOL TESTING NOTIFICATION AND CONSENT~~

~~I understand, as required by Title 49, Code of Federal Regulations, Part 40 and Part 382, and/or by the policy of the City of Charleston, any employee who is to perform a safety sensitive function as defined by said policy and other specified employees subject to the terms of this policy:~~

- ~~• Must submit to a controlled substance test involving collection of a urine sample which will tested for the presence of:~~

~~Marijuana;~~

~~Cocaine;~~

~~Opiates;~~

~~Amphetamines;~~

~~Phencyclidine (PCP);~~

~~AND~~

- ~~• Must submit to a breath alcohol test consisting of a deep lung breath sample that is to be provided to, and analyzed by, an evidential breath testing device (EBT)~~

~~I further acknowledge that my submission to a urine test and breath alcohol test is deemed by the City of Charleston to be a material condition of my continued employment. I understand if I test positive for drugs or have a breath alcohol concentration of 0.04 or greater, that I am considered medically unqualified by the U.S. Department of Transportation and city policy to perform a safety sensitive function. In addition, a breath alcohol concentration of 0.02 but less than 0.04 is prohibited in the workplace.~~

~~I also understand I will be given reasonable opportunity to confer with the city's testing service before any positive drug test result is reported to the human resources department.~~

~~It is understood a positive drug test result and/or a breath alcohol concentration of 0.02 or greater in the workplace will initiate specific disciplinary action as defined by policy of the city. I also understand my test results will not be released to any additional parties without my written consent.~~

~~I hereby agree to submit to a urine test and a breath alcohol test as a condition of employment.~~

~~Applicant's Name (Print): _____ Social Security Number: _____~~

~~Applicant's signature: _____~~

~~Date: _____ Department: _____~~

**CITY OF CHARLESTON
DRUG AND ALCOHOL TESTING POLICY RECEIPT**

~~I understand that I have been identified as an employee covered by the City of Charleston's Drug and Alcohol Testing Policy. My signature below represents receipt of the City's Drug and Alcohol Testing Policy.~~

~~NAME (PRINT): _____~~

~~SIGNATURE: _____~~

~~SOCIAL SECURITY NUMBER: _____~~

~~DATE: _____~~

~~DEPARTMENT: _____~~

~~Secs. 86-244—86-260. — Reserved.~~

~~ARTICLE IV. — SEXUAL HARASSMENT, WORKPLACE VIOLENCE, AND DISCRIMINATION
PROHIBITED~~

~~Sec. 86-261. — Sexual harassment, workplace violence and discrimination policy.~~

~~(a) *Statement of policy:* The city strives to provide a work environment that is free from fear, violence, intimidation, hostility, harassment or other offenses which might interfere with work performance. Sexual harassment and discrimination violate state and federal law, in addition to the city's laws and policies. Violence, harassment, and discrimination of any sort (e.g., verbal, physical, visual) or of any type (e.g., sexual, sexual orientation, gender, racial, ethnic, religion, national origin, age, and disabilities) will not be tolerated, and violators are subject to severe disciplinary action up to and including discharge. Violence should be self-explanatory. Discrimination and harassment can take many forms. While it is not possible to list all behaviors that may constitute harassment and discrimination, the following are examples of conduct, which may constitute harassment and/or discrimination depending upon the totality of the circumstances, the severity of the conduct and its pervasiveness. The city has a zero tolerance policy for supervisory sexual harassment.~~

~~(b) *Examples of prohibited conduct:*~~

- ~~• Unwelcome sexual advances whether they involve physical touching or not.~~

- ~~• Requiring or suggesting that submission to unwelcome sexual advances is either explicitly or implicitly a term or condition of an individual's employment.~~
 - ~~• Using submission or rejection of unwelcome sexual advances by an individual as the basis for employment decisions affecting such individuals.~~
 - ~~• Using conduct that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.~~
 - ~~• Displaying sexually suggestive or offensive objects, pictures, computer graphics or cartoons.~~
 - ~~• Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments.~~
 - ~~• Inquiring into one's sexual experiences, or discussion of one's sexual activities.~~
 - ~~• Asking employees for dates once that person has expressed no interest in starting or continuing a personal relationship.~~
 - ~~• Making slurs or jokes based on sex, race, religion, national origin, age, disabilities, or ethnic background to or about employees.~~
 - ~~• Failing to, or inability to demonstrate positive efforts to get along with employees of the opposite sex, or of another race, religion, national origin or disability, or refusing to work with such persons because of these reasons.~~
 - ~~• Posting derogatory graffiti, cartoons, or script on bulletin boards, computer screens, chalkboards, walls, locker rooms, or in vehicles or failing to remove or arrange for the removal of such prohibited graffiti, cartoons, script or illustrations.~~
 - ~~• Threatening or intimidating a subordinate employee at any time, on or off duty.~~
 - ~~• A supervisor or employee observing or condoning, through actions or inactions, prohibited harassment or discrimination by failing to properly report it to the designated management authorities. This is particularly serious if a supervisor is found in violation.~~
 - ~~• A supervisor denying or granting an employee with whom he or she currently has or has had a personal relationship an atypical amount of preferential job assignments or work conditions.~~
- ~~(c) *Discrimination in the performance of duties:* In words, deeds, gestures, performance of jobs, duties, tasks and delivery of services to the public, employees shall not discriminate.~~
- ~~(d) *Reporting requirements:* All employees, and particularly supervisors and managers, have a responsibility for keeping the work environment free of harassment and discrimination. If~~

~~any employee believes that he or she has been subjected to harassment or discrimination, the employee shall file a written complaint, with any supervisor, department head, the human resources director, the city manager, or, if the alleged violator/harassor/aggressor is a sworn police officer, to the professional standards division of the police department. This does not preclude the employee from contacting the city or state human rights commission and filing a complaint.~~

~~(1) Any supervisor, department head, city manager or any other employee who receives a complaint of sexual harassment shall report the same directly to the human resources director; provided that, if the alleged violator/harassor/aggressor is a sworn police officer, the person receiving the complaint shall forward the complaint to the professional standards division of the police department. If the employee's supervisor is the harassing party, the employee may report misconduct directly to the human resources director or to the professional standards division where the accused is a sworn police officer.~~

~~(2) The human resources director or, where the accused is a sworn police officer, the professional standards division, to whom a complaint is given, shall have the duty to 1) advise the complainant of the meaning and importance of the policy and the city's commitment to prevent retaliation; 2) make written notes of the allegation; 3) explain the procedure for handling the complaint; 4) advise the complainant that the complaint will remain confidential to the extent practicable to meet the goals of this policy and permitted by law.~~

~~(3) Employees who become aware of sexual harassment, whether by witnessing the incident or being told of it, have an affirmative responsibility to report it immediately. The human resources director, or where the accused is a sworn police officer, the professional standard division, will determine in each instance if immediate action is necessary to defuse any situation and will direct what, if any, immediate steps are to be taken.~~

~~(e) *Confidentiality policy:* Information generated during the course of informal reviews and formal investigations necessary for enforcing this policy will be given the full extent of confidentiality to the extent practicable to meet the goals of this policy and permitted by law. The city will strive to maintain such confidentiality. Any person who, without authorization from the human resources director or the professional standards division, reveals such information, will be subject to discipline.~~

~~(f) *Retaliation prohibited:* Retaliation by a supervisor or fellow employee against an employee who has made an effort to report or complains about harassment or discrimination and/or who is cooperating with an investigation thereof will not be tolerated. While it is not possible to list all behaviors that may constitute retaliation, the following are examples of conduct that which may constitute retaliation: any act of reprisal including internal interference, coercion and restraint by a city employee, including any supervisory employee, or by one~~

~~acting on behalf of the city. The recommended discipline for retaliation will be severe and may include termination from employment.~~

- ~~(g) *Investigation of harassment complaint:* All reported allegations will be promptly investigated in a fair and expeditious manner by the human resources director or his/her designee or by the professional standards division where the accused violator/harassor/aggressor is a sworn police officer. The investigation will include a private interview with the complainant and with witnesses. The accused will be interviewed. The complainant will be given advance notice of the date when the accused will be informed about the complainant's accusations. The investigator will determine whether there have been other complaints of sexual harassment or discrimination made to the city by the complainant or about the accused. A written report for each investigation which contains the identification of the complainant and the accused, complainant's written statement of the complaint if any, the accused response to the complaint, the findings and a summary of facts that constitute a basis for those findings and the suggested resolution and recommendation for resolution will be prepared and kept by the city. The city will strive to complete the investigation within 60 days. If the investigation cannot be completed within 60 days, the investigator will so advise both the accused violator/harassor/aggressor and complainant. When the investigation is completed the complainant and accused will be notified of the results of that investigation.~~
- ~~(h) *Corrective and/or disciplinary action:* If it is determined that inappropriate conduct has been committed by an employee, the degree and extent of action taken will be commensurate with the seriousness of the offense, the deterrent affect on the other employees, the employee's complete work history, and seniority. Corrective action can take a variety of forms, including remedial training, counseling, and job reassignment in addition to disciplinary action up to termination.~~
- ~~(i) *Policy not intended to limit rights of city:* While this policy sets forth the goal of promoting a workplace that is free of harassment and discrimination, in any form, this policy is not designed nor intended to limit the city authority to discipline or take remedial action for workplace conduct which it deems unacceptable, regardless of whether that conduct satisfies the legal definition of sexual harassment, discrimination or workplace violence. Furthermore, by establishing this policy, the city does not agree to assume any liability for individuals who commit acts of sexual harassment against another employee or any citizen. Individuals who do these things may be personally liable for such actions.~~
- ~~(j) *Legal review and training:* This policy shall be reviewed by April 1 of each year by the city attorney, and a record of this review will be given to the human resources director for keeping. The city will provide training to its employees and document such training in their personnel files.~~

CHAPTER 86 – PERSONNEL MANAGEMENT AND PRACTICES

DIVISION I – ADMINISTRATION

ARTICLE I – Human Resources Department

Sec. 86-1. Establishment of Human Resources Department.

There is hereby created a Human Resources Department which shall consist of such divisions and personnel as may from time to time be established by the City Manager.

Sec. 86-2. Appointment of Director of Human Resources; general powers and duties.

(a) A Director of Human Resources shall be appointed by the City Manager with the advice of the Mayor, and shall be subject to the supervision of the City Manager or the City Manager's designee. The Director of Human Resources shall perform the duties and responsibilities of such position free from interference, restraint, or coercion by city council or any employee, board, committee, or commission of the city. The Director of Human Resources shall have the authority to hire other assistants and employees as necessary, subject to budgetary appropriations, in order to successfully fulfill the duties and responsibilities of the position.

(b) The Director of Human Resources shall have the following responsibilities and duties:

(1) To recommend, on his/her own initiative or upon request from others, such rules and procedures as may be necessary for the purpose of carrying out the provisions of this Chapter.

(2) To serve as an impartial expert in the personnel-management relations and to seek to resolve disputes arising out of or relating to the employment relationship. To that end the Director of Human Resources shall have free and unencumbered access to all data relating to any specific dispute, complaint or grievance;

(3) To keep and maintain a current personnel record for each employee of the City to provide a compilation of information pertaining to employment with the City to be used as a reference and as an aid in the management of personnel;

(4) The Director of Human Resources shall manage, direct and oversee all recruiting, hiring, compensation, classification, performance management, employee relations, employee benefits, workforce development and other human resource plans and programs in an efficient and effective manner and in accordance with applicable, federal, state and local laws and regulations.

(5) To perform such other duties as may be assigned by the City Manager or as may be necessary and appropriate to fulfill the duties and responsibilities of the position.

(6) To propose and review amendments or additions to the Personnel Rules and Administrative Policies, and advise the City Manager and the City Attorney with respect to any such proposed amendment or addition.

Secs. 86-3 – 86-9. Reserved.

ARTICLE II – ENFORCEMENT

Sec. 86-10. Enforcement.

Violations of the provisions of this Chapter shall be enforced administratively and shall not be subject to criminal penalties unless specifically set forth elsewhere in this Code, or in state or federal law.

Secs. 86-11 – 86-99. Reserved.

DIVISION II – NON-UNIFORMED PERSONNEL

ARTICLE I – PERSONNEL RULES AND ADMINISTRATIVE POLICIES ESTABLISHED

Sec. 86-100. Personnel Rules and Administrative Policies adopted.

The Personnel Rules and Administrative Policies dated September 19, 2016, are hereby adopted. Personnel Rules and Administrative Policies as adopted herein, and as may be amended from time to time, shall have the force and effect of law as if set forth in this Code unless specifically identified as a statement of policy. The Personnel Rules and Administrative Policies shall be maintained by the Director of Human Resources, and an updated copy shall be kept in the Human Resources Department, filed with the City Clerk, and posted on the City of Charleston website. A copy of the Personnel Rules and Administrative Policies shall be available to all employees at any time upon request to the Human Resources Department.

Sec. 86-101. Authorization to amend and promulgate new Personnel Rules and Administrative Policies.

(a) The City Manager, upon consultation with the Director of Human Resources and the City Attorney, shall have the discretion and authority to amend the Personnel Rules and Administrative Policies, or promulgate new rules and policies as, from time to time, may be necessary or required to facilitate the efficient and effective operations of the city. Any amendment or addition to the rules and policies shall not conflict with this Code, or with any applicable state or federal law.

(b) No amendment or addition to the Personnel Rules and Administrative Policies shall become effective until signed by the City Manager, the Director of Human Resources, and the City Attorney. The Human Resources Director shall timely provide notice of any such amendment or addition to City employees. The Director of Human Resources shall facilitate the timely

update of the Personnel Rules and Administrative Policies kept in the Human Resources Department, maintained on-line, and on file with the City Clerk.

Sec. 86-102. Equal Opportunity Employment.

The City of Charleston shall provide equal employment opportunities to all current employees and new applicants for employment without regard to sex, race, color, age, national origin, ancestry, religion, disability, medical condition, genetic information, marital status, sexual orientation, gender identity, citizenship, pregnancy or maternity, veteran status, or any other status protected by applicable, federal, state, or local law. All advertisements of employment opportunities with the City shall contain the following statement: “The City of Charleston is an Equal Employment Opportunity Employer.”

Sec. 86-103. Compensation.

Compensation for City of Charleston employees shall be established and administered consistent with the Personnel Rules and Administrative Policies, and state and federal law, subject to annual appropriation by city council, which may be authorized by resolution of city council.

Sec. 86-104. Vacation Leave.

(a) Vacation Leave: Beginning on October 1, 2016, and at 12:01 a.m. on the first day of each month thereafter, full-time employees shall be credited with paid vacation leave hours which shall accrue according to the following schedule adjusted on the first day of the month following the hire date or anniversary of each employee as follows:

<u>Years of Service</u>	<u>Monthly Accrual</u>
<u>6 months - 4 years</u>	<u>8 hours per month</u>
<u>5 - 9 years</u>	<u>10 hours per month</u>
<u>10 – 14 years</u>	<u>12 hours per month</u>
<u>15 – 19 years</u>	<u>14 hours per month</u>
<u>20 or more years</u>	<u>16 hours per month</u>

(b) Employees hired before October 1, 2016, with less than six (6) months service shall also be credited with 8 hours of paid vacation leave on October 1, 2016, and on the first day of each month thereafter until reaching six (6) months of service and qualifying for the credits provided in subsection (a) above, but shall not be permitted to take leave within six (6) months of their hire date.

(c) New Hires: In addition to the 8 hours to be credited according to the schedule in subsection (a) above, employees hired on or after October 1, 2016, shall be credited with an additional 24 hours of vacation leave on the first day of the month following six (6) full months of employment after their hire date. A Department Head may request the Director of Human Resources to tender a written contingent offer of employment that provides for unpaid leave to accommodate a prospective employee’s prescheduled vacation plans and the Director of Human Resources shall have discretion to make such offer if reasonable and appropriate under the circumstances.

(d) Alternative Accrual Plan: Notwithstanding the Vacation Leave set forth in (a) herein, employees hired before October 1, 2016, may continue to receive vacation accruals on an annual basis by opting out of the monthly accrual plan outlined in subsection (a) above. To opt out, an employee must forfeit their October 1, 2016, monthly accrual, and make a one-time non-revocable election in writing on or before October 31, 2016, on a form and in a manner authorized by the Director of Human Resources. Those employees electing to opt out shall continue to receive a net credit on January 1 of each calendar year, based on the employee’s years of service as of December 31 of the prior calendar year in accordance with the following schedule:

<u>Years of Service</u>	<u>Annual Vacation</u>
<u>Less than 12 months</u>	<u>4 hours per month of total service</u>
<u>1 year but less than 5 years</u>	<u>80 hours</u>
<u>5 years but less than 15 years</u>	<u>120 hours</u>
<u>15 years or more</u>	<u>160 hours</u>

(e) Maximum Accrual: No employee shall accumulate more than 240 hours at any one time. Monthly accruals shall be adjusted or forfeited accordingly based upon the leave balance at 12:01 a.m. on the first day of each calendar month. Employees who elect to opt out of the monthly accrual and continue with the Alternate Accrual Plan as set forth in (d) herein, shall not be permitted to carry forward more than 80 hours of accumulated annual vacation from one calendar year to another.

(f) Negative Leave Balance: Employees shall not be permitted to incur negative vacation leave balances.

(g) Approval: Approval and granting of vacation leave shall be at the discretion of the Department Head on a case-by-case basis, and may be denied in situations when necessary or required to maintain efficient and effective service and/or to keep a department or division adequately staffed. Employees may be called back to work from approved vacation for necessary or required service delivery reasons such as an emergency.

(h) Transfer/Promotion: Promotion, transfer or reassignment does not affect the accrual rate or the amount of accumulated vacation leave.

(i) Separation: Upon separation of employment, employees shall be paid for any accumulated but unused vacation leave, which in no case shall exceed 240 hours.

Sec. 86-105. Sick Leave.

(a) Sick Leave Accruals: Full-time employees shall accrue sick leave with pay on the basis of eight (8) hours for each calendar month of service. Sick leave shall accrue on the last day of each month. Part-time, seasonal, part-time elected, and certain appointed positions shall not accrue sick leave.

(b) Maximum Accrual: Employees shall be permitted to carry over from year to year an unlimited amount of any unused sick leave.

(c) Transfer/Promotion: Promotion, transfer or reassignment does not affect sick leave accrual or the amount of accrued by unused sick leave.

(d) Separation: Upon separation of employment other than retirement, all sick leave accrued by an employee shall be forfeited as of his or her last working day with the City. Consistent with this Code and the Personnel Rules and Administrative Policies, employees who retire will be eligible to convert accrued but unused sick leave accrued into City health insurance benefits or credit for months of service in accordance with state law and West Virginia Public Employees Retirement System guidelines. Under no circumstances shall employees be paid accrued but unused sick leave upon separation.

(e) Advance of Sick Leave: In cases of emergency or in unforeseen circumstances, the City Manager may, at his discretion and on a case-by-case basis, approve an advance of sick leave up to 240 hours provided that all accrued sick leave and vacation have been exhausted. Any employee who receives a sick leave advance shall be required to agree in writing to resolve any deficit in accrual resulting from the advance under terms and conditions approved by the City Manager.

Sec. 86-106. Holidays.

(a) The City of Charleston observes the following paid holidays:

(1) January 1 (New Year's Day)

(2) The third Monday of January (Martin Luther King Day)

(3) The third Monday of February (Presidents Day)

(4) The last Monday of May (Memorial Day)

(5) June 20 (West Virginia Day)

(6) July 4 (Independence Day)

(7) The first Monday of September (Labor Day)

(8) The second Monday of October (Columbus Day)

(9) November 11 (Veterans Day)

(10) The fourth Thursday and Friday of November (Thanksgiving Day Holidays)

(11) December 25 (Christmas Day)

(12) Any day on which a national, state or other governmental election is conducted within the City of Charleston.

(13) Any day proclaimed or ordered by the Mayor, the Governor, or the President of the United States as a day of special observance or Thanksgiving, or for the general cessation of business.

(b) When any such days or dates identified in Section (a) above falls on Saturday, the preceding Friday shall be regarded, treated and observed as such legal holiday. When any of such days or dates identified in Section (a) above falls on Sunday, the succeeding Monday shall be regarded, treated and observed as such legal holiday; provided this Section (b) shall not apply to subsections 12 and 13 of Section (a) above.

(c) An employee who requests sick leave on the last working day preceding or the first working day following a holiday shall not receive regular compensation for the holiday if it is determined that sick leave was taken in a manner inconsistent with this Code or the Personnel Rules and Administrative Policies.

(d) If a holiday as identified in Section (a), but excluding subsections (12) and (13) of Section (a) of this section when occurring on a Saturday or Sunday, is observed on a full-time employee's regularly scheduled day off, the employee shall be compensated by straight time pay or an additional day off in lieu thereof. The determination of whether compensation will consist of pay or an additional day off shall be at the discretion of the City Manager on a case-by-case basis. If compensated by pay, such pay shall be for a normal working day at the straight hourly equivalent rate for his position classification.

(e) Upon request to his/her Department Head a full-time employee who is required to work on an election day, as identified in subsection (12) of Section (a) in this section, shall be provided with reasonable time and opportunity during his/her work day to vote, without any reduction in pay or leave, if applicable.

(f) Alternate holiday leave procedures may apply, as required by business need, to personnel who are normally scheduled to work holidays as a part of their regular work shift.

Sec. 86-107. Family and Medical Leave.

The City of Charleston will provide family and medical leave to its eligible employees in compliance with the federal Family and Medical Leave Act (“FMLA”).

Sec. 86-108. Military Leave

Consistent with state and federal law, the City of Charleston will provide military leave from work due to the performance of military duty on a commission or non-commission status, on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, funeral honors duty by National Guard or reserve members, or for an examination to determine a person’s fitness for any of the above forms of duty.

Sec. 86-109. Sexual Harassment & Workplace Violence

The City shall promote a work environment that is free from fear, violence, intimidation, hostility, harassment or other offenses which might interfere with work performance. Employees who commit misconduct involving violence, harassment or discrimination shall be subject to severe disciplinary action up to and including termination.

Secs. 86-110 – 86-199. Reserved.

ARTICLE II PROGRESSIVE DISCIPLINE & EMPLOYEE GRIEVANCES

Sec. 86-200. Progressive discipline

When appropriate under the circumstances, the City will follow a progressive discipline approach consistent with the Personnel Rules and Administrative Policies. Notwithstanding, the City reserves the right to suspend progressive discipline and to administer disciplinary action up to and including termination on a case-by-case basis and appropriate to the misconduct.

Sec. 86-201. Employee grievances

(a) Covered Personnel: Only non-exempt employees holding full-time City positions, who have completed their initial employment period, are eligible to file grievances.

(b) Matters to be Heard: Only the following actions shall be subject to the grievance process.

1. Disciplinary actions resulting in a suspension without pay.
2. Disciplinary actions resulting in the termination of employment.
3. Involuntary transfer to a lower pay grade that results in an immediate loss of pay.

(c) Grievance process: All grievances shall be processed in a manner consistent with the Personnel Rules and Administrative Policies.

(d) Hearing by Administrative Law Judge: Any employee who timely files a grievance consistent with this Code and the Personnel Rules and Administrative Policies that is not resolved at the Department Head or Human Resources Department level shall be entitled to have his or her grievance heard and adjudicated by an Administrative Law Judge. To the extent permitted by state law, the decision of the Administrative Law Judge may be appealed to the Circuit Court of Kanawha County.

Secs. 86-202 – 86-299. Reserved.

And be it further Ordained by the Council of the City of Charleston, West Virginia:

That Chapter 2, Division 3, Section 2-181 is hereby amended and re-enacted, and Section 2-184 is hereby enacted, all to read as follows:

Sec. 2-181. Powers and duties generally.

The city manager shall be the ~~business~~ chief administrative officer of the city, under the supervision and direction of the mayor-, and shall have the authority to supervise and direct the executive work and management of the heads of all departments, including the appointment and removal thereof, with the advice of the Mayor, except as otherwise set forth in this Code. The city manager may prescribe such rules, regulations, and policies as he or she deems necessary or expedient for the conduct of the departments subject to his or her authority, and may negotiate, set, and adjust wages, salaries, and other compensation of City employees subject to annual budget appropriations and the Personnel Rules and Administrative Policies, as promulgated and amended. The city manager shall have the power and authority to revoke, suspend, or amend any rule, regulation, or action promulgated by any officer or employee of any department under his or her supervision or direction. Subject to the provisions of this Code and state and federal law, the city manager shall have the authority to make all contracts for labor, supplies, insurance, and professional services and shall generally perform or oversee the administrative work of the city, shall perform such other duties as council may require of him, and shall possess such other powers and perform such other duties as council may prescribe.

Sec. 2-184. Personnel Rules and Administrative Policies; duties and authority.

The city manager shall have the discretion and authority to authorize amendments and additions to the Personnel Rules and Administrative Policies upon consultation with the Director of Human Resources and the City Attorney and in the manner set forth in this Code.

And be it further Ordained by the Council of the City of Charleston, West Virginia:

That Chapter 2, Division 6, Sections 2-241, 2-242, 2-243 are hereby amended and re-enacted, Section 2-244 is hereby enacted all to read as follows:

Sec. 2-241. Appointment.

There shall be a city solicitor and such number of assistant city solicitors as may be authorized by budgetary appropriation by resolution of the city council, each of whom shall be appointed by and serve at the will and pleasure of the mayor, and who shall receive such compensation as may be prescribed by the city council.

Sec. 2-242. City Solicitor to be General Legal Counsel; special municipal counsel authorized.

~~Pursuant to the provisions of W. Va. Code § 8-10-1a, the mayor is authorized to employ within the limits of funds available for such purpose, or upon a contingent fee arrangement, in lieu of or in addition to the city solicitor and any assistant city solicitor, an attorney or firm of attorneys as special municipal counsel to represent the city in connection with any legal matter. Any attorney or firm of attorneys so employed shall comply with the provisions of W. Va. Code § 8-10-1a.~~

The city solicitor shall serve as the general legal counsel of the City, shall be the designee of the Mayor for the purposes of W. Va. Code § 8-10-1a, and shall have the authority to employ within the limit of funds appropriated in the city budget for such purpose, assistant city solicitors, and an attorney or firm of attorneys as special municipal counsel, to advise or represent the City in any legal matter. The city solicitor shall supervise and direct all assistant city solicitors and all special municipal counsel employed by City. Consistent with the authority provided in W. Va. Code § 8-10-1a, the authority provided herein may be modified, limited or revoked by the Mayor at any time.

Sec. 2-243. Settlement authority.

The city solicitor, upon the advice and consent of the city manager, shall have the authority to settle or otherwise resolve any claim against the city up to ~~\$15,000.00~~ \$20,000.00 per claim. Consistent with this section, the city solicitor and city manager are further authorized to take any other lawful actions necessary to settle or otherwise resolve claims against the city, including, but not limited to, approving and executing settlement agreements or related documents and facilitating non-monetary reparations by the city in lieu of or in addition to the monetary settlement authority set forth herein. Provided, settlement or other resolution of any claim requiring payment by city of more than ~~\$15,000.00~~ \$20,000.00 shall be submitted to city council by resolution for consideration and approval by city council.

Sec. 2-244. Personnel Rules and Administrative Policies; duties and authority.

The city solicitor shall review all proposed amendments or additions to the Personnel Rules and Administrative Policies, shall advise the City Manager and the Director of Human Resources with respect to any such proposed amendment or addition, and shall have such further duties and authority as is necessary and required by this Code.

Councilman Harrison moved to approve the Bill. Councilman Lane seconded the motion. A roll call was taken:

YEAS: Burka, Burton, Chestnut, Clowser, Davis, Ealy, Faegre, Haas, Harrison, Hoover, Ireland, Lane, Minardi, Miller, Overstreet, Persinger, Reishman, Richardson, Salisbury, Slater, Smith, Steele, Talkington, Ware, Mayor Jones

NAYS: NONE

ABSENT: Ceperley, Ireland, Snodgrass

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7712 passed.

COMMITTEE ON STREETS AND TRAFFIC

1. Your committee on Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7706 do pass.

Bill No. 7706- A Bill to create an All-Way STOP intersection at the intersection of 56th Street, S.E. and Noyes Avenue, and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

Be it Ordained by the Council of the City of Charleston, West Virginia:

Section 1. A Bill to establish an All-Way STOP intersection at the intersection of 56th Street, S.E. and Noyes Avenue is hereby established.

Section 2. The Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

Council Lady Hoover moved to approve the Bill. Councilman Lane seconded the motion. A roll call was taken:

YEAS: Burka, Burton, Chestnut, Clowser, Davis, Ealy, Faegre, Haas, Harrison, Hoover, Ireland, Lane, Minardi, Miller, Overstreet, Persinger, Reishman, Richardson, Salisbury, Slater, Smith, Steele, Talkington, Ware, Mayor Jones

NAYS: NONE

ABSENT: Ceperley, Ireland, Snodgrass

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7706 passed.

2. Your committee on Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill 7707 do pass.

Bill No. 7707- A Bill to establish a stop intersection on Dayton Drive at Crescent Road by installing a stop sign on the northwest corner of the intersection and amending the Traffic Control Map and File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith

Be it Ordained by the Council of the City of Charleston, West Virginia:

Section 1. A STOP intersection on Dayton Drive at Crescent Road by installing the stop sign on the Northwest corner of the intersection is hereby established.

Section 2. The Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

Council Lady Hoover moved to approve the Bill. Councilman Lane seconded the motion. A roll call was taken:

YEAS: Burka, Burton, Chestnut, Clowser, Davis, Ealy, Faegre, Haas, Harrison, Hoover, Ireland, Lane, Minardi, Miller, Overstreet, Persinger, Reishman, Richardson, Salisbury, Slater, Smith, Steele, Talkington, Ware, Mayor Jones

NAYS: NONE

ABSENT: Ceperley, Ireland, Snodgrass

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7707 passed.

3. Your committee on Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7709 do pass.

Bill No. 7709- A Bill to establish two 15 minute parking spaces on Market Street from a point 98 feet east from Crescent Road to a point 146 feet east from Crescent Road, and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

Be it Ordained by the Council of the City of Charleston, West Virginia:

Section 1. A Bill to establish two 15 minute parking spaces on Market Street from a point 98 feet east from Crescent Road to a point 146 feet east from Crescent Road is hereby established.

Section 2. The Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

Council Lady Hoover moved to approve the Bill. Councilman Lane seconded the motion. A roll call was taken:

YEAS: Burka, Burton, Chestnut, Clowser, Davis, Ealy, Faegre, Haas, Harrison, Hoover, Ireland, Lane, Minardi, Miller, Overstreet, Persinger, Reishman, Richardson, Salisbury, Slater, Smith, Steele, Talkington, Ware, Mayor Jones

NAYS: NONE

ABSENT: Ceperley, Ireland, Snodgrass

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7709 passed.

COMMITTEE ON PARKING

1. Your committee on Parking has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 796-16 do pass.

Resolution No. 796-16: Adopting and replacing the Schedule of Authorized Positions and Pay Grade Wage Schedules and authorizing the Finance Director to amend FY 2016-2017 Parking System budget as indicated on the attached Schedules, Budget Document page replacements, and list of accounts.”

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Finance Director is hereby authorized and directed to amend FY 2016-2017 Parking System budget as indicated on the attached list of accounts.

Refer to Finance.

COMMITTEE ON FINANCE

Councilman Reishman, Chair of the Council Committee on Finance, submitted the following reports:

1. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 796-16 do pass.

Resolution No. 796-16: Adopting and replacing the Schedule of Authorized Positions and Pay Grade Wage Schedules and authorizing the Finance Director to amend FY 2016-2017 Parking System budget as indicated on the attached Schedules, Budget Document page replacements, and list of accounts.”

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Finance Director is hereby authorized and directed to amend FY 2016-2017 Parking System budget as indicated on the attached list of accounts.

Parking System FY 2016-2017 Budget Amendment No. 01- September 19, 2016

Account No.	Department	Account Description	Amount
406 571 00 000 1 103	Parking System	Wages & Salaries - Regular	33,460
406 571 00 000 1 103	" "	Wages & Salaries - Overtime	1,221
406 571 00 000 1 104	" "	FICA	2,653
406 571 00 000 1 106	" "	PERS Retirement	4,162
406 322 00 0085	Revenue	Transfer In - General Fund	(41,496)

To recognize impact of implementation of the compensation study recommendations.

**CITY OF CHARLESTON
Parking System Budget**

Parking System Schedule of Authorized Positions

Fiscal Year Ending June 30, 2017

COUNCIL APPROVED

AS AMENDED - EFECTIVE 10-02-2016

Position	Grade/ Class	FY 17 # Emp	Position	Pay Grade	FY 17 # Emp
Director	E-6	1	Director OF Parking	123	1
Assistant Director - Operations	E-4	1	Assistant Director of Parking	119	1
Parking System Technician	C-4	1	Office Support Specialist	107	1
Head Cashier	PG-5	4			
Boot Officer	PG-4	1	Parking Enforcement Specialist	106	1
Cashiers	PG-3	7	Cashier	105	11
Meter Maintenance	PG-3	1	Meter Maintenance	105	1
Utility Person	PG-3	1	Maintenance Worker	107	1
Meter Enforcement	PG-3	4	Parking Collection & Support Tech.	105	4
Janitorial/Security	PG-1	4	Custodians	104	4
Total		<u><u>25</u></u>			<u><u>25</u></u>

CITY OF CHARLESTON
Municipal Budget
 Fiscal Year Ending June 30, 2017

Parking System Schedule of Wages & Salaries

COUNCIL APPROVED

AMENDED

<u>Department/Wage Type</u>	<u>Amount</u>	<u>Department/Wage Type</u>	<u>Amount</u>
<u>Parking System (406)</u>		<u>Parking System (406)</u>	
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	840,126	Regular Wages & Salaries	873,586
Irregular Part Time (IPT)	51,000	Irregular Part Time (IPT)	51,000
Overtime	25,000	Overtime	26,221
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u>916,126</u>		<u>950,807</u>

Councilman Reishman moved to approve the Bill. Councilman Lane seconded the motion. A roll call was taken:

YEAS: Burka, Burton, Chestnut, Clowser, Davis, Ealy, Faegre, Haas, Harrison, Hoover, Ireland, Lane, Minardi, Miller, Overstreet, Persinger, Reishman, Richardson, Salisbury, Slater, Smith, Steele, Talkington, Ware, Mayor Jones

NAYS: NONE

ABSENT: Ceperley, Ireland, Snodgrass

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 796-16 passed.

2. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 797-16 do pass.

Resolution No. 797-16: Adopting and replacing the Schedule of Authorized Positions and Pay Grade Wage Schedules and authorizing the Finance Director to amend FY 2016-2017 General Fund budget as indicated on the attached Schedules, Budget Document page replacements, and list of accounts.”

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Finance Director is hereby authorized and directed to amend FY 2016-2017 General Fund budget as indicated on the attached list of accounts.

General Fund FY 2016-2017 Budget Amendment No. 03- September 19, 2016

Account No.	Department	Account Description	Amount
001 409 00 000 1 103	Mayor's Office	Wages & Salaries - Regular	5,020
001 409 00 000 1 104	" "	FICA	384
001 409 00 000 1 106	" "	PERS Retirement	602
001 412 00 000 1 103	City Manager - Administrative	Wages & Salaries - Regular	48,226
001 412 00 000 1 104	" " "	FICA	3,689
001 412 00 000 1 106	" " "	PERS Retirement	5,787
001 412 50 000 1 103	City Manager -Construction	Wages & Salaries - Regular	15,773
001 412 50 000 1 103	" " "	Wages & Salaries - Overtime	1,281
001 412 50 000 1 104	" " "	FICA	1,305
001 412 50 000 1 106	" " "	PERS Retirement	2,046
001 413 00 000 1 103	City Treasurer	Wages & Salaries - Regular	15,152
001 413 00 000 1 104	" "	FICA	1,159
001 413 00 000 1 106	" "	PERS Retirement	1,818
001 414 00 000 1 103	City Collector	Wages & Salaries - Regular	21,917
001 414 00 000 1 104	" "	FICA	1,677
001 414 00 000 1 106	" "	PERS Retirement	2,630
001 415 00 000 1 103	City Clerk	Wages & Salaries - Regular	2,174
001 415 00 000 1 104	" "	FICA	166
001 415 00 000 1 106	" "	PERS Retirement	261
001 416 00 000 1 103	Municipal Court	Wages & Salaries - Regular	5,436
001 416 00 000 1 103	" "	Wages & Salaries - Overtime	488
001 416 00 000 1 104	" "	FICA	453
001 416 00 000 1 106	" "	PERS Retirement	711
001 417 00 000 1 103	City Attorney	Wages & Salaries - Regular	25,338
001 417 00 000 1 104	" "	FICA	1,938
001 417 00 000 1 106	" "	PERS Retirement	3,041
001 418 00 000 1 103	Accounting	Wages & Salaries - Regular	7,008
001 418 00 000 1 104	"	FICA	536
001 418 00 000 1 106	"	PERS Retirement	841
001 420 00 000 1 103	Engineering - General	Wages & Salaries - Regular	11,968
001 420 00 000 1 104	" "	FICA	916
001 420 00 000 1 106	" "	PERS Retirement	1,436
001 420 01 000 1 103	Engineering - Stormwater	Wages & Salaries - Regular	5,292
001 420 01 000 1 104	" "	FICA	405
001 420 01 000 1 106	" "	PERS Retirement	635
001 421 00 000 1 103	MOECD	Wages & Salaries - Regular	21,994
001 421 00 000 1 104	"	FICA	1,683
001 421 00 000 1 106	"	PERS Retirement	2,639
001 422 00 000 1 103	Human Resources	Wages & Salaries - Regular	20,692
001 422 00 000 1 104	" "	FICA	1,583
001 422 00 000 1 106	" "	PERS Retirement	2,483

To record the budgetary impact of implementation of compensation study recommendations

General Fund FY 2016-2017 Budget Amendment No. 03- September 19, 2016

Account No.	Department	Account Description	Amount
001 431 00 000 1 103	Mail Room	Wages & Salaries - Regular	1,567
001 431 00 000 1 104	" "	FICA	120
001 431 00 000 1 106	" "	PERS Retirement	188
001 436 00 000 1 103	Building Commission	Wages & Salaries - Regular	16,974
001 436 00 000 1 104	" "	FICA	1,299
001 436 00 000 1 106	" "	PERS Retirement	2,037
001 437 00 000 1 103	Planning	Wages & Salaries - Regular	17,785
001 437 00 000 1 104	" "	FICA	1,361
001 437 00 000 1 106	" "	PERS Retirement	2,134
001 439 00 000 1 103	Information Systems	Wages & Salaries - Regular	25,540
001 439 00 000 1 104	" "	FICA	1,954
001 439 00 000 1 106	" "	PERS Retirement	3,065
001 440 00 000 1 103	Building Maintenance	Wages & Salaries - Regular	5,783
001 440 00 000 1 103	" "	Wages & Salaries - Overtime	245
001 440 00 000 1 104	" "	FICA	461
001 440 00 000 1 106	" "	PERS Retirement	723
001 442 00 000 1 103	Strategy Management	Wages & Salaries - Regular	3,575
001 442 00 000 1 104	" "	FICA	273
001 442 00 000 1 106	" "	PERS Retirement	429
001 500 00 000 1 103	Morris Square Property	Wages & Salaries - Regular	707
001 500 00 000 1 103	" " "	Wages & Salaries - Overtime	220
001 500 00 000 1 104	" " "	FICA	71
001 500 00 000 1 106	" " "	PERS Retirement	111
001 566 00 000 1 103	Public Works	Wages & Salaries - Regular	4,441
001 566 00 000 1 104	" "	FICA	340
001 566 00 000 1 106	" "	PERS Retirement	533
001 567 00 000 1 103	Public Grounds	Wages & Salaries - Regular	39,290
001 567 00 000 1 103	" "	Wages & Salaries - Overtime	1,448
001 567 00 000 1 104	" "	FICA	3,116
001 567 00 000 1 106	" "	PERS Retirement	4,889
001 567 01 000 1 103	Public Grounds - Carriage Trail	Wages & Salaries - Regular	1,499
001 567 01 000 1 104	" " " "	FICA	115
001 567 01 000 1 106	" " " "	PERS Retirement	180
001 700 00 000 1 103	Police - Uniform	Wages & Salaries - Regular	180,150
001 700 00 000 1 103	" "	Wages & Salaries - Overtime	43,734
001 700 00 000 1 104	" "	FICA	3,246
001 700 00 001 1 107	" "	MPFRS Retirement	4,242
001 700 01 000 1 103	Police - Civilian	Wages & Salaries - Regular	62,583
001 700 01 000 1 103	" "	Wages & Salaries - Overtime	7,894
001 700 01 000 1 104	" "	FICA	5,391
001 700 01 000 1 106	" "	PERS Retirement	8,457

To record the budgetary impact of implementation of compensation study recommendations

General Fund FY 2016-2017 Budget Amendment No. 03- September 19, 2016

Account No.	Department	Account Description	Amount
001 706 00 000 1 103	Fire - Uniform	Wages & Salaries - Regular	185,009
001 706 00 000 1 103	" "	Wages & Salaries - Medic Pay	48,000
001 706 00 000 1 103	" "	Wages & Salaries - Ride Time	61,320
001 706 00 000 1 103	" "	Wages & Salaries - Overtime	17,043
001 706 00 000 1 104	" "	FICA	4,515
001 706 00 001 1 107	" "	MPFRS Retirement	4,353
001 706 01 000 1 103	Fire - Civilian	Wages & Salaries - Regular	2,082
001 706 01 000 1 104	" "	FICA	159
001 706 01 000 1 106	" "	PERS Retirement	250
001 712 00 000 1 103	Traffic Engineering	Wages & Salaries - Regular	31,871
001 712 00 000 1 103	" "	Wages & Salaries - Overtime	866
001 712 00 000 1 104	" "	FICA	2,504
001 712 00 000 1 106	" "	PERS Retirement	3,928
001 716 00 000 1 103	Emergency Services	Wages & Salaries - Regular	6,345
001 716 00 000 1 104	" "	FICA	485
001 716 00 000 1 106	" "	PERS Retirement	761
001 750 00 000 1 103	Street	Wages & Salaries - Regular	131,366
001 750 00 000 1 103	" "	Wages & Salaries - Overtime	17,594
001 750 00 000 1 104	" "	FICA	11,395
001 750 00 000 1 106	" "	PERS Retirement	17,875
001 754 00 000 1 103	Equipment Maintenance	Wages & Salaries - Regular	57,311
001 754 00 000 1 103	" "	Wages & Salaries - Overtime	4,795
001 754 00 000 1 104	" "	FICA	4,751
001 754 00 000 1 106	" "	PERS Retirement	7,453
001 800 00 000 1 103	Refuse	Wages & Salaries - Regular	91,164
001 800 00 000 1 103	" "	Wages & Salaries - Overtime	13,431
001 800 00 000 1 104	" "	FICA	8,002
001 800 00 000 1 106	" "	PERS Retirement	12,551
001 900 00 000 1 103	Parks & Recreation	Wages & Salaries - Regular	80,587
001 900 00 000 1 103	" "	Wages & Salaries - Overtime	3,910
001 900 00 000 1 104	" "	FICA	6,464
001 900 00 000 1 106	" "	PERS Retirement	10,140
001 906 00 000 1 103	Public Arts	Wages & Salaries - Regular	14,811
001 906 00 000 1 104	" "	FICA	1,133
001 906 00 000 1 106	" "	PERS Retirement	1,777
001 910 00 000 1 103	Municipal Auditorium	Wages & Salaries - Regular	2,358
001 910 00 000 1 103	" "	Wages & Salaries - Overtime	65
001 910 00 000 1 104	" "	FICA	185
001 910 00 000 1 106	" "	Retirement	291
001 952 00 000 1 103	Spring Hill Cemetery	Wages & Salaries - Regular	11,005
001 952 00 000 1 103	" " "	Wages & Salaries - Overtime	373
001 952 00 000 1 104	" " "	FICA	870
001 952 00 000 1 106	" " "	PERS Retirement	1,365

To record the budgetary impact of implementation of compensation study recommendations

General Fund FY 2016-2017 Budget Amendment No. 03- September 19, 2016

Account No.	Department	Account Description	Amount
001 910 01 002 5 566	Transfers to Other Funds	Civ. Ctr. - Operational Subsidy	108,417
004 444 09 000 5 566	" " " "	Parking System	41,496
001 429 00 000 1 103	Position & Compensation Initiative	Wages & Salaries	(1,527,793)
001 429 00 000 1 104	" " "	FICA	(83,690)
001 429 00 000 1 106	" " "	PERS Retirement	(127,699)

To record the budgetary impact of implementation of compensation study recommendations

CITY OF CHARLESTON
Municipal Budget
Fiscal Year Ending June 30, 2017

General Fund Schedule of Authorized Positions by Department

COUNCIL APPROVED

AS AMENDED - EFFECTIVE 10-02-2016

Department/Position	Pay Grade	FY 17 # Emp	Department/Position	Pay Grade	FY 17 # Emp
<u>Accounting (418)</u>			<u>Accounting (418)</u>		
City Auditor	E-8	1	City Auditor	128	1
Asisstant City Auditor	E-6	1	Asisstant City Auditor	124	1
Accountant	G-6	1	Accountant - Senior	116	1
Staff Assistant	G-4	1	Accountant	115	1
Accounts Payable Administrator	G-3	1	Accounting Technician	113	1
		<u>5</u>			<u>5</u>
<u>Building Commission (436)</u>			<u>Building Commission (436)</u>		
Building Commissioner	E-7	1	Building Commissioner	126	1
Plans Reviewer	G-5	1	Plans Reviewer	116	1
Building Inspector	G-4	2	Building Inspector	115	1
Property Maint. Code Inspector	G-4	7	Property and Maintenance Inspector	114	8
Permit/Utility Coordinator	G-4	1	Permit Coordinator	114	1
Permit Technician	G-1	1	Permit Technician	109	1
		<u>13</u>			<u>13</u>
<u>Building Maintenance (440)</u>			<u>Building Maintenance (440)</u>		
Asst. Mgr. - Const/Bldg Mtce.	E-3	1	Assistant Facilities Manager	117	1
Maintenance Foreman	PG-5	1	Maintenance Foreman	108	1
Maintenance Worker	PG-4	2	Maintenance Worker	107	2
Maintenance/Custodial	PG-2	1			
Custodian	PG-1	2	Custodian	104	3
		<u>7</u>			<u>7</u>
<u>City Attorney (417)</u>			<u>City Attorney</u>		
City Attorney	E-10	1	City Attorney (417)	135	1
Assistant. City Attorney	E-6	2	Assistant. City Attorney	125	2
Office Manager	E-4	1	Senior Staff Associate	119	1
Legal Assistant	G-3	1	Legal Assistant	112	1
		<u>5</u>			<u>5</u>
<u>City Clerk (415)</u>			<u>City Clerk (415)</u>		
City Clerk	G-S	1	City Clerk	109	1
Council Clerk	G-4	1	Council Clerk	114	1
Administrative Assistant	G-4	1	Administrative Assistant II	114	1
		<u>3</u>			<u>3</u>
<u>City Collector (414)</u>			<u>City Collector (414)</u>		
City Collector	E-7	1	City Collector	125	1
Taxpayer Services Manager	E-3	1	Taxpayer Services Manager	119	1
Compliance Manager	E-3	1	Compliance Manager	119	1
Tax Compliance Officer -Rental	G-5	1	Tax Compliance Officer -Rental	112	1
Tax Compliance Officer - Contract	G-4	1	Tax Compliance Officer - Contract	115	1
Senior Auditor	G-5	1	Senior Audit Technician	116	1
Auditor	G-4	4	Audit Technician	115	4
Staff Associate	G-2	2	Admnistrative Assistant II	114	2
Chief Cashier	G-2	1	Chief Cashier	110	1
Cashier	C-4	1	Accounting Clerk	106	1
		<u>14</u>			<u>14</u>
<u>City Council (410)</u>			<u>City Council (410)</u>		
Council Members	E	26	Council Members	002	26
		<u>26</u>			<u>26</u>

**CITY OF CHARLESTON
Municipal Budget
Fiscal Year Ending June 30, 2017**

General Fund Schedule of Authorized Positions by Department

COUNCIL APPROVED

AS AMENDED - EFFECTIVE 10-02-2016

<u>Department/Position</u>	<u>Pay Grade</u>	<u>FY 17 # Emp</u>	<u>Department/Position</u>	<u>Pay Grade</u>	<u>FY 17 # Emp</u>
<u>City Engineer (420-00)</u>			<u>City Engineer (420-00)</u>		
City Engineer	E-8	1	City Engineer	127	1
Assistant City Engineer	E-6	1	Assistant City Engineer	125	1
Landfill Engineer	E-6	1	Landfill Engineer	123	1
Field Engineer	E-6	1	Field Engineer	123	1
Design Technician	G-5	1	Design Technician	114	1
Surveyor/CCTV Operator	G-5	1	Surveyor	117	1
Administrative Assistant	G-1	1	Administrative Assistant I	109	1
		<u>7</u>			<u>7</u>
<u>City Manager (412-00)</u>			<u>City Manager (412-00)</u>		
City Manager	CM	1	City Manager	139	1
Finance Director	E-9	1	Director of Finance	132	1
Executive Projects Administrator	E-8	1	Projects Administrator	124	1
Purchasing Dir. & Grant Coordinator	E-5	1	Director of Purchasing	123	1
Budget Officer - Public Safety	E-5	1	Budget Officer - Public Safety	121	1
Administrative Asst	G-5	1	Administrative Assistant II	114	2
Administrative Asst	G-4	1			
Grant Coordinator	G-3	1	Grant Coordinator	112	1
Staff Assistant	G-1	1	Administrative Assistant I	109	1
		<u>9</u>			<u>9</u>
<u>City Manager - Construction (412-50)</u>			<u>City Manager - Construction (412-50)</u>		
Construction Project Manager	E-5	1	Facilities Manager	121	1
Electrician	G-3	2	Electrician	112	2
HVAC Technician	G-2	2	HVAC Technician	111	2
Administrative Assistant	G-1	1	Administrative Assistant I	109	1
Carpenter	PG-6	6	Carpenter	110	6
Maintenance Laborer	PG-5	2	Maintenance Worker	107	2
		<u>14</u>			<u>14</u>
<u>City Treasurer (413)</u>			<u>City Treasurer (413)</u>		
City Treasurer	E	1	City Treasurer	003	1
Assistant Treasurer	G-5	1	Assistant Treasurer	116	1
Administrative Assistant	G-1	1	Treasury Technician	113	1
		<u>3</u>			<u>3</u>
<u>Emergency Services (716)</u>			<u>Emergency Services (716)</u>		
Director	E-7	1	Director of Emergency Management	129	1
Administrative Assistant	G-7	1	Administrative Assistant II	114	1
		<u>2</u>			<u>2</u>
<u>Engineering - Stormwater (420-01)</u>			<u>Engineering - Stormwater (420-01)</u>		
Storm Water Coordinator	E-6	1	MS4 General Permit Manager	124	1
Permit Compliance Specialist	G-6	1	MS4 Permit Compliance Specialist	116	1
MS4 Coordinator	G-4	1	MS4 Environmental Education Spec.	114	1
Inspector	G-4	1	Engineering Inspection Technician	114	1
		<u>4</u>			<u>4</u>

CITY OF CHARLESTON
Municipal Budget
Fiscal Year Ending June 30, 2017

General Fund Schedule of Authorized Positions by Department

COUNCIL APPROVED

AS AMENDED - EFFECTIVE 10-02-2016

Department/Position	Pay Grade	FY 17 # Emp	Department/Position	Pay Grade	FY 17 # Emp
<u>Equipment Maintenance (754)</u>			<u>Equipment Maintenance (754)</u>		
Director - Fleet	E-5	1	Deputy Director of Fleet Services	121	1
Operations Manager	E-2	1	Operations Manager	114	1
Administrative Assistant	C-6	1	Office Support Specialist	107	1
Equipment Maintenance Foreman	PG-6	3	Vehicle Maintenance Crew Leader	113	3
Service Writer	PG-5	1	Service Writer	108	1
Line Technician	PG-5	14	Mechanic	111	14
Utility Clerk	PG-4	1	Inventory Technician	106	1
		<u>22</u>			<u>22</u>
<u>Fire-Uniform (706-00)</u>			<u>Fire-Uniform (706-00)</u>		
Chief	E-10	1	Fire Chief	132	1
Salaries & Wages	n/a	168	Uniform Members	n/a	168
		<u>169</u>			<u>169</u>
<u>Fire-Civilian (706-01)</u>			<u>Fire-Civilian (706-01)</u>		
Administrative Assistant	G-4	1	Administrative Assistant II	114	1
Secretary	C-6	1	Office Support Specialist	107	1
		<u>2</u>			<u>2</u>
<u>Human Resources (422)</u>			<u>Human Resources (422)</u>		
Director	E-7	1	Director of Human Resources	129	1
Assistant Director	E-5	1	Assistant Director Human Resources	121	1
Benefits & Compliance Manager	E-4	1	Benefits and Compensation Manager	120	1
Payroll Administrator	G-6	1	Payroll Administrator	119	1
Safety Coordinator	G-5	1	Safety Coordinator	116	1
HR Coordinator	G-5	1	Human Resources Coordinator	116	1
Sr Staff Assistant-Wkrs Comp	G-4	1	Benefits Coordinator	115	1
Staff Assistant	G-1	1	Administrator Assistant I	109	1
		<u>8</u>			<u>8</u>
<u>Information Systems (439)</u>			<u>Information Systems (439)</u>		
Director	E-8	1	Director of Information Systems	130	1
GIS Manager	E-6	1	GIS Manager	123	1
Applications & Reporting Analyst	E-5	1	Applications & Reporting Analyst	121	1
Network/PC Administrator	E-T	3	Network Administrator	119	3
Computer Operator/Mail Room Spvr	E-2	1	Information Services Coordinator	113	1
Electronic Media Specialist	G-4	1	Electronic Media Specialist	119	1
		<u>8</u>			<u>8</u>
<u>Mail Room (431)</u>			<u>Mail Room (431)</u>		
Courier/Data Entry Clerk	C-4	2	Office Support Specialist	107	2
		<u>2</u>			<u>2</u>
<u>Mayor (409)</u>			<u>Mayor (409)</u>		
Mayor	E	1	Mayor of Charleston	001	1
Sr. Asst. to Mayor	E-8	1	Senior Assistant to Mayor	127	1
Asst. to Mayor	E-4	1	Assistant to Mayor	119	1
Constituent Services Administrator	G-4	1	Administrative Assistant II	114	1
		<u>4</u>			<u>4</u>

CITY OF CHARLESTON
Municipal Budget
Fiscal Year Ending June 30, 2017

General Fund Schedule of Authorized Positions by Department

COUNCIL APPROVED

AS AMENDED - EFFECTIVE 10-02-2016

Department/Position	Pay Grade	FY 17 # Emp	Department/Position	Pay Grade	FY 17 # Emp
<u>MOECD (421)</u>			<u>MOECD (421)</u>		
Director	E-7	1	Director of Community & Economic Devt	129	1
Program Manager	G-6	1	Program Manager	119	1
Home Program Supervisor	G-6	1	Housing Program Supervisor	119	1
Finance Officer	G-5	1	Grants Specialist	114	1
Housing Project Coordinator	G-5	1	Housing Program Coordinator	116	1
Housing Application Coordinator	G-3	1	Housing Applications Coordinator	112	1
Staff Assistant	G-1	1	Administrative Assistant I	109	1
		<u>7</u>			<u>7</u>
<u>Morris Square Property (500)</u>			<u>Morris Square Property (500)</u>		
Maintenance Manager	PG-6	1	Maintenance Specialist	108	1
		<u>1</u>			<u>1</u>
<u>Municipal Auditorium (910)</u>			<u>Municipal Auditorium (910)</u>		
Events Coordinator	G-3	1	Events Coordinator	112	1
Operator (Skilled)	PG-4	2	Facility Support Technician	106	2
		<u>3</u>			<u>3</u>
<u>Municipal Court (416)</u>			<u>Municipal Court (416)</u>		
Municipal Judge	E	1	Municipal Judge	004	1
Chief Deputy Clerk/Office Mgr	E-3	1	Chief Deputy Clerk	117	1
Court Clerk	G-S	1	Municipal Court Clerk	117	1
Deputy Clerk	C-6	3	Deputy Clerk	109	3
Asst. Deputy Clerk	C-5	2	Assistant Deputy Clerk	108	2
		<u>8</u>			<u>8</u>
<u>Parks & Recreation (900)</u>			<u>Parks & Recreation (900)</u>		
Director	E-7	1	Director of Parks and Recreation	129	1
Assistant Director	E-4	1	Manager Leisure Services	119	1
Maintenance Manager	E-4	1	Maintenance Manager	119	1
Center Managers	G-3	3	Recreation Center Manager	114	3
Project Director	G-2	1	Recreation Program Coordinator	110	1
Senior Program Coordinator	G-2	1	Senior Program Coordinator	114	1
Program Coordinators	G-1	3	Program Coordinator	113	3
Neighborhood Center Manager	G-1	1	Neighborhood Center Manager	112	1
Administrative Assistant	C-6	1	Office Support Specialist	107	5
Administrative Assistant	C-5	1			-
Clerk-Typist	C-2	3			-
Foreman/Operators	PG-6	2	Parks and Recreation Crew Leader	113	2
Maintenance Worker	PG-5	5	Maintenance Worker	107	6
Drivers	PG-3	1	Parks Maintenance Workers	104	3
Labors/Custodians	PG-2	8	Custodian	104	5
		<u>33</u>			<u>33</u>
<u>Planning (437)</u>			<u>Planning (437)</u>		
Director	E-8	1	Director of Planning	129	1
Planner	G-6	2	Planner	119	2
Plans Reviewer/Floodplain Manager	G-6	1	Plans Reviewer II	119	1
Zoning Administrator	G-4	2	Zoning Compliance Technician	116	2
Jr. Zoning Administrator	G-1	1	Zoning Specialist	109	1
		<u>7</u>			<u>7</u>
<u>Police-Uniform (700-00)</u>			<u>Police-Uniform (700-00)</u>		
Chief	E-10	1	Police Chief	132	1
Salaries & Wages		162	Uniform Members	-	162
		<u>163</u>			<u>163</u>

CITY OF CHARLESTON
Municipal Budget
Fiscal Year Ending June 30, 2017

General Fund Schedule of Authorized Positions by Department

COUNCIL APPROVED

AS AMENDED - EFFECTIVE 10-02-2016

Department/Position	Pay Grade	FY 17 # Emp	Department/Position	Pay Grade	FY 17 # Emp
<u>Police-Civilian (700-01)</u>			<u>Police-Civilian (700-01)</u>		
Office Manager	G-4	1	Administrative Assistant II	114	1
Domestic Violence Coordinator	G-3	1	Domestic Violence Coordinator	113	1
Prof. Standards Adm. Asst.	G-2	1			-
Animal Control Officer	G-1	2	Animal Control Officer	110	2
Secretary	C-5	1			-
Supply Technician	C-5	1	Police Supply Technician	108	1
Evidence Technician	C-5	1	Evidence Technician	110	1
Secretary	C-4	1	Office Support Specialist	107	17
Secretary/Sr Data/Records	C-4	2			-
Records Supervisor	C-4	3			-
Administrative Assistant	C-3	1	Administrative Assistant I	109	1
Secretary	C-3	1			-
Data Entry/Clerk	C-3	2			-
Records Div-Data Entry/Clerk	C-3	6			-
		<u>24</u>			<u>24</u>
<u>Public Arts (906-01)</u>			<u>Public Arts (906-01)</u>		
Director	E-4	1	Director - Public Arts	119	1
		<u>1</u>			<u>1</u>
<u>Public Grounds (567-00)</u>			<u>Public Grounds (567-00)</u>		
Director	E-5	1	Deputy Director Public Grounds	121	1
Assistant Director	E-2	1	Supervisor - Public Grounds	116	1
Foreman	PG-6	2	Grounds Crew Leader	113	1
Grounds/Maint. Technician	PG-5	1			-
Tree Climber	PG-5	2	Tree Trimmer	109	2
Operator	PG-5	2	Heavy Equipment Operator	108	2
Small Equipment Mechanic	PG-5	1	Small Engine Mechanic	108	1
Driver	PG-3	5	Tree Crew Leader	113	1
Laborer/Custodian	PG-2	2	Custodian	104	1
Laborer	PG-2	10	Grounds Maintenance Worker	104	17
Clerk Typist	C-4	1	Office Support Specialist	107	1
		<u>28</u>			<u>28</u>
<u>Public Grounds - Carriage Trail (567-01)</u>			<u>Public Grounds - Carriage Trail (567-01)</u>		
Laborer - Trail Maintenance	PG-4	1	Trail Specialist	106	1
Laborer	PG-2	1	Grounds Maintenance Worker	104	1
		<u>2</u>			<u>2</u>
<u>Public Works (566)</u>			<u>Public Works (566)</u>		
Director	E-9	1	Director of Public Works	132	1
Assistant Director	E-6	1	Assistant Director - Public Works	124	1
		<u>2</u>			<u>2</u>
<u>Refuse Collection/Recycling (800)</u>			<u>Refuse Collection/Recycling (800)</u>		
Director	E-5	1	Deputy Director of Refuse	121	1
Assistant Director	E-2	1	Supervisor - Sanitation Services	116	1
Administrative Assistant	C-6	1	Office Support Specialist	107	2
Receptionist	C-3	1			-
Route Foreman	PG-6	2	Sanitation Crew Leader	113	2
Route Drivers	PG-3	26	Sanitation Driver	107	26
Route Laborer	PG-2	35	Sanitation Worker	105	35
		<u>67</u>			<u>67</u>

CITY OF CHARLESTON
Municipal Budget
Fiscal Year Ending June 30, 2017

General Fund Schedule of Authorized Positions by Department

COUNCIL APPROVED

AS AMENDED - EFFECTIVE 10-02-2016

Department/Position	Pay Grade	FY 17 # Emp	Department/Position	Pay Grade	FY 17 # Emp
<u>Spring Hill Cemetery (952)</u>			<u>Spring Hill Cemetery (952)</u>		
Superintendent	E-5	1	Superintendent - Spring Hill Cemetery	116	1
Business Manager	G-5	1	Business Manager - Spring Hill Cemetery	114	1
Project Coordinator	G-3	1	Office Support Specialist	107	2
Clerk-Receptionist	C-2	1			-
Foreman	PG-6	1	Cemetery Crew Leader	113	1
Backhoe Operator	PG-4	1			
Laborer	PG-2	2	Grounds Maintenance Worker	104	3
		<u>8</u>			<u>8</u>
<u>Strategy Management & Internal Operations (442)</u>			<u>Strategy Management (442)</u>		
Dir. Strategy Mgt./Internal Oper.	E-8	1	Director of Strategy Management	127	1
Strategic Operations Analyst	E-4	1	Strategic Operations Analyst	119	1
		<u>2</u>			<u>2</u>
<u>Street (750)</u>			<u>Street (750)</u>		
Admin. Assistant	C-6	2	Office Support Specialist	107	2
Foreman	PG-6	9	Street Crew Leader	113	9
Welder	PG-5	1	Welder	111	1
Senior Operator	PG-5	8	Heavy Equipment Operator	108	17
Sign Specialist IV	PG-5	-			
Operator	PG-4	9	Dispatcher	106	4
Telephone & Radio Operator	PG-4	4	Truck Driver	105	17
Truck Driver	PG-3	17	Vactor Truck Operator	105	1
Operator	PG-3	1	Street Maintenance Worker	104	21
Laborer	PG-2	21			<u>72</u>
		<u>72</u>			<u>72</u>
<u>Traffic Engineering (712)</u>			<u>Traffic Engineering (712)</u>		
Traffic Engineer	E-5	1	Traffic Engineer	123	1
Asst. Traffic Engineer - Planning	G-7	1			
Asst. Traffic Engineer - Operations	E-3	1	Traffic Engineering Technician	116	1
Signal Repairman III	PG-6	3	Traffic Signal Specialist	110	4
Sign Shop Foreman	PG-6	1	Traffic Sign Crew Leader	109	1
Sign Specialist IV	PG-5	3	Traffic Sign Specialist	108	3
		<u>10</u>			<u>10</u>
Total Authorized Positions		765			765
General Fund					765

CITY OF CHARLESTON
Municipal Budget
Fiscal Year Ending June 30, 2017

General Fund Schedule of Wages & Salaries by Department

COUNCIL APPROVED

AMENDED

<u>Department/Position</u>	<u>Amount</u>	<u>Department/Position</u>	<u>Amount</u>
<u>Accounting (418)</u>		<u>Accounting (418)</u>	
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	320,820	Regular Wages & Salaries	327,828
Irregular Part Time (IPT)	-	Irregular Part Time (IPT)	-
Overtime	-	Overtime	-
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u>320,820</u>		<u>327,828</u>
<u>Building Commission (436)</u>		<u>Building Commission (436)</u>	
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	654,397	Regular Wages & Salaries	671,371
Irregular Part Time (IPT)	-	Irregular Part Time (IPT)	-
Overtime	-	Overtime	-
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u>654,397</u>		<u>671,371</u>
<u>Building Maintenance (440)</u>		<u>Building Maintenance (440)</u>	
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	236,000	Regular Wages & Salaries	241,783
Irregular Part Time (IPT)	-	Irregular Part Time (IPT)	-
Overtime	10,000	Overtime	10,245
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u>246,000</u>		<u>252,028</u>
<u>City Attorney (417)</u>		<u>City Attorney</u>	
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	368,366	Regular Wages & Salaries	393,704
Irregular Part Time (IPT)	-	Irregular Part Time (IPT)	-
Overtime	-	Overtime	-
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u>368,366</u>		<u>393,704</u>
<u>City Clerk (415)</u>		<u>City Clerk (415)</u>	
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	131,393	Regular Wages & Salaries	133,567
Irregular Part Time (IPT)	-	Irregular Part Time (IPT)	-
Overtime	-	Overtime	-
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u>131,393</u>		<u>133,567</u>
<u>City Collector (414)</u>		<u>City Collector (414)</u>	
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	706,846	Regular Wages & Salaries	728,763
Irregular Part Time (IPT)	-	Irregular Part Time (IPT)	-
Overtime	-	Overtime	-
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u>706,846</u>		<u>728,763</u>

CITY OF CHARLESTON
Municipal Budget
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General Fund Schedule of Wages & Salaries by Department

COUNCIL APPROVED

AMENDED

<u>Department/Position</u>	<u>Amount</u>	<u>Department/Position</u>	<u>Amount</u>
<u>City Council (410)</u>			
Elected Wages & Salaries	135,200	Elected Wages & Salaries	135,200
Regular Wages & Salaries	-	Regular Wages & Salaries	-
Irregular Part Time (IPT)	-	Irregular Part Time (IPT)	-
Overtime	-	Overtime	-
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u>135,200</u>		<u>135,200</u>
<u>City Engineer (420-00)</u>			
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	466,989	Regular Wages & Salaries	478,957
Irregular Part Time (IPT)	3,500	Irregular Part Time (IPT)	3,500
Overtime	-	Overtime	-
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u>470,489</u>		<u>482,457</u>
<u>City Manager (412-00)</u>			
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	660,470	Regular Wages & Salaries	708,696
Irregular Part Time (IPT)	5,000	Irregular Part Time (IPT)	5,000
Overtime	-	Overtime	-
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u>665,470</u>		<u>713,696</u>
<u>City Manager - Construction (412-50)</u>			
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	553,995	Regular Wages & Salaries	569,768
Irregular Part Time (IPT)	45,000	Irregular Part Time (IPT)	45,000
Overtime	45,000	Overtime	46,281
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u>643,995</u>		<u>661,049</u>
<u>City Treasurer (413)</u>			
Elected Wages & Salaries	18,000	Elected Wages & Salaries	18,000
Regular Wages & Salaries	90,060	Regular Wages & Salaries	105,212
Irregular Part Time (IPT)	8,000	Irregular Part Time (IPT)	8,000
Overtime	-	Overtime	-
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u>116,060</u>		<u>131,212</u>
<u>Emergency Services (716)</u>			
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	152,233	Regular Wages & Salaries	158,578
Irregular Part Time (IPT)	-	Irregular Part Time (IPT)	-
Overtime	-	Overtime	-
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u>152,233</u>		<u>158,578</u>

CITY OF CHARLESTON
Municipal Budget
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General Fund Schedule of Wages & Salaries by Department

COUNCIL APPROVED

AMENDED

<u>Department/Position</u>	<u>Amount</u>	<u>Department/Position</u>	<u>Amount</u>
<u>Engineering - Stormwater (420-01)</u>		<u>Engineering - Stormwater (420-01)</u>	
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	233,196	Regular Wages & Salaries	238,488
Irregular Part Time (IPT)	-	Irregular Part Time (IPT)	-
Overtime	-	Overtime	-
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u>233,196</u>		<u>238,488</u>
<u>Equipment Maintenance (754)</u>		<u>Equipment Maintenance (754)</u>	
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	808,350	Regular Wages & Salaries	865,661
Irregular Part Time (IPT)	-	Irregular Part Time (IPT)	-
Overtime	67,625	Overtime	72,420
Pro-Pay	17,000	Pro-Pay	17,000
Tool Allowance	8,400	Tool Allowance	8,400
	<u>901,375</u>		<u>963,481</u>
<u>Fire-Uniform (706-00)</u>		<u>Fire-Uniform (706-00)</u>	
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	8,015,414	Regular Wages & Salaries	8,309,743
Irregular Part Time (IPT)	-	Irregular Part Time (IPT)	-
Overtime	573,470	Overtime	590,513
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u>8,588,884</u>		<u>8,900,256</u>
<u>Fire-Civilian (706-01)</u>		<u>Fire-Civilian (706-01)</u>	
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	85,584	Regular Wages & Salaries	87,666
Irregular Part Time (IPT)	-	Irregular Part Time (IPT)	-
Overtime	-	Overtime	-
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u>85,584</u>		<u>87,666</u>
<u>Human Resources (422)</u>		<u>Human Resources (422)</u>	
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	467,987	Regular Wages & Salaries	488,679
Irregular Part Time (IPT)	-	Irregular Part Time (IPT)	-
Overtime	-	Overtime	-
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u>467,987</u>		<u>488,679</u>
<u>Information Systems (439)</u>		<u>Information Systems (439)</u>	
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	548,070	Regular Wages & Salaries	573,610
Irregular Part Time (IPT)	-	Irregular Part Time (IPT)	-
Overtime	-	Overtime	-
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u>548,070</u>		<u>573,610</u>

CITY OF CHARLESTON
Municipal Budget
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General Fund Schedule of Wages & Salaries by Department

COUNCIL APPROVED

AMENDED

Department/Position	Amount	Department/Position	Amount
<u>Mail Room (431)</u>		<u>Mail Room (431)</u>	
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	62,695	Regular Wages & Salaries	64,262
Irregular Part Time (IPT)	-	Irregular Part Time (IPT)	-
Overtime	-	Overtime	-
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	62,695		64,262
<u>Mayor (409)</u>		<u>Mayor (409)</u>	
Elected Wages & Salaries	100,000	Elected Wages & Salaries	100,000
Regular Wages & Salaries	203,509	Regular Wages & Salaries	208,529
Irregular Part Time (IPT)	-	Irregular Part Time (IPT)	-
Overtime	-	Overtime	-
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	303,509		308,529
<u>MOECD (421)</u>		<u>MOECD (421)</u>	
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	390,616	Regular Wages & Salaries	412,610
Irregular Part Time (IPT)	-	Irregular Part Time (IPT)	-
Overtime	-	Overtime	-
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	390,616		412,610
<u>Morris Square Property (500)</u>		<u>Morris Square Property (500)</u>	
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	35,446	Regular Wages & Salaries	36,153
Irregular Part Time (IPT)	-	Irregular Part Time (IPT)	-
Overtime	8,800	Overtime	9,020
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	44,246		45,173
<u>Municipal Auditorium (910)</u>		<u>Municipal Auditorium (910)</u>	
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	104,970	Regular Wages & Salaries	107,328
Irregular Part Time (IPT)	-	Irregular Part Time (IPT)	-
Overtime	2,900	Overtime	2,965
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	107,870		110,293
<u>Municipal Court (416)</u>		<u>Municipal Court (416)</u>	
Elected Wages & Salaries	35,000	Elected Wages & Salaries	35,000
Regular Wages & Salaries	277,044	Regular Wages & Salaries	282,480
Irregular Part Time (IPT)	18,000	Irregular Part Time (IPT)	18,000
Overtime	28,000	Overtime	28,488
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	358,044		363,968

CITY OF CHARLESTON
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General Fund Schedule of Wages & Salaries by Department

COUNCIL APPROVED

AMENDED

<u>Department/Position</u>	<u>Amount</u>	<u>Department/Position</u>	<u>Amount</u>
<u>Parks & Recreation (900)</u>		<u>Parks & Recreation (900)</u>	
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	1,236,662	Regular Wages & Salaries	1,317,249
Irregular Part Time (IPT)	300,000	Irregular Part Time (IPT)	300,000
Overtime	60,000	Overtime	63,910
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u>1,596,662</u>		<u>1,681,159</u>
<u>Planning (437)</u>		<u>Planning (437)</u>	
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	406,329	Regular Wages & Salaries	424,114
Irregular Part Time (IPT)	18,700	Irregular Part Time (IPT)	18,700
Overtime	-	Overtime	-
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u>425,029</u>		<u>442,814</u>
<u>Police-Uniform (700-00)</u>		<u>Police-Uniform (700-00)</u>	
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	7,417,427	Regular Wages & Salaries	7,597,577
Irregular Part Time (IPT)	-	Irregular Part Time (IPT)	-
Overtime	1,810,524	Overtime	1,854,258
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u>9,227,951</u>		<u>9,451,835</u>
<u>Police-Civilian (700-01)</u>		<u>Police-Civilian (700-01)</u>	
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	809,646	Regular Wages & Salaries	872,229
Irregular Part Time (IPT)	73,300	Irregular Part Time (IPT)	73,300
Overtime	102,124	Overtime	110,018
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u>985,070</u>		<u>1,055,547</u>
<u>Public Arts (906-01)</u>		<u>Public Arts (906-01)</u>	
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	62,890	Regular Wages & Salaries	77,701
Irregular Part Time (IPT)	-	Irregular Part Time (IPT)	-
Overtime	-	Overtime	-
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u>62,890</u>		<u>77,701</u>
<u>Public Grounds (567-00)</u>		<u>Public Grounds (567-00)</u>	
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	922,647	Regular Wages & Salaries	961,937
Irregular Part Time (IPT)	-	Irregular Part Time (IPT)	-
Overtime	34,000	Overtime	35,448
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u>956,647</u>		<u>997,385</u>

CITY OF CHARLESTON
Municipal Budget
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General Fund Schedule of Wages & Salaries by Department

COUNCIL APPROVED

AMENDED

Department/Position	Amount	Department/Position	Amount
<u>Public Grounds - Carriage Trail (567-01)</u>			
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	59,956	Regular Wages & Salaries	61,455
Irregular Part Time (IPT)	-	Irregular Part Time (IPT)	-
Overtime	-	Overtime	-
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u>59,956</u>		<u>61,455</u>
<u>Public Works (566)</u>			
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	177,638	Regular Wages & Salaries	182,079
Irregular Part Time (IPT)	-	Irregular Part Time (IPT)	-
Overtime	-	Overtime	-
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u>177,638</u>		<u>182,079</u>
<u>Refuse Collection/Recycling (800)</u>			
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	2,047,870	Regular Wages & Salaries	2,139,034
Irregular Part Time (IPT)	-	Irregular Part Time (IPT)	-
Overtime	301,700	Overtime	316,131
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u>2,349,570</u>		<u>2,455,165</u>
<u>Spring Hill Cemetery (952)</u>			
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	319,043	Regular Wages & Salaries	330,048
Irregular Part Time (IPT)	61,720	Irregular Part Time (IPT)	61,720
Overtime	10,805	Overtime	11,178
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u>391,568</u>		<u>402,946</u>
<u>Strategy Management & Internal Operations (442)</u>			
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	155,571	Regular Wages & Salaries	159,146
Irregular Part Time (IPT)	-	Irregular Part Time (IPT)	-
Overtime	-	Overtime	-
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u>155,571</u>		<u>159,146</u>
<u>Street (750)</u>			
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	2,252,657	Regular Wages & Salaries	2,384,023
Irregular Part Time (IPT)	11,000	Irregular Part Time (IPT)	11,000
Overtime	283,438	Overtime	301,032
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u>2,547,095</u>		<u>2,696,055</u>

CITY OF CHARLESTON
Municipal Budget
Fiscal Year Ending June 30, 2017

General Fund Schedule of Wages & Salaries by Department

COUNCIL APPROVED

AMENDED

Department/Position	Amount	Department/Position	Amount
<u>Traffic Engineering (712)</u>		<u>Traffic Engineering (712)</u>	
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	436,556	Regular Wages & Salaries	436,597
Irregular Part Time (IPT)	-	Irregular Part Time (IPT)	-
Overtime	11,000	Overtime	11,866
Pro-Pay	12,000	Pro-Pay	12,000
Tool Allowance	-	Tool Allowance	-
	<u><u>459,556</u></u>		<u><u>460,463</u></u>
 <u>GRAND TOTAL</u>	 \$ 36,098,548		 \$ 37,470,218

CITY OF CHARLESTON
Municipal Budget
Fiscal Year Ending June 30, 2017

Table of Pay Grade Wage Schedules

Pay Grade		Annual Minimum	Annual Maximum
001	Mayor		100,000
002	City Council		5,200
003	City Treasurer		18,000
004	Municipal Judge		35,000
005	Appointed Part Time Clerks		35,000
104		22,467	35,907
105		23,590	37,702
106		24,770	39,587
107		26,008	41,566
108		27,309	43,645
109		28,674	45,827
110		30,108	48,118
111		31,613	50,524
112		33,194	53,050
113		34,854	55,703
114		36,596	58,488
115		38,426	61,413
116		40,347	64,483
117		42,365	67,707
119		46,707	74,647
120		49,043	78,380
121		51,495	82,299
123		56,773	90,734
124		59,611	95,271
125		62,592	100,035
126		65,722	105,036
127		69,008	110,288
128		72,458	115,803
129		76,081	121,593
130		79,885	127,672
132		88,073	140,759
135		101,956	162,946
139		123,928	198,062

Replaces original wage schedules for Elected, E, G, C and PG classes

CITY OF CHARLESTON
Municipal Budget
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Amended Wage Progression Schedule

POLICE
(8 hour and 12 hour shifts)

Years of Service	PATROL Hourly	CORPORAL Hourly	SERGEANT Hourly	LIEUTENANT Hourly	CAPTAIN Hourly
0	17.923	21.048	22.772	24.799	27.098
1	19.674	21.115	22.839	24.865	27.164
2	19.740	21.181	22.905	24.932	27.231
3	19.807	21.248	22.971	24.998	27.297
4	19.873	21.314	23.038	25.064	27.363
5	19.939	21.381	23.104	25.131	27.430
6	20.006	21.447	23.171	25.197	27.496
7	20.072	21.513	23.237	25.263	27.562
8	20.138	21.580	23.303	25.330	27.629
9	20.205	21.646	23.370	25.396	27.695
10	20.271	21.712	23.436	25.462	27.761
11	20.337	21.779	23.502	25.529	27.828
12	20.404	21.845	23.569	25.595	27.894
13	20.470	21.912	23.635	25.661	27.960
14	20.536	21.978	23.701	25.728	28.027
15	20.603	22.044	23.768	25.794	28.093
16	20.669	22.111	23.834	25.860	28.159
17	20.735	22.177	23.900	25.927	28.226
18	20.802	22.243	23.967	25.993	28.292
19	20.868	22.310	24.033	26.059	28.359
20	20.934	22.376	24.099	26.126	28.425
21	21.001	22.442	24.166	26.192	28.491
22	21.067	22.509	24.232	26.258	28.558
23	21.133	22.575	24.298	26.325	28.624
24	21.200	22.641	24.365	26.391	28.690
25	21.266	22.708	24.431	26.458	28.757
26	21.333	22.774	24.497	26.524	28.823
27	21.399	22.840	24.564	26.590	28.889
28	21.465	22.907	24.630	26.657	28.956
29	21.532	22.973	24.696	26.723	29.022
30	21.598	23.039	24.763	26.789	29.088

CITY OF CHARLESTON
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Wage Progression Schedule

FIRE
(8 hour shift)

Mos Yrs Svc	FIREFIGHTER Hrly	LIEUTENANT Hrly	CAPTAIN Hrly	ASST CHIEF Hrly
Mos. 0	18.587	21.048	22.772	27.098
Yrs. 1	18.654	21.115	22.839	27.164
2	18.720	21.181	22.905	27.231
3	18.786	21.247	22.971	27.297
4	18.853	21.314	23.038	27.363
5	18.919	21.380	23.104	27.430
6	18.985	21.446	23.171	27.496
7	19.052	21.513	23.237	27.562
8	19.118	21.579	23.303	27.629
9	19.184	21.645	23.370	27.695
10	19.251	21.712	23.436	27.761
11	19.317	21.778	23.502	27.828
12	19.384	21.845	23.569	27.894
13	19.450	21.911	23.635	27.960
14	19.516	21.977	23.701	28.027
15	19.583	22.044	23.768	28.093
16	19.649	22.110	23.834	28.159
17	19.715	22.176	23.900	28.226
18	19.782	22.243	23.967	28.292
19	19.848	22.309	24.033	28.359
20	19.914	22.375	24.099	28.425
21	19.981	22.442	24.166	28.491
22	20.047	22.508	24.232	28.558
23	20.113	22.574	24.298	28.624
24	20.180	22.641	24.365	28.690
25	20.246	22.707	24.431	28.757
26	20.312	22.773	24.497	28.823
27	20.379	22.840	24.564	28.889
28	20.445	22.906	24.630	28.956
29	20.511	22.972	24.696	29.022
30	20.578	23.039	24.763	29.088

CITY OF CHARLESTON
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Wage Progression Schedule

FIRE -EMT-ADVANCED
(8 hour shift)

Mos Yrs Svc	FIREFIGHTER Hrly	LIEUTENANT Hrly	CAPTAIN Hrly
Mos. 0	19.164	21.625	23.349
Yrs. 1	19.231	21.692	23.704
2	19.297	21.758	23.771
3	19.363	21.824	23.837
4	19.430	21.891	23.903
5	19.496	21.957	23.970
6	19.562	22.023	24.036
7	19.629	22.090	24.102
8	19.695	22.156	24.169
9	19.761	22.222	24.235
10	19.828	22.289	24.301
11	19.894	22.355	24.368
12	19.960	22.421	24.434
13	20.027	22.488	24.500
14	20.093	22.554	24.567
15	20.159	22.620	24.633
16	20.226	22.687	24.699
17	20.292	22.753	24.766
18	20.359	22.820	24.832
19	20.425	22.886	24.898
20	20.491	22.952	24.965
21	20.558	23.019	25.031
22	20.624	23.085	25.097
23	20.690	23.151	25.164
24	20.757	23.218	25.230
25	20.823	23.284	25.296
26	20.889	23.350	25.363
27	20.956	23.417	25.429
28	21.022	23.483	25.496
29	21.088	23.549	25.562
30	21.155	23.616	25.628

Each certified EMT-Advanced will receive \$1,200 in addition to the rank & service wage rate
 This table reflects that pay.

CITY OF CHARLESTON
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Wage Progression Schedule

FIRE - PARAMEDIC
(8 hour shift)

Mos. Yrs Svc	FIREFIGHTER	LIEUTENANT	CAPTAIN
	Hrly	Hrly	Hrly
Mos. 0	19.741	22.202	23.926
Yrs. 1	19.808	22.269	23.704
2	19.874	22.335	23.771
3	19.940	22.401	23.837
4	20.007	22.468	23.903
5	20.073	22.534	23.970
6	20.139	22.600	24.036
7	20.206	22.667	24.102
8	20.272	22.733	24.169
9	20.338	22.799	24.235
10	20.405	22.866	24.301
11	20.471	22.932	24.368
12	20.537	22.998	24.434
13	20.604	23.065	24.500
14	20.670	23.131	24.567
15	20.736	23.197	24.633
16	20.803	23.264	24.699
17	20.869	23.330	24.766
18	20.935	23.396	24.832
19	21.002	23.463	24.898
20	21.068	23.529	24.965
21	21.134	23.595	25.031
22	21.201	23.662	25.097
23	21.267	23.728	25.164
24	21.334	23.795	25.230
25	21.400	23.861	25.296
26	21.466	23.927	25.363
27	21.533	23.994	25.429
28	21.599	24.060	25.496
29	21.665	24.126	25.562
30	21.732	24.193	25.628

Each certified Paramedic will receive \$2,400 in addition to the rank & service wage rate. This table reflects that pay.

CITY OF CHARLESTON
Municipal Budget
Fiscal Year Ending June 30, 2017
Wage Progression Schedule

FIRE
(24 hour shift)

Mos Yrs Svc	FIREFIGHTER Hrly	LIEUTENANT Hrly	CAPTAIN Hrly	ASST CHIEF Hrly
Mos. 0	15.173	17.182	18.590	22.121
Yrs. 1	15.228	17.237	18.644	22.175
2	15.282	17.291	18.698	22.229
3	15.336	17.345	18.752	22.283
4	15.390	17.399	18.806	22.337
5	15.444	17.453	18.861	22.392
6	15.498	17.507	18.915	22.446
7	15.552	17.561	18.969	22.500
8	15.607	17.616	19.023	22.554
9	15.661	17.670	19.077	22.608
10	15.715	17.724	19.131	22.662
11	15.769	17.778	19.185	22.717
12	15.823	17.832	19.240	22.771
13	15.877	17.886	19.294	22.825
14	15.932	17.941	19.348	22.879
15	15.986	17.995	19.402	22.933
16	16.040	18.049	19.456	22.987
17	16.094	18.103	19.510	23.041
18	16.148	18.157	19.565	23.096
19	16.202	18.211	19.619	23.150
20	16.257	18.266	19.673	23.204
21	16.311	18.320	19.727	23.258
22	16.365	18.374	19.781	23.312
23	16.419	18.428	19.835	23.366
24	16.473	18.482	19.890	23.421
25	16.527	18.536	19.944	23.475
26	16.582	18.591	19.998	23.529
27	16.636	18.645	20.052	23.583
28	16.690	18.699	20.106	23.637
29	16.744	18.753	20.160	23.691
30	16.798	18.807	20.215	23.746

EMT-Basic receives additional \$1.00 per hour when riding ambulance

CITY OF CHARLESTON
Municipal Budget
Fiscal Year Ending June 30, 2017
Wage Progression Schedule
FIRE - EMT - ADVANCED
(24 hour shift)

Mos Yrs Svc	FIREFIGHTER Hrly	LIEUTENANT Hrly	CAPTAIN Hrly
Mos. 0	15.644	17.653	19.061
Yrs. 1	15.698	17.707	19.115
2	15.753	17.762	19.169
3	15.807	17.816	19.223
4	15.861	17.870	19.277
5	15.915	17.924	19.331
6	15.969	17.978	19.386
7	16.023	18.032	19.440
8	16.078	18.087	19.494
9	16.132	18.141	19.548
10	16.186	18.195	19.602
11	16.240	18.249	19.656
12	16.294	18.303	19.711
13	16.348	18.357	19.765
14	16.403	18.412	19.819
15	16.457	18.466	19.873
16	16.511	18.520	19.927
17	16.565	18.574	19.981
18	16.619	18.628	20.036
19	16.673	18.682	20.090
20	16.728	18.737	20.144
21	16.782	18.791	20.198
22	16.836	18.845	20.252
23	16.890	18.899	20.306
24	16.944	18.953	20.361
25	16.998	19.007	20.415
26	17.052	19.061	20.469
27	17.107	19.116	20.523
28	17.161	19.170	20.577
29	17.215	19.224	20.631
30	17.269	19.278	20.685

Each certified EMT-Advanced will receive \$1,200 in addition to the rank & service wage rate. This table reflects that pay.

EMT-Advanced receives additional \$2.00 per hour when riding ambulance

CITY OF CHARLESTON
Municipal Budget
Fiscal Year Ending June 30, 2017

Wage Progression Schedule

FIRE - PARAMEDIC
(24 hour shift)

Mos Yrs Svc	FIREFIGHTER Hrly	LIEUTENANT Hrly	CAPTAIN Hrly
Mos. 0	16.115	18.124	19.532
Yrs. 1	16.169	18.178	19.586
2	16.224	18.233	19.640
3	16.278	18.287	19.694
4	16.332	18.341	19.748
5	16.386	18.395	19.802
6	16.440	18.449	19.857
7	16.494	18.503	19.911
8	16.549	18.558	19.965
9	16.603	18.612	20.019
10	16.657	18.666	20.073
11	16.711	18.720	20.127
12	16.765	18.774	20.182
13	16.819	18.828	20.236
14	16.874	18.883	20.290
15	16.928	18.937	20.344
16	16.982	18.991	20.398
17	17.036	19.045	20.452
18	17.090	19.099	20.507
19	17.144	19.153	20.561
20	17.198	19.207	20.615
21	17.253	19.262	20.669
22	17.307	19.316	20.723
23	17.361	19.370	20.777
24	17.415	19.424	20.831
25	17.469	19.478	20.886
26	17.523	19.532	20.940
27	17.578	19.587	20.994
28	17.632	19.641	21.048
29	17.686	19.695	21.102
30	17.740	19.749	21.156

Each certified paramedic will receive \$2,400 in addition to the rank & service wage rate.
 This table reflects that pay.

Paramedic receives additional \$3.00 per hour when riding ambulance

Councilman Reishman moved to approve the Bill. Councilman Lane seconded the motion. A roll call was taken:

YEAS: Burka, Burton, Chestnut, Clowser, Davis, Ealy, Faegre, Haas, Harrison, Hoover, Ireland, Lane, Minardi, Miller, Overstreet, Persinger, Reishman, Richardson, Salisbury, Slater, Smith, Snodgrass, Steele, Talkington, Ware, Mayor Jones

NAYS: NONE

ABSENT: Ceperley, Ireland, Snodgrass

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 797-16 passed.

3. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 798-16 do pass.

Resolution No. 798-16: Adopting and replacing the Schedule of Authorized Positions and Pay Grade Wage Schedules and authorizing the Finance Director to amend FY 2016-2017 Civic Center budget as indicated on the attached Schedules, Budget Document page replacements, and list of accounts.”

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Finance Director is hereby authorized and directed to amend FY 2016-2017 Civic Center budget as indicated on the attached list of accounts.

Civic Center FY 2016-2017 Budget Amendment No. 01- September 19, 2016

Account No.	Department	Account Description	Amount
402 910 01 000 1 103	Civic Center	Wages & Salaries - Regular	82,350
402 910 01 000 1 103	" "	Wages & Salaries - Overtime	8,253
402 910 01 000 1 104	" "	FICA	6,932
402 910 01 100 1 106	" "	PERS Retirement	10,875
402 358 00 0042	Revenue	Trf In - General Fund - Oper	(108,417)

To recognize impact of implementation of the compensation study recommendations.

CITY OF CHARLESTON
Civic Center Budget

Fiscal Year Ending June 30, 2017

Civic Center Schedule of Authorized Positions

COUNCIL APPROVED

AS AMENDED - EFFECTIVE 10-02-2016

Position	Grade/ Class	FY 17 # Emp		Pay Grade	FY 17 # Emp
General Manager	E-10	1	Executive Director	132	1
Asst. Mgr./Director of Operations	E-6	1	Assistant Director of Civic Center	124	1
Sales Manager	E-5	1	Sales and Marketing Manager	121	1
Business Manager	E-4	1	Business Manager Civic Center	115	1
Mechanical Maintenance Engineer	G-4	1	Mechanical Maintenance Supt.	114	1
Box Office Manager	G-4	1	Box Office Manager	111	1
Events Coordinator	G-3	1	Events Coordinator	112	1
Administrative/Marketing Assistant	G-1	1	Administrative Assistant I	109	1
Operator (Sr. Engineering Asst.)	PG-5	1	Instrument Control Technician	111	1
Facility Technician	PG-4	1	Maintenance Technician	109	4
Operator (Skilled)	PG-4	8	Facility Support Technician	106	8
Engineer Assistant	PG-4	3			
Accounting Clerk	C-4	1	Accounting Clerk	106	1
Box Office Assistant	C-4	1	Box Office Assistant	105	1
Clerk-Typist	C-2	1	Office Support Specialist	107	1
Total		<u>24</u>			<u>24</u>

CITY OF CHARLESTON
Municipal Budget
Fiscal Year Ending June 30, 2017

Civic Center Schedule of Wages & Salaries

COUNCIL APPROVED

AMENDED

Department/Wage Type	Amount	Department/Wage Type	Amount
<u>Civic Center (402)</u>		<u>Civic Center (402)</u>	
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	993,321	Regular Wages & Salaries	1,075,680
Irregular Part Time (IPT)	215,000	Irregular Part Time (IPT)	215,000
Overtime	41,600	Overtime	49,853
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u><u>1,249,921</u></u>		<u><u>1,340,533</u></u>

Councilman Reishman moved to approve the Bill. Councilman Lane seconded the motion. A roll call was taken:

YEAS: Burka, Burton, Chestnut, Clowser, Davis, Ealy, Faegre, Haas, Harrison, Hoover, Ireland, Lane, Minardi, Miller, Overstreet, Persinger, Reishman, Richardson, Salisbury, Slater, Smith, Snodgrass, Steele, Talkington, Ware, Mayor Jones

NAYS: NONE

ABSENT: Ceperley, Ireland, Snodgrass

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 798-16 passed.

4. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 799-16 do pass.

Resolution No. 799-16: Authorizing the Mayor to receive and administer grant funds from the West Virginia Governor’s Highway Safety Program in the amount of \$602,300 to assist in funding the four county Metro Valley Highway Safety Programs to provide for partial coordinator salary reimbursement, overtime funds, and to conduct a bike safety campaign, purchase equipment, DUI, Target Red, Click it or Ticket, underage alcohol, seat belt/child seat, and speeding enforcement programs.”

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Mayor is hereby authorized and directed to receive and administer grant funds from the West Virginia Governor’s Highway Safety Program in the amount of \$602,300 to assist in funding the four county Metro Valley Highway Safety Programs to provide for partial coordinator salary reimbursement, overtime funds, and to conduct a bike safety campaign, purchase equipment, DUI, Target Red, Click it or Ticket, underage alcohol, seat belt/child seat, and speeding enforcement programs.

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 799-16 adopted.

5. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 800-16 do pass.

Resolution No. 800-16: Authorizing the Mayor or City Manager to enter into an agreement with Daktronics in the amount of \$216,615.00 for purchase and installation of two (2) Exterior LED Message Displays (Lee Street and Quarrier Street), at the Charleston Civic Center. Total costs include training and removal and disposal of existing sign.”

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Mayor or City Manager is hereby authorized and directed to enter into an agreement with Daktronics in the amount of \$216,615.00 for purchase and installation of two (2) Exterior LED Message Displays (Lee Street and Quarrier Street), at the Charleston Civic Center. Total costs include training and removal and disposal of existing sign.

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 800-16 adopted.

6. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 801-16 do pass.

Resolution No. 801-16: Authorizing the Mayor or City Manager to award and execute an emergency agreement with K & N Contracting, Inc., in the amount of \$155,000 to remediate the slip between the Cato Soccer Fields and Edgewood Drive.”

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Mayor or City Manager is hereby authorized and directed to award and execute an emergency agreement with K & N Contracting, Inc., in the amount of \$155,000 to remediate the slip between the Cato Soccer Fields and Edgewood Drive.

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 801-16 adopted.

7. Your committee on Finance has had under consideration the following committee report, and reports the same to Council with the recommendation that committee report pass.

The proposal submitted by Cummins Crosspoint, LLC, in the amount of \$28,849.61 for repair of the engine in Fire Apparatus No. 453 for the Charleston Fire Department.

To be charged to Account No. 001-754-00-000-2-216, Equipment Maintenance- Maintenance & Repair, Equipment.

Councilman Reishman moved to approve the Committee Report. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Committee Report adopted.

REPORTS OF OFFICERS

1. City Treasurer's Report to City Council Month Ending July 2016.
Received and Filed.

NEW BILLS

Introduced by Council members Jack Harrison, Mary Jean Davis, Andy Richardson, Tom Lane, Keeley Steele, Janine Faegre, Karan Ireland, Becky Ceperley, Rick Burka, Mary Beth Hoover, Jerry Ware, Ed Talkington, Bobby Reishman, Chuck Overstreet, Rev. James Ealy, and Archie Chestnut on September 19, 2016:

Bill No. 7713- A Bill to enact Chapter 54, Article V, Sections 54-190 of the Code of the City of Charleston, and to amend Chapter 78, Article IV, Division 1, Section 78-212 of the Code of the City of Charleston for the purpose of regulating fireworks and consumer fireworks within the City of Charleston.

Refer to Ordinance and Rules Committee.

ADJOURNMENT

The Clerk, JB Akers, called the closing roll call:

YEAS: Burka, Burton, Chestnut, Clowser, Davis, Ealy, Faegre, Haas, Harrison, Hoover, Ireland, Lane, Minardi, Miller, Overstreet, Persinger, Reishman, Richardson, Salisbury, Slater, Smith, Snodgrass, Steele, Talkington, Ware, Mayor Jones

NAYS: NONE

ABSENT: Ceperley, Ireland, Snodgrass

At 7:25 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, September 19, 2016, at 7:00 p.m., in the Council Chamber in City Hall.

Danny Jones, Honorable Mayor

JB Akers, City Clerk