This meeting will be conducted as a video teleconference meeting as allowed under KRS61.826. Any interruption in the video or audio broadcast at any location shall result in the suspension of the meeting until the broadcast is restored. As a result of the state of emergency declared by the President of the United States and the Governor of Kentucky due to the global COVID-19 pandemic, and in accordance with recommended and mandated precautions related to COVID-19, Kentucky Opinion of the Attorney General 20-05, and SB 150 the following Meeting Notice is issued:

Please take notice that as Mayor of the City of Henderson, Kentucky, I hereby call a special called meeting of the Board of Commissioners to be held on Tuesday, August 11, 2020, at 3:00 p.m., in the third floor assembly room, 222 First Street, Henderson, Kentucky. One or more members of the Board of Commissioners may participate via Zoom Webinar or similar video teleconferencing system and the meeting will be broadcast to the public. No primary location will be set for public attendance as per Kentucky Attorney General Opinion 20-05, public attendance will not be permitted at this meeting due to the highly contagious nature of COVID-19, it is not feasible for the City to maintain order and abide by recommended and mandated precautions while providing a central physical location for public viewing. The meeting will be broadcast on Zoom (call in number / webinar ID – 1 312 626 6799 / 82999095918 Password: 8311200) or https://us02web.zoom.us/j/82999095918 Password: 8311200; will be broadcast on cable Spectrum Channel 200; and live streamed on the city’s website: https://www.cityofhendersonky.org/CivicMedia. The purpose of this called meeting is for the following:

AGENDA

1. Roll Call:

2. Appearance of Citizens:

3. Presentations:
   - Service Award Pin – Christopher Connell, 20 Years
   - Service Award Pin – Nancy Stone, 20 Years
   - Vision Plan Update/Request

4. Consent Agenda:
   - Minutes: May 26, 2020, Called Telecommunications Meeting
   - Resolutions:
     - Resolution Authorizing the Approval and Execution of the Second Amendment to the Gas Sale Contract Between Public Energy Authority of Kentucky, Inc., and City Dated August 1, 2006
     - Resolution Approving Memorandum of Understanding Between Henderson Community College, KCTCS and the City of Henderson, Kentucky (Police Department)
Resolution Authorizing the Submission of the 2020-2021 CDBG Action Plan to the United States Department of Housing and Urban Development

Municipal Order Authorizing Submittal of Grant Application to Firehouse Subs Public Safety Foundation in the Amount of $25,000.00, and Acceptance if Awarded - Rescue Watercraft

5. Ordinances, Municipal Orders and Resolutions:
   First Readings: Ordinance Amending Chapter 2 Administration, Articles VI Personnel, Division 2 Civil Service for General Employees, of the City of Henderson Code of Ordinances - to End Civil Service as of September 1, 2020

   Ordinance Amending Chapter 23 Utilities, Article II Water and Sewer Service of the City of Henderson Code of Ordinances - to End Civil Service as of September 1, 2020

   Ordinance Amending Employee Manual - to End Civil Service as of September 1, 2020

   Ordinance Amending Appendix A - Zoning, Definitions to Add Animal Café

6. Reports: Rezoning #1103 with Revised Development Plan, Cosby Drive

7. Miscellaneous:

8. Board Appointments: (See Board Appointment Sheet)

9. Adjournment: Respectfully,

   __________________________
   Steve Austin, Mayor

A copy of the foregoing notice received and service thereof waived this 11th day of August, 2020.

__________________________
Commissioner Patti Bugg

__________________________
Commissioner X R. Royster, III

__________________________
Commissioner Bradley S. Staton

__________________________
Commissioner Austin P. Vowels

This meeting will be conducted as a video teleconference meeting as allowed under KRS61.826. Any interruption in the video or audio broadcast at any location shall result in the suspension of the meeting until the broadcast is restored.
City Commission Memorandum
20-122

August 6, 2020

TO: Mayor Steve Austin and the Board of Commissioners
FROM: William L. “Buzzy” Newman, Jr., City Manager
SUBJECT: Recognition of City Employees

Items scheduled under the Presentations section of the agenda include:

Employee Service Awards to:

➢ Christopher Connell, Firefighter.................................20 years
➢ Nancy Stone, Parking Enforcement Officer ......................20 years

Reports and Updates:

➢ Mrs. Missy Vanderpool, Henderson Economic Development Executive Director, will be in attendance to present the semi-annual report.
➢ Mrs. Missy Vanderpool, will also present an update and request from the Vision Plan Committee.

Mr. Connell and Mrs. Stone will be in attendance to receive their service awards from Mayor Austin.

Mrs. Vanderpool will be in attendance to present the Henderson Economic Development report and a request from the Vision Plan Committee.
City Commission Memorandum
20-123

August 6, 2020

TO: Mayor Steve Austin and the Board of Commissioners
FROM: William L. “Buzzy” Newman, Jr., City Manager
SUBJECT: Consent Agenda

The Consent Agenda for the meeting of August 11, 2020, contains the following:

Minutes: May 26, 2020 Called Meeting

Resolutions: Resolution Approving the Second Amendment to the 2006 Gas Sale Contract Between the Public Energy Authority of Kentucky and City of Henderson

Resolution Approving Memorandum of Understanding Between Henderson Community College, KCTCS and the City of Henderson, Kentucky (Police Department)

Resolution Authorizing the Submission of the 2020-2021 CDBG Action Plan to the United States Department of Housing and Urban Development

Municipal Order Authorizing Submittal of Grant Application to Firehouse Subs Public Safety Foundation in the Amount of $25,000.00, and Acceptance if Awarded
A special called meeting of the Board of Commissioners of the City of Henderson, Kentucky, was held on Tuesday, May 26, 2020, at 3:00 p.m., prevailing time, with no primary location designated for this video teleconference meeting as the result of the state of emergency declared by the President of the United States and the Governor of Kentucky due to the global COVID-19 pandemic, and in accordance with recommended and mandated precautions related to COVID-19 per the Kentucky Attorney General Opinion 20-05, public attendance was not permitted at this meeting due to the highly contagious nature of COVID-19. It is not feasible for the City to maintain order and abide by recommended and mandated precautions while providing a central physical location for public viewing. The meeting was conducted in accordance with KRS 61.826.

There were present Mayor Steve Austin presiding:

**PRESENT:**
- Commissioner Patti Bugg (via Zoom video panelist)
- Commissioner X R. Royster, III (via Zoom video panelist)
- Commissioner Bradley S. Staton (via Zoom video panelist)
- Commissioner Austin P. Vowels (via Zoom video panelist)

**ALSO PRESENT:**
- Mr. William L. “Buzzy” Newman, Jr., City Manager
- Mrs. Dawn Kelsey, City Attorney
- Ms. Maree Collins, City Clerk
- Mr. Robert Gunter, Finance Director
- Mrs. Dawn Winn, Assistant Finance Director
- Mr. Trace Stevens, Parks & Recreation Director
- Mr. Bill Raleigh, IT Support Specialist
- Mrs. Donna Crowe, IT Programmer/Analyst
- Mr. Tom Williams, Henderson Water Utility General Manager
- Mr. Todd Bowley, Henderson Water Utility Chief Financial Officer
- Mr. Douglas White, the Gleaner (via Zoom video)

**PUBLIC HEARING: “Municipal Road Aid Funds and Local Government Economic Assistance (LGEA) Funds for Fiscal Year Commencing July 1, 2020”**

MAYOR AUSTIN declared the Public Hearing on Municipal Road Aid funding and Local Government Economic Assistance funding opened and asked the City Manager to introduce the subject matter. Mr. William L. “Buzzy” Newman, Jr., City Manager, explained that the purpose of the public hearing was to determine the expenditure of Municipal Road Aid and Local Government Economic Assistance funds anticipated to be in the amounts of $522,724.20 and $15,000.00 for use for street and road improvements. Included in the budget is a list of the proposed streets and roads to be paved utilizing these funds which the City Clerk was asked to read into the record.
Mayor Austin then asked if any member of the public or the Board had questions or would like to speak on the proposed use of these funds. There being no further discussion Mayor Austin declared the Public Hearing closed at approximately 3:02 p.m.

APPROVAL OF CONSENT AGENDA:

MAYOR AUSTIN asked the City Clerk to read the Consent Agenda.

Resolutions: 17-20: Resolution Approving and Adopting the Policy Regarding the Federal Transit Administration (FTA) Title VI Program for Henderson Area Rapid Transit (HART)

18-20: Resolution Approving Municipal Road Aid Cooperative Agreement with the Kentucky Transportation Cabinet for Maintenance and Construction of City Streets in Fiscal Year 2020-2021

19-20: Resolution Increasing Salary of City Attorney by One Percent (1%) Effective as of June 1, 2020

20-20: Resolution Approving Amendment to the City of Henderson Employee Health Plan Regarding Eligible Employee Definition

Municipal Order: 22-20: Municipal Order Awarding Contract for Renewal of City of Henderson’s Stop/Loss Coverage (Reinsurance) and Organ Transplant Policy and UMR (Third Party Administrator)

MOTION by Commissioner Royster, seconded by Commissioner Bugg, to approve the items on the Consent Agenda as presented.

The vote was called. On roll call, the vote stood:

Commissioner Vowels --- Aye:
Commissioner Bugg ----- Aye:
Commissioner Royster -- Aye:
Commissioner Staton ---- Aye:
Mayor Austin -------------- Aye:

WHEREUPON, Mayor Austin declared the consent agenda items approved.

/s/ Steve Austin
Steve Austin, Mayor

ATTEST:
Maree Collins, CKMC, City Clerk

May 26, 2020
CITY OF HENDERSON – RECORD BOOK

Record of Minutes of A Special Called Meeting on May 26, 2020

ORDINANCE NO. 11-20: FIRST READ
BUDGET AND APPROPRIATION ORDINANCE FOR THE FISCAL YEAR COMMENCING JULY 1, 2020 AND ENDING JUNE 30, 2021 FOR THE CITY OF HENDERSON, KENTUCKY

MOTION by Commissioner Staton, seconded by Commissioner Royster, that the ordinance be adopted.

ROBERT GUNTER, Finance Director, explained changes that were discussed at the budget work session to roll over the purchase of police vehicles that will not be delivered this fiscal year; adding two police vehicles making a total of five to be purchased in fiscal year 2021; decreasing the transfer amount from the General Fund account to the PWI Fund now that there is a true estimate from the state on the Municipal Road Aid dollars; decreasing the transfer amount to the HART Fund due to the CARES funding that will be received for HART; rolling over $75,000.00 in the HART Fund for the purchase of a bus that will not be delivered this fiscal year; the sale of equipment at the landfill; and rolling over the $150,000.00 purchase of a rear loading compactor that was originally in this fiscal year’s budget, but was postponed during discussions on the landfill and sanitation collections.

WILLIAM L. “BUZZY” NEWMAN, JR., City Manager, reported that the police department would be giving up two unmarked police vehicles in order to purchase two marked vehicles that were reported in Mr. Gunter’s explanation of vehicle purchases.

The vote was called. On roll call, the vote stood:

Commissioner Vowels --- Aye:
Commissioner Bugg ---- Aye:
Commissioner Royster -- Aye:
Commissioner Staton ---- Aye:
Mayor Austin ------------- Aye:

WHEREUPON, Mayor Austin declared the ordinance adopted on its first reading and ordered that it be presented for a second reading at a meeting of the Board of Commissioners.

MAYOR AUSTIN reported that the Water and Sewer Commission has adopted their annual budget that now must be approved by this Board.

ORDINANCE NO. 12-20: FIRST READ
ORDINANCE ADOPTING HENDERSON WATER UTILITY BUDGET
BUDGET AND APPROPRIATION ORDINANCE FOR THE FISCAL YEAR COMMENCING JULY 1, 2020 AND ENDING JUNE 30, 2021 FOR HENDERSON WATER UTILITY OF THE CITY OF HENDERSON, KENTUCKY

MOTION by Commissioner Staton, seconded by Commissioner Royster, that the ordinance be adopted.

The vote was called. On roll call, the vote stood:

Commissioner Vowels --- Aye:
Commissioner Bugg ---- Aye:
Commissioner Royster -- Aye:
Commissioner Staton ---- Aye:
Mayor Austin ------------- Aye:

WHEREUPON, Mayor Austin declared the ordinance adopted on its first reading and ordered that it be presented for a second reading at a meeting of the Board of Commissioners.
ORDINANCE NO. 13-20: FIRST READ
ORDINANCE AMENDING PAY PLAN
ORDINANCE ADOPTING A REVISED JOB CLASSIFICATION AND PAY PLAN
FOR THE CITY OF HENDERSON, KENTUCKY

MOTION by Commissioner Vowels, seconded by Commissioner Bugg, that the ordinance be adopted.

The vote was called. On roll call, the vote stood:

Commissioner Vowels --- Aye:
Commissioner Bugg ----- Aye:
Commissioner Royster -- Aye:
Commissioner Staton ---- Aye:
Mayor Austin --------------- Aye:

WHEREUPON, Mayor Austin declared the ordinance adopted on its first reading and ordered that it be presented for a second reading at a meeting of the Board of Commissioners.

ORDINANCE NO. 14-20: FIRST READ
ORDINANCE PROVIDING FOR THE LEVY AND COLLECTION OF AD VALOREM TAXES
AN ORDINANCE OF THE CITY OF HENDERSON, KENTUCKY PROVIDING FOR
THE LEVY AND COLLECTION OF AD VALOREM TAXES FOR THE FISCAL YEAR
BEGINNING JULY 1, 2020, AND PROVIDING FOR THE TIME OF PAYMENT FOR SUCH
TAXES, PENALTY, INTEREST AND DISCOUNT

MOTION by Commissioner Staton, seconded by Commissioner Vowels, that the ordinance be adopted.

The vote was called. On roll call, the vote stood:

Commissioner Vowels --- Aye:
Commissioner Bugg ----- Aye:
Commissioner Royster -- Aye:
Commissioner Staton ---- Aye:
Mayor Austin ----------- Aye:

WHEREUPON, Mayor Austin declared the ordinance adopted on its first reading and ordered that it be presented for a second reading at a meeting of the Board of Commissioners.

DAWN KELSEY, City Attorney, reported that a 25-year lease was executed between the City and Macmillian Bloedel (predecessor to International Paper Company) as a part of the Industrial Revenue Bonding process. Those Bonds have now been paid and per the terms of the lease the property will be re-conveyed to IP. A plat is being drawn up to record utility easements to go along with this deed.

RESOLUTION NO. 21-20:
RESOLUTION AUTHORIZING DEED BETWEEN THE CITY OF HENDERSON
AND INTERNATIONAL PAPER COMPANY FOR THE RE-CONVEYANCE OF LEASED
PROPERTY, AND AUTHORIZING MAYOR TO EXECUTE DEED ON BEHALF OF THE
CITY OF HENDERSON
MOTION by Commissioner Royster, seconded by Commissioner Vowels, authorizing the Mayor to execute a deed on behalf of the City to re-convey leased property to the International Paper Company per the lease terms and release of the Industrial Revenue Bond.

The vote was called. On roll call, the vote stood:

Commissioner Vowels --- Aye:
Commissioner Bugg ----- Aye:
Commissioner Royster -- Aye:
Commissioner Staton ---- Aye:
Mayor Austin ------------- Aye:

WHEREUPON, Mayor Austin declared the resolution adopted, affixed his signature and the date thereto, and ordered that the same be recorded.

/s/ Steve Austin
Steve Austin, Mayor
May 26, 2020

ATTEST:
Maree Collins, CKMC, City Clerk

RESOLUTION NO. 22-20:
RESOLUTION ADOPTING PROTECTIVE COVENANTS FOR HENDERSON TECHNOLOGY AND INDUSTRY PLAZA LOCATED ON BORAX DRIVE, HENDERSON, KENTUCKY, AND AUTHORIZING MAYOR TO EXECUTE SAME ON BEHALF OF THE CITY

MOTION by Commissioner Staton, seconded by Commissioner Vowels, for the adoption of protective covenants for the City’s Henderson Technology and Industry Plaza.

The vote was called. On roll call, the vote stood:

Commissioner Vowels --- Aye:
Commissioner Bugg ----- Aye:
Commissioner Royster -- Aye:
Commissioner Staton ---- Aye:
Mayor Austin ------------- Aye:

WHEREUPON, Mayor Austin declared the resolution adopted, affixed his signature and the date thereto, and ordered that the same be recorded.

/s/ Steve Austin
Steve Austin, Mayor
May 26, 2020

ATTEST:
Maree Collins, CKMC, City Clerk

RE-APPOINTMENT: City-County Planning Commission:
Ms. Bobbie Jarrett – Term to Expire June 01, 2020; and
Mr. Kevin Herron – Term to Expire June 01, 2020;

Motion by Commissioner Staton, seconded by Commissioner Royster, upon recommendation of Mayor Steve Austin, to re-appoint Ms. Bobbie Jarrett and Mr. Kevin Herron to four year terms on the City-County Planning Commission. Said terms to expire June 01, 2024.

The vote was called. On roll call, the vote stood:

Commissioner Vowels --- Aye:
Commissioner Bugg ----- Aye:
Commissioner Royster -- Aye:
Commissioner Staton ---- Aye:
Mayor Austin ------------- Aye:
MISCELLANEOUS: Review and Discussion on of COVID-19 Related Issues

WILLIAM L. "BUZZY" NEWMAN, JR., City Manager, reported that the City had received notice of two separate COVID-19 related grants: the first is CARES funding through HUD to help with rental reimbursements, security camera system at the JFK Center and emergency generators for the JFK Center and the Gathering Place; the second grant is CARES funding for HART through the FTA.

Mr. Newman further reported that it is his recommendation not to reopen public buildings until at least July due to not being able to meet the social distancing recommendations.

MAYOR AUSTIN indicated that the City is very fortunate to have been able to open a third drive-up lane for utility customers.

COMMISSIONER VOWELS agreed that there is no rush to reopen the building as long as customers are able to conduct business.

EXECUTIVE SESSION: Litigation

MOTION by Commissioner Staton, seconded by Commissioner Royster, that the Board of Commissioners go into Executive Session pursuant to the provisions of KRS 61.810(1)(C) for the purpose of discussion of pending and proposed litigation.

The vote was called. On roll call, the vote stood:

Commissioner Vowels --- Aye:
Commissioner Bugg ----- Aye:
Commissioner Royster -- Aye:
Commissioner Staton ---- Aye:
Mayor Austin ------------ Aye:

WHEREUPON, Mayor Austin declared the Board adjourned into Executive Session.

MEETING RECONVENED:

MOTION by Commissioner Staton, seconded by Commissioner Royster, the Board of Commissioners reconvened into regular session.

The vote was called. On roll call, the vote stood:

Commissioner Vowels --- Aye:
Commissioner Bugg ----- Aye:
Commissioner Royster -- Aye:
Commissioner Staton ---- Aye:
Mayor Austin ------------ Aye:

WHEREUPON, Mayor Austin reconvened the Board into regular session.

MEETING ADJOURN:

MOTION by Commissioner Bugg, seconded by Commissioner Royster, to adjourn the meeting.
The vote was called. On roll call, the vote stood:

- Commissioner Vowels --- Aye:
- Commissioner Bugg ---- Aye:
- Commissioner Royster -- Aye:
- Commissioner Staton ---- Aye:
- Mayor Austin ------------- Aye:

WITHOUT OBJECTION, Mayor Austin declared the Meeting adjourned at approximately 3:55 p.m.

__________________________
Steve Austin, Mayor
August 11, 2020

__________________________
Marce Collins, CKMC
City Clerk
City Commission Memorandum
20-124

August 6, 2020

TO: Mayor Steve Austin and the Board of Commissioners
FROM: William L. “Buzzy” Newman, Jr., City Manager
SUBJECT: Gas Sale Contract Second Amendment

The accompanying resolution authorizes the approval and execution of the Second Amendment to the Gas Sale Contract with the Public Energy Authority of Kentucky, Inc. (PEAK) dated August 1, 2006.

In 2006 PEAK entered into a 20-year Natural Gas Sale Agreement with Tennessee Energy Acquisition Corporation (TEAC) and the City as a PEAK member entered into a corresponding contract to purchase gas under that contract for resale through our gas distribution system to our customers. PEAK has elected to reduce the established daily quantities to be delivered and taken under its TEAC Agreement in exchange for an upfront payment for the present value of the monthly savings associated with its reduced daily quantities.

The 2012 amendment reflects the City’s proportional share of the monies received by PEAK from TEAC as a result of the reduction in quantities and shall be held by PEAK to provide a discount on other gas sold to the City. The quantity reductions in the attached Schedule 1 of the First Amendment are those reflected in the TEAC Agreement and may change if any additional reductions are taken.

This Second Amendment establishes the Contract Price for the gas supply at the Inside FERC Gas Market Report Monthly Index for Texas Gas Transmission Zone 1, minus $0.33 per MMBtu from the previous $0.28, for an additional savings of $0.05 per MMBtu.

Your approval of the attached resolution is requested.

c: Owen Reeves
RESOLUTION NO. ______

RESOLUTION APPROVING THE SECOND AMENDMENT TO THE 2006 GAS SALE CONTRACT BETWEEN THE PUBLIC ENERGY AUTHORITY OF KENTUCKY AND CITY OF HENDERSON

WHEREAS, this Second Amendment to the “Gas Sale Contract between the Public Energy Authority of Kentucky and City of Henderson dated as of August 1, 2006 and amended as of January 1, 2013 (hereinafter the “GSC”) dated as of July 1, 2020 (this “Amendment”), is between Public Energy Authority of Kentucky (“PEAK”) and City of Henderson and together with PEAK, the “Parties”); and

WHEREAS, Exhibit A of the GSC establishes the Contract Price for gas supply at the Inside FERC Gas Market Report Monthly Index for Texas Gas Transmission Zone 1, minus $0.28 per MMBtu; and

WHEREAS, the Parties desire to amend the Contract Price set forth in Exhibit A of the GSC to change it to minus $0.33 per MMBtu.

NOW THEREFORE, BE IT RESOLVED, by the City of Henderson, Kentucky that in consideration the City hereby agrees to the Second Amendment as set forth in Exhibit A, and the Mayor is hereby authorized to execute said contract on behalf of the City.

On motion of Commissioner ________________, seconded by Commissioner ________________, that the foregoing Resolution be adopted, the vote was called. On roll call the vote stood:

Commissioner Bugg: __________ Commissioner Vowels: __________
Commissioner Royster: __________ Mayor Austin: __________
Commissioner Staton: __________

WHEREUPON, Mayor Austin declared the resolution adopted, affixed his signature and the date and ordered that the same be recorded.

___________________________________
Steve Austin, Mayor
Date: _____________________________

ATTEST:

___________________________________
Maree Collins, CKMC,
City Clerk
APPROVED AS TO FORM AND LEGALITY THIS 4 DAY OF AUGUST, 2020.

By: Dawn S. Kelsey
City Attorney
SECOND AMENDMENT TO THE 2006 GAS SALE CONTRACT
BETWEEN THE PUBLIC ENERGY AUTHORITY OF KENTUCKY
AND CITY OF HENDERSON

This Second Amendment to the “Gas Sale Contract between the Public Energy Authority of Kentucky and City of Henderson dated as of August 1, 2006 and amended as of January 1, 2013 (hereinafter the “GSC”) dated as of July 1, 2020 (this “Amendment”), is between Public Energy Authority of Kentucky (“PEAK”) and City of Henderson and together with PEAK, the “Parties”).

WHEREAS, Exhibit A of the GSC establishes the Contract Price for gas supply at the Inside FERC Gas Market Report Monthly Index for Texas Gas Transmission Zone 1, minus $0.28 per MMBtu; and

WHEREAS, the Parties desire to amend the Contract Price set forth in Exhibit A of the GSC.

NOW THEREFORE, in consideration of the mutual agreements herein contained and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

The Contract Price set forth in Exhibit A shall be the Inside FERC Gas Market Report Monthly Index for Texas Gas Transmission Zone 1 (the “Index”), minus $0.33 per MMBtu.

IN WITNESS WHEREOF, the Parties have caused this Amendment to be signed by their respective officers duly authorized, effective as of the day and year set forth above.

PUBLIC ENERGY AUTHORITY OF KENTUCKY
By: __________________________
Gerald L. Ballinger
President and General Manager

CITY OF HENDERSON
By: __________________________
Steve Austin
Mayor
EXHIBIT A

GAS SALE CONTRACT BETWEEN
PUBLIC ENERGY AUTHORITY OF KENTUCKY, INC. AND
CITY OF HENDERSON, KENTUCKY

SUMMARY OF DCQs AND MONTHLY QUANTITY*

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* The Contract Price will be determined from time to time pursuant the PEAK Pricing Policy, which establishes monthly billing rates. The initial rate will be Index for deliveries into Texas Gas Transmission Corp., Zone 1, minus $0.28/MMBtu.
City Commission Memorandum
20-125

August 6, 2020

TO: Mayor Steve Austin and the Board of Commissioners

FROM: William L. "Buzzy" Newman, Jr., City Manager

SUBJECT: Memorandum of Understanding- Security Services, HCC

The accompanying resolution authorizes the execution of a Memorandum of Understanding (MOU) between the Henderson Community College, KCTCS and the City of Henderson (Police Department).

Under the terms of the agreement, the City of Henderson shall provide a police officer or equivalent employee to patrol and provide security for all college properties in Henderson. The schedule for the employee will be set by agreement between the HCC President and the Henderson Chief of Police, or his designee, including security during special events on the college campus.

The MOU is for the period from August 17, 2020 through the end of the Academic Year and may be terminated by either party by providing at least thirty (30) days advance notice of intent to terminate; the employee assigned shall be mutually agreed upon and HCC may request a change of employee at any time for good cause; HCC shall provide the officer with materials and facilities deemed necessary to perform the designated duties and shall reimburse the City Police Department a total of $40,986.00 for said services.

Your approval of the attached municipal order is requested.

c: Heath Cox
RESOLUTION NO. ______

RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN HENDERSON COMMUNITY COLLEGE, KCTCS AND THE CITY OF HENDERSON, KENTUCKY (POLICE DEPARTMENT)

WHEREAS, Henderson Community College (HCC) and the City of Henderson/Henderson Police Department (HPD) desire to enter into an agreement for the assignment of a Police Officer or equivalent security officer to the College for security purposes, and;

WHEREAS, HCC and the HPD understand and agree as to the nature of the security services to be provided to the College, and;

WHEREAS, HCC and the HPD have mutually agreed to enter an agreement under the terms and conditions set forth in the attached Memorandum of Understanding; and

WHEREAS, the City Manager recommends approval of the Memorandum of Understanding.

NOW, THEREFORE, BE IT RESOLVED by the City of Henderson, Kentucky that the attached Memorandum of Understanding between the Henderson Community College, KCTCS and the City of Henderson (Police Department) (marked Exhibit “A”), is hereby approved, and the Mayor is authorized and directed to execute the addendum on behalf of the City.

On motion of Commissioner ________________, seconded by Commissioner ________________, that the foregoing Resolution be adopted, the vote was called. On roll call the vote stood:

Commissioner Bugg: ______  Commissioner Vowel: ______
Commissioner Royster: ______  Mayor Austin: ______
Commissioner Staton: ______

WHEREUPON, Mayor Austin declared the Resolution adopted, affixed his signature and the date thereto and ordered that the same be recorded.

ATTEST:

Steve Austin, Mayor

Date: ____________________________

Maree Collins, CKMC
City Clerk
APPROVED AS TO FORM AND LEGALITY THIS 2020.

By: Dawn S. Kelsey
City Attorney
MEMORANDUM OF UNDERSTANDING BETWEEN
HENDERSON COMMUNITY COLLEGE, KCTCS
AND THE
CITY OF HENDERSON, KENTUCKY
(POLICE DEPARTMENT)

This MEMORANDUM OF UNDERSTANDING is entered into this 7th day
of August, 2020 between Henderson Community College, KCTCS ("HCC" or the
"College") and the City of Henderson Police Department ("HPD").

WHEREAS, HCC and HPD desire to enter into an agreement for the assignment of a
Police Officer or equivalent security officer to the College for security purposes, and;
WHEREAS, HCC and the HPD understand and agree as to the nature of the security
services to be provided to the College, and;
WHEREAS, HCC and the HPD have mutually agreed to enter an agreement under the
terms and conditions set forth in this Memorandum of Understanding;

NOW, THEREFORE; In consideration of the mutual covenants and agreements set out
herein, HCC and the HPD agree as follows:

1. The HPD shall assign a Police Officer or equivalent employee to the College for a period
from August 17, 2020 through End of the Academic Year. The Police
Officer or equivalent employee shall be in good health and legal age and shall at all times
comport him/herself in professional in demeanor. The schedule for the Police Officer or
equivalent employee will be set by agreement between the HCC President and the Police
Chief, or his designee, and including special arrangements made to provide security
during special events on the College campus.

2. The Police Officer or equivalent employee shall patrol and provide security for all college
properties in Henderson, Henderson County, Kentucky.

3. The Police Officer or equivalent employee to be assigned shall be mutually agreed upon
by the parties. The College may request a change in Police Officer or equivalent employee
assigned at any time for good cause, and the HPD shall use best efforts to honor that
request and assign another mutually agreed upon Police Officer or equivalent employee.

4. The Police Officer or equivalent employee shall at all times be considered a full-time employee of the Henderson Police Department and not an employee of HCC, and shall act within the scope of employment. HPD shall be responsible for all employment conditions, including, but not limited to, training, compensation, insurance coverage, benefits, workers' compensation, personnel policies and procedures, annual leave, sick leave, tax payments and deductions, and maintaining records kept in the ordinary course of business for employees of the Henderson Police Department except no contributions shall be made to any retirement account for such employees.

5. HCC shall reimburse the HPD a total annual amount of $40,986 to be paid in two equal installments of $20,493 each, with the first installment to be paid to the City on or before August 15, 2020, and the second installment to be paid on or before January 15, 2021. The above total annual amount includes the salary of the Police Officer along with uniforms, firearms, taser, and body camera. The installment payments will be made payable to the City of Henderson.

6. HPD shall invoice HCC for each installment, and HCC shall pay each invoice within thirty (30) days of receipt.

7. **Duties of the Police Officer.** The Police Officer or equivalent employee shall:

   A. Keep the HCC Chief Business Officer or other administrator designated by the President of the College fully informed as to his or her activities and any security concerns observed. Any performance evaluations shall be the responsibility of the Henderson Police Department, who shall consult with the appropriate College personnel.

   B. Use his or her best efforts to protect all students, employees, visitors, buildings, grounds, and vehicles on all campuses against theft, vandalism, other crimes, and unauthorized trespassers.
C. Timely furnish to HCC and the Kentucky Community and Technical College System (KCTCS) Director of Safety and Emergency Services all information necessary for Minger Act and Clery Act reporting as well as any other state or federal safety and security reports that are required of the College. All reporting shall be HCC’s responsibility to compile and post in accordance with applicable legal requirements. HCC shall be responsible for notifying its students and faculty of any emergency security concerns on campus.

D. Wear uniforms provided by the Henderson Police Department and be neatly dressed and professionally composed at all times while on duty at or about HCC.

E. Immediately report to designated college officials and/or the Henderson Police Department all problems and issues arising on campus that require the Police Officer or equivalent employees to act in official capacity.

F. Assist the HCC Business Office with daily bank deposits.

G. Provide or Assist a minimum of one (1) professional development session each semester for employees and/or students covering campus safety and security topics.

H. Lead or Assist a minimum of one (1) college-wide critical incident drill (i.e., active shooter, lockdown, etc.) each semester.

I. Cooperate with HCC’s Coordinator of Public Relations to maintain up-to-date campus safety and security protocol posters/guides which are posted in classrooms and common areas.

J. Participate with HCC’s Coordinator of Diversity, Equity, and Inclusion in a minimum of one (1) activity each academic year that celebrates diversity, equity, and inclusion and treating everyone with dignity and respect regardless of differences. The purpose of such an activity is intended to promote campus unity, demonstrate cooperation, and foster goodwill.

K. Be responsible for the security of all keys and other supplies and equipment provided
to him or her by the College.

L. Be responsible for the safe operation of any vehicles he/she operates and will be responsible for any accidents or damages resulting from negligent operation by the Police Officer or equivalent employee.

M. While on duty at the College, neither the Police Officer or equivalent employee on duty shall engage in any activities that interfere with his or her primary responsibility, which is security of the College facilities.

N. The Police Officer or equivalent employee may park his/her vehicle in College parking while on duty.

8. Duties of the College. HCC shall:

A. Provide the Police Officer or equivalent employee a list of officials to be contacted in the event problems arise on a campus.

B. Furnish the Police Officer or equivalent employee a set of master keys for all the buildings. The College will also provide desk or office space, access to a landline telephone and computer, and other needed safety equipment and supplies.

C. Provide the Police Officer or equivalent employee with a list of any temporary or permanent personnel who are authorized to have access to the buildings during non-working hours, general building information to include turning on lights after hours, security access, etc.

D. Provide the Police Officer or equivalent employee copies of or access to the KCTCS policies and procedures, and the Code of Student Conduct, that are applicable to situations that may arise on campus.

E. Provide the Police Officer or equivalent employee with access to an air-conditioned, properly lighted private office which shall contain a telephone that may be used for general business purposes; a location for files and records that can be locked and secured; a desk with drawers, chair, work table, filing cabinet and office
supplies; access to a printer and computer; Internet access; and, a firearms safe that is stored in a secure and accessible location for storage of a patrol rifle.

F. Provide the Police Officer or equivalent employee a cell phone that will serve as the official campus-wide emergency assistance contact number; the cell phone number will be posted and disseminated broadly throughout the campus community.

G. The President and appropriate HCC staff shall be responsible for investigating and determining, in their discretion, whether a student has violated HCC disciplinary codes or standards and the appropriate administrative action to take.

9. The Police Officer is a law enforcement officer of the Henderson Police Department and is not an employee or agent of the HCC. The HCC and the City acknowledge that the Police Officer shall remain responsive to the chain of command of the Henderson Police Department. The Police Officer's duties and functions while assigned to the HCC are law enforcement. Even while the Police Officer is participating in meetings with students, or interacting with students, staff, faculty, and/or visitors to the HCC, the Police Officer is functioning in his or her capacity as a law enforcement officer.

A. Should it become necessary to conduct formal police interviews with students, the Police Officer shall adhere to Henderson Police Department Policy, Kentucky Revised Statutes and other legal requirements.

B. The Police Officer may, by way of the exercise of his/her discretion as a sworn police officer, take law enforcement action as he/she deems necessary. Actions undertaken by the Police Officer may or may not involve arrest, and the Police Officer's discretion and decision-making shall be governed by and subject to the policies, procedures, and training of the Henderson Police Department, and those laws of the United States and Commonwealth of Kentucky that govern law enforcement officers and peace officers. As soon as practicable and where legally
permitted, the Police Officer will, notify the HCC administrators when a violation of the law has occurred on HCC grounds.

C. The Police Officer shall take appropriate law enforcement action against intruders and unwanted visitors who may appear at the HCC and related HCC functions, to the extent that the Police Officer may do so under the authority of law.

D. The Police Officer may give assistance to the law enforcement officers in matters regarding his/her HCC assignment, whenever necessary.

E. The Police Officer may when requested, participate in and/or attend HCC functions or meetings in the Police Officer's capacity as a law enforcement officer.

F. Any records generated by the Police Officer in the course of his/her official duties with the HCC including but not limited to reports, bodycam footage, notes, interviews, etc. are official records of the City of Henderson Police Department. HCC officials seeking any records generated by the Police Officer shall request such records through the custodian of records of the City of Henderson Police Department, as required of any citizen seeking such records.

10. Termination of Agreement. Both parties may cancel this Memorandum of Understanding within thirty (30) days written notice to the other, and HCC shall forward any payments due after cancellation on a pro-rata basis. If the agreement is terminated by either party, the City of Henderson will purchase at fair market value, the issued equipment assigned to the Police Officer or equivalent employee.

11. HCC and HPD are both public entities of the Commonwealth of Kentucky, and each shall be responsible for its own acts and omissions. Each party shall also be responsible for its own defense of any claims raised by any third party or other complainant as a result of actions taken pursuant to this Agreement.
IN WITNESS WHEREOF, the Parties have executed this Memorandum of Understanding on the 
7th day of August, 2020.

Henderson Community College, KCTCS

By: Jason D. Warren, President

City of Henderson

By: The Honorable Steve Austin, Mayor

City of Henderson Police Department

By: The Honorable Heath A. Cox, Police Chief
City Commission Memorandum
20-126

August 6, 2020

TO: Mayor Steve Austin and the Board of Commissioners

FROM: William L. “Buzzy” Newman, Jr., City Manager

SUBJECT: 2020-2021 CDBG Action Plan

The accompanying resolution authorizes the submission of the City’s 2020 – 2021 CDBG Action Plan to the U.S. Department of Housing and Urban Development.

The 2020 Action Plan identifies the use of our CDBG funds for the coming year that are projected at approximately $255,832.00, 2.9% increase from the previous funding, along with an additional $150,498.00 in CDBG-CV funds from the Coronavirus Aid, Relief and Economic Security Act (CARES Act) and approximately $265,779.53 in rollover funds from the current year, which have been committed to two dilapidated homes being demolished and reconstructed through the CDBG program delayed by COVID-19. All funds will be utilized to address the goals established in the five-year plan and conform with federal program objectives in the areas of housing rehabilitation, neighborhood redevelopment, public facilities, and public service in low to moderate income areas of the community.

Specific activities budgeted and proposed to be undertaken, in addition to general administration for the Community Development Division, are:

1. The reconstruction of one dilapidated home occupied by low-income homeowners, along with waived construction costs, as approved;
2. Rehabilitation of approximately 5-10 homes with the Kentucky Changers Program;
3. Continuation of enhanced police protection in areas of concentration of low and moderate-income families;
4. The provision of operational funds to the Emergency Shelter for Women and Children; and
5. Continuation of installation of sidewalks and related improvements particularly for South Heights school district area near Pond Street. This infrastructure improvement project to address the lack of safe pedestrian facilities for children walking to school and other public facilities is being implemented in phases due to the associated costs.

The City has successfully benefited from activities undertaken with CDBG funding in the past, and continuation of this program will positively address community development needs in the future.

Any modification to the Fiscal 2021 CDBG budget that may be subsequently made by the Board of Commissioners will result in the modification of the 2020 Action Plan to place in conformity therewith. The plan must be submitted by August 14, 2020. Your approval of the attached resolution is requested.

c: Tammy Willett
    Ray Nix
August 6, 2020

TO: William L. “Buzzy” Newman, Jr., City Manager

THROUGH: Ray Nix, Codes Administrator

FROM: Tammy Willett, Community Development Specialist


Attached you will find the City of Henderson’s 2020–2024 Consolidated Plan/2020 Action Plan. This planning document is required by the U.S. Department of Housing and Urban Development (HUD) as a condition for the City’s receipt of Community Development Block Grant (CDBG) funds. The Action Plan is a planning document that addresses community development needs and establishes the spending priorities for the City. Due to COVID-19 policies enacted by the City of Henderson and as required by HUD regulations, we advertised a series of virtual meetings and two off-site to solicit input from individuals and organizations within the City for inclusion in this year’s work program.

We anticipate receiving $255,832.00 in CDBG funds this forthcoming year, approximately a 2.9 % increase in prior grant awards, along with an additional $150,498.00 in CDBG-CV funds from the Coronavirus Aid, Relief and Economic Security Act (CARES Act). The 2020-2021 Action Plan recommends expenditure as follows:

**F.Y. 2020-2021**

- Housing Reconstruction/
  Tentative KY Changers Rehab Program $135,333.80
- Temporary Relocation
- Public Service-Police Protection $ 30,874.80
- Public Service-Shelter for Women and Children $ 7,500.00
- Sidewalks (unspecified site) $ 30,957.00
- General Administration $ 51,166.40
F.Y. 2019-2020 CDBG-CV Funds

John F. Kennedy Community Center and
and Gathering Place Senior Center (generators
for both complexes, surveillance at the John F. Kennedy
Center and park area, and other improvements to prepare,
preserve, respond to COVID-19) $125,498.00
Rental Assistance to tenants for
loss of income due to COVID-19 $ 25,000.00

In addition, we will have a rollover of $265,779.53 for program year 2019-2020. These funds are committed to two dilapidated homes being demolished and reconstructed through the CDBG program delayed by COVID-19. We will also be undertaking the COVID-19 projects amended into our 2019-2020 Action Plan with the CDBG-CV funds, with up to six years to expend funds.

Specific 2020-2021 activities include for expenditure of the $255,832:

- The reconstruction of approximately 1 dilapidated home owned and occupied by low-income owners, along with waived construction costs, as approved.
- Rehabilitation of approximately 5-10 homes owned and occupied by low-income homeowners needing exterior repairs by tentative KY Changers Program;
- Continuation of enhanced police patrol services in certain predominately low-income neighborhoods;
- Provision of operational funds to the Shelter for Women and Children; and
- Continue to provide accessible sidewalks in low-income census tracts for pedestrians promoting healthier lifestyles and providing safe passageway for children/adults utilizing sidewalks located near schools, particularly the South Heights school district area near Pond Street or as determined by local officials.

I believe the activities listed above, as contained in the attached 2020-2021 Action Plan, represent a mix of worthy projects which comply with HUD guidelines as to eligible activities and meet national objectives to benefit low- to moderate-income persons and/or remove slum and blight conditions.

Tammy Willett
Tammy Willett

attachment
RESOLUTION NO. _______

RESOLUTION AUTHORIZING THE SUBMISSION
OF THE 2020-2021 CDBG ACTION PLAN TO THE
UNITED STATES DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT

WHEREAS, it is necessary and in the public interest that the City of Henderson, Kentucky, avail itself of the financial assistance provided by Title I of the Housing and Community Development Act of 1974, as amended, to continue Community Development Programs within the City of Henderson, Kentucky; and

WHEREAS, the United States Department of Housing and Urban Development’s application process for said funding includes preparation of a 2020 Consolidated Plan - Action Plan; and

WHEREAS, the City Manager recommends submittal of the 2020 Action Plan.

NOW, THEREFORE, BE IT RESOLVED by the City of Henderson, Kentucky, as follows:

1. That the United States of America, Secretary of Housing and Urban Development be, and hereby is, assured of full compliance by the City of Henderson, Kentucky, with certifications relating to all regulations and administration of Civil Rights Acts, citizen participation, relocation payments, acquisition processes, accounting procedures, the Hatch Act, minimum wage and minimum hour provisions of the Fair Labor Standards Act, all requirements of the National Environmental Policy Act of 1968, and all other certifications applicable to activities undertaken in whole or part with Community Development Block Grant funds, as stipulated in 24 CFR 570.303 and as contained in the attached “Grantee Certifications,” which are incorporated herein by reference.

2. That the City Manager is authorized and directed to prepare such certifications and to assure full compliance with all certifications as are outlined in paragraph one (1) above.

3. That an Action Plan on behalf of the City of Henderson for a grant of said Title I funds is hereby approved and the City Manager is hereby authorized to execute and file such plan with the U.S. Department of Housing and Urban Development, provide such additional information and to furnish such documentation as may be required and to act as the authorized correspondent of the City of Henderson relating to the Community Development Program.

4. That the Mayor is hereby authorized to accept the grant funds for the Action Plan when formally issued by the United States Department of Housing and Urban Development, and is further authorized to perform all acts necessary to execute the grant agreement between the City and the Secretary of Housing and Urban Development.
On motion of Commissioner _, seconded by Commissioner _, that the foregoing Resolution be adopted, the vote was called. On roll call the vote stood:

Commissioner Bugg: _____  Commissioner Royster: _____  Commissioner Vowels: _____
Commissioner Staton: _____  Mayor Austin: _____

WHEREUPON, Mayor Austin declared the Resolution adopted, affixed his signature and the date thereto and ordered that the same be recorded.

ATTEST:

Maree Collins, CKMC,
City Clerk

APPROVED AS TO FORM AND LEGALITY THIS _ DAY OF AUGUST, 2020.

By: Dawn S. Kelsey
City Attorney
City of Henderson, Kentucky

2020-2024 Consolidated Plan
2020 Action Plan

Submitted to:
U.S. Department of Housing and Urban Development
601 West Broadway, Room 110
Louisville, KY 40202

Prepared by:
Community Development Department
City of Henderson
222 First Street, PO Box 716
Henderson, KY 42419-0716
270-831-1277
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CHAPTER 1

Executive Summary of Consolidated Plan

The City of Henderson's 2020-2024 Consolidated Plan serves as a planning document for the City, an application for Community Development Block Grant (CDBG) funds, a strategy to be followed in carrying out programs funded from CDBG funds and a 2020 Action Plan to provide a basis for assessing performance. This section summarizes the Plan so that citizens can have a quick overview of Henderson's housing and community development problems; the 5-year broad goals, strategies, and actions proposed to deal with those problems; and the specific projects proposed for 2020 to carry out this strategy, along with maps showing the location of these projects and how they relate to social and demographic conditions.

Goals

Elimination of slums and blight, elimination of conditions that are detrimental to health, safety and public welfare, conservation and expansion of the City's housing stock, preservation of historic properties, expansion and improvement of the quantity and quality of community services, and alleviation of physical and economic distress.

Action Plan

The Consolidated Plan also includes an Action Plan constituting an application for funds under the HUD Community Development Block Grant (CDBG) formula program for a total of $255,832.00 for July 1, 2020. These funds, plus prior rollover CDBG funds of approximately $265,779.53, and local in-kind funds and any additional funds received under the CARES Act (Coronavirus Aid, Relief and Economic Security Act), will be utilized for upcoming sidewalk projects in eligible census tract areas in the City, continued accessibility and facility improvements to the John F. Kennedy Community Center and Gathering Place (Senior Center); continued public services, enhanced police patrol and funding for
local shelter for women and children, relocation assistance, and housing reconstruction/rehabilitation.

Citizen Participation

Due to the effects COVID-19 this year and executive orders issued by our Governor and safety standards issued at the national, state and our local government to keep all our citizens safe from COVID-19, elements of the Plan were developed to obtain active citizen participation, including six public hearings scheduled in different locations across the City during the months of July 2020. The virtual/live hearings were supplemented by a survey distributed to social and community service agencies, citizens and others. The complete Consolidated Plan was published for public review on July 14, 2020. A brief summary of the Plan was printed in The Gleaner and copies were available for public review. Location postings were limited this year due to closures or limited curb side related to COVID-19 at many public buildings. The Plan was made available at the John F. Kennedy Community Center, the Codes/Community Development via appointment in the Peabody Building and City of Henderson via appointment. Fliers notifying the public were posted at all meeting facilities, local laundry mat, grocery store, thrift store, mailed to social service agencies in the City, including school system’s Family Resource Centers coordinators, and advertised in the Gleaner. Notice was broadcast on the City’s Channel 200 “Informative News Channel” and City’s web site to promote public awareness.

(a) Community Profile

The City of Henderson, Kentucky is a suburb of Evansville, Indiana and is located in the Evansville MSA. The 2019 census for the City revealed a population of 28,207 persons, a modest 2.5% decrease over the 2010 of 28,757 population. The Kentucky State Data Center's latest estimate of population for the City projects 28,207 as of 2019 from 28,942 persons from 2015. The projected 2.6% decrease since 2015 represents a continuation of the slow growth experienced in 00's. African-Americans comprise 10.5% of the City's population and Hispanics comprise 3.1%, the only statistically significant minority populations in the City. These minority groups are principally concentrated in three census tracts in the City (201, 203 and 204)
(see Attached Map 1). Slightly in excess of one-half of all households, approximately 6995, in Henderson County (56.6%) are extremely low- to moderate-income an increase of 6% since 2010. These low-income households are concentrated in six of the City's eleven census tracts (201, 202, 203, 204, 205 Block Group 1, and 206.02 Block Group 1)(see Appendix B).

Map 1

Percentage African American Population By Tract

<table>
<thead>
<tr>
<th>Population Race</th>
<th>201</th>
<th>202</th>
<th>203</th>
<th>204</th>
<th>205</th>
<th>206.1</th>
<th>206.2</th>
<th>207.1</th>
<th>207.2</th>
<th>208</th>
<th>209</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>16.3%</td>
<td>10.8%</td>
<td><strong>20.1%</strong></td>
<td>20.2%</td>
<td>12.5%</td>
<td>5.4%</td>
<td>11.7%</td>
<td>4.6%</td>
<td>2.2%</td>
<td>0.6%</td>
<td>3.7%</td>
</tr>
<tr>
<td>2020</td>
<td>13.36%</td>
<td>10.1%</td>
<td><strong>17.3%</strong></td>
<td>20.7%</td>
<td>12.2%</td>
<td>4.50%</td>
<td>16.5%</td>
<td>5.9%</td>
<td>3.0%</td>
<td>.4%</td>
<td>4.9%</td>
</tr>
</tbody>
</table>

Between 2000 and 2013, two population trends emerged in Henderson.
Persons living below poverty level constituted 21.6% of the city's population in 2000, and grew to 23.4% by 2013 to 23.26% in 2015. The percentage of the elderly in Henderson remained steady from 17.5% in 2000 to 17.9% in 2019.

Almost one fifth of City of Henderson households approximately 2,360 (19.4%) are considered low- to moderate-income (50-80% of Median Family Income (MFI) category. More than half of all African-American households were very low-income, compared with 32% of white households. Most low-income households, again predominantly African American, were located in several census tracts particularly 203 and 204 (see Attached Map 1), along the south portion of the city and East End, which includes portions of Washington to Vine Streets, the Gabe/Fagan neighborhoods, all of which were characterized as slum and blight areas in the past but have since become revitalized during the last fifteen years.

Census tract 201 has the highest number of households living in poverty, 41.28% (315 households), followed by census tract 204, 38.74% (424 households), and census tract 203, 32.58% (254 households). Housing rehabilitation and continued neighborhood stabilization is a high priority focus in these poverty areas.

(b) Housing & Community Development Needs

The Needs sections of the Plan outline the extent of need by various groups for housing and the problems with Community Development that need to be addressed.

Housing

The City of Henderson's housing stock contains 12,350 year round housing units (CHAS data). This number does not include vacant units of 1,317. Homeownership, as a percentage of the total housing stock, decreased from 57.5% in 2000 to 57.7% in 2010 to 49% in 2015.

In 2010, approximately 4,160 housing units exhibited rehabilitation needs compared to approximately 4,200 in 2015.

In 2010, approximately 2,860 low- to moderate-income households (this does
not include those incomes of 50% or less of MFI) had inadequate housing units in terms of cost, size or habitability compared to approximately 2,360 in 2015 which is a moderate decrease.

**Homeless Needs**

With present shelter facilities limited to 25 males at the Harbor House and only one Shelter for Women and Children/family, increased transitional housing and supportive services are needed for the 20 to 120 homeless individuals found in Henderson at any given time. Without additional transitional and supportive services, the community in whole will continue to incur rising health care and criminal justice costs due to treatment not being available and accessible for mentally ill or chemically addicted men and women.

A “Point in Time Count” was conducted on January 29, 2020 by several non-profit/profit agencies along with the Community Development Department with volunteers from these agencies. It was facilitated by City of Henderson’s Emergency Management office, Mr. Kenny Garrett, and Henderson Community Christian Outreach, to collect data to be submitted to Kentucky Housing Corporation. Those numbers have not been released but during the field investigation study on this cold night, investigators found 2 people were considered homeless without shelter. In the official 2019 K-Count identified, there were 35 individuals compared to 28 in 2018 on a given day. Of the 2019 total, 32 of those 35 being temporarily sheltered. Of the three (3) unsheltered, one was considered chronically homeless veteran. There is currently a Homeless Coalition working to help identify needs of the community and bring a program to facilitate the end to homelessness in Henderson, Kentucky.

The Shelter for Women and Children can accommodate up to a total 22 women and their children at any given time. The facility has five bedrooms (11 bunkbeds, 1 baby crib and 1 toddler bed), a community living room, play room, kitchen and lounge. Most women are able to leave the facility within 3 months; however, there are some exceptions. Last year there were approximately 199 women and children utilizing
the Father Bradley Shelter for Women and Children, an increase of 80% from 110 last year. The Shelter tries to follow some of the women they have assisted once they leave the facility with some coming back to donate their services and there are others who are unable to be reached once they leave. The Shelter provides numerous self-sufficiency programs from self-esteem building, job readiness, money management, family planning, violence protection, and provides incentives for savings “Shelter Bucks” which dollars are earned for good behavior. The provision of such services within the community is needed to address this problem.

The City of Henderson was awarded funds from the Kentucky Governor’s Office of Local Development, Kentucky Housing Corporation HOME and AHTF, Federal Home Loan Bank of Cincinnati, and Boston Capital Corporation to construct a 33,797 s.f. building with 100 beds to assist women suffering from substance abuse, project cost of approximately $4,284,851.00. A groundbreaking ceremony was held on April 12, 2006 with Governor Ernie Fletcher attending along with a many important people who made W.A.R.M. (Women’s Addiction Recovery Manor) possible from a sundry of offices from Henderson to Washington, D.C. This new facility is under operation and currently at capacity with a waiting list. A ribbon cutting ceremony took place on Monday, August 2007 and was well attended. There are four phases (“SOS” Safe-Off- Street, Motivational Tract, Phase I, and Phase II) of recovery that have to be followed in order to leave the facility. A building permit was requested on June 30, 2009 for the construction of 32 units for transitional housing at the facility which was completed and stays at full capacity. In 2015 funding was approved from Kentucky Housing Corporation for an additional 4 structures of 32 units to be built and a community room. Construction was completed and currently has a waiting list.
Community Development Needs

The principal non-housing community development needs are the citywide requirements to address storm water system changes, the lack of sidewalks along many residential streets, and the limited number of jobs available to low-income individuals which pay "living wages".

Public and Assisted Housing

Among the assisted housing resources available are 430 units of conventional public housing, and its Housing Choice Voucher Program (738) in an attempt to address the cost burden of low-income renter families and individuals. Housing Authority of Henderson will continue building affordable rental and homeowner occupied units through various grants such as the Neighborhood Stabilization Program (NSP). Any opportunity for expansion of these subsidies will be pursued.

Other Issues

An estimated 61.2% (7,625) of the City's housing stock contains lead-based paint.
HOUSING AND COMMUNITY DEVELOPMENT STRATEGIC PLAN

The strategic plan lays out a long-term strategy to deal with the housing and community development needs of the City.

- **Housing and Community Development Resources**

  The City of Henderson's resources, federal, state and local, are quite limited. The Consolidated Plan contains an inventory of these resources.

- **Priority Housing and Homeless Objectives**

  Increase the supply of standard, affordable housing through acquisition and/or rehabilitation of existing housing units.

  Provide rental assistance to alleviate rental cost burden experienced by low-income families and individuals.

  Address the needs of homeless individuals and families with children and prevent low-income individuals and families with children from becoming homeless.
NON HOUSING COMMUNITY DEVELOPMENT OBJECTIVES

Improve neighborhood environment through enhanced public safety. Create jobs available to low-income families which pay a "living wage". Provide infrastructure improvements in areas of the city that lack sidewalks for safe passageway.

Expanded Economic Opportunities

Recent industrial and commercial development in the City of Henderson has created a virtual "full employment" condition in the community. The objective of the creation of jobs paying "living wages" was identified as a high priority both in the Consolidated Plan questionnaire and in discussions with the City's economic development officials. The development of such jobs is principally a function of the recruitment of industries. It is recognized that there are more than an adequate number of low-skill, low-wage positions in the City. It will be a strategic objective to only solicit higher wage industries. Adequate job training programs exists at the both the Henderson Community College and the Job Training Center to assist individuals in acquiring the skills needed to take advantage of such positions. An article written in the Gleaner (March 13, 2010), noted the County of Henderson had lost over 1,400 jobs in one year, with manufacturing comprising two-thirds of that loss due to economic woes back then affecting the United States. Now we are looking at COVID-19 pandemic and those business who have had to close their doors or temporarily suspend normal business activities due to the safety of our citizens to Executive Orders by the Governor and local government. The foreseeable outlook is not promising to rebound until next year. COVID-19 has created unprecedented challenges for our City as well as our nation. However, perception is high for our local area due to Economic Development continuing to pursue opportunities for Henderson, Kentucky and everyone knowing this is not the first time a crisis has hit.

One-Year Action Plan

The action plan lays out the proposed uses of the $255,832 from the Community Development Block Grant program. The proposed projects are identified "Chapter 5 (g)", along with maps at the end of "Chapter 6".
Overview of Proposed Activities

The proposed maps show that the projects are to be undertaken in areas of concentration of low-income and minority families.

Projects include:

- $135,333.80 (CDBG) to undertake approximately 1 housing reconstructions of dilapidated low-income owner-occupied, plus rollover funds, and the exterior repair of approximately 5-10 low-income, owner-occupied families through the KY Changers program, along with temporary relocation;

- $30,874.80 to provide enhanced police protection in areas of concentration of low- and moderate-income families, particularly focusing on census tracts 201, 202, 203, 204, 205.1, and 206.02 BG1;

- $7,500.00 to provide operational funds to local Shelter for Women and Children in census tract 206.01.

- $30,957.00 to provide sidewalks in low-income census tracts for pedestrians promoting healthier lifestyles and providing safe passageway.

(d) General Information

The City of Henderson's Community Development Department has been assigned responsibility for development of the City's Consolidated Plan. The Plan was developed in a collaborative manner incorporating numerous housing and social service providers within the community. Questionnaires regarding community needs were mailed to 45 agencies in 2020 (e.g. the Salvation Army, Methodist Hospital, Shelter for Women and Children, The Gathering Place, Henderson County Health Department, Henderson County School System Superintendent's office, Family Resource Centers, Harbor House, Audubon Area Community Service, Inc., Henderson Christian Community Outreach, Henderson Housing Authority, River Valley Behavioral Health, Kentucky Department of Social Insurance,
Due to COVID-19, face to face meetings were limited unless by appointment and/or telephone contact was initiated between many of the listed agencies, including the Henderson County Health Department, the Codes Department of the City of Henderson, the Parks Department, the State of Kentucky's Bureau of Social Services and similar agencies. Comments and data from these groups have been incorporated into the text of the Plan.

The draft Plan was advertised in the local newspaper (the Gleaner) as available for review and public comment on Tuesday, July 14, 2020. Copies of the document were unable to be placed in the Henderson County Library due to closure to public and Housing Authority of Henderson but placed at the City of Henderson Peabody Building and John F. Kennedy Community Center.

Attendance averaged this year zero due to COVID-19 cases increasing in Henderson, Kentucky, in part due to testing and businesses opening creating exposure risks. From citizens who called wanting general housing assistance, it was noted that some did not want to participate due to COVID-19 and also lack of resources and knowledge to utilize virtual meetings, via Zoom. Meetings last year average 1 person per meeting at the eight public hearings held (See Appendix A).

Since only one comment was receiving during the public hearing period on tenant based rental assistance to landlords facing moratorium on evictions and sidewalks in the community. The citizen wanted to know if funds would be coming soon from the CARES Act that was published recently in the Gleaner, along with amendment to the City's Citizen Participation Plan and how to apply. Most comments from questionnaire centered on public facilities improvements, housing reconstruction/rehabilitation affordability, development for youth, jobs paying more than minimum wage, infrastructure/storm water drainage, removal of deteriorated mobile home units, need for sidewalks near schools, and homelessness facilities. Efforts have been taken and continue by the City to broaden public involvement over the last ten years in the development of the Consolidated Plan include posting public hearing
notices in several prominent places in the community, including the Henderson Housing Authority bulletin board, thrift store, laundry mat, and running the public hearing notice as a much larger display ad versus the single-column, small print public notice format, announcing the hearings on Henderson's Cable 200 channel, multiple hearings, and mailing hearing notices to local agencies.
CHAPTER 2

Housing and Homeless Needs Assessment

(a) General

The City of Henderson, Kentucky is a suburb of Evansville, Indiana and is located in the Evansville MSA. The City is located on the south and east sides of the Ohio River, which forms the boundary between the two communities and the states of Indiana and Kentucky.

The City of Henderson came into existence as a farm oriented/river trade center. In the 19th Century the community became a significant riverport for Ohio River traffic, particularly for the shipping of tobacco. By the late 1800's the City had flourished as a result of the location of numerous tobacco warehouses and tobacco processing plants. This prosperity ended around the turn of the century when Great Britain, the largest customer of Henderson's tobacco concerns, imposed significant tariffs upon the importation of foreign tobacco. The tobacco processing plants and warehouses began a slow decline in the early decades of the 20th Century eventually culminating in the closing of all such facilities by the middle of the century.

The twentieth century development of the City of Henderson has marched in-step with the location of industrial facilities and the development of improved transportation routes. The decade of the 1970's was especially important in this regard, seeing the development of the Pennyrile and Audubon Parkways and the location of several large manufacturing concerns in and around the City. At present the City of Henderson benefits both from its own industrial/ manufacturing base and the employers located in nearby Evansville, Indiana. Population growth for the City historically has been slow and steady.

Commercially the City of Henderson continues to maintain a viable central business district, somewhat unusual for a small suburban
community. This unique situation is due to the location of the area's major shopping malls in Evansville. Because of the travel involved, the smaller, service oriented commercial facilities in the City of Henderson have been able to maintain their client base.

The City of Henderson, Kentucky is a suburb of Evansville, Indiana and is located in the Evansville MSA. The 2019 census for the City revealed a population of 28,207 persons, a modest 2.5% decrease over the 2010 of 28,757 population. The Kentucky State Data Center’s latest estimate of population for the City projects 28,207 as of 2019 from 28,942 persons from 2015. The projected 2.6% decrease since 2015 represents a continuation of the slow growth experienced in 00’s. African-Americans comprise 10.5% of the City’s population and Hispanics comprise 3.1%, the only statistically significant minority populations in the City. All remaining categories of minorities constitute less than 2.6% of the City’s population.

Two trends being experienced nationwide were evident in Henderson over the period 2010 to 2020 - increases in persons living below poverty income and an increase in the percentage of the elderly as a part of the entire population. Hendersonians subsisting on incomes considered below the level of poverty comprised 12.6% of the City’s population in 1980, whereas by 1990 this group had increased to 16.7%, and it had increased to 21.5% in 2000 and 22% in 2010 and now 23.26%. On a percentage basis, this change represents approximately a half increase in such individuals.

Second trend, persons of 62 years of age or over, herein used as the determinant of elderly, increased from 15.8% of the 1980 population, to 10.4% in 2010 to 17.9% in 2020. Both trends pose challenges when analyzing the housing stock and future (5 year) housing needs of the City.

Persons living at or below poverty levels obviously are those most prone to incur housing costs in excess of 30% of their income and elderly persons are those most prone to be in need of supportive housing services.
(b) Categories of Persons Affected

While the overall trend in the percentage of minorities within the City of Henderson has been stable, the distribution of those minorities is not even across the City. For purposes of this report, an area of racial minority concentration is defined as any area containing a percentage concentration at least 25% in excess of the citywide total \((10.5\% \times 1.25 = 13.1\%)\). Three census tracts within the City (201, 203, and 204) meet this definition. All three census tracts have neighborhoods comprised primarily of minorities (African-American constitute the only statistically significant minority group in Henderson) and all three tracts contain public housing projects. Census tract 201, located in the north central portion of the City, contains the Kimmel Park neighborhood and borders the Fifth Street neighborhood, predominantly minority areas designated as slum/blight areas. The Kimmel Park area was designated in a 1990 Urban Renewal Plan; the Fifth Street area in a 1995 Urban Renewal Plan. Census tracts 203 and 204 contain the Gabe/Fagan neighborhood, an area designated a slum/blight area in a 1986 Urban Renewal Plan. The created East End redevelopment and Audubon Kids Zone, along with Habitat for Humanity also continues to focus on these tracts located in census tracts 203, 204 and 205.1.

The City has undertaken Community Development Block Grant funded neighborhood redevelopment projects that has impacted housing by strengthening neighborhoods as well as needed infrastructure in these areas over the last 28 years. A review of the eleven census tracts utilized by the Bureau of the Census in the 2000 census identified six tracts (201, 202, 203, 204, 205 Block Group 1, 206.02 Block Group 1) having concentrations of low-income persons (herein defined as 51% or more of the population being at or below the Section 8 low-income standards as set by the U.S. Department of Housing and Urban Development). It should be noted that three of the these six low-income tracts also are those tracts containing concentrations of minorities (201, 203, and 204). This characteristic has not changed (see chart).
Henderson, KY
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Percentage African American Population By Tract

<table>
<thead>
<tr>
<th>Population</th>
<th>Race</th>
<th>201</th>
<th>202</th>
<th>203</th>
<th>204</th>
<th>205</th>
<th>206.1</th>
<th>206.2</th>
<th>207.1</th>
<th>207.2</th>
<th>208</th>
<th>209</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000 -</td>
<td>16.3%</td>
<td>10.8%</td>
<td>20.1%</td>
<td>20.2%</td>
<td>12.5%</td>
<td>5.4%</td>
<td>11.7%</td>
<td>4.6%</td>
<td>2.2%</td>
<td>0.6%</td>
<td>3.7%</td>
<td></td>
</tr>
<tr>
<td>2020 -</td>
<td>13.36%</td>
<td>10.1%</td>
<td>17.3%</td>
<td>20.7%</td>
<td>12.2%</td>
<td>4.50%</td>
<td>16.5%</td>
<td>5.9%</td>
<td>3.0%</td>
<td>.4%</td>
<td>4.9%</td>
<td></td>
</tr>
</tbody>
</table>

In addition, a portion of census tract 205, identified as block group 1, also falls within this definition. This area borders the southeast corner of the previously discussed Gabe/Fagan neighborhood. Slightly in excess of one half of all Henderson households (68.2%) are low- moderate-income (19.21% Extremely Low- Income; 36.11% Low-Income, and 56.74% Moderate-Income). Forty-seven percent (47%) are in the middle-income category and 42.4% are in the highest income grouping (above 95% MFI). African-American households are disproportionately represented in the lowest income category. Over one-half of all African-American households (52.5%) are in the low- income category, versus 31.7% of White households. Conversely, only 24.5% of African-Americans households are in the highest income group (above 95% MFI) versus 44.3% of White households.

Extremely Low-Income

A review of the 2012 -2016 ACS census information identifies 2,480 extremely low-income households within the City of Henderson. Of the 2,480 households falling within the 0 to 30% median family income, approximately 2,355 experience housing problems (95%). Housing problems as used herein include cost burden and/or overcrowding. Renter families falling in the large-related households and all other households categories disproportionately experience housing problems relative to the average for this income group (22%). A review of the only minority population group within the City of Henderson of any size, i.e. African-Americans, for this income category results in a generally proportional housing need.
(68.9% for all renters versus 71.7% for African-Americans renters, 52.5% for all owners versus 61.0% for all African-Americans owners). (see chart)

<table>
<thead>
<tr>
<th>Tract</th>
<th>201</th>
<th>202</th>
<th>203</th>
<th>204</th>
<th>205</th>
<th>206.1</th>
<th>206.2</th>
<th>207.1</th>
<th>207.2</th>
<th>208</th>
<th>209</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019</td>
<td>41.2%</td>
<td>27.9%</td>
<td>32.6%</td>
<td>38.7%</td>
<td>13.3%</td>
<td>13.7%</td>
<td>27.2%</td>
<td>12.5%</td>
<td>9.1%</td>
<td>9.3%</td>
<td>14.5%</td>
</tr>
</tbody>
</table>

Low-Income

Two thousand one hundred fifty-five (2,155) households were found, by the 2015 census, to fall in the low-income category, with incomes of 31 to 50% of the median family income. Of these families, 100% experienced housing problems. Renters as a block within this group experienced significantly lower housing problems 36% than did owners. Large related households and elderly-one and two member households demonstrated the most extreme need of this group (49.7% respectively).

A review of the information for African-Americans in the City of Henderson showed a disproportionate need for renter families (81.2% versus 66.8% for all families). Conversely, the percentage of African-Americans owner households experiencing housing problems was exactly that being experienced by all households within this income grouping.

Moderate-Income

The 2012-2016 ACS census identified 2,360 households within the City of Henderson falling in the moderate-income category (51-80% median family income). Citywide 100% of these households experienced housing problems. Two groups of renter households are disproportionally represented among those experiencing housing
problems, with 33.3% of large related households and 9.7% of elderly - one and two member households so designated. Disproportionate need was found for renter-occupied vs. owner-occupied households in this income category having 75% housing issues.

A review of the data for African-Americans households in the moderate-income category determined that those experiencing housing problems were actually below the percentage of all households in all categories.

□ Middle-Income

The ACH identified 5,360 households within the City of Henderson in the middle-income category (81 to 95% of median family income). Of these households, 4.1% were found to have housing problems. Three categories of households within this income group demonstrated disproportionate need, large related renter households (13.3%), elderly (3.2%), and all other owner households (2.3%).

It should be noted that a review of information on overcrowding demonstrates that the only category of households experiencing significant problems are large related renter households and large related owners, at 100% of all such households. This overcrowding problem is consistent across the income categories, ranging from 59.4% of households in the 0 to 30% median family income to 43.5% in households in the 51 to 80% median family income categories.

As previously discussed, there has been limited private market action in the construction of single-family homes affordable to low-income persons (i.e. purchase price of $90,000 or less). It would appear that the demand for such housing is relatively high, as demonstrated by local realtors reporting that existing homes listed for sale within this pricing category rarely stay on the market for any length of time. The traditional outlet for housing in this income category, mobile homes, is somewhat restricted due to zoning provisions within the City of Henderson.
Virtually no information is available on the specific housing needs of elderly and persons with disabilities. Application of national standards to Henderson's 2000 census data and contact with local Matthew 25 service agency indicates the presence of twelve homeless persons with HIV/AIDS, eight sheltered and four unsheltered at any given time. In addition, the data indicates an additional 40 plus persons with HIV/AIDS in need of supportive housing. The provision of funds to help those living with the HIV/AIDS disease is needed.

There are approximately 600 up from 423 in 2010 (42% increase) of known cases in the surrounding area, with approximately 140 being in Henderson County, the youngest being 13 and the oldest being 76. Approximately 31 of the clients are in the age group, 13 to 24, as well as as the largest affected group being in the age range of 25-44. Continuous funding is being sought through HOPWA and federal HOME grants which are managed by the City's local non-profit Matthew 25 organization. Recent COVID-19 funding was awarded and will be utilized for tele-health equipment, patient portal specialist, food care packages, etc. This non-profit organization was created in 1996 by a group of concerned residents of the Henderson/Evansville area who had been personally affected by the HIV/AIDS virus and wanted to provide education and prevention services to the area. In December 2002, Matthew 25 moved to a larger clinical site and has since moved again in 2008 to help with the growing epidemic in the area.

(c) Homeless Needs

An accurate estimate of the number of homeless within the City of Henderson is very difficult to achieve. Estimates range from approximately 120 to under 20. The Kentucky Department of Social Insurance, in 2010, estimated that at any given time there are approximately 115 homeless individuals (which consists of 89 individuals not in families and 14 families) within the City. This figure, generally concurred in by the Salvation Army, St. Vincent...
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dePaul Society, local churches and other service providers, is not thought to have changed dramatically in the intervening five years.

A “Point in Time Count” was conducted on January 29, 2020 by several non-profit/profit agencies along with the Community Development Department with volunteers from these agencies. It was facilitated by City of Henderson’s Emergency Management office, Mr. Kenny Garrett, and Henderson Community Christian Outreach, to collect data to be submitted to Kentucky Housing Corporation. Those numbers will not be released until next year and maybe later due to COVID-19 pandemic. During the field investigation study on this night only but investigators found 2 people were considered homeless without shelter. In the official 2019 K-Count identified, there were 35 individuals compared to 28 in 2018 on a given day. Of the 2019 total, 32 of those 35 being temporarily sheltered and of the 3 unsheltered, one was considered chronically homeless veteran. There is currently a Homeless Coalition working to help identify needs of the community and bring a program to facilitate the end to homelessness in Henderson, Kentucky.

The only transitional housing facility available in Henderson but are available in metro areas of Evansville/ Owensboro is the WARM Recovery Center. The City of Henderson has an estimated 20 to 120 individuals/ families homeless at any given time in the community. Homeless services are only offered on a limited basis through the Harbor House which concentrates on males with alcohol and/or drug abuse problems and the Shelter for Women and Children which shelters women and children. The Harbor House facility can accommodate approximately 25 males up to 6 months and the Shelter for Women and Children facility can accommodate up to a total 22 women and their children at any given time. The new facility has five bedrooms (11 bunkbeds, 1 baby crib and 1 toddler bed), a community living room, play room, kitchen and lounge. Most women are able to leave the facility within 3 months; however, there are some exceptions. Last year there were approximately 199 women and children utilizing the Father Bradley Shelter for Women and Children. The Shelter tries to follow some of the women they have assisted once they leave the facility with some coming back to donate their services and there are others who are unable to be reached once they leave.
The provision of such services within the community is needed to address this problem. In addition, existing programs and efforts to provide rental and/or utility assistance to low-income families threatened with homelessness should be continued and strengthened. Specific activities in the forthcoming year to prevent low-income families from becoming homeless include Community Development Block Grant and HOME funded housing rehabilitation/reconstruction and exterior rehabilitation programs. The Community Development Department staff will continue assisting homeless service providers in securing funding for increased services within the City.

A significant need for homeless services exists within the City. Due to Henderson's relatively small size, the homeless conditions found in the community are of a "rural" homeless nature. There does not appear to exist any information that would delineate the racial and ethnic group composition of the City of Henderson's homeless.

Specific, quantitative information on the numbers of low-income individuals and families with children who are currently housed but threatened with homelessness is unavailable for the City of Henderson. It is anticipated that there is a significant need in this area, based upon discussions with social service providers such as the Salvation Army, Henderson Community Christian Outreach, United Way, and St. Vincent dePaul Society. These organizations indicate that they regularly receive significant numbers of request for assistance with rent and/or utilities, particularly in the winter months, which they are unable to fill.

The provision of funds to help those living with the HIV/AIDS disease is needed. There are approximately 140 known cases in the Henderson County area and continuous funding is being sought through HOPWA and federal HOME grants which are managed by the City's local non-profit Matthew 25 organization. This non-profit organization was created in 1996 by a group of concerned residents of the Henderson/Evansville area who had been personally affected by the HIV/AIDS virus and wanted to provide education and prevention services to the area. In December 2002, Matthew 25 moved to a larger clinical site to be help with the growing epidemic in the area.
Matthew 25 continues to seek financial assistance through federal, state and foundation grants. Grants received in 2004 and fiscal year 2003 totaled $629,420 and were awarded to provide temporary housing and medical assistance for those suffering from HIV/AIDS. A prior foundation grant was utilized for the purchase of a van to assist with client transportation.

In 2010, Matthew 25 applied for $69,000 in HOPWA funds and is awaiting notification of grant funding, in 2009 the agency received $150,000 in HOME Tenant-Based Rental Assistance and continues to receive funding to allow assistance to 17-19 clients, $300,000 in HIV/Care Coordination Grant, $272,000 for a Centers for Disease Control grant, and a Ryan White grant to be renewed until 2015 in the amount of $420,000 (totaling $1,133,782). Most of the large grants will be utilized over a four to five year period. HIV/Aids is becoming more prevalent in this area and Matthew 25 continues to see a steady increase affecting African American women and younger heterosexuals in the community with the youngest being 13. The largest affected population still tends to be men having sex with other men (MSM). The increase in drug activity with crack cocaine and meth has also played a caused a rise in the number of HIV/Aids due to promiscuous sex and number of sexual partners.

(d) Other Special Needs

Information on the various categories of persons not homeless but requiring other special services has been statistically derived through the application of nationally developed statistics to the City of Henderson's population count. Specific locally generated data is unavailable. It appears, on the basis of the information thus derived from 2019 Census, that there is a significant elderly population (5,066) and, to a higher degree, physically disabled (5,274) population exhibiting special need. Three hundred thirty (337) "frail elderly" individuals were found to be in need of supportive housing, along with 1,876 individuals with severe mental illness. The numbers of these individuals sheltered and unsheltered is unknown.
As previously discussed, data specific to the non homeless special needs' population has been derived from application of national standards to the City of Henderson's population numbers. Accordingly the information which is provided is of limited usefulness. It is anticipated that significant need exists for supportive housing in the categories of elderly and persons with disabilities, again derived from the overall numbers developed through the aforementioned process. At present there are limited services available within the City of Henderson.

(e) Lead-Based Paint Hazards

Application of national standards for the probability of lead-based paint in a household to the City of Henderson's housing stock results in an estimated total of 61.2% (7,625) of the City's housing stock contains lead-based paint (plus or minus 6.1%), having lead-based paint somewhere on or in the structure. While no hard data exists to document occupancy, it is safe to assume that the vast majority of the homes containing lead-based paint are occupied by low-income families. These homes are all pre-1978 in construction. The majority of units constructed after this date will be of higher value than the pre-1978 housing, due to limited functional obsolescence and trends toward larger homes in recent decades. Lower-income families will concentrate in lower cost housing, units more likely to contain lead-based paint. Contact with the Henderson County Health Department determined that the Health Department conducts lead-based paint blood-level testing of children when those children are referred to the department by a physician. To date, the Health Department reports that five children have been found to have "questionable" elevated lead-blood levels since 2010 but have decreased since 2015. It is suspected, although no hard data presently exists, that the incidence of lead poisoning is significantly in excess of the number identified through the Health Department, therefore, counts may be underrepresented.
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CHAPTER 3

Housing Market Analysis

(a) General Characteristics

The City of Henderson's housing market is defined as those housing units located within the corporate boundaries of the City. With the exception of a very small number of subdivision developments of 30 units or less, all of the concentrated housing for the Henderson area is located within these boundaries. The City of Henderson's housing market contained 12,350 year round housing units in 2020 of which were occupied.

The City of Henderson had a total of 20 new housing units, combination of apartment/condo/duplex/triplex/mobile homes, permitted from July 1, 2019 to June 30, 2020, compared to 22 units permitted in 2019, approximately 10% decrease from last year. Overall, there were 241 permits issued in 2020 compared to 205 last year, 2019 (18% increase) for all permits, but those included, commercial, new additions, remodels, accessory, signs, and demolitions.

Since 2016, the city has added 164 single family dwelling (combination of manufactured home, single family, duplexes, and multi-family). Approximately 49 multi-family units are being built for Senior Apartments as part of redevelopment/revitalization of the East End with affordable rents. Excluding the Henderson's Housing Authority units and newly subsidized WARM units, the developments represent a 15% decrease since 2004 in privately held apartments affordable for low-income families. Of the total year round housing unit count, 53% are owner-occupied, 39% are renter, and vacancy is at 7%. The trend in the Henderson housing market (based on 2000 Census information) reflects a decrease in the percentage of ownership of the total housing stock (down from 54.1% in 1999), an increase in the rental-occupied stock (up from 38.8% in 1999), and no change in the overall vacancy rate (up from 7.1% in
There has been a corresponding increase in the overall age of the units comprising the City's housing stock, approximately 7,625 are built before 1979. In 1990, one of every six housing units in the City was less than ten years of age of construction (16.6%), by 2000 this had fallen to one of every eight units (12.5%).

As discussed above, the availability of standard rental units affordable for low-income residents has changed dramatically in recent years. The 17.6% increase in such units in the 1999's is continuing to meet the market needs for such housing. The Housing Authority of Henderson reports that it does have a waiting list for its units. Interestingly, the public's perception of the rental housing market varies from the above information. The City's Community Development Department conducted an extensive survey of low-income family's needs as part of the data collection/public input process for preparation of this plan. One of the problems ranked highest by survey respondents was the perceived shortage of standard rental housing affordable for low-income families. Follow-up interviews with respondents resulted in the observation that many of the newly constructed rental units are located on the periphery of the City. This decreases the desirability of the units for families wishing to stay in close proximity to their families and friends located in the older, more centrally located areas of the City. Additionally, while public transit is available to some complexes, transportation may be an increased problem for potential residents. A third factor which may play a part in the perceived lack of affordable units is the fact that some of the subsidized units developed in 2000 were tax credit projects. As such, the subsidy on the projects is on the financing side, which results in rents set to be affordable to persons at 60% of median income. Persons in the extremely low-income category will continue to find the rents exceeding 30% of their adjusted monthly income. The National Low-Income Housing Coalition estimates that, using the 30% standard cited above, persons at 30% median income can only afford monthly rents of $289. For these families, tax credit projects, with rents as low as $420, are still excessive.

A survey in June 2017, provided by the Henderson-Henderson County Planning Commission, of the 17 privately owned non-
subsidized apartment complexes, containing 8 or more units, in Henderson yielded the following average rents:

**2017 Average Monthly Rents**
- One Bedroom - $517.00
- Two Bedroom - $606.00
- Three Bedroom - $635.00

**Fair Market Rents 2020**
- One Bedroom - $612.00
- Two Bedroom - $788.00
- Three Bedroom - $1,017.00

Average occupancy for the 17 complexes was 97.1%. Interestingly, average occupancy for those complexes charging rents either 125% above the average or 75% below the average varied little, being 96.5% and 92.5% respectively. It appears that, on average, all (relatively) large apartment complexes in Henderson are staying leased up, regardless of rent, size of the complex or age and condition. Discussions with the Housing Authority’s Section 8 Coordinator generally confirms this, however two areas of market weakness have recently been noticed. The first is the apparent difficulty of several subsidized complexes to fully lease-up in a timely fashion. The second trend noted is the difficulty of owners of older rental units (homes) to secure tenants.

The availability of standard homes for sale at prices affordable to low-income families continues to be quite limited. A review of Henderson’s multiple listing service, for the August 2020, yielded eight (8) homes available for sale for between $55,000 to $75,000 (excluding mobile homes) and sixteen (11) homes in the range of $75,000 to $100,000.

Sixteen (16) of the twenty (20) building permits were issued for construction, by private builders, for single-family, townhomes, apartment units over the 12-month period ending June 2020. However, permits do not include seller mark up. Older homes in varying states of repair, and mobile homes, are virtually the only homeownership options open to low-income homebuyers in the under
- $90,000 price range. A large development located on the south end (Canoe Creek) and east edge (Fox Hollow) of the City offers small homes, located on zero lot lines, starting at $115,000 in 2007 (for an 1,250 square foot home). However, today homes have since increased in market value and these prices have increased. The majority of homes offered during this development ranged in the mid-$100,000's.

Virtually no privately financed scattered site "in-fill" development (other than Habitat for Humanity and the placement of mobile homes) is taking place in the developed core of Henderson; the area disproportionately populated by the City's low-income citizens. New construction is focused in subdivisions located on the periphery of the City, accessible via major transportation arteries (U.S. 60, 41, etc.).

In addition to being priced beyond the wherewithal of low-income families, these homes are not on public transit routes, thus requiring owners to have adequate personal transportation to access services (shopping, doctors, etc.).

Estimates from the City of Henderson's building code department place owner-occupied substandard housing at 10%, with rental occupied units at 35% - 40% (substandardness is defined as having one or more housing code violations). These building officials further estimate that 80% of the owner-occupied substandard units and 70% of the renter-occupied substandard units are suitable for rehabilitation (defined as the expense of correcting code violations does not exceed 75% of the pre-repair value of the structure).

(b) Public and Assisted Housing

The Housing Authority of Henderson presently maintains 430 public housing units (236 zero and one bedroom, 103 two-bedroom, and 91 three or more bedroom). These units are all occupied, however the Housing Authority is maintaining a waiting lists of approximately 117 applications which is a relatively small number of individuals/families waiting for units. In comparison, the Section 8 program has a significant waiting list of approximately 582 families.
The Authority staff believe this recent change is a reflection of the changes in the subsidized rental market in recent years (see above). The Housing Authority has completed a Comp Grant program to undertake improvements on its units. All units are in good condition, with a number in each complex receiving improvements each year. It is not anticipated that any public housing units will be removed from the public housing inventory. The Housing Authority presently manages 738 Housing Choice Vouchers. All of these certificates and vouchers are in use with a current waiting list.

An additional 394 privately owned/managed units within the City received Section 8 assistance (16-zero bedroom, 180-one bedroom, 126-two bedroom, 64-three bedroom, and 8-four bedroom units). The Housing Authority was recently designated a "high performer" and a "MOD high performer" by HUD following completion of the "Public Housing Management Assessment Program." As such, the Housing Authority will continue existing policies with only incremental changes required for improved performance. Supportive services offered by the Housing Authority include visits to elderly/disabled residents, referrals as needed to outside support agencies, a "Pacesetters" program, monthly bingo, health clinics, birthday parties, and tenant meetings. In addition, an extensive offering of employment and financial/personal skills classes are provided. The Housing Authority of Henderson has been awarded several grants from the Department of Local Government for its Neighborhood Stabilization Program with development of Winters Place and Huffman Square, built four single-family homes and rehabilitated several homes.

(c) Homeless Facilities

The City of Henderson has a very limited number of homeless shelter providers, many of which offer services to select groups of clients. The largest facility in Henderson is the Harbor House Christian Center. This religious based facility provides housing services for men, primarily those with alcohol or drug abuse problems. The facility has the capacity for 25 individuals and reports always being
full. Harbor House also offers a private home as shelter for homeless women released from jail. This facility has no capacity for women. A second quasi-homeless shelter is the Chaney House Group Home. This facility functions as a short-term residential facility for males under the age of 18 who have been removed from their homes. The Chaney House has the capacity for 8 residents. The Shelter for Women and Children, facility can accommodate up to a total 22 women and their children at any given time. The new facility has five bedrooms (11 bunkbeds, 1 baby crib and 1 toddler bed), a community living room, play room, kitchen and lounge. Most women are able to leave the facility within 3 months; however, there are some exceptions. This year there were approximately 113 women and children utilizing the Shelter for Women and Children. The Shelter tries to follow some of the women they have assisted once they leave the facility with some coming back to donate their services and there are others who are unable to be reached once they leave.

The only providers of on-going food services within the City of Henderson is the Salvation Army, the Henderson Christian Community Outreach and the Meal of Wheels program operated out the Gathering Place Senior Center. The Salvation Army is organization operates a "soup kitchen" and a pantry from its facility on Washington Street. Area churches provide funds to applicants on a sporadic basis for temporary, overnight shelter and food. The St. Vincent DePaul Society, Henderson Christian Community Outreach, the Salvation Army, God's Store House, and Audubon Area Community Services, Inc., offer limited financial assistance to individuals/families for deposits/rent/utility payments.

(d) Special Need Facilities and Services

Supportive housing units for non-homeless persons with special needs are quite limited within the City of Henderson. Two nursing home facilities provide housing/health care to 163 elderly residents. The previously discussed Harbor House provides housing/counseling services to 25 men with drug and/or alcohol addiction, along with 132 women being rehabilitated at the WARM Center.

Twelve (12) of the 126 apartments in the Redbank Towers are set aside for non-elderly with disabilities. In early 2005, Redbanks was
awarded a HUD grant in the amount of 3.7 million plus an additional $173,000 for a Phase II development of apartments. This allowed construction of 47 units with 10 being set aside for non-elderly with disabilities and construction to be completed by June 2007. The only assisted living facility in Henderson is Colonial Assisted Living, which currently contains 51 units. Colonial completed construction for 10 additional units with construction in fall 2016. Green River Comprehensive Care manages two facilities providing services to those with mental disabilities: 20 one-bedroom apartments for residents with long-term mental illness but capable of independent living; and an 8 resident group home for residents with mental handicaps. Our local service agency, Matthew 25 has been successful in obtaining tenant-based rental assistance, medical and grants totaling more than $1,533,669 in 2015 to assist those living with HIV/AIDS. Coordination of service efforts are handled informally, given the number of units available.

It is difficult to assess the suitability for occupancy of the homes in the Henderson housing market for elderly and disabled families, families with children and other categories of need. While the Housing Authority of Henderson does designate a number of units for these groups, the units are constantly filled. The need must therefore be addressed on the private market and no reliable figures exist to determine the inventory of units appropriate to each special need category.

(e) Barriers to Affordable Housing

It does not appear that there are existing structural impediments within the City of Henderson to the development of new rental housing except special needs group housing and those who are rent burden. The City has seen extensive development of rental housing subsidized to be affordable to low-income families. The City of Henderson has worked with the developers of these projects to facilitate the construction of these complexes.

Impediments to new home ownership seem to lie primarily in the thrust of private developers to address the higher-end price range of this market as well as aging housing for those with disabilities. Very limited new home construction under the $85,000 price range is
taking place in the City of Henderson with the exception of homes built utilizing CDBG and HOME funds due to homes being built upon the existing lot and homeowners are not having to incur cost to purchase land. Contact with local realtors within the City indicates that existing homes placed on the market sell within a very short period of time. There appears to be a great demand for this housing, a demand which is not presently being addressed. Other issues is the need for the rehabilitation of older housing stock due older population needing accessible means within their homes.

Relevant Public Policies

A review of relevant public policies affecting development of affordable housing, including tax policies, land use controls, building codes, fees, etc., does not reveal any particular policy serving as a major impediment. The low cost option of mobile homes is restricted by the City’s zoning ordinance to mobile home courts and/or areas having existing single-lot mobile homes. In spite of this, mobile homes constitute 9% of the City’s housing stock. The majority of requests to place mobile homes on individual lots in the City in recent years have been approved.

(f) Analysis of Impediments to Fair Housing

The City of Henderson updated its “Analysis of Impediments to Fair Housing” in June 2017. The analysis was unable to determine if the City's concentration of minorities in three census tracts was the result of social and economic factors or the consequence of conscious policies in lending, zoning, etc. The report did note that the majority of recipients of assistance from the Community Development Block Grant program were minorities based on information provided to the preparer of the report. This trend has continued through the 2000's. Fifty-one percent (51%) of persons benefiting from the Community Development Block Grant and HOME program funded activities in program years 2016 through 2019 were minorities, considering minorities only comprise 10% of the city’s population. The report noted that racial disparity in residency within the City has noticeably improved. The City, as well as other public entities, has pursued funding for improving blight housing and communities, in order
to increase housing opportunities for individuals with limited resources. Also stated was that the low-income dominated region of Henderson continues to be tracts 201-205 which is the targeted area for services through the CDGB, HOME, and Neighborhood Stabilization programs.

Per the report, great strides have been made to overcome impediments identified in earlier studies in Henderson, Kentucky, however, as in any community there remains impediments to Fair Housing and Fair Housing Choice. The following impediments were identified for the City: 1) affordable decent housing in low-income tracts declining; 2) housing opportunities limited for low-income individuals with special needs; 3) fair housing training; and 4) lack of knowledge of financing programs to increase housing choice. Each listed impediment is supported by a recommendation in the "Analysis of Impediments". The City of Henderson will continue to address housing impediments with available funds through its administered Community Development Block Grant and HOME programs. Other outside agencies will also continue to assist housing needs with their available funding resources (the Housing Authority of Henderson, Matthew 25, The Housing Foundation, Habitat for Humanity, WARM - Women’s Addiction Recovery Center, City’s Human Rights Commission, and Green River Area Development District).

The City’s Community Development Block Grant public service funds (15% of grant allocation) are currently funding the Shelter for Women and Children and Police Department. These two funded subrecipients assist racial/ethnic minorities and persons with disabilities. Below is a list of other agencies within the City that also serve racial/ethnic minorities and persons with disabilities.

Agencies

American Red Cross, The Answer Center, Audubon Area Community Services, Autism Society of Henderson, Cabinet for Workforce Development, Methodist Hospital HOME Health Agency, Methodist Hospital New Choice Center, Methodist Hospital Primary Care Center, Henderson County Health

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The Henderson Human Rights Commission reports a total of 184 complaints in 2016-2020 compared to 104 complaints from 2011-2015 in discrimination in housing. The resulting average of 36.8 complaints per year is virtually lower than the 20.8 annual complaints experienced in the prior 5-year period. While the actual number of complaints is not high relative to population, the continuation of the annual average is of concern. Only two complaints during the five years were forwarded to the Kentucky Human Rights Commission and all other lacked sufficient data to pursue allegations. The Henderson Human Rights Commission did not have data on the resolution of the four complaints.

In 2019-2020, the City of Henderson Human Rights Commission received 45 housing inquiries consisting of the following: 1 for sexual harassment, 1 Americans With Disability Act, 4 race, 1 poor conditions, 38 other landlord/tenant issues involving regulations and other housing questions such as rental, cost, eviction, etc. None of the 45 inquiries were related to housing discrimination and therefore the Commission found no probable cause to pursue any of the 45 inquiries.

The Henderson Human Rights Commission annually sponsors a workshop for lenders, landlords, and other interested persons on national, state, and local fair housing laws. Printed material on fair housing is distributed to local bank, realty offices, etc. No on-site testing of discrimination in the rental or sale of housing in Henderson.
has taken place.

It continues to be difficult to discern clear evidence of on-going discrimination in housing in Henderson. Without better data from field testing and/or other sources, the current evidence does not establish clear patterns of discrimination.
CHAPTER 4

Strategic Plan

(a) General

During past years, the City of Henderson has, through its Community Development Block Grant program, worked to upgrade the housing stock of the City and address significant infrastructure deficiencies in low-income neighborhoods. It is the City's long-term (5 year) strategy to continue this effort through a combination of activities. Housing rehabilitation activities and basic "quality of life" issues, principally neighborhood safety, are recognized as essential to a "holistic" approach to addressing the community's problems of livability. Previous efforts to address these problems will continue. It is acknowledged that the impact of this long-term strategy is necessarily limited due to the relatively small amount of federal funds available to the City ($255,832 for 2020-2021).

(b) Affordable Housing

The City of Henderson's priority housing needs are reflected on the "Priority Needs Summary Table" Appendix B. Small renter families, elderly renter households, and owner households in the categories of cost burdens greater than 30% and 50% were selected as the "high" need categories for the City. This determination was based on 2010 Census data, which revealed large numbers of families exhibiting housing need in these categories. It is the City's long-term (5-year) strategic objective to address these needs through the following activities:

- Increase the supply of standard housing units through acquisition and/or rehabilitation of existing housing units;

- Provide rental assistance to alleviate rental cost burden
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experienced by very low-income families and individuals;

☐ ensure no net loss in the City's assisted housing inventory;

☐ address the needs of homeless individuals and families and prevent low-income individuals and families with children from becoming homeless.

The City of Henderson will continue its existing housing rehabilitation program for owner-occupied structures through its Community Development Block Grant-Entitlement Program. The program, though operated on a citywide basis, has principally addressed low-income, minority neighborhoods in census tracts 201, 202, 203, 204, 205.1. In addition, the City has successfully pursued discretionary HOME funds provided through the Kentucky Housing Corporation, which have been utilized for low-income, owner-occupied housing rehabilitation citywide. The City of Henderson estimates that four of ten (39.9%) of the City's rental housing units and two of ten (19.9%) of the City's owner housing units are substandard. This very large inventory is reflected in the very large numbers of very low-income households within the City experiencing housing problems (63.8% of the zero to thirty percent MFI and 48.6% of the thirty-one to fifty percent MFI). The rehabilitation of these units, including such activities as installation of new heating systems, weatherization, etc., will not only address the physical housing needs of the families residing in the units but will decrease their overall housing costs through a reduction in expenses. The City's five-year strategic goal in housing rehabilitation will be to address 5 new housing units and approximately 30 exterior repair homes pending the availability of Kentucky Changers. This will hopefully be achieved through continuous efforts to secure HOME grants and funding of our CDBG program. The City received a HOME GAP Reconstruction grant of $64,000 in 2016 which was combined with CDBG funds to address two dilapidated housing structures occupied by low-income homeowners.

The City of Henderson's Housing Authority will continue to operate its 430 units of public housing and its 738 Housing Choice Voucher Program in an attempt to address the cost burden of low-income
renter families and individuals. The City's five-year strategic goal in
the provision of rental housing assistance will be to maintain existing
assisted housing units. As previously discussed above, large
numbers of renter families in the very low-income category
experience housing problems. Most of these carry cost burdens in
excess of 30% of their adjusted income (67% of VLI-zero to thirty
percent MFI and 61.3% of VLI-thirty-one to fifty percent MFI). It is
essential that the inventory of subsidized housing within the City be
maintained in an effort to address this problem. The principal
characteristics of Henderson's housing market influencing the use of
funds made available for housing assistance are the large numbers of
rental (39.9% of all rental units) and owner (19.9% of all owner units)
units considered substandard (herein defined as exhibiting one or
more "major" code violations). The scarcity of "low-cost" standard
homeowner options, as previously discussed, frequently limits low-
income families to substandard units as their only affordable housing
option.

(c) Homelessness

The City of Henderson's priority homeless needs are reflected on the
"Priority Needs Summary Table" Appendix B. The categories of
emergency and transitional shelter for families and permanent
supportive housing and permanent housing for persons with special
needs were selected as "high" need based on analysis of 2010 Census
data and discussions with social service providers.

The City of Henderson has an estimated 115 homeless individuals,
which consists of 89 individuals not in families and 14 families, at
any one given time in the Community. Homeless services are only
offered on a limited basis, with the majority of homeless shelters
being located 35 miles to the east. Funding to expand such services
within the City will be pursued. Existing programs and efforts to
provide rental and/or utility assistance to low-income families
threatened with homelessness will be continued.

Homeless Coalition meetings are continuing to development future
plans for Emergency Shelter Grant funding will be pursued in the
future in an effort to supplement existing services. It is the strategy of
the City to prevent low-income families from becoming homeless through the provision of housing rehabilitation activities for both owner and renter low-income families.

(d) Special Needs Housing

As previously discussed, data specific to the non homeless special needs' population has been derived from application of national standards to the City of Henderson's population numbers. Accordingly, the information which is provided is of limited usefulness. It is anticipated that significant need exists for supportive housing in the categories of elderly and persons with disabilities, again derived from the overall numbers developed through the aforementioned process. At present, there are limited services available within the City of Henderson. The current rise in the number of people using methamphetamine, along with the manufacturing of this popular choice of drug, is highly prevalent in Henderson County and has created a special need for drug rehabilitation assistance and law enforcement.

(e) Nonhousing Community Development Plan

The City of Henderson's long-term objective is to facilitate the provision of a suitable living environment for its low-income citizens. The short-term objectives to achieve this goal include enhanced police protection in low-income neighborhoods experiencing high crime and provision of infrastructure improvements in conjunction with housing activities. The recent successes experienced by the City in the recruitment of low-skill entry level job creation has addressed the needs for low-income job creation. Community Development funds are not required in the area of economic development.

(f) Barriers to Affordable Housing

A review of the City of Henderson's policies affecting the affordability of housing, including tax policies, zoning, building codes, etc. did not reveal any policies posing particular barriers to the development of housing affordable to low-income families.
Accordingly, no actions to address barriers are required.

(g) Anti-Poverty Strategy

The City of Henderson will continue to pursue a two-pronged approach to the reduction in the numbers of persons living in poverty.

The first of these is a continuation of the on-going effort to stimulate economic development within the community. Previous employer recruitment efforts by the City and County, combined with a surging national economy, have resulted in a condition, as described by industrial recruitment and job placement specialists, of full-employment. Any Henderson resident seeking employment will find it. Whether that job will pay a "living wage" is another issue however. Several of the largest employers in Henderson pay wages barely above minimum wage. With the National Low-Income Housing Coalition estimating that an hourly wage of $17.90 is required for a Henderson family to afford fair market rent of $788.00 on a two-bedroom apartment, many working families are either cost burdened or must rent cheaper, less desirable housing. In recognition of this situation, it has recently become the goal of the City's economic development personnel to only recruit higher wage employers.

The second area of activity will include pursuing all identified public assistance programs which can be utilized to supplement incomes and/or living conditions of persons living in poverty within the City of Henderson.

These combinations of programs are expected to offer opportunities for a significant reduction in the numbers of persons living in poverty.

(h) Institutional Structure for the Plan

The City of Henderson's efforts to address the housing needs of its citizens will be carried out primarily through the City's Community Development Department (a municipal agency), the Henderson
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Housing Authority (a City/County public agency), Matthew 25, Shelter for Women and Children, Harbor House, the Audubon Area Community Services Inc. (a CAP agency), the Salvation Army (a non-profit agency), and other social service providers (non-profit, churches). The City's Community Development Department is responsible for managing the Community Development Block Grant-Entitlement Program and the HOME program. The Housing Authority, which operates as a semi-autonomous agency (with its own Board of Directors) administers the City's public housing program and the Section-8 certificate/voucher program and homebuyer program. The Audubon Area Community Services Inc. manages various energy assistance and the homeless assistance programs. The Salvation Army, Henderson Christian Community Outreach and other social service providers provide non-governmental funded assistance programs for utility payment, short-term housing, food, etc. These organizations are complementary in function in their efforts to implement the City's housing strategy.

This system, due to the relatively small size of Henderson, appears to be adequate in the provision of services in the area of housing and community development. One area of institutional deficiency has been the lack of a local agency to provide Henderson based emergency shelter facilities. To address this need, the City of Henderson has worked to facilitate the efforts of the Shelter for Women and Children, Inc.

(i) Coordination with Other Agencies

The City of Henderson will continue its ongoing efforts to facilitate communication between all service providers in the area of housing assistance to low-income persons within the community. Because of the relatively small nature of the community and the limited number of service providers, such coordination and communication has been and will continue to be of an informal nature.

Regular communication is maintained with agencies of the State of Kentucky providing housing and community development services, principally the Kentucky Housing Corporation and the Kentucky Department of Local Government. These agencies keep the City
advised of any funding opportunities available in these areas (i.e. HOME).

(j) Public Housing Authority

Incorporated by reference only is the Housing Agency Plan of the Housing Authority of Henderson, 2020-2024 (see tables in Appendix D). This document provides information on the Housing Authority's organization structure, management policies, supplemental services, Comprehensive Plan activities, and other relevant information. The Housing Authority of Henderson has been recognized by the U.S. Department of Housing and Urban Development as a "high performer" following an extensive evaluation into both operations and physical facilities.

(k) Neighborhood Revitalization Strategy

The City of Henderson has opted to not pursue a neighborhood revitalization strategy program at this time.

(l) Public Services

The City of Henderson has provided Community Development Block Grant funding for supplemental police services in low-income neighborhoods from the public services line-item. This program will be continued. Additionally funding from this line-item has also been utilized to assist the City's senior citizen center, The Gathering Place, in providing meals and cooking instructions for elderly Henderson residents, and within the last year providing a small amount of funds to local Father Bradley Shelter for Women and Children for supportive services consisting of the following: 1) job readiness to teach skills to gain competitive employment, 2) placement assistance for both housing and employment, and 3) family support to teach families alternatives to social problems and how to work together as a functioning family unit. The City has also amended its 2019 Action Plan to include tenant rental assistance payable to landlords for tenant who have loss income due to the COVID-19 pandemic under the CARES Act funding provided to Entitlements.
(m) Infrastructure Related Activities

The City of Henderson will continue its policy of utilizing Community Development Block Grant funds for infrastructure activities in low-income neighborhoods. Past activities have included improvements at the community center serving the City's low-income and minority community (the John F. Kennedy Community Center), street and drainage improvements (Vine Street, Alves/Plum, Kimmel Park/North Adams, and Dr. Martin Luther King), sidewalk installation, neighborhood park improvements, water and sewer line upgrades, etc. The City will continue to explore opportunities to assist in the development of transitional and permanent shelter for the homeless in Henderson.

(n) Performance Standards

The City of Henderson, in the forthcoming five years, will attempt to accomplish the following activities:

- Rehabilitate/Reconstruct approximately 5 low-income owner-occupied homes;
- Provide infrastructure improvements in low-income areas of the city and continue providing safe pedestrian passage for children located in these area that surround nearby schools;
- Minor exterior rehabilitation of approximately 25-30 low-income owner-occupied homes pending availability of the Kentucky Changers through CDBG and other federal grants;

- Improve recreational opportunities for low-income children by:
  1. improving neighborhood parks serving low-income families;
  2. continued improvement at the John F. Kennedy Community Center to accommodate increased activity.
Continued public services

(1) Enhanced Police Patrol improving relations with community;
(2) Funding for eligible CDBG activities to agencies providing a new or improved services
CHAPTER 5

Action Plan

(a) Resources

FEDERAL PROGRAMS

The City of Henderson and its public agencies have actively pursued the following federal programs:

Community Development Block Grant (C.D.B.G.) The City of Henderson is a C.D.B.G. entitlement city and will receive approximately, in F.Y. 20-21, $255,822.00 from the U.S. Department of Housing and Urban Development.

The 2020 annual CDBG allocation of $255,832.00, combined with approximately $265,779.53 in 2019 CDBG rollover funds will be committed to undertake continued housing reconstruction, minor exterior rehabilitation through tentative KY Changers Program since World Changers has been dissolved due to COVID-19 and administrative changes at LifeWay, temporary relocation, neighborhood redevelopment, continued public facility improvements, infrastructure improvements, and continued public services (Police and Father Bradley Shelter for Women and Children).

Larger scale projects include Phase I of the Sand Lane sidewalk improvement which was completed January 2012. Phase II (Commonwealth to Woodland Drive) was approximately $185,100, with funding from a Safe Routes to School grant written in July 2011, awarded in 2014 and project undertaken in 2015. Final phase of Sand Lane to complete was let to bid January 2018 and completed in August 2018 with a final cost of $262,595.00, combination of CDBG and general fund monies. Due to limited funding sources and involvement with other federal agencies, this project was on-going for several years with a benefit that is awarding to the City for its installation in a heavily utilized area near multifamily/single-family homes, two public schools, grocery store and Goodwill, and industrial/recreational park in the East End.
Above - rotted floors, roof system near collapsing, molded interior walls crumbling.
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CDBG/HOME
Complete

UNDER
CONSTRUCTION

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2018 World Changers

World Changers - Accessible Ramp
Police Dept lending a helping hand

World Changers building

Sand Lane Sidewalk Project – Phase I, Phase II, Phase III, and D2
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COMPLETE PROJECT

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Sand Lane Sidewalks – Phase I, II, and III located in census tracts 206.02 BG1 (64% LMI) benefiting low- to moderate-area. The project entailed approximately 6' of 925 l.f. of public sidewalk from Fair Ground Lane to Woodland Drive. City has continued this project in multi-phases in order to connect the sidewalk to a main thoroughfare known as Green Street. This project allows for the safe pedestrian passage of adults and school children living in low- to moderate-income neighborhoods. The project site is located on Sand Lane, one block from an apartment complex of the Housing Authority of Henderson, adjacent to a well-utilized soccer and ball field facility (William L. Newman Park) and local elementary and middle school, along with the highly utilized community center, John F. Kennedy Community Center. Sidewalk installation will continue to promote healthy lifestyles by individuals utilizing the walkway as well as reduce greenhouse gas emissions from reducing the number of vehicles off the road for those wanting to walk/ride bicycles/motorized wheelchairs to the store, community center, schools, and non-profit stores such as the Goodwill.

Cost for construction for Phase I $157,790 (completed in 2012)
Cost for Phase II & III $185,100 (completed 2015)
Cost for Phase IV D2 $208,147 (completed spring 2018)
Final Phase IV D2 approximate cost $ 54,448 (completed fall 2018)

Outcome: Availability/Accessibility
Objective: Suitable Living Environment
Matrix Code: 03L
Accomplishment: 01 People
HOME

Prior HOME applications have been successful but the latest funding was from a 2016 award. The City received an award of $80,000 in November for a HOME GAP grant from Kentucky Housing Corporation to undertake additional housing reconstruction for eligible homeowners earning up to 60% of HUD income guidelines which is currently in the initial stages with homeowners being identified. Prior funds include FOCUS grant with four new homes built adding to the City’s supply of decent, safe, and affordable housing units along removing dilapidated structures and strengthening neighborhoods. The City applied for a HOME grant (January 2014) in the amount of $264,000 to undertake additional homes for new housing which was not funded but will continue to seek GAP HOME funds as long as those funds remain available. The Community Development Department maintains a waiting list of approximately 85+ homeowners needing some type of housing assistance with approximately 20 plus eligible homeowners needing new housing. The City has removed 49 dilapidated structures and built 49 new single family homes placing homeowners in decent, safe, sanitary homes over the last 27 years, along with rehabilitation of 341 in the City with CDBG/HOME finds.
PHA/Section 8

The City of Henderson’s Housing Authority anticipates to receive $7,040,609 in operating funds/rental subsidy assistance for the provisions of its renter-family programs with net assets in 2019 in the amount of $9,763,914.

The Housing Authority of Henderson received a grant from the Department of Local Government in the amount of $1,606,019.00 in Neighborhood Stabilization Program (NSP) funds to be utilized for the construction of approximately 9 multi-family units in 2009. Six 2-bedroom units were completed utilizing Green Building methods (April 2011), along with purchase and rehab of 6 foreclosed and one blighted property and construction of 3 single family dwellings. The Housing Authority continues to offer down payment/homebuyer assistance through its Housing Choice Voucher program for a home built with NSP funds administered through the Green River Area Development District at 1129 Washington Street.
In addition to FY 2012, The Housing Authority of Henderson was notified of additional grant awards from the Department of Local Government in the amount of $931,508 in Neighborhood Stabilization Program (NSP) funds to be utilized for the construction of approximately completion of two 2 bedroom duplexes and one single family home utilizing Green Building control methods (Huffman Square).
The City of Henderson’s Housing Authority will continue to operate its 430 units of public housing and its Housing Choice Voucher Program (738 housing vouchers) in an attempt to address the cost burden of low-income renter families and individuals. Any opportunities for expansion of these subsidies will be pursued.

Housing Authority will continue constructing more housing units as land is acquired and/or donated by the City of Henderson. Homes at 303 and 305 Fagan Street were completed in 2006 (see pictures below).
Four duplexes utilizing low-income tax credits were constructed on the corner of Dr. Martin Luther King Boulevard and Alvasia Streets. It has also implemented a HUD Section 8 Homeownership program. It also recently purchased a foreclosed property on 440 and 444 Gabe Street, 409 Fagan Street, 724 and 803 Clay Streets, etc. for future development. Housing Authority of Henderson’s Building Dreams on a Solid Foundation Program, has been created specifically to offer the most effective techniques for achieving homeownership among low income families.

The Housing Authority completed two duplexes with NSP funds at 417 and 421 Alvasia Street known as Huffman Square) with ribbon cutting on January 30, 2013. Housing Authority assisted the City with funding along with the CDBG program for sidewalk construction along Madison Street. The other CDBG acquired lot (700-702 Dr. Martin Luther King) houses the Cabell-Platt Medical Center offering free medical services by license physicians, assistants and nurses. A mobile Catch Program (Community Access to Child Healthcare) provides free medical assistance to those who qualify as low-income and need medical attention that may otherwise be turned away from other facilities and not receive proper medical treatment. The Catch Program is sponsored by Methodist Hospital now, and has been in operation for 13 years.

Housing Authority of Henderson continues to be a high performer as determined by the U.S. Department of Housing and Urban Development over the last 15 years with all its programs to help promote self-sufficiency, asset development, sustainability and homeownership.
NON-FEDERAL PUBLIC

State Programs

The City was awarded a Repair Affair grant fund in the amount of $12,000.00 (March 2011) by Kentucky Housing Corporation to supplement the City’s 2011 World Changers program to undertake 19 eligible low-income, owner-occupied homes for minor exterior rehabilitation.

The City of Henderson applied for a $63,000 AHTF grant administered by Kentucky Housing Corporation for a World Changers program to undertake 20 eligible low-income, owner-occupied homes to receive minor exterior rehabilitation, however the application was not funded due to lack of funds and number of applications submitted to Kentucky Housing Corporation. New legislation (HB 537) has been passed in Congress to restore the AHTF program and the City will continue pursuing AHTF from Kentucky Housing Corporation to fund low-income housing projects.

The City of Henderson applied for a $360,000.00 Neighborhood Stabilization Program (NSP) grant to acquire dilapidated/ foreclosed property for construction of new units for low-income persons; however, the application was not one of those accepted out of the 50 proposal totaling a request of $115 million from an allocated amount of $37 million in NSP funds.

Local Programs

A number of social service providers within the community, including the Salvation Army, St. Vincent dePaul Society, Henderson Christian Community Outreach, and local churches regularly provide some minor rehabilitation and/or financial assistance to applicants for short-term rent, utility payments, and overnight lodging. Funds are generated locally through donations, fund raising drives, etc.

Habitat for Humanity will continue building new homes in 2020-2021 for low-income eligible clients who qualify for assistance and make affordable mortgage payments. Habitat built two single-family homes in the City in 2018 and four more new construction in 2019-2020 adding housing to vacant in-fill lots.
PRIVATE RESOURCES

Community One, based out of Evansville, Indiana, had received funding from the City of Henderson in prior years to assist with improving homes with minor repairs in the East End corridor and promoting revitalization to the area. The City continues to work with several agencies including but not limited to Holy Name Church, Independence Bank, Habitat for Humanity, Henderson Christian Community Outreach, Salvation Army, Housing Authority of Henderson, and area churches as an additional outreach source.

Activities to be Undertaken

Low-Income Housing Rehabilitation

The City of Henderson reconstructed two homes with Community Development Block Grant and HOME Gap funds occupied by low-income residents with closeout in fall 2018, and will continue to construct three more homes in 2020-2021 with rollover funds due to COVID-19 pandemic putting a delay on activities, along with the minor exterior rehabilitation of approximately 5-10 homes with tentative 2021 KY Changers program. City of Henderson utilized Kentucky Changers in 2015 and received the highest ranking of all cities worked in over the year which was an honor. Green Valley Baptist Association had committed a 2020 summer project World Changers for the City pending registration of participants but this organization has since dissolved due to administration changes at LifeWay and the effects nationwide from COVID-19 pandemic.

HOME GAP grant funds will continue to be pursued for the construction of additional homes in 2020/2021 upon availability of funds. The City of Henderson’s efforts to adequately house both
the elderly and persons living below poverty has and will continue to principally take the form of low-income homeowner rehabilitation program such as those grants just recently awarded from Kentucky Housing Corporation. These programs will be supplemented as opportunities present themselves with additional programs such as Audubon Area’s weatherization program, Habitat for Humanity, etc. which the City will support and assist.

This activity will address the strategic goal of “increasing the supply of standard housing through … rehabilitation of existing housing units.”

The City of Henderson will generally support applications for funding during the coming year by other entities for the provision of similar services.

The City of Henderson now has a 40-unit apartment complex, Aislynn Village, on KY-425 completed in August 2007 funded with Affordable Housing Tax Credits. These units are affordable to those who are considered low-income. In May 2009, a $4,100,000.00 building permit was issued to Reece Homes for the construction of 50 additional two-bedroom units to the site.

A senior housing complex was completed on 501 Third Street (between Alves and Alvasia Streets), consisting of 34 one-bedroom units (2 story complex) for low-income elderly, along with a 4,000 s.f. gathering area.

In addition to senior living, Colonial Assisted Living currently has a 16 year-old building with 69 suites and 22 independent living apartments, a new facility was built on Adams Lane which includes 49,000 square feet with 51 slightly larger assisted living suites, offering a therapy gym and ice cream shop and other amenities making it a full-scale retirement village. Large portion of construction is complete with 8 duplexes currently underway.

The East End redevelopment area is continuing to see improvements with new construction underway of 49 unit senior apartments at the old Audubon School.

The City of Henderson had a total of 20 new housing units, combination of apartment/condo/duplex/triplex/mobile homes, permitted from June 30, 2019 to July 30, 2020, compared to 22 units permitted in 2019, approximately 10 % decrease from last year. Overall, there were 241 permits issued in 2020 compared to 205 last year, 2020 (18% increase) for all permits, but those included, commercial, new additions, remodels, accessory, signs, and demolitions.

In 2016, 49.2% homeownership rates decreased verses 51% in 2015 but this number has declined over the last couple of years from 54.9%. Henderson is below the national average of
63.6%.

Addressing Areas of Minority Concentration

The City has provided CDBG funds in areas of minority concentration for the expansion of the local John F. Kennedy Center, installation of playground equipment in W.C. Handy and Anthony Brooks Parks, installation of sidewalks on Alves/Plum Streets, bullet proof streetlights on Dr. Martin Luther King Boulevard, enhanced police patrols, housing reconstruction, and the reconstruction of Vine Street.

The highly utilized John F. Kennedy Community Center offers a wide range of daily activities for adults, adolescents, and children. Facility offers a learning center; fitness, including taekwondo and yoga classes; basketball court; recreation room, and offers art and craft classes, etc. administered by the City’s Parks Recreation Department.

Housing Authority of Henderson continues to develop new homes for tenants in Census Tract 204 which is accessible to transportation, health, and other community services.
Provision of Rental Assistance to Low-income Families and Individuals

The Henderson Housing Authority will continue to maintain its 430 units of public housing and administer its Housing Choice Voucher Program (738 housing vouchers) with an overall general operating budget of $9,763,914. Assistance will be available to low-income renter families. This activity will address the strategic goal of “providing rental assistance to alleviate rental cost burden experienced by very low-income families and individuals. Housing Authority has many programs to assist low-income families and individuals such as their Big Brothers Big Sisters satellite office, free tax services, family resource library, certification classes for CNA, Welding and coal mining, and its community and technology center to help prevent drug use, offer after school programs and employment skill classes.

Provision of Homeless Services

The City of Henderson will continue to support local non-profit agencies efforts to secure funding for provision of a homeless service within the City in the forthcoming 12 months. The Father Bradley Shelter for Women and Children, Harbor House, Audubon Area Community Service Inc., and Henderson Christian Community Outreach will continue to assist with services available to persons at risk or presently homeless, as will local social service providers such as the Salvation Army, St. Vincent DePaul, etc. The Salvation Army provided rental assistance to 430 households, 19 prescription/medial, 983 utility assist, and one person with transportation for
medical, and served approximately 35,948 meals in 2019, along with 2,449 food baskets. The Gathering Place (meals-on-wheels program through Green River Area Development District) also served approximately 25,000 hot meals along with 13,000 at the facility last year but those number have drastically changed this year due to COVID-19, approximately 50,000 meals will be delivered this year.

This activity will fulfill the strategic goal of “addressing the needs of homeless individuals and families and prevent low-income individuals and families with children from becoming homeless.”

The City of Henderson will generally support applications for funding during the coming year by other entities for the provision of similar services. The City will continue to support transitional and permanent supportive housing. Without this support, homeless individuals/families may never, because of the level of a disability, be able to achieve self-sufficiency or residential stability.

Provision of Elderly, Person with Disabilities, and/or Substance Abuse Problems

There are several non-profit agencies within the City of Henderson, however, most outreach is completed through the Evansville/Owensboro metro area. Citizens in Henderson usually contact the local Volunteer and Information Center for referrals to appropriate agencies. Several emergency hotlines are available to assist those with substance abuse problems/rape/mental illness and/or physical abuse.

The City of Henderson was awarded funds from the Kentucky Governor’s Office of Local Development, Kentucky Housing Corporation HOME and AHTF, Federal Home Loan Bank of Cincinnati, and Boston Capital Corporation to construct a 33,797 s.f. building with 100 beds to assist women suffering from substance abuse. Projected cost is to be around $4,284,851.00. A groundbreaking ceremony was held on April 12, 2006 with Governor Ernie Fletcher attending along with a many important people who made W.A.R.M. (Women’s Addiction Recovery Manor) possible from a sundry of offices from Henderson to Washington, D.C. This new facility is under operation and currently at capacity with a waiting list. A ribbon cutting ceremony took place on Monday, August 2007 and was well attended. There are four phases ("SOS" Safe-Off-Street, Motivational Tract, Phase I, and Phase II) of recovery that have to be followed in order to leave the facility. A building permit was requested on June 30, 2009 for the construction of 32 units for transitional housing at the facility which is has been completed and stays at full capacity. In 2015 funding was approved from Kentucky Housing Corporation for an additional 4 structures of 32 units to be built and a community room. Construction has been
completed and currently has a waiting list.

(b) Geographic Distribution

The City of Henderson will continue to undertake CDBG and HOME funded housing rehabilitation on a citywide basis. A review of past rehab activities reveals virtually all of the homes being addressed were in Census Tracts 201, 202, 203, 205.1 and 206.2. All areas having a majority of low-income residents. It is expected this placement will continue. The city is currently the 12th largest city in the State of Kentucky, however, it has lost several positions over the years to Richmond, Florence, Nicholasville, and Georgetown based on 2014 Census data.

The 2009-2013 “American Community Survey” US Census identified 12,268 housing units with 7,073 being owner-occupied housing units within the City of Henderson. The City’s Codes Department estimated, in the City’s 2015-2019 Consolidated Plan, that 10% of these units were substandard – a total of 707 housing units. The City’s 2007-2011 CHAS report: “Severe Housing Problems Output for all Households” shows 1840 or 14.8% of the City’s total housing units of 12,365 units exhibit housing problems, with approximately 3,680 occupied by low-income homeowners. As such, the need for rehabilitation continues to exist for low-income eligible homeowners.
Based on 2009-2013 “American Community Survey”, there are 6,093 individuals or 23% of the population living below poverty in the City. Hispanic population consists of 586 and of that 101 or 17.2% living below poverty within the City.

(d) Homeless and Other Special Needs Activities

There are no transitional housing facilities available in Henderson but are available in metro areas of Evansville/Owensboro. The City of Henderson has an estimated 20 to 120 individuals/families homeless at any given time in the community.

A “Point in Time Count” was conducted on January 29, 2020 by several non-profit/profit agencies along with the Community Development Department with volunteers from these agencies. It was facilitated by City of Henderson’s Emergency Management office, Mr. Kenny Garrett, and Henderson Community Christian Outreach, to collect data to be submitted to Kentucky Housing Corporation. Those numbers have not been released but during the field investigation study on this cold night, investigators found 2 people were considered homeless without shelter. In the official 2019 K-Count identified, there were 35 individuals compared to 28 in 2018 on a given day. Of the 2019 total, 32 of those 35 being temporarily sheltered. Of the three (3) unsheltered, one was considered chronically homeless veteran. There is currently a Homeless Coalition working to help identify needs of the community and bring a program to facilitate the end to homelessness in Henderson, Kentucky.

The Shelter for Women and Children can accommodate up to a total 22 women and their children at any given time. The facility has five bedrooms (11 bunkbeds, 1 baby crib and 1 toddler bed), a community living room, play room, kitchen and lounge. Most women are able to leave the facility within 3 months; however, there are some exceptions. Last year there were approximately 199 women and children utilizing the Father Bradley Shelter for Women and Children, an increase of 80% from 110 last year. The Shelter tries to follow some of the women they have assisted once they leave the facility with some coming back to donate their services and there are others who are unable to be reached once they leave. The Shelter provides numerous self-sufficiency programs from self-esteem building, job readiness, money management, family planning, violence protection, and provides incentives for savings “Shelter Bucks” which dollars are earned for good...
behavior. The provision of such services within the community is needed to address this problem.

In addition, existing programs and efforts to provide rental and/or utility assistance to low-income families threatened with homelessness should be continued and strengthened. Specific activities in the forthcoming year to prevent low-income families from becoming homeless include Community Development Block Grant and HOME funded housing rehabilitation/reconstruction programs. The Community Development Department staff will continue assisting homeless service providers in securing funding for increased services within the City. Women and children who are victims of domestic violence are evaluated and either held at Father Bradley until they can be transferred to nearest shelter, Oasis Women's Shelter located 40 minutes away in Owensboro, Kentucky which can assist with "Rapid Re-Housing vouchers" or emergency vouchers for accommodations. There is also Holly's House in Evansville, IN where women and children can seek shelter for domestic violence. Homeless families needing shelter are refereed to local Daniel Patino Shelter in Owensboro, KY.
Matthew 25

The provision of funds to help those living with the HIV/AIDS disease is needed. There are approximately 600 known cases in the surrounding area up from last year (2019), growing 18.5% this year and high number of cases in Union County, with approximately 140+ being in Henderson County, the youngest being 13 and the oldest being 76. Sixty-five (65) new cases were diagnosed in 2018 but on a positive note one baby was born to HIV mother was negative. There has been an increase in injection drug use (Opioids and Heroin) as their risk factor. Continuous funding is being sought through HOPWA and federal HOME grants which are managed by the City’s local non-profit Matthew 25 organization. This non-profit organization was created in 1996 by a group of concerned residents of the Henderson/Evansville area who had been personally affected by the HIV/AIDS virus and wanted to provide education and prevention services to the area. In December 2002, Matthew 25 moved to a larger clinical site and moved again in 2008 to help with the growing epidemic in the area. (see Data USA map). Matthew 25 recently constructed a $750,000.00 addition to its facility off US 60 West (452 Old Corydon Road) to accommodate those affected by HIV/Aids.

Due the economic impact of COVID-19, Matthew 25 received CARES Act (Coronavirus Aid, Relief and Economic Security Act) funding in 2020 of $177,162.00 and will utilize those funds for telehealth equipment, computer supplies, patient portal specialists, care baskets, etc.
Matthew 25 has been successful in receiving financial assistance through federal, state and foundation grants. A prior foundation grant was utilized for the purchase of a van to assist with client transportation. Most of the large grants will be renewed and continued for four to five years.

In 2012-2013 program year, Matthew 25 received $401,396 HIV/Care Coordination, $110,000 Centers for Disease Control, $420,000 Ryan White, $156,767 HOME and $75,422 HOPWA are to provide temporary housing and medical assistance for those suffering from the HIV/AIDS. Foundation grants have also been received from MAC AIDS and Broadway cares for food pantry support. Matthew 25 is still working the Housing Authority of Henderson to possibly construct a couple of duplexes for those with HIV/AIDS, however this is subject to funding from both agencies.

A 2017 HOME grant was awarded for Tenant Based Rental Assistance in the amount $125,261 to assist individuals with housing (14 units) serving 11 counties. This award is for two years. Permanent housing is becoming harder
for those who have a criminal history and cannot find any place to go from transitional housing within two years of being assisted from Matthew 25. The Housing Authority cannot assist those who have a criminal history making homelessness an issue for those being released from the County’s detention center.

HIV/AIDS is becoming more prevalent in this area and Matthew 25 continues to see a steady increase affecting African American women and particularly young people ages 18-24, middle age and seniors who are heterosexuals due erectile dysfunction drugs and internet dating. HIV/AIDS is still prevalent with men having sex with other men (MSM).

(e) Other Actions

Public Policies

- The City of Henderson does not propose any actions in the forthcoming year to change its public policies, as no policies were found to be detrimental to the provision of affordable housing.

Institutional Structure

- The City of Henderson does not propose to take any actions in its present institutional structure in the forthcoming year.

Public Housing

- The City of Henderson will continue to support the activities of its “high performing” Housing Authority. The City will continue the process of increased communication and coordination of programs. The PHA is addressing public housing improvements through remodernization of units, self-sufficiency and educational services, drug awareness programs, youth programs, etc. (See attached Resident Notes newsletter, Appendix D). It also has a Section 8 Homeownership program, Housing Choice Voucher Program. Housing Authority of Henderson’s Building Dreams on a Solid Foundation Program, has been created specifically to offer the most effective techniques for achieving homeownership among low income families.
Lead-Based Paint Hazard Reduction

- The City of Henderson will incorporate the new lead-based paint regulations into all housing rehabilitation activities which went into effect September 15, 2000. All training notifications relating to lead-based paint are submitted to all qualified CDBG contractors. In addition, the City of Evansville has agreed to make available to the City of Henderson their certified staff and certified contractors. Two staff members are certified in Lead Based Paint new renovation, repair and painting rules issued by US Environmental Protection Agency. The City will continue to add new housing stock reducing lead-based paint in the community.

Affirmatively Furthering Fair Housing

- The City of Henderson adopted a Proclamation designating April 2019 as Fair Housing month and the City organized a poster contest in 2012 with primary grades and presented winners with certificated and awards banquet. The following were in attendance: student winners and parents/guardians, Human Relations Executive Director, Community Development staff, Henderson County School System staff, Mayor and County Judge/Executive awarding certificates. The local newspaper, the Gleaner, was there to take pictures of the winners. All 15 winning posters were posted on the City of Henderson web site and all posters posted in the lobby of the Henderson Municipal Building.

- Community Development Department staff continues to attend Fair Housing training with latest in April 2018 and obtained Certificate of Achievement. The Human Relations and Community Development will continue to promote events for Fair Housing month.
• The Community Development Department and the Human Relations Commission sponsored a “Fair Housing Workshop” luncheon on April 25, 2019 presented by Mary Ann Taylor of Kentucky Commission on Human Rights of Louisville, Kentucky. Mary Ann Taylor discussed topics ranging from Fair Housing complaints, disability, discrimination, laws, protected classes, violations, and sexual harassment with over 30 plus attendees. The session scheduled for April 2020 had to be canceled due to Executive Orders issued by Governor and local government regulations to protect safety of all our citizens.

FAIR HOUSING WORKSHOP, APRIL 25, 2019
The Human Relations Commission received 45 housing inquiries, down 7 from 2019. One (1) was disability and 44 other were landlord/tenant/national origin issues but when they were reviewed by the local office no substantial evidence was found to forward the cases to the Louisville Commission on Human Relations. Thirty-eight (38) were a variety of other housing questions related to public accommodation such as race, rental, disability, cost, sexual harassment, eviction, poor conditions, etc. and did not require action as Commission found no probable cause to pursue, 35% (25) complaints received by the office are employment related. The City’s Human Relations Director continues to state that it continues to be difficult to discern clear evidence of on-going discrimination in housing and without better data from field testing and/or other resources, the current evidence does not establish clear patterns of discrimination.

(f) Program-Specific Activities to be Undertaken

- $265,779.53 rollover and CDBG funds of approximately $135,333.80 will be utilized for rehabilitation/reconstruction and temporary relocation. The City will undertake approximately three CDBG housing reconstructions for low-income, owner-occupied families living in dilapidated structures within the City, along with exterior repair of approximately 5-10 homes with tentative KY Changers. The areas to be
address will be scattered site and reconstruction. Allocation will be approximately 53%.

Outcome: Availability/Accessibility
Objective: Decent Housing
Matrix Code: 14A
Accomplishment: 04 Households

- $2,500.00 temporary relocation for homeowners voluntarily displaced from their homes.

Outcome: Availability/Accessibility
Objective: Decent Housing
Matrix Code: 08
Accomplishment: 04 Households

- $30,957.00 to provide sidewalks in low-income census tracts for pedestrians promoting healthier lifestyles and providing safe passageway.

Outcome: Availability/Accessibility
Objective: Suitable Living Environment
Matrix Code: 03A
Accomplishment: 01 People

- $30,874.80 to provide enhanced police protection in areas of concentration of low- and moderate-income families particularly focusing on census tracts 201, 202, 203, 204, 205.1, and 206.02 BG1. This includes foot, bicycle, and vehicle patrols. Allocation will be approximately 12%.

Outcome: Sustainability
Objective: Suitable Living Environment
Matrix Code: 05I
Accomplishment: 01 People
$7,500.00 to provide operational funds to local Father Bradley Shelter for Women and Children in census tract 206.01. Allocation of will be approximately 3%.

Outcome: Availability/Accessibility
Objective: Suitable Living Environment
Matrix Code: 03T
Accomplishment: 01 People

Planning and Administration of $51,166.40 will be approximately 20% of the City’s allocated amount of $255,832.00.

Matrix Code: 21A

Chronic Homelessness

A “Point in Time Count” was conducted on January 29, 2020 by several non-profit/profit agencies along with the Community Development Department with volunteers from these agencies. It was facilitated by City of Henderson’s Emergency Management office, Mr. Kenny Garrett, and Henderson Community Christian Outreach, to collect data to be submitted to Kentucky Housing Corporation. Those numbers have not been released but during the field investigation study on this cold night, investigators found 2 people were considered homeless without shelter. In the official 2019 K-Count identified, there were 35 individuals compared to 28 in 2018 on a given day. Of the 2019 total, 32 of those 35 being temporarily sheltered in some capacity. Of the three (3) unsheltered, one was considered chronically homeless veteran (person who has been continuously homeless for a year or more). There is currently a Homeless Coalition working to help identify needs of the community and bring a program to facilitate the end to homelessness in Henderson, Kentucky.

The City will attend upcoming conferences on how to plan and prepare to end chronic homelessness. Kentucky Housing Corporation has launched to end Veterans Homelessness. The FB Shelter for Women and Children facility has continued to assist women and children with their ESG funds in the amount of $30,000.00 this fiscal year. The Harbor House has continued its efforts to house homeless men and heavily relies upon private and
funding from various agencies. The WARM Center houses those women with drug/alcohol addiction and has built several transitional housing units.

h) Executive Summary

The City of Henderson has undertaken the following activities beginning July 1, 2019 to June 30, 2020 with few activities still underway.

1) Planning and Administration
Cost of project - $49,710.80

2) Police Enhancement
Outcome: Sustainability
Objective: Suitable Living Environment
Cost of project - $29,783.10

3) Father Bradley Shelter for Women and Children
Outcome: Availability/Accessibility
Objective: Suitable Living Environment
Cost of project - $7,500.00

4) Rehabilitation/Reconstruction by providing CDBG/HOME funds for initial housing activities (survey, design, inspection, etc.) for 2 home for low- to moderate-income households living in dilapidated structures in the City of Henderson still under way and delayed to COVID-19 pandemic in order to get inspections and homeowners relocated. The City also provided CDBG funds for rehabilitation of 17 homes utilizing the 2019 World Changers Program.
Cost of project - $11,387.73 (CDBG)

Outcome: Sustainability
Objective: Suitable Living Environment
Matrix Code: 14A
Accomplishment: 04 Households

5) Gathering Place ADA Restroom

Installation of 4 new handicapped accessible restroom at the Senior Gathering Place which provides seniors with activities promoting longer healthier lifestyles from being active from a sundry of activities, including, dances, card games, billiards, exercising, bingo, fitness area, luncheons, get away trips throughout the United States, meals, friendship, etc. Allocation of will be approximately located in census tracts 201 BG1 (58.36% LMI).

Cost of project: $104,465.00, CDBG portion $60,000.00/City paid $64,465.00

Outcome: Availability/Accessibility
Objective: Suitable Living Environment
Matrix Code: 03L
Accomplishment: 01 People Outcome: Availability/Accessibility
CHAPTER 6

Performance Measures/Benchmarks

The summary table attached describes projected activities for the 2020 Action Plan and shows how they meet the priorities established in the 2020-2024 Consolidated Plan. The priorities in the first column were developed through the citizen participation process described in the Executive Summary. The goals and performance measures will be used to evaluate the success of each proposed project.
PROPOSED
PROJECTS

2020
Administration - $47,657.60
Police - $28,243.20
Rehab/Relocation - $104,887.20
(World Changers/New Construction City Wide)

Enhanced Police Protection

Shelter for Women and Children - $7,500.00

Sand Lane Sidewalks - $50,000.00
Henderson, KY
2020-2024 Consolidated Plan-2020 Action Plan
July 14, 2020

CHAPTER 7

Certifications

(a) General

Summary of Citizens Comments

- Due to the effects COVID-19 this year and executive orders issued by our Governor and safety standards issued at the national, state and our local government levels to keep all our citizens safe from COVID-19, elements of the Plan were developed to obtain active citizen participation, including four public hearings scheduled in different locations across the City during the months of July 2020. The virtual/live hearings were supplemented by a survey distributed to social and community service agencies, citizens and others. The complete Consolidated Plan was published for public review on July 14, 2020 through August 14, 2020. A brief summary of the Plan was printed in The Gleaner and copies were available for public review. Location postings were limited this year due to closures or limited curb side related to COVID-19 at many public buildings. The Plan was made available at the John F. Kennedy Community Center, the Codes/Community Development via appointment in the Peabody Building and City of Henderson via appointment. Fliers notifying the public were posted at all meeting facilities, local laundry mat, grocery store, thrift store, mailed to social service agencies in the City, including school system’s Family Resource Centers coordinators, and advertised in the Gleaner. Notice was broadcast on the City’s Channel 200 “Informative News Channel” and City’s web site to promote public awareness. Only one comment was received in response to the meeting at the Henderson Peabody Building and via virtual on Zoom on
the 2020-2024 Consolidated Plan – 2020 Action Plan (see Appendix A). A local citizen was inquiring on CDBG CARES Act funding the City had published in the Gleaner for help with rental assistance and need for sidewalks.

In addition to the review period, due to COVID-19, the City also held two virtual public hearings held at the City of Henderson Peabody Safety Building for proposals for the City’s 2020-2024 Consolidated Plan - 2020 Action Plan. Public notice was also provided by the City’s local newspaper of largest circulation, the Gleaner, along with mailed notices to agencies serving the Henderson area.

(b) Community Development Block Grant

- See Appendix E for executed copy of Certifications required by HUD.
CHAPTER 8

Monitoring Standards and Procedures

The activities undertaken with the various funds described above from the U.S. Department of Housing and Urban Development will be reviewed on an annual basis, as part of the City’s Consolidated Plan process. The specific program review will be undertaken by funding agencies on a case-by-case basis. Known housing service providers will be contacted regarding past performance relative to the Consolidated Plan’s goals and expectations/plans for forthcoming activities.

The City will continue to monitor the Police Department through payrolls and target area reports, along with the required documentation from the Father Bradley Shelter for Women and Children since they are the only active subrecipients of the City.
CDBG
Community Development Block Grant
City of Henderson, Kentucky

CITIZEN PARTICIPATION PLAN
Version June 2020

Community Development Department
1990 Barrett Court, Suite B
Henderson, KY 42420
270-831-1277
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Engaging Citizen Participation

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Substantial Amendments
  Disaster/Emergency Events that may require substantial amendments

Responding to COVID-19 Pandemic

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Timely response to Complaints and/or Grievances

Availability of Citizen Participation Plan

Changes in Use of Real Property

Citizen Participation on Environmental Reviews
SUMMARY OF PROPOSED REVISIONS TO THE CITIZEN PARTICIPATION PLAN
JUNE 2020

Includes virtual hearings (speaker only and/or video) as allowed method for citizen participation; allows for shorter public comment periods for substantial amendments, public hearings etc. due to emergency events such as but not limited to COVID-19 as determined by U.S. Department of Housing and Urban Development (HUD);

Updates the types of declared disasters or emergency events to include terrorism and infectious diseases, such as the recent Coronavirus (COVID-19 closely related to SARS and MERS) pandemic that may necessitate expedited substantial amendments;

Provide details on possible actions, including reprogramming of funding and types of possible activities that may be undertaken in response to the COVID-19 pandemic;

Includes provisions relative to the Consolidated Plan citizen participation and CDBG waivers made available under the Coronavirus Aid, Relief and Economic Security Act (CARES Act);

Includes citizen participation in regards to changes to real property and environmental review records; and

Minor edits and formatting that do not change current citizen participation policies.

INTRODUCTION
The City of Henderson will make every reasonable and necessary attempt to provide for and encourage citizen participation in the development of the Consolidated Plan (CP), any amendments to the plan, and the performance report. The City will make reasonable effort to furnish appropriate information to citizens, or as appropriate, units of general local government.

Before the City adopts a Consolidated Plan, the City will make available to citizens, public agencies, and other interested parties information that includes the amount of assistance the City expects to receive and the range of activities that may be undertaken, including the amount that will benefit persons of low- to moderate-income.

In 1994, the U.S. Department of Housing and Urban Development (HUD) issued new rules consolidating the planning/application, reporting and citizen participation processes of four
formula grant programs: Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Shelter Grants, now Emergency Solutions Grants (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). The new single-planning process was intended to more comprehensively fulfill three basic goals: to provide decent housing, to provide a suitable living environment and to expand economic opportunities.

Provision of decent housing may involve assisting homeless persons in obtaining appropriate housing, retaining the affordable housing stock, increasing the availability of affordable housing for low-income households without discrimination, and/or increasing supportive housing to assist persons with special needs.

Providing a suitable living environment might entail improving the safety and livability of neighborhoods, including adequate public facilities; restoring and preserving natural and/or physical features with historic, architectural or aesthetic value; or conserving energy resources.

Expanding economic development opportunities may involve creation of accessible jobs for low- and moderate-income persons or households to achieve self-sufficiency, job training or small business loans.

The City of Henderson’s Consolidated Plan is actually a three-part planning process required by HUD. It comprises the development of a five-year strategic plan, preparation of annual Action Plans, and submission of annual Performance Reports (known as CAPER). These parts are intended to furnish the framework where the City of Henderson, Kentucky can identify its housing, homeless, community and economic development needs, identify resources and actions to be taken that will address the needs, as well as assess and evaluate the City’s progress toward achieving its strategic goals. Completing these documents on time and in a manner that is acceptable to HUD ensures compliance and continued CDBG Entitlement program funding.

The precursor to the planning process is the “Citizen Participation Plan” (CPP). The objectives of the CPP are to ensure that the citizens of City of Henderson, particularly person of low- and moderate-income, persons lining in slum and blight areas, limited clientele, units of local government, housing agencies, and other interested parties are provided with the opportunity to participate in the planning and preparation of the Consolidated Plan, including amendments to the Consolidated Plan, annual Action Plans including amendments to annual Action Plans, and Consolidated Annual Performance and Evaluation Reports (CAPERs). In doing so, the CPP sets forth general policies and procedures for implementing and carrying out the consolidated planning process, such as how plans will be developed, dates and milestones, and methods for citizens to offer opinions, assistance and guidance to the City of Henderson, Kentucky in the formulation of plans. Furthermore, the provisions of the CPP fulfill statutory and regulatory requirements for citizen participation specified in the U.S. Housing and Urban Development’s rules.

**MINIMIZE DISPLACEMENT**
Consistent with the goals and objectives of activities assisted under the Act, the City of Henderson will take the following steps to minimize the displacement of persons from their homes:
1. Giving lower priority for C.D.B.G. funding to projects which will result in displacement or conversion;

2. Implementation of design alternatives to avoid displacement and conversion;

3. Use of undeveloped land for construction sites whenever possible;

4. Minimizing acquisition of rights-of-way for public improvement projects;

5. Proceeding with demolition or conversion of structures under Code Enforcement activities only as a last resort due to a threat to health and safety;

The City of Henderson will provide relocation assistance, as described in 570.606 (b)(2) or 24 CFR Part 42, to each low/moderate-income household displaced by the demolition of housing or by the conversion of a low/moderate-income dwelling to another use as a direct result of assisted activities.

ENGAGING CITIZEN PARTICIPATION
In order to ensure maximum participation among all populations and needs groups, and in order to ensure that their issues and concerns are adequately addressed, the CDBG Administrator and/or other staff, consultants involved as necessary will follow the standard set forth in the CPP during development of the Consolidated Plan, Annual Actions Plans, Consolidated Annual Performance and Evaluation Reports, and such substantial amendments as required and seek opportunities to expand participation.

Interested groups and individuals are encouraged to provide input into all aspects of City of Henderson's CDBG activities from assessing needs to setting priorities through performance evaluation. By following the CPP, numerous opportunities for citizens to contribute information, ideas and opinions about ways to improve our neighborhoods, promote housing affordability and enhance delivery of public services to local residents. Opportunities to comment on or participate in planning, community development and affordable housing activities and projects will be publicized and disseminated throughout the City of Henderson.

PUBLIC HEARINGS and MEETINGS
Consolidated Plans & Annual Action Plan(s):
The City will hold at least two (2) public hearings per year to obtain citizens' views to be conducted at two different stages of the program year. The hearings will address housing and community development needs and development of proposed activities during the development of the Consolidated Plan and Annual Action Plan(s). At least one will occur prior to the development of a draft plan intended to solicit public input/ideas on possible uses of CDBG funds on eligible activities and one more will occur to publicly review the draft plan, allowing interested parties an opportunity to review the strategies of projects being presented to the U.S. Department of Urban Development.
The published notice of the hearings will provide adequate advance notice, at least five (5) to fourteen (14) days before the hearings, with sufficient information to allow citizen participation and comment period, not less than thirty (30) days prior submission to HUD, in the City's local paper, the Gleaner, City of Henderson cable channel 200 via Spectrum, and www.cityofhendersonky.org.

**Consolidated Annual Performance and Evaluation Reports (CAPER), Substantial Amendments to the Consolidated Plan and/or Annual Action Plan(s):**

The City will conduct at least one (1) public hearing to obtain citizen comments on the Consolidated Annual Performance and Evaluation Report and substantial amendments to either the Consolidated Plan and/or Annual Action Plan(s). A draft of the report will be available for public review at the time of the public notice in the Community Development office and online at www.cityofhendersonky.org allowing interested parties to review and comment.

Information about the time, location, and subject of each hearing will be provided to citizens at least five (5) to fourteen (14) days in advance through public notice in the local paper, the Gleaner, City of Henderson cable channel 200 via Spectrum, and www.cityofhendersonky.org.

Every effort will made to ensure public hearings are inclusive. Hearings will be held at convenient times and accessible locations and in places where people most affected by proposed activities can attend. The City's HART public transportation system will be accessible to persons with mobility impairments should public transportation be required.

Comments on the City's CAPER will be accepted and considered for not less than 15 days prior to submission to HUD. Any such comments or view of citizens received in writing or orally at public hearings on preparing the performance report will be considered. A summary of these comments or views shall be attached to the performance report.

The City's CDBG Administrator or other consultant may actively solicit input on housing and community development issues during the course of the year with other forums with other agencies, local officials, and other events as they may present themselves.

**Access to Meetings for Persons with Disabilities and Non-English Speaking Persons**

The City shall ensure that architectural barriers do not preclude the attendance of disabled persons at meetings and hearings convened under this Citizen Participation Plan. In addition, accommodations will be made, upon request, for attendees who are either visually or hearing impaired.

For requests for special accommodations or materials in an alternative format, please contact the Community Development Department at 270.831.1277.

For local meetings with significant non-English speaking population, translators shall be provided and meeting materials made available in the appropriate languages.
If virtual hearings are used, real-time responses and accommodation for persons with disabilities and /or with limited English proficiency will be made available to the greatest extent possible. Also, the virtual hearing method will only be used in lieu of in-person hearings if the City of Henderson’s offices are closed, or an emergency has been declared, or national or local health authorities recommend social distancing and limit public gatherings for public health reasons.

**PLAN REVIEW**
The City will publish draft plans, amendments and CAPERs for public review at or before the time of the public notice in a manner that affords citizens, public agencies and other interested parties a reasonable opportunity to examine its contents and submit comments. A hard copy must be made available in the City of Henderson’s Community Development Department at 1990 Barret Court, Suite B, Henderson, KY 42420 and an electronic copy will be made available on-line at [www.cityofhendersonky.org](http://www.cityofhendersonky.org) for the comment period. Public hearing attendees will have access to a copy of the draft plan, amendment or report being discussed.

The following locations below are where copies may be made available, unless location are closed to the public due to emergency declarations at local, state, or federal level.

- The lobby of Henderson Municipal Center, 222 First Street
- The Housing Authority of Henderson
- Henderson County Public Library
- Online at [www.cityofhendersonky.org](http://www.cityofhendersonky.org)

**PUBLIC COMMENTS**
The City of Henderson Community Development Department will receive comments from citizens on the proposed *Consolidated Plan and Action Plan(s)* for a period not less than thirty (30) days prior to submission to U.S. Department Housing and Urban Development (HUD).

All comments or views of citizens received in writing during the applicable public comment period will be considered in preparation of the final Plans or amendments. A summary of these comments and views including whether they were not accepted shall be included in the final plan or amendment submission to HUD.

Public comments received in writing that include an email or mailing address will be responded to in writing within three (3) days of receipt.

**PUBLIC NOTICE and OUTREACH**
The key element in a successful CDBG program is continual open communication and collaborative partnerships between the citizens of Henderson, Kentucky and City of Henderson Community Development Department to understand needs, rank priorities, allocate resources, set goals, execute projects, evaluate results and continuously improve. Informed residents are critical to effective and responsive housing and community development programs. Efforts to engage and educate resident, and encourage their participation are an on-going component of the City’s consolidated planning process.
The fundamental means of notifying citizens about the Consolidated Plan and relative activities such as the annual Action Plan, Consolidated Annual Performance and Evaluation Report, and related amendment(s), utilizes public notices in the local newspaper of general circulation, the Gleaner, City of Henderson cable channel 200 via Spectrum, and www.cityofhendersonky.org. Such notices will be published at least five (5) calendar days prior to public hearings and earlier as often as possible. All notices will be written in plain, simple language where HUD statutory or regulatory language is not required, and direct efforts will be undertaken to publish and/or post information in a variety of methods and locations that will obtain maximum low- and moderate-income and minority participation.

Outreach methods may also include, but not limited to:
- Direct emails and/or mailings
- Citizen participation surveys
- Press release to local media, the Gleaner, WSON radio, etc.
- Cable 200 via Spectrum
- City’s weekly newsletter
- Public postings
- Business community/leadership meetings

TECHNICAL ASSISTANCE

The City of Henderson will make every reasonable and necessary attempt to provide technical assistance to groups representative of persons of very low- and low-income that request such assistance in developing proposals for funding assistance under any programs covered by the Consolidated Plan, with the level and type of assistance to be determined by the City. Upon notification by such a group, the City will immediately begin to formulate an agenda whereby the group may obtain technical assistance from the City’s staff.

AMENDMENTS

Pursuant to Title 24 of the Code of Federal Regulations, Part 91.505(a) an amendment to the Consolidated Plan or an annual Action Plan is required whenever the City of Henderson:

- Changes allocation priorities or its method of distributing grant funds;
- Revises policies, data, or goals;
- Utilizes funds from any program covered by the Consolidated Plan, including program income, to carry out activities not previously in the annual Action Plan; or
- Modifies the purpose, scope, location or beneficiaries of an activity.

Amendments that are not considered substantial shall be referred to as standard amendments. Standard amendments do not require citizen participation. Changes to the Consolidated Plan that do not meet the criteria for standard amendments and do not require citizen participation are defined as administrative updates. Examples of administrative updates include grammatical or structural edits that do not substantially change the scope or meaning of an activity; and changes in the eligibility determination of a project that does not change the scope, location, or
beneficiaries.

**SUBSTANTIAL AMENDMENTS**
The City of Henderson has determined that an amendment is substantial when:

- A new activity that was not included in the annual *Action Plan* is proposed;
- Incremental changes of 40% or more of the budget appropriation of an activity in the annual *Action Plan* to other activities of equal or lesser priority need level;
- Change of location of any project; or
- Deviations in the scope of work of a project to such a degree that none of the initially conceptualized results are capable of being realized.

Substantial amendments to the *Consolidated Plan* and/or annual *Action Plan* are subject to a formal citizen participation process. Notice and the opportunity to comment will be given to citizens through the public notices in the local newspaper, *the Gleaner*, and other appropriate means such as City of Henderson cable channel 200 via Spectrum, and [www.cityofhendersonky.org](http://www.cityofhendersonky.org). A public comment period of not less than thirty (30) days will be provided prior to implementing any substantial amendments to the *Consolidated Plan* and/or annual *Action Plan*. Notification to the public shall advise citizens of how and where to submit comments on the proposed changes. A summary of these comments and a summary of any comments not accepted and the reasons therefore, will be attached to the amendment which will be submitted to HUD upon the expiration of the comment period.

For CDBG funding under fiscal year 2019, fiscal year 2020 and the *Coronavirus Aid, Relief and Economic Security Act* (CARES Act), the City of Henderson may provide a five (5) day-notice along with a minimum five (5) day comment period of a proposed change or substantial amendment beginning April 9th, 2020 as allowed under the HUD waiver.

Acceptable methods of meeting the citizen participation requirement include:

- Publication of the availability of the substantial change(s) in the local newspaper of primary circulation in Henderson, Kentucky;
- Publication of the substantial amendment on the City of Henderson’s website;
- Providing copies for review in the public buildings(s);
- By virtual meeting via Zoom but not limited to other media source, citizens will be informed prior to the meeting through local paper, *the Gleaner*.

**DISASTER/EMERGENCY EVENTS THAT MAY REQUIRE EXPEDITED SUBSTANTIAL AMENDMENTS**
It may be necessary to amend the *Consolidated Plan* and/or annual *Action Plan* in the event of a declared disaster or emergency. There are three (3) types of disasters/emergency events that may necessitate an expedited substantial amendment including (1) man-made disaster, (2) natural disaster, and (3) terrorism. Man-made disasters can include chemical spills, air toxin release, mass rioting, power outages, dam failures, plant explosions, etc. Natural disasters can include flooding, tornadoes, earthquakes, wildfires, and public health issues such as wide-spread disease such as
the recent Coronavirus (COVID-19). Terrorism events include bomb threats, biochemical attacks like the spread of anthrax, or cyber-attacks like hacking, phishing, and virus distribution, etc.

These expedited amendments may include funding new activities and/or the reprogramming of funds including canceling activities to meet community development needs resulting from a declared disaster or emergency. Therefore, the City of Henderson may utilize CDBG funds to meet these needs with a five (5) day public comment period instead of a 30-day comment period, which is otherwise required for substantial amendments. For CDBG funding under the fiscal year 2019, fiscal year 2020, and the Coronavirus Aid, Relief and Economic Security Act (CARES Act), the City may provide a five (5) day notice of a proposed change beginning April 9, 2020 as allowed under a HUD waiver.

The City of Henderson may elect to use CDBG funds to address needs not provided for by the Federal Emergency Management Agency (FEMA) and the Small business Administration (SBA), or other disaster relief efforts. Funding for disaster relief may not duplicate other efforts undertaken by federal or local sources unless allowed by the federal government. Potential eligible uses for funds are those that are included in this Citizen Participation Plan, the Consolidated Plan and/or annual Action Plans, or any other CDBG eligible use. HUD may provide new guidance on eligible uses in which the City will comply and may utilize as well.

All eligible CDBG activities, including those to address declared disasters or emergencies, must meet one of three (3) national objectives which are: (1) benefit to low- and moderate-income (LMI) persons; (2) aid in the prevention of slums or blight; and (3) meet a need having a particular urgency in order to be carried out by the City.

In the event the City of Henderson is closed to the general public, and/or has declared an local/state and/or national emergency declaration, or local/state/national health authorities recommend policies for social distancing and limiting public gatherings for the safety of all citizens, virtual public meetings and hearings may be used to fulfill applicable public hearing requirements instead of in-person. Real time responses and accommodations for persons with disabilities and/or limited English proficiency will be made available to the greatest extent possible.

The City certifies and will address “Urgent Need objectives” meeting a community development need having a particular urgency to alleviate existing conditions if the following exists:

- Pose a serious and immediate threat to the health and welfare of the community;
- Are of recent origin (developed or became critical within twelve (12) months preceding the City’s emergency declaration) or recently became urgent;
- The City is unable to finance the activity on its own; and
- Other resources of funding are not available to carry out the activity

However, should HUD allow “Urgent Need Objectives” to be addressed via waiver of those not meeting the following conditions above, it will comply with policies of the grant waiver for funding of “urgent need activities” in the declared disaster/emergency event.
Urgent need activities may include, but not limited to the following:

- Clearance of debris;
- Provision of extra police patrols;
- Demolition, clearance and or reconstruction of damaged property posing an immediate threat to public safety;
- Emergency reconstruction of essential water, sewer, electrical, medical and communication facilities;
- Emergency repair of streets/sidewalk, roadways; and
- Providing a variety of relief services to individuals.

RESPONDING TO THE COVID-19 EMERGENCY

The City of Henderson may reprogram fiscal year 2019, 2020 and future CDBG funding to respond to the COVID-19 pandemic and comply with waiver flexibilities provided by HUD.

Potential eligible CDBG activities that may be undertaken to support the COVID-19 response include, but are not limited to:

- **Building and improvement including public facilities** such as constructing a testing and diagnosis, treatment facility; rehabilitation of a community facility to establish infectious disease/emergency control measures such as generators, surveillance systems, accommodations needed for emergency quarantined areas for treatment of patients and the temporary stay to relieve hospital burden; acquisition and rehabilitation, or construction of a group living facility that may be used to centralize patients undergoing treatment; rehabilitation of a commercial building or closed school building to establish an infectious disease treatment clinic, e.g. replacing the HVAC system; acquisition and rehabilitation of a motel or hotel building to expand the capacity of hospitals to accommodate isolation of patients during recovery; or take interim improvements to private properties to enable an individual patient to remain quarantined on a temporary basis.

- **Assistance to businesses, including special economic development activities** such as providing grants or loans to support new business expansion to create jobs and manufacture medical supplies necessary to respond to infectious disease; avoid job loss caused by business closures related to social distancing by providing short-term working capital assistance to small businesses to enable retention of jobs held by low- and moderate-income persons; or to provide technical assistance, grants, loans, and other financial assistance to establish, stabilize, and expand microenterprises that support home health quarantine.

- **Public Services** such as job training to expand the medical field of health care workers and technicians to assist with the disease within the community; provide testing, diagnosis or other services at a fixed mobile location; increase the capacity and availability of targeted health services for infectious disease response within existing facilities; provide equipment, supplies and materials necessary to carry out a public services, delivery meals on wheels to
quarantine individuals or those needing social distancing due to other underlying medical issues making them more susceptible to fatality of COVID-19, rental assistance paid directly to landlords for those who tenants who have loss income due to emergency; etc.

- Planning, Capacity Building and Technical Assistance such as gathering data and developing non-project specific emergency infectious disease response plans; and
- Any other activity allowed under current CDBG regulations.

**COMPLAINTS AND GRIEVANCES**

Citizens, administering agencies and other interested parties may submit complaints and grievances regarding the Consolidated Plan, annual Action Plan and/or CAPER report within the submission of plans to HUD. Complaints should be in writing, specific in their subject matter, and include facts to support allegations and submitted to the City of Henderson, CDBG Administrator, 1990 Barret Court, Suite B, Henderson, KY 42420. Citizens may also present complaints and grievances orally or in writing at meetings and/or public hearings within thirty (30) days of the comment period of the Consolidated Plan/annual Action Plan and/or fifteen (15) days of the annual CAPER report.

**TIMELY RESPONSE OF COMPLAINTS OR GRIEVANCES**

The City will provide a timely, substantive written response to every written citizen complaint within 15 working days and maintain a copy of all related correspondence, which will be subject to review. If, due to unusual circumstances, the City of Henderson is unable to properly respond with the prescribed timeframe, it may be extended by written notice to the complainant. The notice must include the reason for the extension and the date on which a response is expected to be generated, which may be based on nature and complexity of the complaint. Public review materials and performance reports will include data, as appropriate under confidentiality laws and public “Open Records” regulations, on any written complaints received and how each issue was resolved.

**AVAILABILITY OF CITIZEN PARTICIPATION PLAN (CPP)**

Copies of the CPP may be obtained online at www.cityofhendersonky.org or by contacting the City of Henderson Community Development Department at 270.831.1277 or 270/831-1277 or by mail:

City of Henderson  
Community Development Department  
1990 Barret Court, Suite B  
Henderson, KY 42420

Upon request, the CPP will be made available in an alternative forma accessible to persons with disabilities or limited English proficiency.

**CHANGES IN USE OF REAL PROPERTY**

In compliance with CDBG regulations Title 24 of the Code of Federal Regulations, Part 570.505,
these standards described in this section apply to real property within the City of Henderson that is acquired or improved in whole or in part using CDBG funds in excess of $25,000.00. These standards shall apply from the date CDBG funds are expended for the real property until a set period after closeout of the grant which the assistance to the property was provided for a period of not less than five (5) years.

A recipient cannot change the use or planned use of any property including beneficiaries of such use from that for which the acquisition or improvement was made unless the recipient provides affected citizens with an opportunity to comment on, nay change, and

1. The new use of such property qualifies as meeting one of the national HUD objectives and is not a building for general conduct of government; or
2. The recipient determines, after consultation with affected citizens, that it is appropriate to change the property’s use to another use which does not meet a national objective and reimburses the CDBG program in the amount of the current fair market value of the property, less any portion of the value attributable to expenditures of non-CDBG funds for the acquisition of and improvement to the property.

Citizens will be informed of changes in the use or planned use of the property by means of a notice, which will be published in the Gleaner of general circulation for the City of Henderson. The notice will provide a description of the proposed change in use or planned use of the property and will also advise citizens on how and where to submit comments of a period of not less than 15 days.

CITIZEN PARTICIPATION ON ENVIRONMENTAL REVIEW (ERR)
In compliance with the provisions of 24 CFR part 58, the City of Henderson has assumed from HUD the role of the “Responsible Entity” for certain federally funded programs. As a “Responsible Entity”, the City must assume the responsibility for environmental review, decision making and action that would otherwise apply to HUD under the National Environmental Policy Act of 1969 (NEPA) and other provisions of law that further the purposes of NEPA.

The City maintains a written record of the ERR undertaken for projects or programs receiving CDBG funds as required by HUD. The ERR is available for public inspection. Certain projects require publication of specific actions/findings which include a description of the activity, its locations, and identification of any measures required to mitigate potentially significant adverse effects. Public notices and comment periods are included in the review process as required by NEPA and 24 CFR part 58.

TTD 1-800-648-6056

The City of Henderson supports Equal Housing Opportunity and its commitment to nondiscrimination
NOTICE TO PUBLIC

The City of Henderson is amending its adopted Community Development Block Grant (CDBG) Citizen Participation Plan due to CARES Act Flexibilities for CDBG funds using to support Coronavirus and other emergencies declared by U.S. Department of Housing and Urban Development. Public comments will be accepted for 7 days ending at 5 p.m. on Monday, June 15th. The City of Henderson is currently closed to the public to maintain the safety of all our citizens until July 1, 2020, therefore, no in-house public hearings will be allowed. A virtual hearing will be offered via Zoom on Monday, June 14th. If you are interested in the virtual hearing, please contact the Community Development office at 270/831-1277 or via email tammyw@cityofhendersonky.org to receive a “link” to be connected. Individuals wishing to comment or receive a copy of the new Citizen Participation Plan can write to the Community Development Department, 1990 Barrett Court, Suite B, Henderson, Kentucky 42420, email tammyw@cityofhendersonky.org, or call 270/831-1277.

TDD 1-800-648-6056
FOR THE HEARING IMPAIRED

The City of Henderson supports Equal Housing Opportunity and its commitment to nondiscrimination.
# Application for Federal Assistance SF-424

1. **Type of Submission:**
   - [ ] Preapplication
   - [x] Application
   - [ ] Changed/Corrected Application

2. **Type of Application:**
   - [x] New
   - [ ] Continuation
   - [ ] Revision
   - [ ] Other (Specify):

3. **Date Received:** 08/16/2020

4. **Applicant Identifier:**

5a. **Federal Entity Identifier:**

5b. **Federal Award Identifier:** B-20-MC-21-0007

6. **Date Received by State:**

7. **State Application Identifier:**

8. **APPLICANT INFORMATION:**

   a. **Legal Name:** City of Henderson

   b. **Employer/Taxpayer Identification Number (EIN/TIN):** 61-6001840

   c. **Organizational DUNS:** 0713395270000

   d. **Address:**
      - Street1: 222 First Street
      - Street2: PO Box 716
      - City: Henderson
      - County/Parish: Henderson
      - State: KY Kentucky
      - Province: 
      - Country: USA: UNITED STATES
      - Zip / Postal Code: 42420-0716

   e. **Organizational Unit:**
      - Department Name: Community Development Dept.
      - Division Name: Administration

   f. **Name and contact information of person to be contacted on matters involving this application:**
      - Prefix: 
      - First Name: Tammy
      - Middle Name: 
      - Last Name: Willett
      - Suffix: 
      - Title: Community Development Specialist
      - Organizational Affiliation: City of Henderson, KY
      - Telephone Number: 270-831-1277
      - Fax Number: 270-831-1271
      - Email: tammyw@cityofhendersonky.org
<table>
<thead>
<tr>
<th>Application for Federal Assistance SF-424</th>
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<tbody>
<tr>
<td><strong>9. Type of Applicant 1: Select Applicant Type:</strong></td>
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<tr>
<td>C: City or Township Government</td>
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<tr>
<td>Type of Applicant 2: Select Applicant Type:</td>
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<td>Type of Applicant 3: Select Applicant Type:</td>
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<td>* Other (specify):</td>
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<td><strong>10. Name of Federal Agency:</strong></td>
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<tr>
<td>U.S. Department of Housing and Urban Development</td>
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<td><strong>11. Catalog of Federal Domestic Assistance Number:</strong></td>
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<td>14-218</td>
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<tr>
<td>CFDA Title:</td>
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<tr>
<td>Community Development Block Grant - Entitlement</td>
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<td><strong>12. Funding Opportunity Number:</strong></td>
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<td>B-20-MC-21-0007</td>
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<tr>
<td>* Title:</td>
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<tr>
<td>Community Development Block Grant (CDBG)</td>
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<td><strong>13. Competition Identification Number:</strong></td>
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<td>Title:</td>
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<td><strong>14. Areas Affected by Project (Cities, Counties, States, etc.):</strong></td>
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<td><strong>15. Descriptive Title of Applicant’s Project:</strong></td>
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<td>Citywide scattered site housing reconstruction/rehabilitation, relocation, enhanced police protection, continued infrastructure/public facility improvements, public services and COVID-19 activities.</td>
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Attach supporting documents as specified in agency instructions.
Application for Federal Assistance SF-424

16. Congressional Districts Of:
   * Applicant 1st
   * Program/Project 1st

   Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:
   * Start Date: 10/01/2020
   * End Date: 06/30/2021

18. Estimated Funding ($):

   * Federal
   * Applicant
   * State
   * Local
   * Other
   * Program Income
   * TOTAL

   255,832.00

19. Is Application Subject to Review By State Under Executive Order 12372 Process?
   - This application was made available to the State under the Executive Order 12372 Process for review on 07/14/2020
   - Program is subject to E.O. 12372 but has not been selected by the State for review.
   - Program is not covered by E.O. 12372.

20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)

   Yes [ ] No [X]

   If "Yes", provide explanation and attach

21. By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

   ** I AGREE

   ** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: [Mr.]
Middle Name: L. "Buzzy"
* Last Name: Newman
Suffix: Jr.

* Title: City Manager
* Telephone Number: 270-831-1200
* Fax Number: 270-831-1206
* Email: bnewman@cityofhendersonky.org

* Signature of Authorized Representative: [Signature]
* Date Signed: 08/14/2020
As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.

4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.

5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the '9 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

10. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.


14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176 (c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).


18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

20. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

APPLICANT ORGANIZATION
City of Henderson

DATE SUBMITTED
08/14/2020
CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

**Affirmatively Further Fair Housing** -- The jurisdiction will affirmatively further fair housing.

**Uniform Relocation Act and Anti-displacement and Relocation Plan** -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR Part 24. It has in effect and is following a residential anti-displacement and relocation assistance plan required under 24 CFR Part 42 in connection with any activity assisted with funding under the Community Development Block Grant or HOME programs.

**Anti-Lobbying** -- To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

**Authority of Jurisdiction** -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

**Consistency with plan** -- The housing activities to be undertaken with Community Development Block Grant, HOME, Emergency Solutions Grant, and Housing Opportunities for Persons With AIDS funds are consistent with the strategic plan in the jurisdiction's consolidated plan.

**Section 3** -- It will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR Part 135.

__________________________  8/11/2020
Signature of Authorized Official  Date

__________________________  
City Manager
Title
Specific Community Development Block Grant Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the CDBG program (i.e., the development of viable urban communities, by providing decent housing and expanding economic opportunities, primarily for persons of low and moderate income) and requirements of 24 CFR Parts 91 and 570.

Following a Plan -- It is following a current consolidated plan that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low- and moderate-income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include CDBG-assisted activities which the grantee certifies are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available (see Optional CDBG Certification).

2. Overall Benefit. The aggregate use of CDBG funds, including Section 108 guaranteed loans, during program year(s) 2020 (one) [a period specified by the grantee of one, two, or three specific consecutive program years], shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period.

3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108 loan guaranteed funds, by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

In addition, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.
Compliance with Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, Subparts A, B, J, K and R.

Compliance with Laws -- It will comply with applicable laws.

________________________________________  8/11/2020
Signature of Authorized Official             Date

City Manager
Title
Specific HOME Certifications

The HOME participating jurisdiction certifies that:

**Tenant Based Rental Assistance** -- If it plans to provide tenant-based rental assistance, the tenant-based rental assistance is an essential element of its consolidated plan.

**Eligible Activities and Costs** -- It is using and will use HOME funds for eligible activities and costs, as described in 24 CFR §§92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in §92.214.

**Subsidy layering** -- Before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;

__________________________  8/11/2020
Signature of Authorized Official  Date

City Manager
Title
Emergency Solutions Grants Certifications

The Emergency Solutions Grants Program recipient certifies that:

**Major rehabilitation/conversion/renovation** – If an emergency shelter’s rehabilitation costs exceed 75 percent of the value of the building before rehabilitation, the recipient will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed rehabilitation.

If the cost to convert a building into an emergency shelter exceeds 75 percent of the value of the building after conversion, the recipient will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed conversion.

In all other cases where ESG funds are used for renovation, the recipient will maintain the building as a shelter for homeless individuals and families for a minimum of 3 years after the date the building is first occupied by a homeless individual or family after the completed renovation.

**Essential Services and Operating Costs** – In the case of assistance involving shelter operations or essential services related to street outreach or emergency shelter, the recipient will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure, so long the recipient serves the same type of persons (e.g., families with children, unaccompanied youth, disabled individuals, or victims of domestic violence) or persons in the same geographic area.

**Renovation** – Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary.

**Supportive Services** – The recipient will assist homeless individuals in obtaining permanent housing, appropriate supportive services (including medical and mental health treatment, victim services, counseling, supervision, and other services essential for achieving independent living), and other Federal State, local, and private assistance available for these individuals.

**Matching Funds** – The recipient will obtain matching amounts required under 24 CFR 576.201.

**Confidentiality** – The recipient has established and is implementing procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any family violence shelter project, except with the written authorization of the person responsible for the operation of that shelter.

**Homeless Persons Involvement** – To the maximum extent practicable, the recipient will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under the ESG program, in providing services assisted under the ESG program, and in providing services for occupants of facilities assisted under the program.

**Consolidated Plan** – All activities the recipient undertakes with assistance under ESG are consistent with its consolidated plan.
Discharge Policy – The recipient will establish and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, mental health facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent this discharge from immediately resulting in homelessness for these persons.

Signature of Authorized Official

City Manager

Date

8/11/2020
Housing Opportunities for Persons With AIDS Certifications

The HOPWA grantee certifies that:

Activities -- Activities funded under the program will meet urgent needs that are not being met by available public and private sources.

Building -- Any building or structure assisted under that program shall be operated for the purpose specified in the consolidated plan:

1. For a period of not less than 10 years in the case of assistance involving new construction, substantial rehabilitation, or acquisition of a facility,

2. For a period of not less than 3 years in the case of assistance involving non-substantial rehabilitation or repair of a building or structure.

Signature of Authorized Official

City Manager

Title

8/11/2020

Date
OPTIONAL Community Development Block Grant Certification

Submit the following certification only when one or more of the activities in the action plan are designed to meet other community development needs having particular urgency as specified in 24 CFR 570.208(c):

The grantee hereby certifies that the Annual Plan includes one or more specifically identified CDBG-assisted activities which are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs.

_________________________________________  8/11/2020
Signature of Authorized Official                  Date

City Manager
Title
APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING CERTIFICATION:

Lobbying Certification
This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.
City Commission Memorandum  
20-127

August 6, 2020

TO: Mayor Steve Austin and the Board of Commissioners
FROM: William L. “Buzzy” Newman, Jr., City Manager
SUBJECT: Firehouse Subs Public Safety Foundation Grant Program

The accompanying municipal order authorizes the submittal of a grant application to the Firehouse Subs Public Safety Foundation Grant Program in the amount of $25,000.00 and accepts the grant if awarded.

The Firehouse Subs Public Safety Foundation is a grant program created over twenty-five years ago by brothers Chris and Robin Sorenson to provide funding for life saving equipment and education to first responders throughout North America. The grant request is in the maximum amount of $25,000.00 to partially offset the purchase of a $79,000.00 Stanley fire rescue watercraft to replace the current Boston Whaler Dive/Rescue boat which no longer meets the needs of the fire department and the dive/rescue team. The new watercraft would suit not only current needs but can be adapted to future needs as well.

As no funds were budgeted for this purpose the budget would require amendment in the approximate amount of $54,000.00 if the grant were to be awarded and the new watercraft purchased.

Your approval of the attached municipal order is requested.

c: Scott Foreman  
Robert Gunter  
Dawn Winn
August 6, 2020

TO: William “Buzzy” Newman, City Manager

FROM: Scott Foreman, Fire Chief

SUBJECT: Firehouse Subs Public Safety Foundation grant

We are requesting authorization to make application, and accept, if awarded, $25,000 in grant funds from the Firehouse Subs Public Safety Foundation to be used to replace our current Boston Whaler Dive/Rescue boat. This grant submission is due August 19, 2020.

Our current boat is unable to hold all of the necessary equipment and personnel needed to safely perform a dive operation. The present dive door inhibits entry and exit into the water by divers, as well as makes it difficult to remove victims from the water. While greatly enhancing our water rescue capabilities, this new water craft could greatly improve the way in which we assist other City Departments. For example, public works with the seasonal installation and removal of the city docks, as well as the surveying of all city boat ramps in order to assure proper water depth to minimize damage to private citizen’s property.

Along with the problem of not having workable deck space to provide emergency medical care to patients, our boat has also shown to be deficient in the areas of firefighting, as well as diving operations. We currently own a portable fire pump that can be used to pump water directly out of a body of water, but due to the set up and lay out of our current response boat, we are unable to utilize said pump due to lack of a place to put the pump. In the event of a boat that catches fire in the city’s response area of the Ohio River, we are unable to fully utilize all of the available equipment we have at our disposal to combat a blaze.

Utilizing a figure from Stanley, the cost of a new water craft would be $79,000.00. This would leave the City with a balance of $54,000. In the current market, it is virtually impossible to acquire a comparable watercraft that would suit not only our current needs, but also adapt to our future needs for this price. In addition, the Fire Department's current antiquated vessel could be sold on the private market, and the funds procured from this sale could be utilized to further offset the city’s financial responsibility.
MUNICIPAL ORDER. ______

MUNICIPAL ORDER AUTHORIZING SUBMITTAL OF GRANT APPLICATION TO FIREHOUSE SUBS PUBLIC SAFETY FOUNDATION, IN THE AMOUNT OF $25,000.00, AND ACCEPTING GRANT IF AWARDED

WHEREAS, the Firehouse Subs Public Safety Foundation is a grant program created over twenty-five years ago by Chris and Robin Sorenson to provide funding for life saving equipment and education to first responders throughout North America; and

WHEREAS, the City of Henderson desires to submit an application seeking grant funds in the amount of $25,000.00 to be used toward the total purchase cost of $79,000.00 to replace the Henderson Fire Department’s current Boston Whaler Drive/Rescue Boat, leaving a balance of $54,000.00; and

WHEREAS, the City Manager recommends such grant application be made and accepting grant if awarded.

NOW, THEREFORE, BE IT RESOLVED by the City of Henderson, Kentucky, that the recommendation of the City Manager is hereby approved, and the submittal of application to the Firehouse Subs Public Safety Foundation for funds in the amount of $25,000.00 is hereby approved, and said grant is accepted if awarded and the Mayor is authorized to sign all necessary documents regarding this application.

On motion of Commissioner ________________________, seconded by Commissioner ________________________, that the foregoing Resolution be adopted, the vote was called. On roll call the vote stood:

Commissioner Bugg: _______ Commissioner Vowels: _______
Commissioner Royster: _______ Mayor Austin: _______
Commissioner Staton: _______

INTRODUCED, PUBLICLY READ AND FINALLY APPROVED ON ONE READING, this the ____ day of August, 2020.

ATTEST:

Maree Collins, CKMC,
City Clerk

APPROVED AS TO FORM AND LEGALITY THIS ____ DAY OF AUGUST, 2020.

By: _______________________
    Dawn S. Kelsey
    City Attorney
City Commission Memorandum
20-128

August 6, 2020

TO: Mayor Steve Austin and the Board of Commissioners

FROM: William L. “Buzzy” Newman, Jr., City Manager

SUBJECT: Amending Article VI Personnel of Chapter 2, Administration – Civil Service

The next three items under the Ordinances, Municipal Orders and Resolutions section of the Tuesday, August 11, 2020 agenda relate to Civil Service. The first two ordinances amend Chapter 2, Administration and Chapter 23, Utilities to amend and/or delete sections relating to Civil Service provisions. The third ordinance amends and replaces the rules and regulations for employees of the City (Employee Manual).

The first item is first reading of an ordinance amending Chapter 2, Administration, Article VI, Personnel, Division 2, Civil Service for General Employees, of the City of Henderson to end Civil Service as of August 31, 2020.

As discussed at the July work session, the proposed amendments will delete and/or amend several sections relating to ending the Civil Service provisions for the testing and hiring processes. Also included, were housekeeping amendments relating to the funding and investments of the Civil Service Pension Fund which had been incorporated into the General Fund several years ago.

The second item is first reading of an ordinance amending Chapter 23, Utilities, Article II, Water and Sewer Service, Section 23-43, Employment of General Manager and Management Employees to end Civil Service as of August 31, 2020 and designating the General Manager as appointing authority for Water and Sewer employees.

The third item is first reading of an ordinance amending the Employee Manual to end the Civil Service testing and hiring processes as of August 31, 2020. This revised Employee Manual will supersede and replace all previous versions of the Manual.

The revised Manual removes the regulations relating to the Civil Service hiring and testing processes, adds language and sections for the definitions of at-will employment, and details the new hiring processes, employment rules and regulations and disciplinary procedures for at-will employees. Further changes include a housekeeping amendment relating to pay checks no longer being picked up in the City Clerk’s office as employee pay is now direct deposited and an addition under Paid Vacations allowing the appointing authority discretion to authorize vacation accrual equal to the police vacation accrual schedule for a non-hazardous duty position grade 30 or higher that requires a necessary certification for the position.

c: Connie Galloway
Tom Williams
ORDINANCE AMENDING CODE OF ORDINANCES CHAPTER 2
ADMINISTRATION, ARTICLE VI PERSONNEL DIVISION 2 CIVIL SERVICE FOR
GENERAL EMPLOYEES

SUMMARY: AN ORDINANCE AMENDING CHAPTER 2 ADMINISTRATION, ARTICLE VI
PERSONNEL DIVISION 2 CIVIL SERVICE FOR GENERAL EMPLOYEES OF THE CODE OF
ORDINANCES OF THE CITY OF HENDERSON BY AMENDING SECTION 2-223 CIVIL
SERVICE SYSTEM ESTABLISHED; SECTION 2-225 CIVIL SERVICE COMMISSION; SECTION
2-232 - MEMBERSHIP OF BOARD; ASSESSMENTS AGAINST SALARIES AND PROPERTY;
APPLICATIONS FOR RELIEF; ALLOWANCES; SECTION 2-249 - PAY OF ASSESSMENT
CONSTITUTES INVOLVIOUS CONTRACT WITH CITY; SECTION 2-250 - ROSTERS TO BE
SUBMITTED; AND DELETING SECTION 2-226.5 - DEPARTMENT HEADS DEEMED AS
EMPLOYEES; SECTION 2-227 - PROBATIONAL APPOINTMENTS; DURATION;
PREREQUISITE TO PERMANENT STATUS; SECTION 2-228 - PREREQUISITE TO
PERMANENT TENURE FOLLOWING PROMOTION TO HIGHER GRADE; SECTION 2-229 -
ASSESSMENT AGAINST SALARY FOR PENSION FUND; SECTION 2-230 - EXAMINATION;
QUALIFICATIONS; SECTION 2-233 - INVESTMENT OF PENSION FUNDS; SECTION 2-252 -
VACANCIES; AND SECTION 2-253 - PROBATIONARY APPOINTMENT OF RECLASSIFIED
EMPLOYEE

WHEREAS, it is necessary to update Chapter 2, Administration, Article VI,
Personnel Division 2 – Civil Service for General Employees, to remove civil service examination
and civil service in order to shorten the length of time for hiring, increase the potential applicant pool
for City positions, provide for succession planning, allows more promotion of current employees,
and recognizes that test performance is not always indicative of successful job performance.

NOW, THEREFORE, BE IT ORDAINED by the City of Henderson, Kentucky, that
the Code of Ordinances is hereby amended as follows:

DIVISION 2. - CIVIL SERVICE FOR GENERAL EMPLOYEES

Sec. 2-223. - Civil service system established.
Pursuant to the authority contained in KRS 90.310(1), the city elects to operate under the city
civil service provisions, KRS 90.310—90.410, [as the same may be amended from time to time]
until the end of business August 31, 2020 at which time any employee not a current member of civil
service or hired after that date will not be subject to and under the civil service provisions system.
Any employee who is under civil service on September 1, 2020 will remain under the civil service
system provisions unless they transfer or promote to a new non-civil service position.
Sec. 2-225. - Civil service commission.

There is hereby created a civil service commission which shall hold examinations as to the qualifications of applicants for municipal employment within the several departments of the city designated by ordinance through August 31, 2020. The commission shall be governed by the provisions of the Kentucky Revised Statutes referred to in section 2-223.

Sec. 2-226.5. - Department heads deemed as employees.

Pursuant to KRS 90.300, the following heads of departments are designated as employees:

1. Director of finance;
2. Gas system director;
3. Human resources director.

Sec. 2-227. - Probational appointments; duration; prerequisite to permanent status.

No person hereafter appointed to a position of employment with any department of the city shall be deemed to be a qualified employee thereof under KRS 90.310 to 90.410 inclusive, and under the ordinances of the city enacted pursuant thereto, until he has completed twelve (12) months of continuous service in such department following the appointment. Authorized leave with pay shall not be deducted in computing such continuous service. During the period or periods of service prior to the completion of the twelve (12) months of continuous service under this section the appointee shall hold a provisional or probational appointment only; serve at the pleasure of the appointing authority and shall be removable by the appointing authority at will and without cause. At the completion of the twelve (12) months of continuous service the appointee shall, without further official action, be entitled to all of the rights, privileges and protections provided by KRS Chapter 90 and by such existing ordinances as have been enacted pursuant thereto, and the twelve (12) months of probationary service shall thenceforth for retirement purposes and for all other purposes be counted as a part of the official service of the appointee.

Sec. 2-228. - Prerequisite to permanent tenure following promotion to higher grade.

No person hereafter promoted to a higher grade or classification within any of the departments of the city shall be deemed to have permanent tenure in the grade or classification to which promoted until he or she shall have completed one (1) year of continuous service in such grade or classification following such appointment. Authorized sick leave and leave with pay shall not be deducted in computing such continuous service. During the period of service prior to completion of twelve (12) months of continuous service under this section, the employee so promoted shall hold the position to which promoted only upon provisional or probational basis, shall serve in such capacity at the pleasure of the appointing authority, and may be reinstated to his former grade or classification by the appointing authority at will and without cause. At the completion of the twelve (12) months of continuous service the promoted employee shall, without further official action, be entitled, in the grade or classification to which promoted, to all of the rights, privileges and protections provided by KRS Chapter 90 and by such existing ordinances as have been enacted pursuant thereto, and the promotions shall thenceforth have the same force and effect as if it had been a permanent promotion at the time originally made.

Sec. 2-229. - Assessment against salary for pension fund.

The probationary or provisional status of any appointee to or employee of any of the departments of the city shall not prevent the assessment of a portion of his salary, for the civil
service pension fund in the manner authorized by section 2-232, but in the event of a revocation of the appointment or promotion prior to the completion of the required probationary the amount assessed shall be repaid out of the fund such amounts as have been paid into same by virtue of his service under such appointment or by virtue of the additional salary incident to such promotion.]

[Sec. 2-230. Examination; qualifications.

The civil service commission shall examine all applicants for municipal employment as to their physical and mental qualifications for the particular classification wherein they seek employment. To be eligible for examination a person must be not less than eighteen (18) years of age, a law-abiding citizen of sobriety and integrity, and must be able to read and write and understand the English language.

Sec. 2-232. Membership of board; assessments against salaries and property; applications for relief; allowances.

The membership of the board of trustees of the pension fund shall consist of the mayor and two (2) commissioners of the city, and three (3) classified city employees with civil service status to be appointed by the board of commissioners who shall hold their office for terms of two (2), three (3), and four (4) years, respectively or until their successors are appointed and qualified, and one (1) retired member of the pension fund, to be appointed by the mayor. The mayor shall be the chairman of the board. In addition thereto, but without having a vote on any questions that may come before the board, the city clerk shall be ex officio secretary of the board and the finance director shall be the treasurer of the board. The board shall have the exclusive control and management of the pension fund, and there is hereby assessed against the salary of each employee a sufficient percent to maintain adequately the pension-fund hereby created, but in no event shall the assessment exceed five (5) percent of the monthly salary of each employee. The portion of salary to be thus withheld shall be fixed annually by the board of commissioners and the proceeds resulting therefrom shall be placed by the finance director of the city to the credit of the pension fund subject to the order of the board of trustees. The board of commissioners of the city shall levy annually a tax of not exceeding five cents ($0.05) on each one hundred dollars ($100.00) valuation of taxable property in the city, a sum sufficient to create and maintain the pension fund herein established. The board of trustees of the pension fund shall have power to make all needful rules and regulations for its government in the discharge of its duties and shall hear and decide all applications for relief, pension or retirement allowances under this division; and the decision of the board of trustees on any such application shall be final and conclusive and not subject to revision or reversal except by the board and a record shall be kept of all the meetings and proceedings of the board.

Sec. 2-233. Investment of pension funds.

The board of trustees shall have the power to withdraw the pension fund from the treasurer of the board and invest the same, or any part thereof, in the name of the board of trustees of the city employees' pension fund in interest-bearing bonds of the United States, the state or any county or city of the first, second or third class of the state. All such securities or evidences of investment shall be deposited with the treasurer and shall be subject to the orders of the board of trustees.

Sec. 2-249. Pay of assessment constitutes inviolable contract with city.

[(a) All positions designated as permanent or regular positions with the city shall be considered as civil positions except those excluded by state statute, and shall be filled in accordance
with the provisions of KRS Chapter 90 and the provisions of this division. Persons holding these positions, if under fifty (50) years of age and otherwise qualified.]

Beginning September 1, 2020, persons currently holding a designated civil service position and participating in the Civil Service Pension Plan shall remain under the civil service system provisions unless they transfer or promote to a new non-civil service position and shall pay monthly into the pension fund the percentage of his monthly salary, as prescribed by this division or any subsequent ordinance, and the payment of such assessment by the member into the pension fund shall be deemed an acceptance of the terms of the provisions of the civil service ordinance and shall constitute and thereby make effective a contract between such member and employee and the city, which contract shall be inviolable and shall continue to exist without right of revision or repeal as between the city and such member or employee unless by the mutual agreement by such member or employee and the city or except as provided in this division.

[(b) If employees holding these positions are fifty (50) years of age or older and otherwise qualified, they may elect to pay said amounts monthly into the pension fund. Said election shall be made in writing within thirty (30) days from the date this amendment becomes effective for such employees presently employed by the city, or, for persons who become employed by the city after this amendment becomes effective, within thirty (30) days after their beginning employment date. Such election shall be irrevocable.

(c) Employees who are presently employed by the city who are under fifty (50) years of age and are required to begin making said monthly payments, and employees presently employed by the city who are fifty (50) years of age or over and elect to begin making said monthly payments, shall have the option, within ninety (90) days of the adoption of this Ordinance No. 31-83 [adopted Nov. 9, 1983], to pay into the pension fund an amount equal to what their contributions to the fund would be from their beginning employment date to the date of such payment and receive credit for pension purposes for the number of years of previous employment with the city. Such payment shall be deemed to create the same inviolable contract between the city and such employees as contemplated by this section.]

Sec. 2-250. - Rosters to be submitted.

[The various appointing authorities shall submit to the civil service commission a roster containing the names of all of the employees under their respective control by November 25, 1967. The roster so submitted shall designate the job classification of each classification of each employee under the control and management of the respective appointing authority and shall further designate whether the position is classified as being under civil service.]

A roster shall be submitted to the clerk of the civil service commission containing the name, classification and job title, and civil service status of employees employed by the city, the utility commission and the water and sewer commission at the end of business on August 31, 2020.

Sec. 2-251. - Rosters to be kept current.

[The various appointing authorities are hereby charged with the responsibility of notifying the civil service commission of any material changes in their roster of employees. The civil service commission, together with the personnel clerk of the city, shall keep and maintain the employee
rosters in a current and up-to-date manner. If job classifications are created or abolished, this fact
will be communicated by the responsible appointing authority to the personnel clerk for the city
within a reasonable time after such creation or abolishment and the employee rosters will be changed
to reflect the action of said appointing authority. If a job classification is changed by the responsible
appointing authority from none civil service to a civil service position, the roster of employees of the
effected appointing authority shall be amended to reflect this change. Once a job classification has
been designated as a civil service position, it shall remain a civil service position until abolished and
may not thereafter be returned to none civil service status.

The civil service commission clerk shall keep and maintain the employee roster in a current
and up-to-date manner. Once a job classification is changed from civil service to a noncivil service
position, the roster of employees shall be amended to reflect this change. Once a job classification
has been designated as a noncivil service position, it shall remain a noncivil service position and
may not thereafter be returned to civil service status.

[See. 2-252. Vacancies.

If a vacancy occurs in a civil service position under the control of the city manager, board of
commissioners, or an independent commission, it shall be filled in accordance with the applicable
provisions of this division and KRS Chapter 90. If a civil service position is by necessity filled by
temporary or emergency appointment due to the nonavailability of qualified applicants for the
position, the civil service commission shall advertise for qualified applicants to take the required
examination at least once every ninety-day period thereafter.]

[See. 2-253. Probationary appointment of reclassified employee.

If an appointing authority shall reclassify a none civil service position to a civil service
position, the employee who holds the position at the time of its reclassification shall be entitled to
credit for the period of time served in the position prior to reclassification as probationary time as the
same is defined in sections 2-227 and 2-228-]

All ordinances or parts of ordinances in conflict herewith are hereby repealed and
superseded to the extent of such conflict.

The ordinance shall become effective on September 1, 2020.

On first reading of the foregoing ordinance, it was moved by Commissioner
__________________________, seconded by Commissioner ________________ , that the Ordinance be
adopted on its first reading. On roll call the vote stood:

Commissioner Bugg: ______ Commissioner Vowels: ______
Commissioner Royster: ______ Mayor Austin: ______
Commissioner Staton: ______

On second reading of the ordinance, it was moved by Commissioner
__________________________, seconded by Commissioner ________________ , that the Ordinance
be adopted. On roll call the vote stood:
WHEREUPON, Mayor Austin declared the ordinance adopted, affixed his signature and the date and ordered that it be recorded.

Steve Austin, Mayor
Date: ____________________

ATTEST:

Maree Collins, City Clerk

APPROVED AS TO FORM AND LEGALITY THIS ___ DAY OF AUGUST, 2020.

By: [Signature]

Dawn S. Kelsey
City Attorney
ORDINANCE NO. ________

ORDINANCE AMENDING CODE OF ORDINANCES CHAPTER 23
UTILITIES, ARTICLE II WATER AND SEWER SERVICE

SUMMARY: AN ORDINANCE AMENDING CODE OF ORDINANCES CHAPTER 23
UTILITIES, ARTICLE II WATER AND SEWER SERVICE, SECTION 23-43
EMPLOYMENT OF GENERAL MANAGER AND MANAGEMENT EMPLOYEES

WHEREAS, it is necessary to update Chapter 23, Utilities, Article II Water and Sewer Service, Section 23-43 Employment of General Manager and Management Employees to remove civil service applicability to positions as they become vacant as of September 1, 2020.

NOW, THEREFORE, BE IT ORDAINED by the City of Henderson, Kentucky, that Code of Ordinances is hereby amended as follows:

Sec. 23-43. Employment of General Manager and management employees.

The water and sewer commission shall have power to employ, fix the compensation of, and discharge, the General Manager, the chief financial officer, the project engineer, and the director of operations. The General Manager shall direct, employ, fix the compensation of, and discharge all other employees of the works and systems. Any employees of the works and systems, other than the positions of General Manager, chief financial officer, the project engineer, and director of operations, shall be subject to and under the protection of the civil service system of the City of Henderson who are within and subject to the civil service provisions at the end of business on August 31, 2020 will remain under the civil service provisions unless they transfer or promote to a new non-civil service position. Beginning on September 1, 2020, the water and sewer General Manager (appointing authority) may fill all vacancies in regular full-time positions, and all promotions, without those employees being classified as within and subject to the civil service system.

The ordinance shall become effective upon legal adoption.

On first reading of the foregoing ordinance, it was moved by Commissioner ________, seconded by Commissioner __________, that the Ordinance be adopted on its first reading. On roll call the vote stood:

Commissioner Bugg: ________ Commissioner Vowels: ________
Commissioner Royster: ________ Mayor Austin: ________
Commissioner Staton: ________
On second reading of the ordinance, it was moved by Commissioner ___________, seconded by Commissioner ______________, that the Ordinance be adopted. On roll call the vote stood:

Commissioner Bugg: _______  Commissioner Vowels: _______  Commissioner Royster: _______  Mayor Austin: _______
Commissioner Staton: _______

WHEREUPON, Mayor Austin declared the ordinance adopted, affixed his signature and the date and ordered that it be recorded.

__________________________
Steve Austin, Mayor
Date: ______________________

ATTEST:

__________________________
Maree Collins, City Clerk

APPROVED AS TO FORM AND LEGALITY THIS _______ DAY OF AUGUST, 2020.

By: _______________________
Dawn S. Kelsey
City Attorney
ORDINANCE NO. ______

ORDINANCE AMENDING EMPLOYEE MANUAL

SUMMARY: ORDINANCE AMENDING SECTION 2-212 OF ARTICLE VI, PERSONNEL; BY ADOPTING REVISED RULES AND REGULATIONS FOR EMPLOYEES OF THE CITY OF HENDERSON

WHEREAS, it is necessary to update the Employee Manual to bring it consistent with the Ordinances removing civil service for new positions in the City of Henderson.

BE IT ORDAINED by the City of Henderson, Kentucky that Sec. 2-212, Personnel Rules and Regulations, of Article VI of the Code of ordinances, be amended to read as follows:

Sec. 2-212. Personnel Rules and Regulations.

(a) The personnel rules and regulations revised in [April 2012] September 1, 2020 and recommended to the board of commissioners by the city manager are approved, adopted and incorporated herein by reference and supersede and replace all prior editions of such rules and regulations.

(b) A copy of same shall be kept on file in the office of the city clerk, and a copy of such rules and regulations shall be disseminated to each City employee.

The ordinance shall become effective on September 1, 2020.

On first reading of the foregoing ordinance, it was moved by Commissioner ____________, seconded by Commissioner ____________, that the Ordinance be adopted on its first reading. On roll call the vote stood:

Commissioner Bugg: _______ Commissioner Vowels: _______
Commissioner Royster: _______ Mayor Austin: _______
Commissioner Staton: _______

On second reading of the ordinance, it was moved by Commissioner ________________, seconded by Commissioner ________________, that the Ordinance be adopted. On roll call the vote stood:

Commissioner Bugg: _______ Commissioner Vowels: _______
Commissioner Royster: _______ Mayor Austin: _______
Commissioner Staton: _______
WHEREUPON, Mayor Austin declared the ordinance adopted, affixed his signature and the date and ordered that it be recorded.

Steve Austin, Mayor

Date: ______________________

ATTEST:

Maree Collins, City Clerk

APPROVED AS TO FORM AND LEGALITY THIS ___ DAY OF AUGUST, 2020.

By:  
Dawn S. Kelsey  
City Attorney
ARTICLE 10 — PERSONNEL

A. The City of Henderson (hereinafter referred to as the City) Personnel Policies and Procedures shall govern conditions of employment for all regular full-time, part-time, and temporary/seasonal employees. The following are exempted from the applications of this duly established ordinance:
   1. All elected officials.
   2. All members of boards and commissions of the City.
   3. Consultants, advisors and counsels rendering or tendering temporary professional services.
   4. Independent Contractors.

B. All municipal employment positions not expressly exempt from application of this ordinance shall be subject to these provisions. The following positions are exempt from those applications of this ordinance, which apply to civil service employment.
   1. City Manager
   2. City Attorney
   3. Information Technology Director
   4. Parks & Recreation Director
   5. Public Works Director
   6. Project Manager
   7. Community Relations Manager/Public Information Officer
   8. HWU General Manager
   9. HWU Chief Financial Officer
   10. HWU Director of Operations
   11. HWU Project Engineer
   12. Police Officers
   13. Firefighters
   14. Staff Attorney

They are contract or at-will positions.

ARTICLE 12 — VACANCIES

A. When a vacancy occurs, and it is necessary to fill it, a Department Head shall submit a Personnel Requisition form to the Human Resources Director.

B. No position may be filled until approved by the appointing authority [City Manager].

C. Selection and employment of members of the Police and Fire Departments shall be pursuant to the provisions of K.R.S. 95.440. The procedure and requirements for recruitment, selection, and employment of entry level Police Officers and Firefighters shall be hereinafter prescribed:
   1. Upon notification by the Chief that a vacancy exists for the position of Police Officer or Firefighter or that additional employees have been authorized by the City Manager to be added to the Department and in the absence of a current, valid register, the Human Resources Director shall make public by appropriate advertisement the intent of the City to employ such personnel.
   2. The Human Resources Director shall make public the closing date for receiving applications.
   3. The Human Resources Director shall make available to all departments the prerequisite qualifications for Police and Fire Departments.
ARTICLE 14 — EMPLOYMENT POLICY (May, 2012)

THE CITY OF HENDERSON HAS ELECTED TO OPERATE AS AN AT-WILL EMPLOYER. EMPLOYMENT MAY BE TERMINATED BY EMPLOYEE OR THE CITY AT ANY TIME FOR ANY OR NO REASON (EXCEPT THOSE PROHIBITED BY LAW), WITH OR WITHOUT CAUSE. It is a policy of the City to recruit the most qualified personnel available for positions in [the classified service of] the City. The recruitment of all employees shall adhere to applicable policy and law. When advertising is necessary to recruit, the City shall adhere to applicable statute regarding posting positions. The City of Henderson is under no obligation to fill any vacant position, or to utilize any active eligibility list, or submission of any application, and creates no legal right to any candidate for an offer of employment. [The City of Henderson has elected to operate under the City Civil Service Provisions, Sections 90.130 to 90.140 inclusive, of the Kentucky Revised Statutes. Through adoption of these statutes and subsequent City Ordinances, the City provides that employment shall be based on merit and fitness as determined by competitive evaluation. Employment separation shall be solely for cause.]

A. All employees, as a requirement of employment, shall furnish to Human Resources any change of address, telephone number, names of dependents, marital status, individuals to be contacted in the event of an emergency, and other such status reports as may be required by the City and such information should be accurate and current at all times.

ARTICLE 16 — BASIC EMPLOYMENT REQUIREMENTS (May, 2012)

The City of Henderson is committed to ensuring individuals working on our behalf are qualified, suitable, safe, and have a strong potential to be productive and successful.

A. All applicants for employment with the City must complete a City of Henderson employment application. The City relies upon the accuracy and veracity of information contained in the employment application as well as the accuracy and veracity of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or omissions in any of this information or data may result in the City's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

B. All applicants for employment must meet the qualifications established for the position and be physically able to perform the essential functions of the position with or without reasonable accommodation.

C. Applicants may be required to participate in examinations, screenings and evaluations. The Human Resources department, or its designee, is authorized to conduct and/or coordinate such screenings, evaluations, examinations, orientations, and training, both pre-offer and post-offer.

D. All applicants for employment must compete in a written examination per Article 110. Police Department applicants shall be required to compete in a written examination unless the applicant can provide certified verification that he/she has successfully completed the Criminal Justice Training Academy, in which case the applicant may substitute the Criminal Justice Training Academy final grade average in lieu of the City-administered test. The applicant shall be given the right to participate and compete in the City of Henderson's written examination, in which case the result on the City of Henderson written test shall take precedence over the Criminal Justice Training Academy final grade average.

E. All applicants for employment must undergo a pre-employment drug test. Applicants who will work in positions that are regulated by the Federal Department of Transportation must also undergo a pre-employment alcohol screen. Following a conditional offer of employment, an applicant must pass a physical examination performed at the City's expense by a physician selected by the Human Resources Director.

F. Applicants must not have a record of previous unsatisfactory service in City employment or elsewhere which demonstrates unsuitability for employment in the position for which applied.

G. The City is committed to employing only citizens of the United States of America and/or aliens who are authorized to work in the United States. The City complies with the Immigration Reform and Control Act of 1986.

H. As a condition of employment, each new employee must properly complete, sign, and date the first section of the Immigration and Naturalization Service Form I-9. Before commencing work, newly rehired employees must complete the Form I-9 if they have not previously done so with the Human Resources Office, if their previous I-9 is more than three years old, or if their previous I-9 is no longer valid.
ARTICLE 18 — EQUAL OPPORTUNITY EMPLOYMENT (May, 2012; June 2019)

A. The city is an equal opportunity employer. It is the city’s policy to afford equal employment opportunity to all qualified persons regardless of race, color, religion, nation origin, sex, sexual orientation, gender identity, pregnancy, childbirth, pregnancy/child birth related medical conditions, genetic makeup, age, disability, veteran or family status, or any other status or condition protected by applicable local, state or federal laws, except where a bona fide occupational qualification applies.

B. The city’s commitment to be an equal opportunity employer extends to all its employment and personnel practices, including job opportunities, promotions, pay and benefits, discipline, discharge, training, and other social and recreational activities sponsored by the city.

C. The harassment, retaliation, coercion, interference, or intimidation of any employee due to that employee’s race, color, religion, national origin, sex, sexual orientation, gender identity, pregnancy, childbirth, pregnancy/child birth related medical conditions, genetic makeup, age, disability, veteran or family status is strictly forbidden. Any employee who experiences such treatment should report it immediately to his or her supervisor or other supervisory or management staff in accordance with the Harassment Policy with Article 305 and/or Article 312 of the Handbook.

ARTICLE 100 — AFFIRMATIVE ACTION POLICY (May, 2012)

An Affirmative Action Program has been implemented to analyze all City work areas to find inequities, if such exist, in the employment of protected classes and to establish goals and timetables to correct such inequities.

ARTICLE 102 — DISCRIMINATION AND APPEALS PROCEDURES (May, 2012)

Any applicant for employment who has reason to believe that discrimination occurred due to non-merit factors may appeal directly to the City Human Resources Director, and any probationary employee who has reason to believe that discrimination occurred due to non-merit factors may appeal directly to the appropriate Department Head, respectively, within five (5) days after the alleged offense. The procedure will be as follows:

A. Within fifteen (15) days after the complaint has been filed, the Human Resources Director/Department Head, as appropriate, shall conduct a preliminary investigation of the complaint. Such investigation may include a meeting with the complainant, department supervisor, and other parties involved with the complaint. Within five (5) working days after such investigation or meeting, the Human Resources Director/Department Head will submit a response to the complainant in writing.

B. If the complaint was originally appealed to the Department Head and not resolved in “A” above, the complainant may within five (5) working days request in writing a review by the Human Resources Director. The Human Resources Director shall respond to the complainant and the Department Head with a recommended solution within ten (10) working days after the receipt of the complaint.

C. If the complaint was originally appealed to the Human Resources Director and not resolved in “A” or “B” above, the complainant may, within ten (10) working days after receipt of the answer from the Human Resources Director, file written objections to the City Manager. Within fifteen (15) working days, the City Manager shall send the complainant and Department Head an answer.

D. If the complaint is not resolved in “C” above, the complainant may file written objections to the Mayor. The Mayor shall discuss the complaint with the other members of the Board of Commissioners, the City Attorney, and City Manager prior to a decision being rendered on the complaint. The final decision shall be made by a majority vote of the Board of Commissioners. The Mayor shall provide the decision to said complainant in writing within thirty (30) working days.

ARTICLE 104 — POSITION STATUS (May, 2012)

Each position within the City shall be designated by position type as follows:
A. *Employee* means any person employed in the conduct of municipal affairs including an administrative or directorial position but shall not include the Mayor, Board of Commissioners, Henderson-Henderson County Planning Commission, Board of Zoning and Adjustments, Municipal Housing Commission, and members or corresponding officers of similar boards and commissions of the City.

B. *At-will regular full-time employees* shall be those normally scheduled to work forty (40) hours or more per week, and who have successfully completed the probationary period of employment.

C. *At-will regular part-time employees* shall be those normally scheduled to work less than forty (40) hours per week and who have successfully completed the probationary period of employment.

D. *Regular full-time employees* shall be those normally scheduled to work forty (40) hours or more per week, and who have successfully completed the probationary period of employment.

E. *Regular part-time employees* shall be those normally scheduled to work less than forty (40) hours per week and who have successfully completed the probationary period of employment.

F. *At-will regular full-time probationary and regular part-time probationary employees* shall be those who have not completed the provisional (probationary) period of employment.

G. *Seasonal employees* shall be those whose terms of employment shall be consistent with a recognized or defined period of time which comprises a season compatible with the needs of the City; per County Employees Retirement System (CERS) regulations seasonal periods shall be approved by the Human Resources Director.

H. *Temporary employees* shall be those whose terms of employment shall not exceed a lifetime cumulative total of 12 months per individual employee per CERS regulations.

I. *Contractual employees* are hired for a specific purpose for a specified period of time. Pursuant to Section 2-228 of the City of Henderson Code of Ordinances, contractual employees are not entitled to any rights, privileges, or protection under K.R.S. Chapter 90.

**ARTICLE 106 — CIVIL SERVICE COMMISSION** (May, 2012)

All provisions concerning the Civil Service Commission are subject to Sections 90.310 to 90.410 of the Kentucky Revised Statutes.

The Human Resources Director of the City shall serve as the Clerk of the Civil Service Commission.

**ARTICLE 108 — CIVIL SERVICE EMPLOYMENT** (May, 2012; October, 2014)

A. [The City of Henderson has elected to operate under the City Civil Service provisions pursuant to the authority contained in applicable sections of Chapter 90, Kentucky Revised Statutes.]

B. *Civil Service employment* shall mean the positions of employment in the service of the City which have been classified as being under the protection of Chapter 2 Article VI Division 2 of the City of Henderson Code of Ordinances and K.R.S. Chapter 90. Only those employees who remain in their civil service position on September 1, 2020 and after will be classified as civil service under Chapter 90 of the Kentucky Revised Statutes. Any civil service employee who transfers or promotes out of their position after September 1, 2020 will no longer be civil service classified.

C. The provisions of Articles applicable to appointments to classified Civil Service positions shall not pertain to the hazardous duty positions or non-hazardous duty at-will positions.

D. No person shall be eligible for an appointment as a regular employee to a position in the classified service except as provided by K.R.S. 90.300.

E. The number of municipal employees, their classifications and salaries shall be such as the Board of Commissioners, or their designee, have ordained and provided, and from time to time shall ordain and provide.

F. [As prescribed by K.R.S. 90.320, the Civil Service Commission shall prescribe and propound such examinations as are proper and commensurate with vacant positions within various departments of the City according to classifications prescribed by ordinance and shall set such times and places for holding examinations as may be proper and shall give public notice of examination by publication pursuant to K.R.S. Chapter 424.

G. The Civil Service Commission may direct the Clerk of the Commission to develop and administer such examinations as are proper and commensurate with vacant positions.
H. The appointing authority may prescribe that for certain vacant positions, examinations shall first be given exclusively to qualified current employees provided, however, that:

1. at least three (3) eligible employees that participate in the exam shall have at least two (2) years of regular full-time or regular part-time employment with the City prior to the date of examination; and
2. that if less than three (3) eligible employees with at least two (2) years of regular full-time or regular part-time employment with the City prior to the date of examination achieve a passing score, the examination shall be invalid and shall then be filled from open competition. However, any candidate who achieves a passing score on the promotional examination shall have her/his score ranked in order of final rating and placed on the eligible list created from subsequent open competition.

I. The Civil Service Commission shall, as soon after examinations as is practicable, certify to the appointing authority a list of the applicants so examined, with the one having the highest passing score and/or average (see Article 120) ranked first and all others ranked numerically according to the results of the examination. Applicants who do not achieve a passing score, however, shall not be ranked.

J. The appointing authority shall make all Civil Service appointments and the appointments shall be made only from the list of applicants certified by the Civil Service Commission after examination. Appointments shall be made only by the selection of one (1) of the three (3) (if three are available) holding the highest passing score and/or average from the examination administered to fill the vacancy. The appointing authority may select from a certified list of less than three.

K. Whenever it is imperative to fill a vacancy in a classified Civil Service position before the commission can certify a list of as many as three (3) persons eligible for appointment after competitive examination, the appointing authority shall nominate competent persons from the same class or next lower class to the commission for non-competitive examination and, if certified by the commission as qualified after a non-competitive examination, may be appointed provisionally to fill the vacancy until an appointment can be made after competitive examination. This provisional appointment shall continue only until a regular appointment can be made from the eligible list prepared by the commission, which eligible list shall be prepared within ninety (90) days after a vacancy occurs.

L. In case of great emergency and when no one on the eligible list or by promotion from lower rank is available, an appointment may be made by the appointing authority without examination, but in no case shall such appointment continue longer than sixty (60) days, and in no case shall successive appointments be made of the same person, or other persons, to such vacancy.

M. Where the service is to be rendered by an appointee in the classified service for a temporary period, not to exceed sixty (60) days, and the need for such service is imperative, the appointing authority may select for the temporary service any person on the list of those eligible for regular employment. Successive temporary appointments to the same position shall not be made under this provision. The acceptance or refusal by an eligible applicant of a temporary appointment shall not affect his/her standing on the register for regular employment, nor shall temporary service be counted as part of probationary service in case of subsequent appointment to a regular position.

N. No person shall be certified by the commission from an eligible list more than four (4) times to the same appointing authority for the same or similar position. No person shall be eligible to be examined more often than one time for the same position within any six (6) month period.

O. Where peculiar and exceptional qualifications of a particular professional, technical, or educational character are required and where competitive examination has failed to produce an eligible list of qualified applicants, the appointing authority may in writing request that competitive examination be waived. If such request is approved by a majority of the Civil Service Commission, the appointing authority may select and appoint a qualified applicant to regular full-time probationary or regular part-time probationary status.

P. The City shall reserve its right to authorize and/or administer physical, performance, oral, written, mental, psychological, or other examinations where deemed applicable and/or necessary.

Q. Rating of education, training, and experience shall be based upon information provided on the City’s application form and from other data as may be secured through interviews or other sources and which may be subject to investigation as to veracity, applicability, and completeness. When a college degree is required or requested, applicants shall furnish a certified transcript showing the course work completed and grades received in relation to said degree.
ARTICLE 109 – NON-HAZARDOUS AT-WILL EMPLOYMENT

A. The number of municipal employees, their classifications and salaries shall be such as the Board of Commissioners, or their designee, have ordained and provided, and from time to time shall ordain and provide.

B. The City shall reserve its right to authorize and/or administer physical, performance, oral, written, mental, psychological, or other examinations where deemed applicable and/or necessary.

C. The appointing authority shall direct the Human Resources department to authorize and/or administer such examinations and skills tests as are proper and commensurate with vacant positions. At the discretion of the appointing authority, positions may be filled without examination or testing.

D. Rating of education, training, and experience shall be based upon information provided on the City's application form and from other data as may be secured through interviews or other sources and which may be subject to investigation as to veracity, applicability, and completeness. When a college degree is required or requested, applicants shall furnish certified proof in relation to said degree.

ARTICLE 110 — CHARACTER OF EXAMINATION (May, 2012)

Examinations shall relate to those matters which fairly test the capacity and fitness of those persons examined to carry out the essential functions, duties, and tasks of the position or job being filled and which demonstrate knowledge of and ability to read, write, and understand English language. Any means or measures, or any combination thereof, may be used which are calculated to test the fitness of candidates to become employees in the position for which the examination is being held. Such means or measures may include any required statement; any evaluation; any previous education and/or training; any previous experience; any record of accomplishment; any test of knowledge, ability, skill, capacity, intelligence or aptitude; any inquiry into moral character; or any other quality or attribute which can be shown to be related and necessary for successful job performance. Where feasible, tests shall be administered which assess ability to perform the essential functions, duties, and tasks of the job.

ARTICLE 112 — ELIGIBILITY TO BE CONSIDERED [COMPETE IN EXAMINATION] (May, 2012)

A. Non-Hazardous Duty At-Will [Civil Service]

1. Applicants must not be less than 18 years of age.

2. Applicants must have graduated from a standard senior or vocational high school or have achieved a General Equivalency Diploma (GED).

3. Applicants must meet the qualifications established for the position as set forth in the job [examination] announcement. When necessary, the City Human Resources Director and hiring Department Head, or their designees, shall assess and determine whether an applicant's education, training, experience, and/or other criteria, as presented, are adequate per the qualifications of the position to proceed to the selection process.

4. Applicants must deliver the required City application and/or other required documents to the Human Resources Office and such documents must be received by the Human Resources Office prior to the closing date and time specified in the announcement.

5. [Each applicant who is an honorably discharged Veteran of the Armed Forces of the United States and who is verified as a registered voter of the City of Henderson shall be eligible for a five percent (5%) increase on his/her examination score. Such percentage shall be added to examination score only if the score is determined by the Civil Service Commission to be a passing score and after verification of the required service.]

6. Probationary or promotional probationary City employees may only apply for consideration [complete in an open competitive examination] upon recommendation of their Department Head and approval of the appointing authority [City Manager].

B. Police and Fire Hazardous Duty
1. Police applicants must reach their 21st birthday and Fire Department applicants their 18th birthday prior to the date of probationary appointment.

2. Be a high school graduate or must have obtained a General Equivalency Diploma (GED) for high school level.

3. Have not been convicted of a felony or received a Dishonorable Discharge from the Armed Forces.

4. Be willing to undergo thorough physical, mental, and psychological examinations as required prior to probationary appointments.

5. Be willing to undergo thorough personal background investigation, including polygraph examination, prior to probationary appointment.

6. Have any other qualifications as may be prescribed by Kentucky Statutes or ordinances of the City.

7. Each applicant who is an honorably discharged Veteran of the Armed Forces of the United States and who is verified as a registered voter of the City of Henderson, shall be eligible for a five percent (5%) increase on his/her examination score. Such percentage shall be added to the examination score only if the score is determined by the Human Resources Director to be a passing score and after verification of the required service.

8. Probationary or promotional probationary City employees may only complete in an open competitive examination upon recommendation of their Department Head and approval of the appointing authority [City Manager].

[ARTICLE 114 — DISQUALIFICATION FROM EXAMINATION](https://example.com/114)

An application may be rejected or permission to test may be denied for any individual who:

A. Is found to lack the qualifications prescribed for admission to the examination as announced in the notice.

B. Has made false statements of any material fact or has practiced or attempted to practice deception or fraud in application or test.

C. Has been examined for the same position previously within any six (6) month period.

D. Has failed to provide any required documentation relating to application for a position.

E. Makes application for any reason other than employment with the City.

[ARTICLE 116 — ADMISSION TO EXAMINATION](https://example.com/116)

A. Each candidate whose application has been accepted for examination shall have his/her name entered on the examination roster which shall constitute authorization for admission. The test administrator shall call the roll of applicants to be examined.

B. No person shall be permitted to take any examination without such authorization, or other satisfactory evidence of acceptance.

C. Applicants must present proper identification at time of examination.

D. Applicants who do not appear at the time and place specified shall not be admitted to the examination.

E. Any applicant who, due to documented good cause, is unable to be examined at the announced time and place may apply, in writing, in a timely fashion to the Clerk of the commission to be examined later. The Clerk shall determine whether or not good cause exists to schedule a test time and date consistent with the needs of the appointing authority.

[ARTICLE 118 — EXAMINATION ADMINISTRATION](https://example.com/118)

A. The Civil Service Commission shall authorize appropriate examinations for designated classified positions.

B. The Clerk of the Civil Service Commission shall develop and the Commission or the Clerk of the Commission or his/her designee shall administer such examinations as are proper and commensurate with vacant positions.

C. The Clerk shall advertise the time and location for holding examinations and shall establish a cut-off date and time for the receipt of applications.

D. The Clerk may designate such monitors as may be necessary to conduct tests as prescribed by the Civil Service Commission.
E. The test administrator shall, at the announced time and place, call the roll of those to be examined as prescribed in Article 116.

F. The Clerk shall establish time limits for completion of examinations.

G. The Civil Service Commission and/or Clerk may disqualify applicants from eligibility for dishonesty in taking examinations.

H. The Clerk, or designee, shall conduct the scoring of written examinations.

I. The Clerk shall notify all applicants of their scores.

J. The Civil Service Commission may adopt such by-laws as needed to administer examinations.

ARTICLE 120 — POLICE AND FIRE ELIGIBLE LIST (May, 2012)

A. Civil Service:

1. It is the responsibility of the Civil Service Commission to certify the eligibility of candidates for job vacancies to the appointing authority.

2. Names of candidates who achieve a passing score shall be placed on an eligibility list in the order of their final rating.

3. Candidates must achieve a minimum passing score (as designated prior to the examination by the Clerk of the Civil Service Commission) in order to be eligible for selection.

4. The Civil Service Commission shall certify a current list of applicants ranked numerically according to the results of the examination. The appointing authority shall select from the top three eligible applicants (or fewer if less than three applicants achieve a passing score). If there is more than one vacant position, the appointing authority shall move down the list, in order to permit selection from at least three applicants if three or more are available.

3. In the event a candidate is removed from the list of eligible candidates for reasons outlined in Article 124, the candidate ranking next highest with a passing score shall be eligible for selection by the appointing authority.

B. Police and Fire:

A. Candidates must achieve a minimum passing score on each section of the examination (as designated prior to the examination by the Human Resources Director) in order to be eligible for selection.

B. Those applicants who obtain a minimum passing score on each section of the written examination will be eligible to continue in the selection process. Applicants who do not obtain a minimum passing score on each section of the written examination shall be declared ineligible.

C. Examinations under this section are of a qualifying nature and create no right to appointment either in the person passing same or the person making the high score.

D. Applicants who pass the written examination must successfully participate in and pass a physical ability test.

E. Each applicant who passes the examinations as provided shall be required to participate in a comprehensive evaluation which shall be conducted by the Chief of the Department, Human Resources Director, or their designee. Such evaluation shall include, but not be limited to, the following:

1. Personal background information.

2. Previous employment investigation.

3. Educational background.

4. Credit standing.

5. Criminal records.

6. Psychological evaluation.

7. Drug screening and testing.

8. Any other relevant information discovered during the course of investigation related to the applicant's fitness for the position.

9. Following a job offer, each applicant shall be required to provide a complete medical history and to participate in and pass a physical examination prior to probationary appointment.

F. The appointing authority is not required to appoint to positions persons who have passed qualifying examinations.
ARTICLE 122 — DISQUALIFICATION OF POLICE, FIRE, EMERGENCY COMMUNICATIONS APPLICANTS (May, 2012)

The appointing authority may reject the application of any person for employment who:

A. Is found to lack the qualifications prescribed for the position as announced in the notice and/or fails to achieve a passing score on the written examination.
B. Is physically unable, with or without accommodation, to perform the essential functions of the position.
C. Is addicted to the habitual use of alcoholic beverages or illegal drugs / controlled substances.
D. Has used or attempted to use political pressure or bribery to secure advantage in testing or appointment.
E. Has been convicted of a felony or has received a Dishonorable Discharge from the Armed Forces.
F. Has made false statements of any material fact or has practiced or attempted to practice deception or fraud, misrepresentation, or deception on/in application procedure or document, test, or interview.
G. Has otherwise violated the provisions of these rules.

ARTICLE 124 — REMOVAL OF NAMES FROM ELIGIBILITY (May, 2012)

The Clerk of the Civil Service Commission may remove or withhold the name of an eligible candidate on an eligible list for any of the following reasons:

A. Appointment from such list to fill a vacancy in any classified position.
B. A statement (written or oral) by the eligible candidate declining appointment.
C. Failure to respond within five (5) days to any written inquiry of the Human Resources Office relative to the availability for employment.
D. For any reasons outlined in Articles 112, 114, 116, and 120.

ARTICLE 126 — SELECTION OF APPLICANTS (May, 2012)

A. Non-Hazardous Duty At-Will [Civil Service]: In keeping with equal employment opportunities and practices, each [certified] applicant shall be judged on individual merit. Selections shall be based generally on the following criteria:

1. Consideration shall be given to current credentials, past experience, past employment performance, and future potential.
2. All selections shall be made pursuant to provisions of Articles 14, 16, 18, 100, [106, 108], 109, 112, [120], and all other relevant sections.
3. Rejections of applicants may be based on the provisions of Articles 114, 120, 122, and 124.

4. The appropriate Department Head shall make a recommendation to the Human Resources Director indicating the preferred candidate for employment.
5. The Human Resources Director shall indicate either approval or disapproval of said recommendation and forward the same to the appointing authority.
6. All selections for appointment shall be pending until successful completion of a pre-employment drug test and alcohol screenings when appropriate and, following a conditional job offer, a physical examination by a physician authorized by the Human Resources Director.
7. Only those applicants deemed employable and who are able to perform the required essential functions of the position with or without accommodation may be appointed.
8. Based upon the physical examination provided by the physician, the appropriate Department Head and Human Resources Director shall make final determination as to the ability of an eligible candidate to perform the required essential functions of the position with or without accommodation.

B. Police and Fire: Upon satisfactorily meeting all requirements herein specified, applicants shall be interviewed and evaluated, in order that those conducting the interviews shall better ascertain the applicants' probability of successfully completing the training and probationary period of the appointment.
1. The interview and evaluation committee shall consist of the Chief of the department, the Human Resources Director, and one ranking officer.

2. Any applicant not making a minimum passing score on the oral interview as designated by the Human Resources Director prior to the interview shall not be recommended for employment.

3. The committee shall submit its recommendations to the Human Resources Director. The Human Resources Director shall rank all recommended applicants in descending order from the results of a weighted average of the written test, job assessment evaluation and oral interview scores and present such ranking to the Department Head.

4. The Department Head shall present such recommendations to the City Manager who shall approve or disapprove the recommendations and appoint as applicable.

ARTICLE 128 — PROBATIONARY PERIOD

The probationary period is an integral part of the testing process and provides Department Heads with the opportunity to train new employees, to observe new employees' work, and to dismiss any employee whose work performance fails to meet required work standards. COMPLETION OF THE PROBATIONARY PERIOD DOES NOT ALTER THE AT-WILL STATUS OF ANY NON-HAZARDOUS DUTY AT-WILL EMPLOYEE.

A. Non-Hazardous Duty At-Will:

1. All original and promotional appointments to regular full-time or part-time positions shall be tentative and subject to a trial or probationary period of one year (12 months) of service.

2. During the time prior to the completion of twelve (12) months of service, the probationary employee shall serve at the pleasure of the appointing authority; and shall be removable by the appointing authority at will and with or without cause.

3. Any leave of absence without pay which continues for longer than twenty-four (24) consecutive hours, shall not count toward the completion of the probationary period. Any leave of absence with or without pay which would prohibit the effective evaluation of the employee shall not count toward the completion of the probationary period.

4. At the completion of the twelve (12) months of service the probationary employee shall, without further official action, become at-will regular employee, and the twelve (12) months of probationary service shall then be counted as a part of the official service of the appointee for retirement and all other purposes.

5. Any employee in a position which has been reclassified to the extent that duties, necessary knowledge, skills, or abilities, and/or essential functions are different and necessitate a period of training or observation must begin again the probationary period from date of reclassification. A reclassification that entails only a job title change or a change in grade does not compel a new probationary period.

6. An employee who seeks promotion or is recommended to be promoted to a higher grade, or is for any reason moved to a different job classification, prior to the completion of the probationary period shall first be recommended by her/his Department Head as either qualified or not qualified in his/her current grade or job classification prior to the effective date of promotion or transfer, regardless of the duration of service. New employees with less than 12-months employment shall not obtain at-will regular status before completion of 12-months employment.

7. Any employee, who is transferred to a different Department to a position in the same job classification, shall not be required to serve a probationary period in the newer Department provided that all other probationary requirements have been met.

A.—Civil Service:

1. All original and promotional appointments to the classified service shall be tentative and subject to a trial or probationary period of one year (12 months) of service. A Department Head may request in writing that the probationary period of any employee be extended beyond twelve (12) calendar months with the approval of the City Manager and provided such request is not in conflict with appropriate sections of Kentucky Revised Statutes.

2. During the time prior to the completion of twelve (12) months of service, the appointee shall hold a provisional or probational appointment only; shall serve at the pleasure of the appointing authority; and shall be removable by the appointing authority at will and without cause.
3. Any leave of absence without pay which continues for longer than twenty-four (24) consecutive hours, shall not count toward the completion of the probationary period. Any leave of absence with or without pay which would prohibit the effective evaluation of the employee shall not count toward the completion of the probationary period.

4. At the completion of the twelve (12) months of service the appointee shall, without further official action, be entitled to all of the rights, privileges, and protections provided by K.R.S. Chapter 90 and by such existing ordinances as have been enacted pursuant thereto, and the twelve (12) months of probationary service shall then be counted as a part of the official service of the appointee for retirement and all other purposes.

5. Any employee in a position which has been reclassified to the extent that duties, necessary knowledge, skills, or abilities, and/or essential functions are different and necessitate a period of training or observation must begin again the probationary period from date of reclassification. A reclassification that entails only a job title change or a change in grade does not compel a new probationary period.

6. An employee who seeks promotion or is recommended to be promoted as a result of open or closed competitive examination to a higher grade, or is for any reason moved to a different job classification prior to the completion of the probationary period shall first be recommended by her/his Department Head as either qualified or not qualified for regular employment in his/her current grade or job classification prior to the effective date of promotion or transfer, regardless of the duration of service.

7. Any employee, who is transferred to a different Department to a position in the same job classification, shall not be required to serve a probationary period in the newer Department provided that all other probationary requirements have been met.

8. The City Manager may remove any employee at any time during the probationary period after consultation with the Department Head. The Department Head shall report in writing to the Human Resources Director the reason for separation.

B. Fire: Initial and promotional appointees in the Fire Department shall be required to:

1. Serve a twelve (12) month period of probation.
2. During probation, Firefighters shall have the same power and authority as any other Firefighter of the same grade and rank.
3. Probationary Firefighters shall not be subject to the provisions of the Civil Service Act for firefighters for cities of the home rule until such period of probation has ended and they shall have been appointed as regular members of the Fire Department.
4. The City Manager may remove any employee at any time during the probationary period after consultation with the Department Head. The Department Head shall report in writing to the Human Resources Director the reason for separation.

C. Police: Initial and promotional appointees in the Police Department shall be required to:

1. Serve a twelve (12) month period of probation beginning on the day of graduation from the Kentucky Department of Criminal Justice Training Academy.
2. During probation, Police Officers shall have the same power and authority as any other Police Officer of the same grade and rank.
3. Probationary Police Officers shall not be subject to the provisions of the Civil Service Act for police for cities of the home rule until such period of probation has ended and they shall have been appointed as regular members of the Police Department.
4. The City Manager may remove any employee at any time during the probationary period after consultation with the Department Head. The Department Head shall report in writing to the Human Resources Director the reason for separation.

ARTICLE 130 – [APPOINTMENT] REGULAR STATUS (May, 2012)

A. Non-Hazardous At-Will:
No Non-Hazardous At-Will employee shall be moved from probationary status to regular status until:
1. A written evaluation of the employee's performance which indicates satisfactory completion of the probationary period of employment and a written recommendation for appointment by the employee's Department Head to the appointing authority; and said evaluation and recommendation by the Department Head provided for herein shall be made at least fourteen (14) working days before the employee affected has been employed in the probationary period of service for one year (12 months of service); and

2. The appointing authority has reviewed the evaluation and recommendation and approved appointment.

A. [Civil Service: Appointment to Civil Service shall be contingent upon completion of the following:

1. A written evaluation of the employee's performance which indicates satisfactory completion of the probationary period of employment and a written recommendation for appointment by the employee's Department Head to the City Manager; and said evaluation and recommendation by the Department Head provided for herein shall be made at least fourteen (14) working days before the employee affected has been employed in the probationary period of service for one year (12 months of service); and

2. The appointing authority has reviewed the evaluation and recommendation and approved appointment.]

B. No employee of the Police or Fire Department shall be moved from probationary status to regular status until:

1. A written evaluation of the employee's performance which indicates satisfactory completion of the probationary period of employment and a written recommendation for appointment by the employee's Department Head to the City Manager; and said evaluation and recommendation by the Department Head provided for herein shall be made at least fourteen (14) working days before the employee affected has been employed in the probationary period of service for one year (12 months of service); and

2. The appointing authority has reviewed the evaluation and recommendation and approved appointment.

ARTICLE 132 — PROMOTION POLICY (May, 2012)

The City of Henderson shall provide promotional opportunities to qualified employees whenever possible. Employees are encouraged to qualify themselves for advancement. Job performance, service, commitment, interest, and loyalty will all be considered in the selection process. Current civil service employees who accept a promotion, transfer, or position change to a new position, are, in actuality, accepting an appointment to that of a different position. As such, on or after September 1, 2020, an employee who accepts such appointment thereby relinquishes all claim on his or her formerly held position, in accordance with applicable law.

ARTICLE 134 — PROMOTIONAL OPPORTUNITIES [EXAMINATIONS] (May, 2012; October, 2014)

A. Non-Hazardous At-Will [Civil Service]: The appointing authority may designate certain vacant non-hazardous at-will [Civil Service] positions and prescribe that for such positions the opportunity [examination] shall first be given exclusively to current employees. The employment requirements and eligibility for such opportunities [examinations] shall be based on the following:

1. [At least three (3) applicants must have been continuously employed as regular full-time employees or part-time employees, as defined in Article 104, for a period of at least two (2) years prior to the date of the examination.

2. The appointing authority may designate that certain closed or promotional examinations shall be limited to employees of a specific department.]

3. All applicants for promotional opportunities [examinations] must meet the minimum qualifications as specified in the job announcement.
Announcements for promotional opportunity examinations shall be posted in all appropriate City departments and remain posted for at least five (5) working days prior to the closing date of application.

The conduct of promotional opportunity examinations shall be subject to the provisions of Articles 14 through 112 [104 and Article 108(H)].

All applicants must be on active status and in good standing. An employee on a disciplinary suspension shall not be permitted to participate in a promotional process.

Probationary or promotional probationary City employees may be considered only [compete in an open or closed competitive examination] upon recommendation of the Department Head and approval of the appointing authority [City Manager].

B. The appointing authority may designate certain Police and Fire positions and prescribe that for such positions the examination shall first be given exclusively to current employees. The employment requirements and eligibility for such examination shall be based on the following:

1. The affected positions shall be those positions in the Fire Department above the rank of Firefighter and above the rank of Police Officer in the Police Department (with the exception of appointed ranks).
2. A passing score for the examination and interview shall be established by the Human Resources Director and the Chief of the Department and shall be set out in the promotional opportunity announcement. Applicants must achieve a passing score on written examination in order to be eligible to continue in the promotional process.
3. The interview committee, consisting of the respective Chief, the Human Resources Director, an officer of the Department ranking higher than the individual being interviewed, and/or an appointee of the City Manager, will interview all prospective employees ranking in the top three or more. Job performance, attitude, length of service, and ability to perform the essential functions of the position will be some of the variables involved in the selection process.
4. The Human Resources Director, or designee, will score and rank applicants who achieve a passing score in descending order from the results of a weighted average of the written test, job assessment evaluation and oral interview scores and present a ranked eligibility list to the Chief of the Department.
5. The respective Chief shall submit a recommendation for appointment to the City Manager.


Current civil service employees who accept a promotion, transfer, or position change to a new appointment, are, in actuality, accepting an appointment to that of a different position. As such, on or after September 1, 2020, an employee who accepts such appointment thereby relinquishes all claim on his or her formerly held civil service position, in accordance with applicable law.

A. There are two types of transfer: Department initiated, and employee initiated. Qualified employees may transfer between Departments or Divisions, provided the following conditions are met:

1. Department Initiated:
   a. Department Heads of affected Departments are aware of the need for a transfer and agree in writing that the transfer is the best interest of the City and/or employee before official contact is made with the employee.
   b. The employee shall have the best qualifications to fill the position.
   c. The employee’s position classification will not change as a result of the transfer except as referred to in (i).
      i. For the purpose of the Transfer Policy, the position classifications of police officer or firefighter may also be considered a transfer provided the employee has fulfilled all contractual obligations including thirty-six (36) months of service following the completion of all initial training.
   d. All transfers must be handled through the Human Resources Department and be approved by the City Manager upon written request of each Department Head as appropriate.

2. Employee Initiated:
   a. The employee, through the chain of command, must notify his/her current Department Head of the desire to transfer and the reason(s) for making such a request should be submitted in writing.
   b. The employee shall have the best qualifications to fill the position.
   c. The employee’s position classification will not change as a result of the transfer except as referred to in (i).
i. For the purpose of the Transfer Policy, the position classifications of police officer or firefighter may also be considered a transfer provided the employee has fulfilled all contractual obligations including thirty-six (36) months of service following the completion of all initial training.

d. All transfers must be handled through the Human Resources Department and be approved by the appointing authority [City Manager] upon written request of both Department Heads.

B. The transfer will require a 6-month non-merit evaluation and a 12-month probationary period evaluation, and the annual performance evaluation date of the transferred employee will remain the same.

ARTICLE 138 — RESIGNATION POLICY (May, 2012)

A. Formal resignation shall require the following:
   1. a written letter submitted to the employee's Department Head at least two (2) weeks in advance indicating the intended date of resignation;
   2. return of all City-owned or issued property; and
   3. participation in an exit interview scheduled with the Human Resources Department.

B. Accrued vacation leave cannot be used during the two weeks' notice period.

C. Employees who follow the formal resignation procedure may receive all benefits to which they are entitled.

ARTICLE 140 — LAYOFF POLICY (May, 2012)

Where necessary, the appointing authority [City Manager] shall lay off employees due to changes in the organization, lack of work, or funds. The following conditions will be adhered to in regard to layoffs:

A. Whenever feasible, the appointing authority [City Manager] and Department Head will integrate laid off employees into other Departments.

B. Whenever possible, at least a two-week written notice of layoff will be provided to affected employees.

C. Job performance, efficiency, length of service, and other pertinent factors shall be determinants in the order of layoff.

D. Temporary [part-time,] or seasonal personnel may be given a layoff notice at any time. This notice will meet all notification requirements.

ARTICLE 142 — RE-EMPLOYMENT POLICY (May, 2012)

The re-employment of former City employees, who have left City service for reasons other than layoff due to completion of work, shall require written permission from the appointing authority [City Manager. The provisions of Chapter 90 of the Kentucky Revised Statutes will apply in all cases involving re-employment.]

ARTICLE 144 — POLITICAL ACTIVITIES (May, 2012)

A. A City employee may participate in political affairs at any level of government, provided such participation is limited to off-duty hours; that during such participation said employee shall not represent himself/herself as an employee of the City of Henderson; and such participation does not adversely affect performance as a City employee.

B. City employees shall not be appointed, retained, promoted, transferred, or advanced on the basis of their political activities.

C. City employees shall not be coerced to take part in political campaigns, to solicit votes, to levy, contribute, or solicit funds or support for the purpose of supporting or opposing the appointment or election of candidates for any municipal office, nor shall funds or support be levied from City employees as a condition of any aspect of their City employment.

D. Failure to comply with these provisions is grounds for disciplinary action.

ARTICLE 146 — NEPOTISM (May, 2012)

The City recognizes the problems inherent in the practice of nepotism and nepotism's effect on morale. Therefore:
A. The Human Resources Director shall not approve any applicant who has a member of his/her immediate family on the City payroll, unless approval is granted by the appointing authority [City Manager] in writing for a waiver of this rule for the benefit of the City.

B. For the purpose of this section, immediate family is defined as husband, wife, children, brother, sister, father, mother, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandchild, and grandparent. This policy also includes the above family in step relationships.

C. No City employee shall supervise or manage the work of a family member.

D. No immediate family member of a City elected official or HWU board member shall be approved to be on the City payroll. City elected officials or HWU board members shall not serve as an employment reference for any applicant for a city or HWU position.

E. Employees on the City payroll prior to their immediate family becomes a City elected official or HWU board member is not be affected by this policy.

F. No City employee shall participate in any action relating to the employment or discipline of a family member.

G. No City employee shall advocate, recommend, or cause the promotion, transfer, or advancement of a family member also employed by the City.

H. No City elected official or HWU board member may be used as or provide a reference for employment or promotional opportunities.

ARTICLE 148 — APPOINTING AUTHORITY (May, 2012)

For the purpose of this section, the appointing authority is defined as the Board of Commissioners and/or the City Manager as prescribed in Section 2-211 in the City of Henderson Code of Ordinances. The appropriate Department Head or Human Resources Director shall recommend to the appointing authority candidates for employment. The appointing authority shall make all Civil Service appointments and the appointments shall be made only from a list of applicants certified by the Civil Service Commission after examination or otherwise provided by Article 126.

ARTICLE 150 — SENIORITY (May, 2012)

A. Seniority is determined by the length of continuous service of employees within a classification within a Department.

B. The length of employee service is calculated from the date of initial hire to a non-hazardous or hazardous duty position [Civil Service (or the uniformed Departments)], or from the date of rehire to a non-hazardous or hazardous duty position [Civil Service (or the uniformed Departments)] following a break in employment.

ARTICLE 152 — ANNUAL PERFORMANCE EVALUATION POLICY (May, 2012; January, 2017)

The City shall require each Department Head, Supervisor, or designee to complete a performance evaluation for each regular full-time and regular part-time employee on an annual basis. All new employees in any classification shall be evaluated at the end of their first six (6) months of service. This evaluation system allows an employee and his/her Supervisor to discuss job performance and productivity, as well as any concerns or problems that may exist, with the objective of correcting any deficiencies or problems.

A. Department Heads/Supervisors shall furnish a written narrative to support any rating that does not meet expectations, sometimes meet expectations or usually exceeds expectations rating given in any category.

B. Non-Hazardous At-Will and Civil Service employees must obtain the minimum score(s) on the written annual performance evaluation to be considered for a merit pay increase. Hazardous Duty employees must achieve a minimum score of 75 to be considered for a step or grade increase and an increase is due under the Hazardous Duty grade and step schedule.
C. If there are other reasons or extenuating circumstances that should be considered in making a decision on whether or not an individual employee is to receive a merit pay or step or grade increase, the Department Head must submit these reasons in writing to the appointing authority [City Manager] who shall determine whether or not the reasons or circumstances provided shall be relevant to the Department Head's recommendation for or against a merit pay or step or grade increase.

D. Annual performance evaluations shall be reviewed with and signed by the employee evaluated. Any employee who disagrees with a written evaluation may note his/her reasons for disagreement in writing at the time of the evaluation.

E. Evaluations shall be submitted to the Human Resources Director on the appropriate form and shall be forwarded to the appointing authority [City Manager].

F. Any disagreement an employee has noted in writing on an evaluation shall be reviewed by the appointing authority [City Manager]. The appointing authority [City Manager] will review all comments made by individual employees. The appointing authority [City Manager] or his designee will discuss all written comments with individual Department Heads and respond to the employee in writing.

G. The appointing authority [City Manager] shall approve or disapprove all recommendations.

H. All evaluation records shall be filed in the Human Resources Department for future reference relative to promotion, job status, or pay increases.

I. The period for these evaluations shall commence on the employee's annual performance evaluation date. The same provisions for annual evaluation and merit pay increase shall apply to the City Manager and City Attorney except that the evaluation shall be performed by the Board of Commissioners.

J. An employee must undergo a performance evaluation prior to a job promotion. Any merit increase resulting from the performance evaluation will be pro-rated based upon whole months of service completed in the current evaluation period. A Hazardous Duty employee is not eligible for an evaluation prior to a job promotion.

ARTICLE 154 — OUTSIDE EMPLOYMENT (May, 2012)

An employee's City job shall be his/her primary employment; however, he/she may be otherwise employed provided such outside work does not adversely affect performance as a City employee. If it is determined that the outside work interferes with performance in his/her City employment, the employee may be asked to terminate the outside employment if he/she wishes to remain with the City.

A. Outside work that constitutes a conflict of interest with City employment is prohibited.

B. City employees who are subject to be called for duty for emergency or other situations created by work necessity are required to report to work as directed.

C. An employee is prohibited from working at outside employment if due to illness or injury or for any other reason is unable to work at his/her primary City job.

ARTICLE 156 — ACCESS TO PERSONNEL FILES (May, 2012)

Personnel files are the property of the City and access to the information they contain is restricted. Generally, only officials and representatives of the City who have a legitimate reason to review information in a file will be allowed to do so. An employee may review material in his/her file by scheduling a mutually convenient appointment to do so with the Human Resources Director. The file must be reviewed in the Human Resources Office in the presence of the Human Resources Director or designee.
ARTICLE 202 — PAY POLICY (May, 2012)

The pay policy of the City shall be to compensate employees in the non-hazardous and hazardous duty [classified] service in a manner which will attract and retain competent, qualified personnel. Rates of pay shall be established which are competitive with local private sector employees and with comparable public jurisdictions. The pay plan shall provide uniform structuring of jobs to compensate employees for work performed and provide opportunities for advancement. Economy in government and the City’s financial status shall be taken into account in determining pay policies.

ARTICLE 204 — POSITION CLASSIFICATION PLAN (May, 2012)

A position classification plan shall be implemented and maintained by the Human Resources Director. It shall include:

A. A schematic list of class titles.
B. Written job classifications consisting of a descriptive title for each position, a class code, a definition and the distinguishing characteristics, the essential functions of the position, required knowledge, skills, and abilities, and desired entrance qualifications in terms of minimum requirements of education and experience, and any necessary or desirable special qualifications.

ARTICLE 206 — USE OF JOB CLASSIFICATION TITLES (May, 2012)

The job classification title shall be the official title of each position allocated to the class for purpose of personnel action, and shall be used in all payrolls, budget estimates and official records and reports relating to the position. Any abbreviations or code symbols requested by a Department Head and approved by the Human Resources Director and approved by the appropriate fiscal officials for fiscal use, may be used in lieu of the job classification title to designate the class of a position for official records. Any other working title desired and authorized by the Department Head and reviewed by the Human Resources Director may be used to clarify or further define a position or Departmental responsibilities of the position for purposes of municipal administration or contact with the general public.

ARTICLE 208 — RESPONSIBILITIES FOR THE PAY PLAN (May, 2012)

The City Manager shall recommend to the Board of Commissioners a pay plan for different classifications and grades which shall be subject to the approval of the Board of Commissioners.


A. The salary schedule provides a series of grades with a salary range for each grade; each grade represents an increase in the salary range above the preceding grade.
B. The salary schedule for each pay grade is based on proper analysis of all facets affecting salary levels.
C. The ranges of pay for at-will and civil service employees shall consist of a minimum rate, midpoint rate, and a maximum rate.
D. The Hazardous Duty pay plan ranges of pay shall consist of grades and steps. The ranges of pay for hazardous duty employees consist of a minimum step and a maximum step.

ARTICLE 212 — ENTRANCE RATE OF PAY (May, 2012; February, 2017; July 2017)

The minimum rate of pay for a class shall normally be offered for recruitment purposes and shall be paid upon appointment to the class. However, an exception may be granted in the following cases:
A. Original appointments above the minimum rate may be paid if a Department Head submits a written request outlining reasons for such actions and such request is approved in writing by the Human Resources Director and the appointing authority [City Manager]. In non-hazardous positions that are in Grade 18 or higher, when the job requires by either state or federal government regulations a necessary certification for the position, then the appointing authority [City Manager] has the discretion to provide an increase up to the midpoint of the new position's pay grade.

B. When a former City employee is approved for re-employment (subject to Article 142, herein) to a position [class] in which he or she was previously employed, the re-employment [reappointment] may be based on the rate of pay which the employee had been receiving at the termination of the most recent previous employment. A request for such reappointment must be made in writing by the Department Head and must outline reasons for such action and is subject to the approval of the Human Resources Director.

C. Any non-hazardous duty [civil service] employee who is temporarily appointed to a higher classified position than their regular position shall be temporarily compensated at the entry rate assigned to the range of the higher classified position or a five percent (5%) increase in salary, whichever is greater, provided said employee shall serve in the temporary position for thirty (30) days or more. Any two (2) non-hazardous duty employees who are temporarily appointed to share a higher classified position than their regular position shall each be temporarily compensated the equal share at the entry rate assigned to the range of the higher classified position or a two and one-half (2 1/2 %) increase in salary, whichever is greater, provided said employees shall serve in the shared temporary position for thirty (30) days or more. Employees who serve in such temporary capacity shall receive payment retroactive to the first day of service in the higher classified position. Upon completion of the temporary appointment, said employee shall revert to the salary appropriate for the grade of his/her regular classified position.

D. Any hazardous duty employee who is temporarily appointed to a higher classified position than their regular position shall be temporarily compensated at the entry rate assigned to the grade and step of the higher classified position or a five percent (5%) increase in salary, whichever is greater, provided said employee shall serve in the temporary position for thirty (30) days or more. Upon completion of the temporary assignment, said employee shall revert to the salary appropriate for the grade of his/her regular classified position.

ARTICLE 214 — PAY PLAN (May, 2012; January, 2017; September 2017)

Except for differentials specifically authorized by this manual, every employee in the classified service shall be paid within a range established for the classification to which the employee is assigned. The specific rate to be paid each employee shall be in accordance with applicable sections of this manual.

A. 1) Non-Hazardous Duty [Civil Service] Employees

Each employee having successfully completed a probationary period of six (6) months of service immediately subsequent to their initial employment date with the City in a Non-Hazardous [Civil Service] position and based upon a satisfactory evaluation approved by the respective Department Head and by the appointing authority [City Manager] shall be eligible for an increase of two and one-half percent (2½%) of base pay, provided that such initial employment began at the minimum rate of his/her grade and classification. At the end of one (1) year the employee will be eligible for up to an additional percentage increase as approved in the current budget based upon a satisfactory evaluation and approved by the respective Department Head and the appointing authority [City Manager]. All subsequent advancements in salary shall be based on a satisfactory annual evaluation and approved by the respective Department Head and the appointing authority [City Manager].

2) Hazardous Duty Employees

At the end of one (1) year probationary period each hazardous duty employee on a 12-month step on the Hazardous Duty pay plan will be eligible for an increase of one step as approved in the current budget based upon achievement of a minimum score of 75 on his/her evaluation and approved by the respective Department Head and the City Manager. A hazardous duty employee on a 24-month step is not eligible for an increase of one step until completion of the 24-month step period as approved in the current budget based upon achievement on a minimum score of 75 on his/her evaluation and...
approved by the respective Department head and the City Manager. Employees in the Hazardous
Duty pay plans are not eligible for an increase at the six (6) month probationary period.

B. 1) Non-Hazardous Duty [Civil Service] Employees
    All non-hazardous duty [civil service] employees will be eligible to receive up to an additional
    percentage merit salary increase as approved in the current budget if they have not reached the
    maximum rate within their assigned grade and classification, with such merit adjustment being based
    upon a satisfactory performance evaluation approved by the respective Department Head and by the
    appointing authority [City Manager].

2) Hazardous Duty Employees
    Employees in classifications on the Hazardous Duty pay plan will be eligible to move to the next step
    established in the Hazardous Duty pay plan as approved in the current budget if they have not
    reached the maximum step within their assigned grade and classification, with such adjustment being
    based upon achievement of a score of 75 on his/her annual performance evaluation approved by the
    respective Department Head and by the City Manager. No employee under the Hazardous Duty pay
    plan will be eligible for an increase in step or grade unless they achieve a minimum score of 75 on the
    annual evaluation and an increase is due under the Hazardous Duty grade and step schedule.

C. Any non-hazardous duty [civil service] employee who has served at the maximum rate of his/her assigned
classification for one (1) full year shall be eligible to receive longevity pay of up to the same percentage
increase as the merit increase percentage in the current budget of the salary approved for that employee's
grade in the annual budget and is ineligible for merit salary increases. The percentage of longevity payment
is determined by his/her annual performance evaluation. All longevity payments shall be based upon a
satisfactory annual evaluation approved by the respective Department Head and by the appointing
authority [City Manager]. Longevity payments will be paid through the payroll system and shall be subject
to all withholding requirements. Longevity payments are not added to the employee's base salary.
Employees in classifications on the Hazardous Duty pay plan shall not be eligible to receive longevity pay.

E. Any employee who advances to the maximum rate at any time this plan is in effect will be eligible for any
annual cost of living salary increase in the amount approved by the Board of Commissioners.

F. The annual salary amounts approved by the Board of Commissioners each fiscal year shall be used as the
basis for determining bi-weekly payroll amounts. The annual salary will be based on 2,080 hours of work
annually for all employees except Fire Department members who work a 24-hour shift every third workday.
The annual salary of shift employees in the Fire Department shall be based on a combination of 2,080 hours
of work at regular salary rates and 832 hours of work at overtime rates.

G. All City employees are paid bi-weekly on every other Friday. Each paycheck will include earnings for all
work performed through the end of the previous payroll period.

H. Police and Firefighters who qualify receive monthly incentive pay for on-going training on the last day of
the month.

I. In the event that a regularly scheduled payday falls on a day off (e.g., a weekend or holiday), employees
will receive pay on the last day of work before the regularly scheduled payday.

J. Employees shall have pay directly deposited into approved credit union or bank accounts if they have
completed all proper forms and the bank or credit union has sent a payroll authorization form to Finance
[Human Resources]. Employees will receive their check stub for wages when the City makes direct deposit
on their behalf.

K. Only the Department Head or designee from the Department is authorized to receive paychecks from the
City Clerk's Office on the designated payday. Paystubs and paychecks will be distributed by the Finance
Department to the various departments via the City’s internal mailroom on the designated payday. Any employee absent from work may send a signed and dated statement to his/her Department Head requesting that his/her paycheck be released to a specific family member. Paystubs and paychecks will be distributed to employees at the Department level. Human Resources may hold the paycheck of any employee who has not properly completed all required payroll forms in accordance with State and Federal wage and hour regulations.


A. Except as provided in Article 214, each non-hazardous duty [civil service] employee shall be reviewed annually per Article 152 on his/her performance evaluation date for the purpose of determining eligibility for a merit increase.

B. Each Department Head shall review personnel records, performance records, and length of service of each employee on an annual basis.

C. With the approval of the appointing authority [City Manager], and a satisfactory annual evaluation, non-hazardous duty [civil service] employees may be eligible for an additional a merit increase until the maximum rate of their appropriate grade has been reached.

D. Approved increases and longevity pay shall be effective at the beginning of the payroll period following the performance evaluation date.

**ARTICLE 218 — COST OF LIVING INCREASES** (May, 2012)

The Board of Commissioners, upon the recommendation of the City Manager, shall determine such adjustments as needed in the salary schedule and provide for such adjustments effective at the beginning of each fiscal year.

**ARTICLE 220 — RATE OF PAY UPON JOB CLASSIFICATION CHANGE** (May, 2012; February, 2017; July, 2017)

A. Demotion
   1. Upon demotion due to a reduction in forces or other cause which is not the fault of the employee, pay shall be at the same rate of pay in the lower grade in which the employee is placed unless the maximum rate or step for the lower grade has been reached in which case the rate of pay shall be the maximum rate or step of the lower grade.
   2. Upon demotion for cause, the rate of pay in the lower grade shall be established by a disciplinary authority after considering the circumstances of the demotion.

B. Promotion
   1. Non-Hazardous Duty [Civil Service] Employees
      Any non-hazardous duty [civil service] employee who is promoted to a higher classified position shall receive an increase in base pay which will result in a five percent (5%) increase unless the five percent (5%) increase results in reaching or exceeding the maximum rate for the new grade in which case the rate of pay shall be the maximum rate of pay for the grade. In non-hazardous positions that are in Grade 18 or higher, when the job requires by either state or federal government regulations a necessary certification for the position, then the appointing authority [City Manager] has the discretion to provide up to the midpoint of the new position’s pay grade.
   2. Hazardous Duty Employees
      Any hazardous duty employee who is promoted to a higher classified position shall be placed in the Hazardous Duty grade and step that corresponds to an increase in base pay of at least five percent (5%)
unless the five percent (5%) increase results in reaching or exceeding the maximum grade and step in which case the rate of pay shall be the maximum grade and step.

3. Upon completion of a probationary period of six (6) months of service and based upon a satisfactory evaluation and approved by the respective Department Head and the appointing authority [City Manager], said employee shall be eligible for an additional increase of two and one-half percent (2½%) of base pay provided, however, that rate of pay shall not exceed the maximum rate established for the grade. Employees in the classifications on the Hazardous Duty pay plan are not eligible for an increase at completion of the six (6) months of service in the probationary period.

4. At the end of one year and based upon a satisfactory performance evaluation and approved by the respective Department Head and the appointing authority [City Manager], the employee shall have successfully completed his/her positional probationary period of employment in the higher classification and shall be eligible for additional merit pay increase per Article 152.

5. If an employee fails to successfully complete the positional probationary period of employment following a promotion and is recommended by his/her Department Head to return to a former classification and said recommendation is approved by the appointing authority [City Manager], pay shall be as though a promotion had not been granted. Said employee shall be eligible for any increases which would have been received had the promotion not occurred. However, there exists no inherent right of return to a previous classification.

ARTICLE 222 — HOURS OF WORK (May, 2012)

A. Excluding the Fire Department, as well as other departments with irregular work shifts, the normal workday shall be eight (8) hours and the normal work week shall be forty (40) hours.

B. The appointing authority shall establish the workday and week for all employees and classifications.

C. The scheduling of Fire and Police personnel shall be the responsibility of the respective Chiefs.

ARTICLE 224 — COMPENSATION (May, 2012)

A. Regular time is defined as the period between the prescribed beginning of the week to the end of the week not to exceed forty (40) hours. All hours exceeding forty (40) actual physical hours worked in a prescribed work week (excluding privileged sick days and vacation days) shall be paid as overtime, except that overtime shall be paid regardless of whether or not the employee has exceeded forty (40) actual physical hours worked in a prescribed work week under any of the following circumstances:

1. When a member of the Fire Department is held over on his/her shift or called in to work to meet minimum staffing requirements;
2. When a member of the Fire Department is called to duty in an emergency such as for multiple fire alarms, or emergencies which are declared by governmental authorities, or other similar emergency conditions as determined by his/her supervisor;
3. When a member of the Police Department appears for court duty outside his/her normal shift;
4. When a member of the Police Department is called to duty for any emergency as determined by his/her supervisor;
5. When any other city employee is requested to report to duty after normal business hours due to an emergency or to provide customer service that is expected by the public 24-hours per day as determined by his/her supervisor.

B. In accordance with Federal and State regulations, payment for overtime hours shall be computed as one and one-half (1½) the prescribed hourly rate.

C. Eligibility for overtime: all positions shall be classified exempt or non-exempt. Employees occupying positions of exempt status shall not be eligible for payment of overtime hours. Employees occupying positions of non-exempt status shall be subject to the provisions of sections A and B above.

D. For non-exempt personnel, time off in lieu of overtime payment may be scheduled, provided such time off is scheduled during the same work week in which overtime is worked. For exempt personnel, time off may be granted at the discretion of the Department Head.

E. Recording hours of work: each Department Head or Supervisor shall be responsible for concisely documenting each employee’s hours of work at the end of each pay period, as directed. Each employee is responsible for verifying time worked by signing his/her time sheet (or initializing his/her timecard, if any)
and is responsible for making sure time worked is accurately recorded. Time worked is all the time actually spent on the job performing assigned duties. Tampering, altering, or falsifying time records, or recording time on another employee’s time record, will result in disciplinary action up to and including dismissal. Overtime work must be approved before it is performed. Any overtime work performed without prior approval may be subject to disciplinary action.

F. Rest and meal period: at the discretion of the Department Head, employees may receive a rest period during the first half of the workday not to exceed 15 minutes and 15 minutes in the second half of the workday. Meal periods may be scheduled by the Department Head for a period not to exceed 60 minutes. Employees who work eight (8) hours on a shift basis are to be allowed up to 30 minutes during said shift for meal purposes. Nothing in this article or section shall serve or be construed to negate any mutual agreement between the City and its employees per K.R.S. 337.355.

G. Civic and charitable work: work performed of a civic or charitable nature, with prior approval of the appointing authority, is considered meritorious, and therefore compensable.

**ARTICLE 226 — PAID HOLIDAYS** *(May, 2012)*

Policy governing paid holidays shall be observed as follows:

A. The following holidays shall be recognized as paid holidays: New Year’s Day, Martin Luther King, Jr. Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Friday after Thanksgiving Day, Christmas Eve or Day after Christmas to be specified by the City Manager, and Christmas Day. A paid holiday for Fire Department shift employees shall be one full shift (24 hours).

B. All holidays falling on Saturday shall be observed on the preceding Friday and holidays occurring on a Sunday shall be observed on the following Monday.

C. Employees absent without approved paid leave, either the day before or after a recognized holiday, shall not receive pay for that holiday.

**ARTICLE 228 — PAID VACATIONS & PERSONAL LEAVE** *(May, 2012)*

A. Regular full-time employees shall be credited with annual paid vacation leave, except as provided in (a) below, in equal installments each pay period as follows:

<table>
<thead>
<tr>
<th>Continuous Service</th>
<th>Regular Employees Annual Budgeted Hours</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>All Departments Full-Time = 2080 Hours</td>
<td>Fire Full-Time = 2912 Hours</td>
</tr>
<tr>
<td>Months</td>
<td>Maximum Vacation Hours Earned Per Year</td>
<td></td>
</tr>
<tr>
<td>1. 1 through 48</td>
<td>80 120 120 40</td>
<td></td>
</tr>
<tr>
<td>2. 49 through 60</td>
<td>88 128 132 44</td>
<td></td>
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<tr>
<td>3. 61 through 72</td>
<td>96 136 144 48</td>
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<tr>
<td>4. 73 through 84</td>
<td>104 144 156 52</td>
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<tr>
<td>5. 85 through 96</td>
<td>112 152 168 56</td>
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<td>6. 97 through 108</td>
<td>120 160 180 60</td>
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<td>7. 109 through 120</td>
<td>128 160 192 64</td>
<td></td>
</tr>
<tr>
<td>8. 121 through 132</td>
<td>136 160 204 68</td>
<td></td>
</tr>
</tbody>
</table>
(a) The hours to be credited above shall be proportionately reduced for any time an employee is in a non-pay status and shall not be proportionately increased for any overtime hours.

B. Vacation leave shall begin to accumulate at the beginning of the first full month of employment but is not considered a vested benefit eligible for use until the employee completes six (6) months of continuous employment. No employee shall be allowed to use any vacation until he/she has completed six (6) full months of service and achieved a satisfactory performance evaluation, except employees hired at Grade 32 or higher who shall be allowed to use their vacation time without regard to a waiting period or performance evaluation. Employees who terminate with less than six (6) months of continuous employment do not have a vested benefit and will not receive any vacation leave payment for accumulated balance.

C. Vacation leave may be accumulated to a maximum of three hundred twenty (320) hours. Vacation leave may be accumulated to a maximum of four hundred eighty (480) hours by Fire Department shift employees.

D. All regular full-time members of the Police Department shall be entitled to one hundred twenty (120) hours of vacation per year from one (1) through forty-eight (48) months of employment and thereafter shall be entitled to additional vacation leave at the rates established in subparagraphs 7 through 11 of Item A of this article.

E. Fire Department shift employees will accrue vacation days on a calendar basis rather than workdays. For this purpose, 10 workdays shall be equal to 14 calendar days for Fire Department shift employees to a maximum of 20 workdays which shall be equal to 28 calendar days and lesser amounts of vacation workdays accrued will be converted to calendar days on the ratio outlined above.

F. Each regular full-time employee will be given eight (8) personal leave hours per year in January, to be taken only on the approval of the applicable Department Head. Fire Department shift employees will be entitled to twenty-four (24) personal leave hours per year, to be taken only on the approval of the Department Chief. Personal leave hours are a calendar year benefit meaning that the eight (8) hours must be used during the calendar year they are received. New regular full-time employees hired on or before November 1 will be given eight (8) personal leave hours to be used by the end of the calendar year.

G. Vacation leave shall be granted as previously outlined and employees shall be encouraged to take a full vacation during the calendar year.

H. Department Heads shall schedule vacations, giving due consideration to the needs of the City and the ability of the remaining staff to perform the work of the Department. Vacation hours may be taken at the discretion and approval of the Department Head. The employee shall be permitted to take vacation leave at such time as, in the judgment of the Department Head, will best serve the interest of the City and employee.

I. Upon formal resignation, an employee shall be paid for all vested accumulated vacation leave. Personal leave hours are not paid upon resignation.

J. Temporary and seasonal employees shall not accrue vacation leave. Part-time employees shall accrue vacation leave on a pro-rated basis per the number of hours budgeted and worked.

K. Official holidays occurring during vacation shall not be added to vacation time.

L. Accrued vacation time may be approved at the discretion of the Department Head in one-hour increments if departmental staffing levels and schedules permit.

M. All vacation leave shall be subject to the final approval of the appointing authority.

N. Eighty hours of vacation shall be granted upon appointment to new employees who are hired in at Grade 32 or higher.

O. In non-hazardous duty positions that are in Grade 30 or higher and the job requires a necessary certification for the position, the appointing authority has the discretion to authorize vacation accrual equal to the police vacation accrual schedule for the employee.
**ARTICLE 230 — SICK LEAVE**  
(May, 2012)

Sick leave shall be for the purpose of permitting an employee to be relieved of his or her duties during an actual medical condition or to care for a seriously ill member of the employee’s immediate family as defined by the Family Medical Leave Act and may not be used under any other circumstances. Sick leave may also be for the purpose of permitting an employee to be relieved of his or duties to care for a member of the employee’s immediate family with an actual medical condition. Immediate family is defined by FMLA in Article 416.

A. Sick leave shall be accrued by all employees except seasonal and temporary help.

B. Sick leave for regular full-time employees shall be accrued at the rate of eight (8) hours per each full month of employment up to ninety-six (96) sick hours per year. Sick leave for regular part-time employees shall be accrued on a pro-rated basis per the number of budgeted hours.

C. Any employee with unpaid hours will forfeit sick leave accrual for that pay period.

D. Sick leave may be accumulated to a maximum of one-thousand-nine-hundred-twenty (1,920) hours and any unused sick leave accumulated during the calendar year shall be carried to the employee’s credit for the next year, provided it does not exceed the maximum one-thousand-nine-hundred-twenty (1,920) hours.

E. Employees absent from duty because of personal illness shall be paid at the regular rate while ill up to the number of hours sick leave credit shown upon the employee’s record at the time of such illness, when approved by the Department Head. Pregnancy shall be treated as any other medical condition.

F. Employees absent from duty because of their immediate family member’s illness shall be paid at the regular rate while the family member is ill up to the number of hours sick credit shown upon the employee’s record at the time of such illness, when approved by the Department Head.

G. No employee shall be paid for time due to illness for a greater length of time than the amount of sick leave credit accumulated at the time of illness.

H. No absence of duration longer than twenty-four (24) consecutive working hours shall be allowed as sick leave without a physician’s certificate naming the patient and if applicable, his/her relationship to the employee, showing the nature of the medical condition, its date and duration, justifying the need to be off from work, and the expected return to work date.

I. Upon return to work, medical awareness forms are required for those medications which might impair the safe, efficient, or proper performance of an employee’s job duties.

J. After an employee’s accumulated sick leave has been exhausted and unused vacation leave and or credited leave shall be used as sick leave. The pay of the employee shall be discontinued, when absence due to illness exceeds the amount of said leave accrued and authorized.

K. Any employee who becomes unable to report to duty at a regular time due to a medical condition of the employee, or that of the employee’s immediate family as defined by the Family Medical Leave Act, shall notify the Department Head or supervisor of such fact no less than 30 minutes prior to the beginning time of the shift, unless Department policy dictates otherwise, so that a substitute may be found. If absent from work without notifying supervisor or Department Head, the employee will be considered absent without leave.

L. All claims for sick leave shall terminate upon resignation or discharge.

M. Upon the death of an active employee who has unused sick leave accumulated on the date of death, the beneficiary shall be permitted, as applicable:

1. to convert such unused sick leave to vacation pay at the rate of four (4) sick leave days for one (1) vacation day;
2. to convert such unused sick leave to service credit in the County Employees Retirement System by requesting that the City pay the cost of such purchase up to a maximum of one hundred twenty (120) days, six months service credit, and per all other requirements of Chapter 78 of the Kentucky Retirement System;
3. to convert such unused sick leave when the amount is sufficient to do so using a combination of (1) and (2) above.

N. Sick leave shall accumulate and may be granted to any new employee during the probationary period, provided the employee has credit for the amount of leave.
O. Sick leave accrues in full eight-hour increments and may be taken in one-hour increments. Fire Department shift employees shall be charged twenty-four (24) hours for each individual sick day, but for consecutive sick days, shall be charged twenty-four (24) hours for the first sick day off and sixteen (16) hours for each additional sick day off.

P. Employees who become ill during their vacation period may substitute sick leave hours, subject to the approval of the Department Head.

Q. All claims for sick leave shall be subject to the final approval of the Department Head and appointing authority [City Manager].

R. In the event a Department Head finds cause to believe an employee is or has been abusing sick leave privileges, the Department Head shall require a physician's certificate on any or all occasions of absence of the employee or otherwise, the payment for sick leave will be disallowed.

S. Any person who has been employed by the City of Henderson and who becomes eligible for full retirement with no reduction in benefits or disability retirement pursuant to the Civil Service Pension Plan, Police and Fire Pension Plan, County Employees Retirement System, or International City Management Retirement Corporation Plan, and has unused sick leave accumulated on the effective date of retirement shall be permitted, as applicable:
   1. to convert such unused sick leave to vacation pay at the rate of four (4) sick leave days for one (1) vacation day;
   2. to convert such unused sick leave to service credit in the County Employees Retirement System by requesting that the City pay the cost of such purchase up to a maximum of one hundred twenty (120) days, six months service credit, and per all other requirements of Chapter 78 of the Kentucky Retirement System;
   3. to convert such unused sick leave when the amount is sufficient to do so using a combination of (1) and (2) above.

T. Any employee who is diagnosed by a physician or the City's Employee Assistance Program consultant as suffering from alcoholism or an alcoholism related disease may be placed on sick leave at the discretion of the Department Head and appointing authority [City Manager].

U. Any regular full-time or part-time employee who does not use any sick leave or unpaid leave during a calendar year period, shall be eligible to take one additional shift of vacation leave which shall be added to his/her accrued total at the beginning of the calendar year.

ARTICLE 231 – SICK LEAVE SHARING POLICY (May, 2012)

A sick leave sharing policy is established to allow an employee the opportunity to receive a donation of accrued sick hours from other City employees for extended medical leave reasons. This policy is intended to offset wage losses of the employee who, due to a medical prognosis of a long-term non-job-related injury or illness must miss time from work in an unpaid status.

Eligibility

All regular full-time and regular part-time employees that have successfully completed their initial probationary period are eligible to participate provided the following requirements are met.

A. An employee who has a sick hour balance of at least 88 hours may request that the Human Resources Department makes available for transfer at least 8 sick hours of his/her sick hours balance to another named employee authorized to receive sick leave under this policy. The employee may not request a transfer of a number of sick hours that would result in reducing his/her sick hours balance to less than 80 hours.

B. The City may permit an employee to receive the donated sick hours under this policy if:
   1. The employee or immediate family, as defined by Family Medical Leave Act (FMLA), suffers from a medically certified injury/illness. The medical guidelines set out by FMLA will be followed in establishing medical eligibility; and
   2. The employee must go on leave for at least 10 consecutive workdays for the medical injury/illness and shows evidence through a licensed practicing physician certification that the medical leave should last for at least 10 consecutive workdays; and
   3. The employee has at least 40-sick hours at the beginning of the leave for the medical injury/illness.
   4. The employee has exhausted his/her accumulated paid leave hours; and
5. The employee has complied with administrative regulations governing the use of sick leave; and
C. An employee shall not qualify to donate or receive sick hours under this policy if the employee:
   1. Is not in active payroll status; or
   2. Has resigned; or
   3. Has retired; or
   4. Has been placed in an unpaid leave status by a personnel action due to disciplinary action; or
   5. To receive donated sick hours does not provide a physician statement with the expectation that the employee can return to full duty at the end of the illness/injury and/or 480 work hours, whichever comes first.

**Procedures and Restrictions**

D. Sick leave sharing shall not be authorized for mere convenience or employee preference.
E. Sick leave shall not be donated in amount less than 8 hours.
F. If multiple donors donate sick hours to an eligible recipient, the City shall transfer sick hours in chronological order of receipt of the donation forms, up to the maximum amount certified as needed by the recipient.
G. The applicant for sick leave sharing shall be responsible for filing:
   1. Appropriate medical certificates certifying the medical necessity; and
   2. The Application for Sick Leave Sharing.
   If the employee’s medical injury/illness makes him/her unable to file for sick leave sharing, an authorized family representative may file in behalf of the employee provided the physician statement verifies the employee’s medical incapacity.
H. A current physician’s certification of injury/illness must be presented to Human Resources as often as every 30 days.
I. Sick leave hours may be transferred from eligible employees to any eligible City employee. Human Resources shall administer this policy and maintain records of sick hours transferred between employees and the utilization of transferred sick hours.
J. Donations will remain anonymous unless the donors choose to advise the recipient.
K. Donated sick leave shall not be utilized retroactively except to cover the period between the date the request was submitted to Human Resources and the date of approval by the City.
L. Except as provided by subsection (M) of this section, donated sick leave shall be used:
   1. In the order in which it is donated; and
   2. On consecutive days.
M. Leave hours that an employee accrues while receiving donated sick hours shall be used before donated sick hours.
N. When the recipient of donated leave returns to work, unused donated leave shall be restored to the donors in reverse order of donation, unless the recipient provides medical evidence that continued, periodic medical treatment related to the original condition for which leave hours were donated is required. The recipient shall provide a list of intermittent treatment dates to Human Resources. There will be a 30-day period before the unused donated leave will be restored to the donor(s).
O. If the sick leave donor is suspended, resigns, retires or is otherwise terminated from City employment before the process of transferring sick leave to the recipient has begun, the leave shall not be available for use by the recipient.
P. Four hundred eighty (480) is the maximum number of donated sick hours that may be used by an employee in a calendar year.
Q. The use of donated sick leave hours to care for immediate family is available for use only during the period of FMLA leave.
R. Donation of sick hours shall not affect the donating employee’s ability to be eligible for the additional day of vacation incentive as provided by Article 230 – Sick Leave.
S. No employee shall directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any other employee for the purposes of interfering with the employee’s right to voluntarily contribute sick hours when authorized under this section. For the purpose of this subsection, “intimidate, threaten, or coerce” shall include, without being limited to, the promise to confer or the conferring of any benefit or effecting or threatening to affect any reprisal.
ARTICLE 232 — MILITARY LEAVE  (May, 2012)

A. It is the policy of the City to cooperate fully in all activities furthering the cause of national defense.

B. An employee who is a member of the U.S. Military Reserve, National Guard, or Official Militia of Kentucky, will be granted military leave to attend authorized training exercises on the following basis:
   1. In any one (1) federal fiscal year, for a period not exceeding twenty-one (21) calendar days, an employee shall be compensated for the military training period at the employee’s current rate of pay, and said employee may retain any compensation received as military pay for this period.
   2. Any unused military leave in a federal fiscal year shall be carried over to the next year.
   3. Any unused military leave shall expire two (2) years after it has accrued.

C. Any employee who leaves a regular full or part-time position to enter regular active military service and has given advance written or verbal notice of such service (unless such notice is precluded by military necessity or is otherwise impossible or unreasonable) shall be granted authorized absence without pay for not more than the period of such service up to four years (five if extended at the request of the government) and has the right to be re-employed in his/her former position (or one of like status and pay) within ten (10) days of the request for reinstatement:
   1. if he/she applies for reinstatement per Title 38, United States Code, Chapter 43 – Employment and Reemployment Rights of Members of the Uniformed Services; and
   2. if he/she received a discharge indicating satisfactory completion of service under honorable conditions; and
   3. if he/she is able to perform the essential functions of the position for which re-employed.

D. Sick leave and personal leave accrued prior to entering military service shall be held as credit on the employee's account.

E. An employee entering regular active military service may elect one of the following regarding vacation leave accrued prior to entering military service:
   1. the leave may be held as credit on the employee’s account; or
   2. the leave may be taken prior to entry into military service; or
   3. the employee may elect to be paid for accrued vacation leave.

F. Family Leave – Please review Article 416 Family Medical Leave policy for information regarding family leave available to military families.

ARTICLE 233 — TIME OFF TO VOTE  (May, 2012)

The City encourages its employees to fulfill their civic responsibility by voting. Therefore, the City will grant up to two (2) hours of paid leave to vote where feasible and practical. Employees should request time off to vote from their Supervisor or Department Head at least two (2) working days prior to election day so that the necessary time off can be scheduled to cause the least disruption as possible to the normal workday. The Department Head shall have the final authority to determine whether an employee is granted voting leave based upon Departmental and City needs.

ARTICLE 234 — COURT DUTY  (May, 2012)

If an employee is court ordered to appear for jury duty or as a witness for the court in action related to his/her City employment, he/she shall be granted leave with pay for the time necessary to perform such duty (with the exception of Police Officers who are governed otherwise). The employee may retain court pay for the duty if permitted by law.

ARTICLE 236 — WORKERS’ COMPENSATION  (May, 2012)

The City shall provide workers on-the-job insurance (Workers' Compensation). When an employee's absence has been determined to be compensable under the Workers' Compensation statute, K.R.S. 342, then the following provisions shall be applicable:

A. An employee absent from work due to a work-related injury will be placed on worker’s compensation leave.
B. An employee on worker’s compensation leave falls into one of these categories:
   1. An employee who is off work seven (7) days or less may elect to take sick hours from day one through day seven (7) calendar days.
      a. An employee who is off more than seven (7) calendar days will receive payment from the worker’s compensation carrier. In an effort to maintain the employee’s wages for a regular workweek according their budgeted wage, the employee will be allowed to take any sick hours (if available and in whole hour increments) outside the first seven (7) calendar days on a partial basis to have their wages (worker’s compensation and City) come close to their regular net wages.
         i. The employee wages from both sources may not exceed 100% of normal gross wages.
         ii. The Human Resources Department will calculate the additional sick hours.
         iii. Once the employee makes the decision to use partial sick hours, the employee cannot change that decision unless the employee uses all their sick hours.
   b. The average weekly wage is calculated by the worker’s compensation carrier. Average weekly wage is calculated by using the hourly wage of the affected employee and the number of hours worked per week for the preceding fifty-two (52) weeks.
   c. Overtime hours are calculated into the average weekly wage but at the straight time rate.
   d. The net wage is to be the weekly budgeted hours multiplied by the hourly rate then deducting federal and state income taxes, local payroll taxes, social security and Medicare tax, and pension contributions.
   2. An employee who is off work more than fourteen (14) calendar days, will be reimbursed by the worker’s compensation carrier for the first seven (7) calendar days missed. Once the employee returns to work, any payments for sick hours used for the first seven (7) calendar days will be refunded to the City through the payroll system over a reasonable amount of pay periods.

C. The City at all times reserves the right to submit the employee to periodic examinations as provided in K.R.S. 342 to determine the extent of the City’s liability.

D. The Department Heads or designee is responsible to ensure the completion of the PF-1 “Employee’s Statement of Incident”, the PF-2 “Supervisor’s Investigation of Incident”, the IA-1 waiver form, and a Medical Authorization form which must be submitted to Human Resources within twenty-four (24) hours for every on-the-job injury.

E. A comprehensive review of the accident/injury circumstances is to be performed by the Safety/Training Coordinator with the information being presented to the Safety Review Board and the Department Head.

F. An employee who is off work and on worker’s compensation leave is to meet with the Human Resources Specialist [Safety/Training Coordinator] after each doctor’s visit so as to attain the work status of the employee. The work status and the projected date of return will be communicated to the affected department head/designee. Medical information will not be shared.

G. The employee may be requested to authorize, in writing, the release to the City of medical information pertaining to the workplace injury.

H. The City’s insurance carrier will determine the validity of and payment amount for all claims.

ARTICLE 237 — RETURN-TO-WORK PROGRAM (May, 2012)

It the policy of the City to minimize the disruption and uncertainty that accompanies any workplace injury or workplace illness and to return the employee to full duty as soon as possible without causing further injury. Communicating the return-to-work information is central to the success of such a program.

A. Return-to-Work Possibilities
   1. An employee seeks medical treatment and is released immediately to return to duty with no restrictions;
a. The employee reports to the Human Resources Specialist [Safety/Training Coordinator] with the paperwork from the treating physician.

b. The employee is sent to his/her supervisor to continue working.

c. When an employee is injured outside the City’s normal business work hours, the employee shall report back to his/her supervisor for further guidance on work issues.

2. An employee seeks medical treatment and is released to return-to-duty with restrictions;
   a. The employee reports to the Human Resources Specialist [Safety/Training Coordinator] with the paperwork from the treating physician.
   b. When an employee is injured outside the City’s normal business work hours, the employee shall report back to his/her supervisor for further guidance on work issues.
   c. The employee may not return-to-work without approval of the Department Head/designee. If the Department Head/designee has work available that complies with the restrictions listed by the treating physician, a Request for Modified Duty form (05-01-34) must be completed and sent to the Human Resources Director.
   d. If the affected Department Head/designee does not have any modified duty available, the Human Resources department will contact other City departments to check on availability of modified duty. If modified duty is not available, the City may place the employee off-duty due to the work-related injury.

3. An employee seeks medical treatment and is not released to duty thereby causing the employee to be deemed temporarily totally disabled from work;
   a. The employee reports to the Human Resources Specialist [Safety/Training Coordinator] with the paperwork from the treating physician.
   b. When an employee is injured outside the City’s normal business work hours, the employee shall report back to his/her supervisor for further guidance on work issues.
   c. The employee must not return to work. The Safety/Training Coordinator shall complete the appropriate State and OSHA forms within the timeframe specified by law.
   d. The Human Resources Specialist [Safety/Training Coordinator] will notify the Department Head/designee of the employee’s next physician visit and an estimated timeframe for the employee’s return-to-duty.

B. Assignment of Modified Duty

1. Modified duty is work that:
   a. Is temporary in nature;
   b. Must be in compliance with the restrictions as dictated by the physician;
   c. May be in a different department or on a different shift than the normal work shift for the employee;
   d. May be a portion of the regular job assignments and other tasks as long as they are in compliance with the physician’s orders;
   e. Is at the discretion of the City and may be terminated at any time and without notice.

2. For each incident, the affected Department Head/designee may authority up to seven (7) consecutive calendar days of modified duty; the Human Resources Director may authorize up to sixty (60) consecutive calendar days; any length more than sixty (60) consecutive calendar days must be authorized by the City Manager.

C. Termination of Modified Duty

Modified duty will end when one of the following conditions occur:

1. The employee is released to full-duty-regular employment (same job); or
2. The employee’s restrictions become permanent and the City cannot meet those restrictions; or
3. The transitional duties are no longer available or have not been extended by the appointing authority.

D. Communication with the City

1. The workplace injured employee’s point-of-contact becomes the Human Resources Specialist [Safety/Training Coordinator] and any questions or concerns are funneled through that office.
2. After each medical visit, the employee is to take all medical paperwork to the Human Resources Specialist’s [Safety/Training Coordinator’s] office for review and he/she will forward it to the City’s worker’s compensation carrier.
3. The Human Resources Specialist [Safety/Training Coordinator] will contact the Department Head/designee and communicate the work status of the affected employee.

ARTICLE 240 — WORKERS’ COMPENSATION FOR POLICE AND FIRE DEPARTMENTS (May, 2012)

Police Officers and Firefighters may be covered under Workers’ Compensation in case of injury while acting under the color of their authority during off-duty hours. The City’s insurance carrier will determine the validity of, and payment amounts for all claims.

ARTICLE 242 — LEAVE WITHOUT PAY (May, 2012)

A request for a leave of absence without pay shall be submitted in writing by the employee to his/her Department Head. The request should outline in detail the reason for the request. Any Department Head receiving a request for leave under this section shall forward through Human Resources [make] a recommendation for approval or disapproval to the appointing authority [City Manager]. Final approval must be given in writing by the appointing authority [City Manager].

A. Leave without pay may not be granted if an employee has accrued vacation and/or holiday leave available.

ARTICLE 244 — EMERGENCY / BEREAVEMENT LEAVE (May, 2012; September, 2018)

A. An employee may be granted emergency leave with pay in the event of a death or emergency serious injury or illness in the immediate family or for a bona fide member of his/her household. Emergency serious injury or illness shall be an unforeseen and/or unscheduled event.

B. Emergency leave shall not exceed the time needed to be absent from the initial shift for the emergency and in any event no more than twenty-four (24) working hours in a calendar year except in the case of a death in the immediate family in which case the leave shall not exceed twenty-four (24) consecutive working hours per occurrence.

C. The Department Head shall give careful consideration to whether the circumstances warrant emergency leave under the intent and purpose of this section and shall make a recommendation regarding the leave to the Human Resources Director.

D. The request for emergency leave, with a complete description of the circumstances causing the emergency and the Department Head’s recommendation, shall be made on the appropriate form and submitted to the Human Resources Director who shall make a recommendation regarding the leave to the appointing authority [City Manager].

E. Emergency leave shall not be authorized until approved by the appointing authority [City Manager]. Any emergency leave taken which does not receive final approval shall be charged as absence without pay or may be charged to an employee's vacation or sick leave as appropriate if such leave is available, and with the approval of the Department Head and appointing authority [City Manager].

F. Immediate family shall mean husband, wife, son, daughter, father, mother, brother, sister, grandfather, grandmother, grandchildren, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, and bona fide member of the employee's household.

G. Emergency leave pay will not be paid in addition to any other allowable pay for the same day (for example, such as sick pay, vacation pay, or holiday pay).

ARTICLE 246 — INSURANCE & COBRA BENEFITS CONTINUATION (May, 2012)

A. The City makes available to each regular full-time employee a group health plan.

B. The City will provide life insurance coverage to every regular full-time employee.

C. The City will provide basic cancer insurance coverage to every regular full-time employee.

D. Employees may purchase additional insurance coverage.

E. Insurance information and forms will be available through the Human Resources Office.

F. All employees will be notified by the Human Resources Office of any change pertaining to insurance benefits or payments.
The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City of Henderson's health plan when a "qualifying event" would have normally resulted in the loss of eligibility. Examples of common qualifying events include but are not limited to resignation, termination of employment, death of an employee, reduction in an employee's hours, leave of absence, divorce or legal separation, or a dependent child no longer meeting eligibility requirements. Under COBRA, the employee or beneficiary pays the full cost of coverage plus any administration fee. The City provides each eligible employee or dependent with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the City of Henderson health benefit plan. The notice contains important information about employee rights and obligations. Any employee or dependent eligible for COBRA must contact the Health Benefits Coordinator in the Human Resources Office to initiate COBRA coverage.

ARTICLE 248 — EMPLOYEE EDUCATION PROGRAM (May, 2012)

The City of Henderson recognizes that educational development is important and should be encouraged. For that reason, this policy has been established to provide an opportunity for employees to obtain additional education or training in order to increase their job competence and to prepare for possible future advancement. Should an employee meet the eligibility requirements detailed below, he/she may qualify for tuition assistance for the course(s) in question. Participation in this plan is voluntary.

A. Eligibility: Tuition reimbursement assistance is available to any regular full-time employee who has completed twelve (12) months of continuous service prior to the date on which the course begins, subject to the contents and limits set forth in Section D. Tuition reimbursement assistance is not available for any portion of those fees which are eligible for other refunds, such as veteran's benefits or any refund incentive program. If an employee is in a current reckoning period for any disciplinary action other than a verbal or written warning, he/she is not eligible for this program. The resignation or dismissal of an employee automatically terminates his/her benefits under this program.

B. Courses: Tuition reimbursement assistance may be approved for courses offered by vocational and technical institutes, trade schools or accredited colleges and universities, or other recognized courses or programs approved by the Human Resources Director. The course must be related to the employee's position with the City or the course must be required in pursuit of a degree related to the employee's job development with the City. Course attendance must be on the employee's own time and not interfere with the performance of his/her normal work assignments.

C. Approval: Approval of courses must be obtained in advance from the employee's Department Head and Human Resources Director. Each course must be approved on an individual basis. Requests for approval shall be made by completing an "Application for Employee Education Program" form. Applications may be rejected on the following basis:
   1. An application for approval not being filed prior to enrollment;
   2. Courses not directly related to the employee's current position or not required in pursuit of a degree related to the employee’s future job development within the City;
   3. The institution is not accredited;
   4. The same course is available at a local institution at less cost and not to exceed $1,500.00 in a fiscal year.

D. Reimbursement:
   1. Seventy-five percent (75%) of the cost of tuition, and required books and materials not covered by tuition, up to a maximum reimbursement of $750.00 per semester may be obtained when the course is completed if, within thirty (30) days of completion, the employee submits to his/her Department Head:
      a. Documentation indicating, he/she completed the course with a minimum "C" grade or a certificate of merit or successful course completion;
      b. A verified statement of tuition expenses or receipts for the course(s) in question;
      c. A completed Request for Reimbursement form.
   2. One hundred percent (100%) of the cost of tuition, books, workbooks, etc., will be reimbursed to employees successfully completing a General Education Development (GED) program.
3. If the employee leaves employment with the City of Henderson within three years from the last payout of education assistance, repayment of the last full year of assistance is required. Repayment of funds is to be paid in full within thirty (30) days from the date of separation.

E. Procedure: Any employee desiring to participate in this program may obtain an application for the Employee Education Program from his/her Department Head. The employee should discuss the situation with his/her immediate Supervisor and Department Head to determine whether he/she is eligible to participate in the program. When eligibility is determined, the Department Head will forward the completed application for the Employee Education Program to the Human Resources Director. All applications shall be submitted to the employee’s Department Head at least fifteen (15) days before the beginning date for a course or courses for which tuition reimbursement approval is requested.

1. The Human Resources Director will notify the employee of approval or rejection of the application within five (5) working days.

2. An employee whose application has been rejected by a Department Head and/or the Human Resources Director may appeal that decision to the City Manager. The decision of the City Manager shall be final and not subject to appeal.

3. Eligible employees are to file for tuition and related costs by completing a Request for Reimbursement Form and submitting that form to the Department Head.

4. Payments made to employees under this program may be considered subject to the provisions of the Federal Income Tax Law.

5. All records pertaining to this program will become part of the employee's personnel file.
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ARTICLE 300 — RULES FOR PERSONNEL  (May, 2012)

A. The purpose of these rules and regulations is to protect the rights of employees, to ensure cooperation with City policies, to ensure orderly operations, and to provide a safe, efficient, and productive work environment.

B. Additional rules and regulations for the Police and Fire Departments may be established by the respective Chiefs and shall be subject to the approval of the City Manager.

1. Such rules and regulations shall be published in a Manual and shall be provided to each member of the Department.

C. Rules and regulations established by the Department Heads or Chiefs shall not alter the provisions set forth in the City of Henderson Employee Manual. In case of conflict, the City of Henderson Employee Manual shall take precedent.

ARTICLE 302 — CHAIN OF COMMAND  (May, 2012)

To ensure smooth, efficient operation, a chain of command system is provided for the strength of the organization and protection of its employees.

A. An employee shall not by-pass or go to a higher level than the immediate Supervisor in any process or function of the City except in cases of sexual harassment.

B. The chain of command is as follows: Board of Commissioners, City Manager, Department Head, Supervisors, and Employees.

C. Failure to follow the proper chain of command may be cause for disciplinary action as provided in Article 520.

ARTICLE 304 — SEXUAL HARASSMENT POLICY  (May, 2012)

A. Purpose: To establish the City's position on the subject of sexual harassment, to set forth guidelines for handling violations of the policy and to specify the related complaint-handling procedure.

B. Scope:

1. This policy applies to employees in all City Departments and locations.

2. Furthermore, Department Heads will establish appropriate procedures to ensure that non-employees (vendors, contractors, trades people, etc.) on City premises are also made aware of the intent of this policy.

C. Policy:

1. Sexual harassment is contrary to basic standards of conduct between individuals and is prohibited by the Equal Employment Opportunity Commission, State regulations, and City Policy. It is, therefore, a violation of City Policy for any employee to engage in any of the acts or behavior defined below, and such misconduct will subject an employee to corrective action up to and including charges being filed for immediate dismissal.

2. Employees who feel they have been discriminated against on the basis of sex, or sexually, should immediately report such incidents following the procedure described in Article 312, without fear of reprisal. Confidentiality will be maintained to the extent permitted by the circumstances and legal considerations.
D. Definitions:

1. Sexual harassment includes, but is not limited to:
   a. Unwelcome sexual advances, requests for sexual favors and other verbal/non-verbal or physical conduct of a sexual nature;
   b. Making threats of reprisal explicitly or implicitly; making sexual favors a term or condition of employment;
   c. Using coercive sexual behavior to control or affect the career, salary, or employee evaluation of another employee;
   d. Unreasonably interfering with work performance or creating an otherwise intimidating, hostile, offensive working environment;
   e. Any other such conduct as may be prescribed by Federal or State law.

E. Procedure:

1. The City recognizes its obligation to provide a work atmosphere free of sexual harassment and intimidation. Any forms of sexual harassment shall not be condoned or allowed under any circumstances. Any employee desiring to file a complaint concerning sexual harassment shall present such a complaint per Article 312.

2. The appointing authority [City Manager] shall investigate all complaints as set forth above. If the appointing authority [City Manager] determines from the investigation that a City employee may be guilty of sexually harassing another employee, disciplinary action shall be taken against said accused employee in accordance with Article 520, and/or the appropriate City Ordinances, or Kentucky Revised Statutes.

ARTICLE 305 — SEXUAL HARASSMENT GRIEVANCE PROCEDURES (May, 2012)

Sexual Harassment shall not be condoned or allowed under any circumstances by the City.

A. Any employee desiring to file a complaint concerning sexual harassment shall present such a complaint to the appointing authority [City Manager] in writing and shall not be required to adhere to the chain of command established in Article 302.

B. The appointing authority [City Manager], in coordination with the Human Resources Director, shall investigate all complaints presented as set forth above. If the appointing authority [City Manager] determines from the investigation that a City employee may be guilty of sexually harassing another employee, disciplinary action shall be taken against said accused employee in accordance with the appropriate City Ordinances or Kentucky Revised Statutes.

C. Any employee who files a frivolous complaint, a false complaint, or a complaint in retaliation, revenge, or to intentionally harm or otherwise damage another person, may be subject to disciplinary action per Article 520.

ARTICLE 306 — WORKPLACE VIOLENCE POLICY (May, 2012)

A. All City employees have the right to work in a setting free from workplace violence. It is the goal of the City to rid all its worksites of violent behavior or the threat of such behavior. It is the shared obligation of all employees and law enforcement agencies to individually and jointly act to prevent or defuse actual or implied violent behavior at work. Any employee who violates City policy prohibiting workplace violence may be subject to disciplinary action per Article 520 up to and including dismissal. This policy is applicable to all employees regardless of their position.

B. Workplace violence by or against any City employee is unacceptable and contrary to City policy and is, therefore, absolutely prohibited. Management will respond to any complaint alleging workplace violence.
regardless of whether the acts complained of have been specifically forbidden and regardless of when or how management became aware of the alleged conduct.

C. Workplace violence is defined to include the following, although this definition is not an all inclusive listing of violent conduct, acts, or behavior:

1. A person who touches another individual in a rude, insolent, or angry manner, commits workplace violence. Unintentional touching or touching that is both welcomed and consistent with accepted standards of behavior in our community, such as, but not limited to a handshake or a pat on the back for a job well done, does not violate this policy;
2. A person who engages in a course of conduct involving repeated or continuing harassment of another person that would cause a reasonable individual to feel terrorized, frightened, intimidated, or threatened, and that actually causes the victim to feel terrorized, frightened, intimidated, or threatened, commits workplace violence;
3. A person who communicates a threat to another individual with the intent that the other individual engage in conduct against his/her will, or who communicates a threat to another individual with the intent that the individual be placed in fear of retaliation for a prior lawful act commits workplace violence.

D. An employee who feels that he/she is a victim of workplace violence should report the reasons for such beliefs to his/her Supervisor or Department Head immediately. If this is not appropriate, an employee should contact the Human Resources Director or another available member of management.

1. After being advised of an employee's concern or complaint, an investigation will be conducted without delay by the Human Resources Director in consultation, as appropriate, with the Chief of Police or his/her designee;
2. Upon completion of the investigation, a determination will be made as to what, if any, action will be taken, including initiation of disciplinary action per Article 520 or involvement of law enforcement officials, and will be reported to the appointing authority [City Manager];
3. The person who raised the concern or made the complaint will be advised of the conclusions drawn from the investigation;
4. No employee acting in good faith, who reports violent behavior or implied violent behavior per this policy, will be subject to retaliation or harassment based upon his/her report.

E. The City is very serious about its commitment to provide an environment free from workplace violence. Management retains the right to take appropriate action in response to violent behavior even when that behavior does not rise to the level of a violation of the law.

ARTICLE 307 — SAFETY (May, 2012)

A. All Department Heads are charged with the responsibility for providing the type of work environment and work procedures that will promote the safety of City employees to the greatest extent possible. They shall initiate a Department Safety program that will integrate safety policies and principles in all work programs. They shall:

1. Implement the safety policies and programs prescribed by the Safety Review Board.
2. Establish a Department Safety Committee to function as described below:
   a. Enforce reasonable and practical safety procedures pertinent to the activities conducted.
   b. Provide adequate job training and ongoing safety instructions for all employees.
   c. Ensure that each employee who suffers an on-the-job injury is personally interviewed.
   d. Ensure that monthly safety meetings and inspections are conducted.
   e. Be responsible for the completion and filing of all accident and injury reports.
3. The Department Head will be responsible for forwarding all reports to the Safety [Training Coordinator Director] in a timely manner.
B. As a condition of employment, all City employees are required to develop and practice safe work habits and obey safety rules and regulations that will protect themselves, their co-workers, and the general public. To that end they shall:

1. Immediately report all on-the-job accidents and injuries to their Supervisor or Department Head.
2. Report all unsafe practices and conditions.
3. Assist in investigations of accidents to prevent recurrence.

C. When a serious injury occurs, employees shall follow these steps:

1. Shall immediately call 911 to request appropriate emergency assistance.
2. Shall render appropriate aid consistent with First Aid training.
3. Shall notify their Supervisor or Department Head as soon as possible.

D. When involved in an accident while operating a City vehicle, an employee:

1. Shall immediately call 911 to request appropriate emergency assistance and to notify the police.
2. Shall not move vehicles until told to do so by police or in order to avert more serious injury or damage.
3. Shall report the accident to their Supervisor or Department Head.
4. May provide insurance information to the operator of the vehicle.
5. Shall not make any written or oral statements regarding details of the accident to any person, except the investigating Law Enforcement personnel, until authorized to do so by their Department Head.
6. Shall complete an Employee Statement of Incident form (PF-1).

E. The Safety/Training Coordinator [Director] will notify the Department Head of the date, time and location of the Safety Review Board (SRB) meeting. The Department Head will be responsible for notifying the employee who has a case being reviewed by the SRB and scheduling time away from work for the employee to attend the meeting. Attendance by the employee, unless required to be present by the Safety Review Board, shall be at his/her own discretion.

ARTICLE 308 — SAFETY POLICY (May, 2012)

A. Policy Statement: The City considers the safety of its employees a major responsibility. Our policy is to provide the safest possible working conditions. Employees are expected to accomplish their work tasks in an acceptable and safe manner. The City recognizes that the prevention of accidental injury to the employees will be successful only if there is support for the program from the Board of Commissioners, the City Manager, the HWU General Manager, Department Heads, Supervisors, and employees. The City Manager and the HWU General Manager will implement an effective safety program. The Safety Program's objective is the elimination of unsafe conditions, unsafe work practices, injury, monetary loss, and property damage. Critical components of the City's Safety Program include:

1. Support from management and supervisory personnel in the prevention of accidents and the implementation of this policy.
2. Accident prevention principles will be incorporated in new employee orientation training and will be a part of all on-going training programs for all employees. Supervisors will train employees to use safe work practices, safety equipment, and personal protective equipment.
3. Monthly safety meetings will be conducted within each department to promote active participation in and support of the Safety Program.
4. Equipment and materials inspections conducted on a regular and ongoing basis and if found deficient, removed from service until fixed.
5. Regular and ongoing inspections of the workplace to identify and eliminate physical hazards and unsafe working procedures or conditions.
6. Investigations of all accidents and injuries to ensure appropriate actions have been taken to prevent any reoccurrence of similar incidents.
7. Job Safety Analyses (JSA) on all new positions. JSA’s on all positions will be reviewed annually to analyze hazardous conditions and work tasks to ensure that hazardous conditions are minimized and that safe work practices are used.

8. An effective personnel protective equipment (PPE) program. PPE policies will be established and enforced.

9. Ensuring that all employees understand that safety is their personal responsibility and thereby make safety a part of their daily routine.

B. Responsibilities: Each employee will be fully responsible for implementing the provisions of the Safety Policy as it pertains to operations under his/her job duties. The responsibilities outlined below are minimal. They shall in no way be construed to limit individual initiative to implement more comprehensive procedures to curb accidents and injuries.

C. Safety Review Board:

1. Purpose: The Safety Review Board is the policy making body that develops and determines the effectiveness of the Safety Program. This board will be responsible for developing recommendations and programs that will ensure management is providing employees a safe workplace which seeks to minimize recognized safety and health hazards, provides personal protective equipment, complies with State and Federal regulations, and institutes corrective actions.

2. Membership: The board shall consist of eleven members.
   a. One voting member from each of the following departments: Administration, Finance, Fire, Gas, Henderson Water Utility, Mass Transit, Parks & Recreation, Police, and Public Works.
   b. The Human Resources [Safety] Director will serve as board chairperson and shall only vote in the case of a tie.
   c. The Safety/Training Coordinator(s) is a [are] non-voting members and shall gather facts for each case and present it to the SRB.
   d. The term of four (4) employees shall begin on January 1 and the term of the other four (4) employees shall begin on July 1 and each be twelve (12) months in length.
   e. The member will be recommended by the Department Head and must be approved by the appointing authority [City Manager] prior to being seated on the SRB.
   f. The Safety/Training Coordinator [chairperson of the SRB] may call upon the technical advice of a qualified person where deemed necessary.

3. Meetings: The Safety/Training Coordinator [Director] will [chair] provide an agenda, and ensure that minutes of the meeting are kept and maintained. The board will review accident investigation reports, injury reports, and other information and take the appropriate action necessary to ensure an efficient and effective Safety Program.

4. Jurisdiction:
   a. The Safety Review Board will classify automobile accidents into the following categories. These are: chargeable; non-chargeable; preventable; non-preventable.
   b. Incidents resulting in injury will be categorized as preventable or non-preventable.
   c. Property damage incidents will be categorized as either preventable or non-preventable.

5. Voting:
   a. Voting by the Safety Review Board will be performed on every case reviewed.
   b. In the case of a tie vote, the SRB chairperson [Safety Director] will cast the tie breaker.

6. Appeals Process:
   If an employee’s case is reviewed and is determined to be “preventable”, the employee has a right to appeal that decision. The process is as follows:
   a. The supervisor will present the employee with the Safety Personnel Review form, (05-03-17), where the employee will mark either to accept or appeal the decision of the SRB.
   b. The supervisor will forward this form to the Safety/Training Coordinator [Director] immediately.
   c. The Safety/Training Coordinator [Director] will place the case back on the agenda for the following month.
d. The case will be reviewed again by the SRB. The employee whose case was appealed must present themselves to the SRB. If the employee does not attend the next scheduled SRB meeting, the “preventable” ruling will be automatically upheld.

e. Any disciplinary action as a result of the appealed “preventable” ruling will be held in abeyance until the appeals process has been completed.

D. Responsibilities of the Safety /Training Coordinator [Director]:
The Safety /Training Coordinator [Director] will conduct an aggressive accident prevention program. The Safety /Training Coordinator [Director] is fully responsible to the appointing authority [City Manager] for the direction and administration of safety policies. The Safety /Training Coordinator [Director] will:
1. Provide guidance and direction to personnel and all levels of management in the implementation of the safety policy.
2. Provide an agenda and assist with the minutes of the Safety Review Board.
3. Consult with Departments on design and use of equipment, shops, and safety standards.
4. Participate in the investigation of the accidents and injuries and cooperate in the preparation of reports and evidence.
5. Provide management with statistical studies of accident data for use in promoting employee injury and property damage prevention programs.
6. Stop hazardous jobs when prescribed safety precautions are not being enforced.
7. Maintain a program to incorporate the current practices and philosophies adopted by the safety profession as most effective in prevention of injury, vehicle collision, liabilities, and damage to equipment and material.
8. Periodically evaluate compliance of programs with the departments.
9. Periodically attend Departmental staff/safety meetings to promote maximum understanding of program objectives.
10. Maintain complete records on accidents in accordance with safety policy requirements concerning employee safety and health programs.
11. The Safety /Training Coordinator [Director] will report any variance from the schedule of discipline to the City Manager.

E. Responsibilities of Department Heads:

Each Department Head has full authority and total responsibility for maintaining safe and healthful working conditions within his/her jurisdiction. Although exposure to hazards varies widely in work activities, it is expected that an unrelenting effort will be directed toward controlling injuries, accidents, and potential liability as they relate to safety. Therefore, each Department Head will:

1. Hold each supervisor fully accountable for an explanation of injuries, accidents, and liabilities related to safety incurred by employees.
2. Provide leadership and positive direction essential in maintaining firm safety policies.
3. Call upon Safety /Training Coordinator [Director] for any assistance needed for effective safety programs.
4. Ensure that all personnel comply with safety policies.
5. Demonstrate a personal concern over Departmental losses. Each worker who has lost time from a work-related accident or injury should be counseled and provided additional training.
6. Ensure that all potentially hazardous tasks are covered by specific published work rules to minimize injury, accidents, equipment, and property damage.
7. Ensure that all employees are trained in job-related safety.
8. Ensure that all employees are trained in the need for and use of personal protective equipment.
9. Procure necessary safety equipment/personal protective equipment for each job and ensure their proper use.
10. Conduct monthly safety meetings to review accidents, analyze their causes, and promote free discussion with supervisors of possible solutions to hazardous work problems. All monthly meetings must be documented and sent to the Safety /Training Coordinator [Director].
11. Solicit safety solutions and suggestions from employees and implement those that prove to be effective.
12. Ensure that all accidents/injuries are thoroughly investigated and properly reported. Hold each supervisor accountable for employee accidents, injuries, or liabilities related to safety. The supervisor’s performance evaluation should document this important safety responsibility.

13. Make certain that all injured persons receive appropriate treatment.

14. Inspect facilities to detect existing or potential health hazards and recommend corrective or preventive measures where indicated.

15. Monitor all safety inspections and surveys.

16. The Department Heads, with the assistance of the Safety /Training Coordinator [Director], will analyze hazardous conditions and work tasks and develop Job Safety Analyses to ensure that the hazardous conditions are minimized and that safe work practices are used.

F. Responsibilities of Supervisors:

A supervisor is fully accountable for the safe actions of the employees and the safe performance of machines and equipment within his/her area of responsibility. The supervisor has full authority to enforce the provisions of the safety policy to keep accidents and injuries at an absolute minimum. Each supervisor shall:

1. Be fully accountable for employee injuries, accidents, and liabilities as they relate to safety. Supervisors shall evaluate each employee's safety performance and that performance shall be taken into consideration when performing the employee's annual performance evaluation.

2. Ensure that all safety policies and regulations are fully implemented for maximum efficiency of each job.

3. Take the initiative in recommending corrective action of deficiencies noted in facilities, work procedures, employee safety knowledge, or attitudes that adversely affect safety efforts.

4. Be firm in enforcement of work policies and procedures, be impartial in taking disciplinary action against those who fail to conform, and promptly recognize those who perform work tasks safely and efficiently.

5. Ensure that each employee is fully trained for the job assigned and the employee is familiar with published work rules.

6. Ensure that safety training classes are conducted for all employees.

7. Inspect all tools and equipment at frequent intervals and keep them in a safe and serviceable condition.

8. Train employees as to the necessity of reporting all accidents and injuries and the necessity of receiving first aid treatment, even in the case of minor injury.

9. Use appropriate hazardous operations safety checklists where required.

10. Ensure that all personal protective equipment and safety equipment is properly maintained.

11. Ensure that all employees are capable of safely performing the essential functions of their jobs.

12. Ensure that all hazardous areas are clearly designated with proper signage.

13. Restrict access to hazardous work areas to essential and qualified personnel.

14. Utilize a lead worker concept: When the supervisor is not present with a work crew; he shall name an employee as the lead worker who shall assume the responsibility for safety in the supervisor's absence.

15. Supervisors will conduct monthly safety meetings with their employees to promote active participation in and support of the Safety Program.

16. Supervisors will be responsible for the safe condition of assigned equipment and materials, good housekeeping practices, and safe work conditions.

17. Supervisors will conduct monthly inspections of their workplaces to identify physical hazards and/or unsafe work procedures. Corrective actions will be initiated to eliminate or control physical hazards and unsafe operations.

18. Ensure that all accidents/injuries are thoroughly investigated and properly reported. Hold each employee accountable for accidents, injuries, or liabilities related to safety. The employee’s performance evaluation should document this important safety responsibility.

19. Any accident which results in an injury that requires professional medical attention, lost time, monetary loss, or property damage will be investigated to determine the cause of the accident and the remedial action required to prevent recurrence.

20. Supervisors will train employees to use safe work practices, safety equipment, and personal protective equipment.

G. Responsibilities of Employees:
Employees are required, as a condition of employment, to exercise due care in the course of their work to prevent injuries to themselves and to their fellow workers and to conserve materials. Each employee shall:

1. Report all unsafe acts and conditions to the supervisor.
2. Be individually responsible for his/her personal safety, the safety of co-workers and the public, the safe operation of equipment, and for the proper maintenance of personal protective equipment and safety equipment.
3. Keep work areas clean and orderly at all times.
4. Follow prescribed procedures during an emergency.
5. Report all accidents and injuries to the supervisor immediately.
6. Complete incident paperwork in a timely manner.
7. Be certain that instructions are understood completely before starting work.
8. Learn to lift and handle material properly.
9. Avoid engaging in horseplay and distracting others.
10. Know how and where medical treatment may be obtained.
11. Not damage or destroy any warning or safety device or interfere with any other employee's use of them.
12. Provide a doctor's release when returning to work after a work-related injury or illness.
13. Obey all safety rules and follow all work instructions. If any doubt exists about the safety of doing a job, work will be stopped and instructions from a supervisor will be received before continuing work.
14. Operate only machines and equipment he/she has been authorized to operate by the supervisor.
15. Use the proper tool/equipment or procedure for the job.
16. Wear required personal protective equipment. Dress safely and sensibly.
17. Report the use of any medication which might impair the safe, efficient, or proper performance of job duties to his/her immediate Supervisor or Department Head.

H. The accident categories below are to be used by the Safety Review Board. Should a situation exist where two categories are applicable, the sternest discipline is authorized.

1. Motor Vehicle Accidents:
   
a. **CHARGEABLE** - A vehicle accident will be chargeable when the driver of the City vehicle's actions would have resulted (or did result) in a citation being issued.
   
b. **NON-CHARGEABLE** - A vehicle accident will be non-chargeable when the driver of the City vehicle is a second party to the accident and whose actions would not have resulted (or did not result) in a citation being issued had a Police Officer been present.
   
c. **PREVENTABLE** - A vehicle accident will be preventable when the Safety Review Board finds that the City driver could have but failed to employ defensive measures that might have prevented the accident.
   
d. **NON-PREVENTABLE** - A vehicle accident will be non-preventable when the City driver acted in a responsible manner and, through no fault of the driver, the accident was not averted.

2. Injuries:
   
a. **NON-PREVENTABLE INJURY**: An injury will be classified non-preventable when the employee has exercised all safety precautions in the execution of his/her duty.
   
b. **PREVENTABLE INJURY**: An injury will be classified preventable when an employee could have but failed to exercise necessary safety precautions or procedures which could have prevented injury.

3. Property Damage:
a. **NON-PREVENTABLE INCIDENT:** An incident involving damage to City, Public, and/or private property will be classified non-preventable when the employee has exercised all safety precautions in the execution of his/her duty.

b. **PREVENTABLE INCIDENT:** An incident involving damage to City, Public, and/or private property will be classified preventable when an employee could have but failed to exercise necessary safety precautions or procedures which could have prevented the damage.

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**ARTICLE 309 — LIFE THREATENING ILLNESS** (May, 2012)

A. The City recognizes that employees with life threatening illness such as cancer, heart disease, and AIDS, may wish to continue their normal pursuits, including work to the extent allowed by their condition. The City supports these endeavors as long as an employee is able to meet acceptable standards and perform the essential functions of his/her job. As in the case of other disabilities, the City will make efforts at reasonable accommodation in accordance with all legal requirements, to allow qualified employees with life-threatening illnesses to perform the essential functions of their jobs.

B. Medical information about individual employees is treated confidentially. The City will take reasonable precautions to protect such information from inappropriate disclosure. Anyone inappropriately disclosing such information is subject to disciplinary action.

C. Employees with questions or concerns about life-threatening illnesses are encouraged to contact the Human Resources Office or the City's Employee Assistance Program for information and referral to appropriate services and resources.

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**ARTICLE 310 — GRIEVANCE POLICY** (May, 2012)

A. **Grievances:**

1. It is the policy of the City to provide its employees an effective and acceptable means of bringing problems and complaints of a legitimate nature to the attention of management. Pursuant to statutes and ordinances defining the conditions of Civil Service employment or non-Civil Service employment, including Hazardous Duty [in the Police or Fire Departments], and subordinate to the procedures for appeal in cases of suspension, reduction in grade and/or pay, or dismissal, the City does hereby establish these filing procedures for the resolution of disagreements.

2. The City recognizes the right of employees to express their grievances and to seek a solution concerning disagreements arising from work relationships, working conditions, or differences of interpretation of policy that might arise between the City and its employees.

3. Excluded from this policy are complaints concerning:

   a. Wages and salaries.
   b. Performance evaluations.
   c. Suspensions, reductions in grade and/or pay, or dismissal.
   d. Policies or rules established by the appointing authority.
   e. Falsification of application, résumé, military discharge, college transcripts, or other employment-related documents.
   f. Policies which have been consistently applied over time.
   g. Alleged discrimination based on race, color, national origin, sex, age, religion, disability, or status as a Veteran; sexual harassment; or racial/ethnic harassment (for which specific grievance procedures exist).

4. The grievance procedure is the only formal process for resolving internal employment problems for those employees protected by it. Each eligible employee has the option to use the grievance procedure or not, but when the option is exercised to use it, the employee also agrees, as a condition of continued employment, to accept the conditions outlined in the grievance procedure. A grievance filed under this policy may not be filed under any other City grievance procedure. Where multiple issues exist, the most appropriate procedure must be selected by the employee.

B. **Grievance Procedure:**
The filing of a formal grievance shall always be preceded by notification of the problem to the employee's immediate Supervisor. In order to expedite filing and ensure appropriate attention is afforded to the matter, the employee and management will adhere to the following procedures:

1. The initial grievance shall be filed within three (3) working days, which shall be business days, of the event or condition prompting the disagreement.
2. The grievance shall be a written document, signed by the employee, presented to the Department Head (in the presence of the immediate Supervisor, where applicable and feasible).
3. The Department Head shall have ten (10) working days, which shall be business days, to respond to the employee in writing.
4. If the employee wishes to continue to assert the grievance following the Department Head’s response, the written complaint along with the Department Head’s response shall be forwarded by the Department Head to the Human Resources Director within two (2) working days, which shall be business days.
5. The Human Resources Director shall have ten (10) working days, which shall be business days, to respond to the employee in writing.
6. If the employee wishes to continue to assert the grievance following the Human Resources Director's response, the written complaint, along with the Department Head's response and the Human Resources Director's response, shall be forwarded to the appointing authority [City Manager] by the Human Resources Director within two (2) working days, which shall be business days.
7. The appointing authority [City Manager] shall have thirty (30) working days, which shall be business days, to respond to the employee in writing. The appointing authority [City Manager] shall render a final decision which is non-appealable.

C. Frivolous or False Grievances:

Any employee, who files a non-grievable complaint, a frivolous complaint, or a false complaint, may be subject to disciplinary action per Article 520.

ARTICLE 312 – GRIEVANCE PROCEDURE FOR COMPLAINTS RELATING TO SUSPECTED OR ALLEGED DISCRIMINATION ON THE BASIS OF RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, PREGNANCY, CHILDBIRTH, PREGNANCY/CHILD BIRTH RELATED MEDICAL CONDITIONS, GENETIC MAKEUP, AGE, DISABILITY STATUS, OR VETERAN OR FAMILY STATUS

Any employee who believes that he/she has been subjected to discrimination based on race, color, religion, national origin, sex, sexual orientation, gender identity, pregnancy, childbirth, pregnancy/child birth related medical conditions, genetic makeup, age, disability status, or veteran or family status may personally or by a representative, file a complaint with the appointing authority [City Manager]. A person who has not personally been subjected to discrimination but has witnessed discrimination may also file a complaint. When any employee who believes he/she has been adversely affected by an act or decision by the City, and that such act or decision was based on race, color, religion, national origin, sex, sexual orientation, gender identity, pregnancy, childbirth, pregnancy/child birth related medical conditions, genetic makeup, age, disability status, or veteran or family status, shall have the right to process a complaint or grievance in accordance with the following procedure:

A. Step One: An aggrieved person must submit a written statement to the appointing authority [City Manager] setting forth the nature of the discrimination alleged and facts upon which the allegation is based.
B. Step Two: The appointing authority [City Manager] or designee shall contact the complainant no later than fifteen (15) calendar days after receiving the written statement to establish an informal meeting with the objective of resolving the matter informally. However, in no case shall the informal meeting be conducted sooner than five (5) calendar days nor more than forty-five (45) calendar days after receiving the written statement. There shall be a written documentary of the discussions at the informal meeting, which shall be preserved in the records of the City.
C. Step Three: Within fifteen (15) calendar days of the informal meeting, if no decision has been made by the appointing authority [City Manager] or the decision of the appointing authority [City Manager] does not satisfy the complainant, he/she may request a hearing with the Board of Commissioners by submitting a written request to the appointing authority [City Manager].

D. Step Four: In thus discussing the grievance, the complainant may designate any person of his/her choice to appear with him/her and participate in the discussion. The Board of Commissioners shall require the appointing authority [City Manager] to participate in the discussion of the grievance, when it is brought before the Board of Commissioners. The Board of Commissioners shall issue a written decision on the matter within fifteen (15) calendar days, and the decision shall be the final procedure for the complainant at the local level. There shall be prepared a written documentary of the discussion at the hearing, which shall be preserved in the records of the City.

ARTICLE 316 — PERSONAL APPEARANCE (May, 2012)

The City provides a wide range of services to the general public and it is important that the attire and appearance of employees favorably reflect the City's image to the public. In addition, dress, grooming, and personal cleanliness standards contribute to the morale of all employees. During duty hours, therefore, employees are expected to present a neat and clean appearance and to dress according to the requirements of their position.

A. Employees are required to wear full uniforms and to properly maintain uniforms if they are provided.
B. Employees who report to work inappropriately dressed or groomed will be sent home and directed to return to work in proper attire and may be disciplined per Article 520. In such circumstances, employees will not be compensated for the time away from work.
C. The employee's Department Head, or Supervisor will discuss the subject of personal appearance with the employee if it is felt that it does not positively reflect the City's image. More stringent requirements of grooming and attire may be required for public safety personnel and such standards will be specifically addressed in Departmental manuals.

ARTICLE 318 — CODE OF ETHICS (May, 2012)

The Board of Commissioners has adopted a Code of Ethics, Ordinance 64-94. Employees, as a condition of continued employment, must comply with applicable tenets of this Code. An employee should consult with his/her Department Head to resolve any question regarding whether or not an action would result in a violation of the Code or create a conflict of interest. In addition to any penalty as the result of violation of the Code, an employee may be subject to disciplinary action per Article 520.

ARTICLE 320 — INFORMATION AND COMMUNICATIONS MANAGEMENT POLICY (May, 2012; June, 2015)

A. Any employee use of an unauthorized access code or accessing other computer files that the employee has no right to access or any dissemination of confidential City information that is derived from electronic or other sources is strictly prohibited.
B. All computer systems, networks, business and telephone equipment, radios, all other electronic communication equipment, and stored information systems, are the City's property and are to be used solely for job-related purposes. The City strictly prohibits non-job-related uses of all its software and business systems, including but not limited to telephone systems, copiers, telecopiers, computers, copy machines, facsimiles, and radios.
C. Employees are also prohibited from using codes, accessing files, or retrieving any stored communication without prior clearance from an authorized City official. No employee may use a pass code unknown to the City.
D. Any unauthorized use of equipment for personal affairs; any use of equipment for inappropriate or offensive messages or any harassment of employees including but not limited to racial or sexual harassment; any violation of confidential files or other abuse of computers or other equipment; any unauthorized use or abuse of the internet, of e-mail or voice mail; is strictly prohibited.
E. Further, employees are hereby put on notice that all communication sources may be monitored by the City and all employees are put on notice that system security features, such as passwords and message delete...
functions, do not take away the ability to archive any message, at any time, for future viewing or use. All communications are subject to search with or without notice.
F. Violations of this policy may be cause for disciplinary action, leading up to and including termination.

ARTICLE 321 — ELECTRONIC COMMUNICATION DEVICES (ECD) (May, 2012)
A. Purpose: This policy establishes the guidelines for the proper usage of electronic communication devices while performing any City business. These guidelines shall be used by City personnel in order to be more efficient, to improve productivity, and without having a negative effect on safety.
B. For the purpose of this policy, “electronic communication devices”, is an all-inclusive term used to describe any and all electronic devices that an employee may use to communicate. This includes but is not limited to, cell phones, two-way radios, hand-held devices, pagers, personal digital assistants (PDAs), laptops, GPS units, or any other electronic communication device.
C. The City has reviewed information that indicates that using any type of electronic communication device while driving, poses a significant risk to employees and to others. The City recognizes that other distractions occur during driving; however, strictly limiting the use of ECDs while driving is one way to minimize the risk to the employees and to the public.
D. Use While Driving or Operating Motorized Equipment
1. The use of any electronic communication devices for non-work-related purposes is strictly prohibited.
2. The use of electronic communication devices for work related purposes is discouraged.
   a. If the driving and the use of an ECD is required by those personnel who would be involved in responding to an emergency, personnel shall, if feasible, pull over and stop in a safe location to use the device.
      i. Exception: Public safety officials who are using their ECD for emergency/confidential communications. They shall take extreme care when using an ECD in these types of situations.
      ii. Exception: Employees who are using an ECD to report an emergency or danger and where pulling over and stopping is an equal to or greater safety hazard than driving while using the device.
      iii. Exception: Employees in Mass Transit, Public Works, Finance, Gas and the Henderson Water Utility who are working by themselves may use two-way radios. If another City employee is with them, then the non-driver shall use the two-way radio. They shall take extreme care when using the two-way radios.
   b. Whenever an employee is using an ECD while driving, the employee must ensure their primary focus of attention is on the operation of their equipment, not the ECD.
   c. If using any other type of motorized equipment, such as a stump-grinder or chainsaw or the like, the employee must ensure that the machine is in a safe mode before using an ECD.
3. Federal law prohibits personnel regulated by the Department of Transportation (DOT), by the Federal Motor Carrier Administration (FMCSA), and by the Pipeline and Hazardous Materials Safety Administration (PHMSA) to use or be allowed to use hand-held mobile telephones while operating a DOT-regulated motor vehicle.
4. Texting while driving is forbidden by state law and is not allowed. The policy extends this ban while operating any motorized equipment.
E. General Guidelines
   Unless otherwise directed by the supervisor or department head, City employees are allowed to have personal ECDs in their possession during the workday and while on duty.
1. The employee needs to keep safety in mind when using any ECD.
2. The use of ECDs for personal use during the workday should be limited to breaks and is discouraged at all other times.
3. City issued ECDs are for official use only.
4. Department policy may be more stringent.

ARTICLE 330 — SOCIAL MEDIA POLICY (May, 2012)
A. Purpose: Use of internet social media sites is a popular activity. Employees are permitted to use personal social networking; however, employees must be mindful of the negative impact of inappropriate or unauthorized posting upon the City of Henderson and its relationship with the community. The purpose of this policy is to give employees guidance regarding inappropriate content for personal, social media websites, web pages, and other electronically transmitted or hard copied material with respect to the City and to clearly identify prohibited activities by employees both on and off duty in order to protect the City and the employees from harm as the result of inappropriate posting or inadvertent harmful postings. This policy is not intended to hinder professional development of any employees or interfere with an employee’s First Amendment rights.

Social media commonly refers to the use of the Internet for blogging, microblogging, media sharing, and social networking. Social media can denote any web-based technology that enables and facilitates rapid communication and/or networking through the Internet and/or cellular networks. Social media includes text, images, audio, and video. Some examples of social media are:
1. Blogs, and micro-blogs such as WordPress and Twitter
2. Social networks, such as Facebook and MySpace
3. Professional networks, such as LinkedIn
4. Video sharing, such as YouTube and vlogs (video weblogs)
5. Audio sharing, such as podcasts
6. Photo sharing, such as Flickr and Photobucket
7. Social bookmarking, such as Digg and Delicious

B. Policy Statement:
The City of Henderson recognizes the prevalence and the importance of social media for its employees and acknowledges that its employees have the Right under the First Amendment, in certain circumstances, to speak out on matters of public concern not related to their official duties. However, the City will regulate the use of social media by employees, including employees’ personal use of social media, when such use:

1. Interferes with or disrupts, the work of the City;
2. Is used to harass coworkers or other members of City government;
3. Breaches confidentiality obligations of City employees;
4. Creates a hostile work environment; or
5. Violates the law, City policies and/or the City of Henderson Information Technology policy.

The City encourages employees to exercise sound judgment and discretion in contributing to social media sites where information is available to numerous users. Employees who are uncertain about the scope or applicability of this policy may contact his/her Department Head or Chief for guidance.

C. Employees of the City have a right to have personal web pages or sites. If an employee mentions, discusses or references the City of Henderson, then the employee must also state that the post is the view of the employee alone and does not represent the views of the City or the City’s elected officials. Employees are solely responsible for their personal communications, websites, and posts. The City is not responsible for employees’ personal communication, posts, and conduct when using social media.

D. General Rules
1. Employees may comment on issues of general or public concern (as opposed to personal grievances) unrelated to their official duties, so long as the comments do not disrupt the workplace, interfere with important working relationships or efficient workflow, or undermine public confidence in the City and employees. Examples of personal grievances include, but are not limited to:
   a. disciplinary action,
   b. work schedule,
   c. morale,
   d. complaints about supervisors or co-workers that do not involve actual wrongdoing.
Employees who are commenting on an issue of public concern unrelated to their official duties are asked to use a disclaimer making it clear that the comments and opinions are their own and do not represent the City of the City’s position or opinions.

2. All employees shall treat as confidential the official business of each City department. Employees are prohibited from posting any confidential, sensitive, or copyrighted information to which the employee may have access due to their employment with the City. Employees are prohibited from posting data from an ongoing criminal, administrative, or accident investigation, including photographs, videos, or audio recordings.

3. Employees are prohibited from posting, transmitting and/or disseminating any copyrighted material, City logo or City proprietary information, any drawings, pictures or videos of official department training, activities, or work-related assignments without the express written permission of the City Manager or designee. The incidental display in a posting of the City logo on an employee’s clothing, such as shirts or T-shirts, shall be not be prohibited so long as the posting depicts the employee and the City in a positive manner.

4. Employees are prohibited from making harassing, defamatory, abusive, threatening or racially discriminatory, sexually discriminatory or other discriminatory comments about employees of the City or customers that might cause a hostile work environment.

5. If you appear in uniform, wear and/or display logos, you have created a link between your online content and your employment.

6. Your posted content has the potential to be shared broadly, including with individuals with whom you did not intend to communicate. For example, opposing counsel may subpoena your posts if they are relevant to a lawsuit related to your official duties. Counsel may also use your posts to impugn your reputation or show bias.

7. To ensure the safety and security of employees of the City, employees shall not transmit or disseminate information regarding any other member of the City including, but not limited to, names, telephone numbers, addresses, photographs, or other potentially identifying information, without first receiving permission from the individual, unless the employee is addressing an issue of public concern and the employee’s speech falls under applicable constitutional protections pertaining to same.

8. No employee shall represent in any public forum as an employee of the City with other information, opinion or posture that would substantially and materially interfere with an employee’s ability to fulfill his/her official responsibility.

9. Employees may not use City email to register for or respond to social networking sites.

10. Misuse of electronic media will be grounds for disciplinary action, leading up to and including termination.

E. All City policies that regulate off-duty conduct apply to Social Media activity.

F. The City’s Information Technology Acceptable Use Policy is applicable to all Social Media Activity, including but not limited to the prohibition of use of City computer to access social media networking sites, blogs or bulletin board and/or to surf, post, blog or otherwise access social networking sites during working hours unless as performance of an authorized duty.

G. Subject to the general rules and other policy revisions, individual social media users acting on their own behalf, without identifying themselves as employees or in any way indicating their status as such, may make non-work-related social media comments, without review or approval by employer, provided that such activity does not constitute defamation or misrepresent or distort facts in such a manner that it may cause negative effects for employer, officials, or employees.

H. If an employee believes that someone has “hacked” (accessed without their permission) his or her social networking site and posted an entry which violates one of the guidelines set forth, then the employee should inform his or her Department Head of the “hacking” and remove the post that violates the guidelines.
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ARTICLE 402 — CHANGES IN REGULATIONS (May, 2012)

The Human Resources Director shall send all Department Heads any changes in regulations or procedures in writing at the time of adoption.

ARTICLE 404 — TRAVEL, TRAINING, CONVENTIONS, AND/OR CONFERENCE EXPENSES (May, 2012)

The City’s policy for obtaining both travel expense authorization and approval to be absent from the City on official business is as follows:

A. This policy is effective for all regular City employees, for members of the Board of Commissioners, and for members of the various Citizen's Advisory Boards and Commissions.

B. Employees shall be paid in the following instances:

1. to attend authorized conventions, conferences, training, and other City business when employees are required to be out of town.

C. Advances for anticipated travel expenses should be requested at least five (5) days prior to expected departure date. The request for advance should be made on the form entitled "Request for Travel and/or Advance Expense Allowance" with a claim voucher attached. This form shall be signed by the employee's Department Head and forwarded to the City Manager for approval.

D. Advance payment of funds shall be made by the Finance Director if approved by the City Manager. Reimbursement of travel expenses will be made to employees for trips where advance payment is not requested provided that such travel and expense is approved in writing in advance by the City Manager. However, no travel expense will be reimbursed unless travel authorization is given by the City Manager.

E. Expense allowances shall be provided as listed below:

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<tr>
<th>IN STATE</th>
<th>OUT OF STATE</th>
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</thead>
<tbody>
<tr>
<td>Per Diem</td>
<td>$35</td>
</tr>
<tr>
<td>Lodging</td>
<td>Actual Cost</td>
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</tbody>
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In calculating per diem expenses, the actual beginning and ending times for travel shall be used as a basis. For travel in excess of eight hours, but for which overnight lodging is not required, one-half of the per diem rate will be allowable. For travel exceeding any full twenty-four-hour period, additional per diem will be paid on the same basis. For travel in high expense areas, the City Manager may approve a greater per diem rate as reasonable and necessary or may authorize using rates established in the current version of IRS Publication 1542, Per Diem Rates (For Travel Within the Continental United States).

F. Receipts showing actual lodging cost shall be submitted to the Finance Director within two working days after employee returns to work. Employees shall only be paid for a single room rate regardless of the receipt amount, except as provided in Subsection I below. Double occupancy shall only be allowed if a spouse is a registered participant in the meeting or conference being attended by an employee. This provision shall not be applicable to elected officials.

G. Transportation expenses and/or meals shall be provided by the City only when authorized by the City Manager. When air travel is required, employees will travel in Tourist Class if possible. First Class travel will be allowed only in instances where scheduling makes the First Class more desirable, or when it otherwise serves the best interests of the City. Round trip tickets should be purchased if it is advantageous to do so. Unused transportation tickets shall be returned to the City's Finance Director in order for reimbursement to be affected.
H. When automobile is the optimum mode of transportation, City-owned vehicles are to be used if available. If feasible and convenient to do so, employees should pool transportation facilities, particularly on short trips involving several employees. City credit cards are available for gas and oil expenses. These cards can be obtained in the Finance Department if approved by the City Manager. City employees may use private automobiles only in cases where a City-owned vehicle is not available. In such cases, the employee will be reimbursed for mileage per the appropriate IRS publication for business travel expenses. Payment of mileage will be based on the most direct route to the point of destination and shall not, in any case, exceed the cost of Tourist Class air fares. If a car is rented while an employee is traveling, it must be the most practical means of transportation available. If this type of transportation is anticipated, City credit cards should be used if possible.

I. When it is deemed proper to represent the City and to meet the courtesies of protocol, spouses may accompany the employee on official City business. The spouse's registration fee and the additional hotel or motel cost of a double occupancy room versus the cost of a single occupancy room will be allowed.

**ARTICLE 406 — CITY VEHICLES AND EQUIPMENT** *(May, 2012)*

A. The use of City vehicles and equipment is solely for work-related activities. City owned vehicles shall be used for City business when available.

B. Only those employees specified by the City Manager shall have the authority to use vehicles on a "take home" basis.

C. Personal use of any City vehicle or equipment is prohibited. When authorized, a vehicle may be taken home but must be parked and not used for any personal business whatsoever. Personal use of any City vehicle or equipment is cause for disciplinary action as provided in Article 520.

**ARTICLE 408 — DRUG FREE WORKPLACE POLICY AND DRUG TESTING POLICY** *(May 2012; Feb. 2013; September 2018)*

A. Notice Upon Hiring:

1. As a condition precedent to hiring, all prospective employees will receive a copy of the City's Drug Free Workplace statement, policy, and drug testing policy; and will be required to sign a receipt which will become a permanent part of the employee's personnel file.

2. In addition, as a further condition precedent to hiring, all prospective employees will be required to sign a written acknowledgement to the effect that:

   a. They understand the City (the employer) maintains pre-employment screening practices, including pre-employment drug testing, designed to prevent hiring individuals who use illegal drugs / controlled substances or individuals whose use of drugs or alcohol indicates a potential for impaired or unsafe job performance;

   b. They understand and support the City's Drug Free Workplace policy;

   c. They agree to refrain from violating this policy while in the employ of the City;

   d. They acknowledge in advance that they understand that the penalty for breach can be dismissal and agree that it is appropriate when supported by evidence;

   e. They acknowledge that they have been warned that drug testing of employees will be conducted where there is individualized reasonable suspicion of drug use or drug impairment.

B. Distribution of Drug Free Workplace Policy to Current Employees:

1. All current employees will receive a copy of the City's Drug Free Workplace statement policy and Drug Testing Policy and will be required to sign a receipt which will become a permanent part of the employee's personnel file.

2. All current employees will be asked to voluntarily sign a statement supporting the strict enforcement of these policies.

3. All current employees will be given notice that the City reserves the right to order employees to submit to drug testing where supported by an individualized reasonable suspicion of drug use or drug impairment.
C. The Drug Free Workplace Policy:

1. Definitions: For purposes of this policy:

   a. **Employer** - The City, its departments, agencies, and programs.
   b. **Employee** - means any person, i.e., management, supervisory, or non-supervisory, who is paid in whole or in part by the Employer.
   c. **Controlled Substance** - means any controlled substance contained in Schedules I through V of Section 202 of the Controlled Substance Act (21 USC 812), and as further defined by 21 CFR 1300.01 and 1300.02, or as defined in Kentucky statute.
   d. **Conviction** - means any finding of guilt, including a plea of nolo contendere (no contest) or the imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
   e. **Criminal Drug Statute** - means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance.

2. Regulations:

   a. It is the policy of the City to maintain a safe and productive workplace free of drugs and free of those individuals who use drugs.
   b. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by any employee which takes place in whole or in part in the Employer's workplace is strictly prohibited and will result in criminal prosecution and employee discipline which may include termination from employment.
   c. Any employee convicted of any federal or state criminal drug offense must notify the Employer of that fact within five (5) calendar days of the conviction. The City will notify the appropriate Federal agency, as applicable, within ten (10) days of notification of the violation.
   d. Any employee who reports for duty in an altered or impaired condition which is the result of the illegal use of controlled substances will be subject to disciplinary action. Any decision to take disciplinary action may be held in abeyance pending the completion by the employee of drug rehabilitation program. The employee's willingness to participate in a drug rehabilitation program, however, shall not alter the Employer's right to discipline the employee for violation of this policy.
   e. Per Article 520–Disciplinary Guidelines, the discipline for violation of this policy is
      i. Drinking alcoholic beverages on duty
         (Alcoholic concentration of .02 or greater)
         1\textsuperscript{st} Violation – Dismissal
         Reckoning Period: 36 months;
      ii. Possession &/or use of drugs on City property or time
          a. Illegal drugs/controlled substances (i.e., marijuana, cocaine, etc.)
             1\textsuperscript{st} Violation – Dismissal
          b. Improper possession and/or use of prescription drugs
             1\textsuperscript{st} Violation – Written warning
             2\textsuperscript{nd} Violation – 80-hour suspension
             3\textsuperscript{rd} Violation – Dismissal
             Reckoning Period – 36 months;
      iii. Reporting to work/working under the influence or detectable presence of alcohol
           (if it is suspected that an employee has so reported to work, a Reasonable Suspicion alcohol and drug test shall be performed).
           a. (Alcoholic concentration of .02 or greater but less than .04)
              1\textsuperscript{st} Violation – 24-hour suspension
              2\textsuperscript{nd} Violation – Dismissal
           b. (Alcoholic concentration of .04 or greater)
              1\textsuperscript{st} Violation – 240-hour suspension
              2\textsuperscript{nd} Violation - Dismissal
Reckoning Period – 36 months

iv. Reporting to work/working under the influence or with a detectable presence of illegal drugs/controlled substances (if it is suspected that an employee has so reported to work, a Reasonable Suspicion alcohol and drug test shall be performed).

1st Violation – Dismissal
Reckoning Period – 36 months;

f. Any employee convicted of a workplace related drug offense, who fails to report the conviction as required by the above, will be:
   i. terminated from employment;
   ii. barred for 36 months from future employment; and
   iii. held civilly liable for any loss of federal funds resulting from the conviction.

g. Within thirty (30) days following conviction of any workplace related drug offense, the employee so convicted shall have appropriate sanctions imposed up to and including termination.

D. The Drug Testing Policy:

1. To maintain a safe and healthful work environment, the Employer reserves the right to set standards for employment and to require employees to submit to physical examinations including urine tests for alcohol, illegal drugs / controlled substances, or the misuse of legal drugs where there is reasonable suspicion that an employee's work performance is, or could be, affected by the condition.

2. In cases where the Employer has a reasonable suspicion to believe that the employee is under the influence of the substances referenced in paragraph 1 above, the Employer may require the employee to be referred to a medical clinic, at the Employer's expense, to provide urine specimens. For purposes of the above, "reasonable suspicion" means suspicion based on personal observation by an Employer representative, including descriptions of appearance, behavior, speech, breath, or inexplicable behavior.

3. If requested, the employee will sign a consent form authorizing the clinic to withdraw a specimen of urine and to release the test results to the Employer.

4. A refusal to provide either specimen will constitute insubordination and a presumption of impairment and may result in dismissal.

5. Any employee tested in accordance with the above procedure may, if the test results are positive, request re-testing at the Employer's expense, or may request, in advance of the original test, that a portion of the original specimen be delivered to a third party for testing at the employee's expense.

6. The results of any such test will constitute medical information and will remain confidential save for their use in official safety investigations, criminal prosecution of the employee, or any action necessary to defend the discipline or dismissal of the employee.

E. Policy Distribution:

Each employee will receive annually an information package containing:

1. information concerning the dangers of drug abuse in the workplace;
2. a current copy of the Employer's published statement;
3. a current copy of the Employer's Drug Free Workplace policy;
4. a current copy of the Employer's Drug Testing policy;
5. information concerning any available drug counseling, rehabilitation, and employee assistance programs;
6. information concerning the penalties that will be imposed for the breach of the Employer's Drug Free Workplace policy; and
7. notice to the employee that any work-related conviction of any federal or state criminal drug statute must be reported in writing to the Employer within five (5) calendar days after such conviction.

F. Training:
1. All employees and Supervisors will receive annual training in the dangers of drug abuse.
2. All Supervisors and Department Heads will receive annual training in the enforcement of this policy.

ARTICLE 410 — DRUG AND ALCOHOL POLICY FOR TRANSIT, CDL HOLDERS, AND PHMSA PIPELINE EMPLOYEES (May, 2012)

The City adheres to Federal regulations to create a drug and alcohol-free workplace. As such, the City operates within a policy which specifically addresses transit employees, gas system employees, and employees who drive as a part of their City job and hold a Commercial Driver’s License. Any individual so employed will be provided a copy of the City’s Drug and Alcohol Policy for Transit, CDL Holders, and PHMSA Pipeline Employees. This Policy shall be maintained as Attachment A of this manual for employees subject to the Policy and those employees agree to read, support, and comply with its rules and regulations as a condition of employment. Violation of the Policy may result in disciplinary action up to and including dismissal.

ARTICLE 412 — BLOODBORNE PATHOGENS (May, 2012)

In recognition of the special hazards associated with risk of exposure to and transmission of bloodborne pathogens, including but not limited to HIV (Human Immunodeficiency Virus) and HBV (Hepatitis B Virus), the City has adopted a Bloodborne Pathogens Exposure Control Plan for all work entailing such risk. Any employee engaged in work in which there is a risk of exposure to bloodborne pathogens will be provided a copy of the Plan. This Plan shall be maintained as Attachment B of this manual for employees subject to the Plan and those employees agree to read, support, and comply with its rules and regulations in an effort to ensure a safe workplace. Violation of the rules of the Plan may result in disciplinary action up to and including dismissal.

ARTICLE 414 — DRIVING UNDER THE INFLUENCE (May, 2012)

This policy is effective for any employee who is classified in a position which requires that employee to operate vehicles or motorized equipment (wheeled or tracked). It is applicable regardless of whether the employee is charged with this offense while on duty or while off duty.

A. Such employee of the City who is charged with the offense of Driving Under the Influence (D.U.I.) shall report the offense to his/her immediate Supervisor no later than the first working day following the charge.

B. Such employee so charged may:

1. be temporarily assigned to non-driving duties, if available, pending the final determination of guilt or innocence by the responsible court in the jurisdiction where the offense occurred; and if temporary assignment to non-driving duties is not approved, such decision is not subject to appeal.
2. be suspended from work without pay pending the final determination of guilt or innocence by the responsible court in the jurisdiction where the offense occurred.
   a. Such employee so suspended and who is not convicted of D.U.I. shall be reinstated with back pay provided he/she is able to perform the essential functions of his/her position. Any probationary employee so reinstated shall have the term of his/her probationary period of employment extended accordingly to satisfy the requirement of one year (12 months) of service in the probationary position.

C. In no instance shall either suspension from driving duties or assignment to non-driving duties exceed ninety (90) days without the approval of the appointing authority [City Managers]. Any suspension or temporary reassignment of an employee exceeding ninety (90) days shall be cause for having charges filed against civil service and/or hazardous duty [said] employee for termination unless an extension is approved by the appointing authority [City Managers]. At-will employees will be subject to discipline up to and including termination as determined by the appointing authority.

D. Such civil service or hazardous duty employee who pleads guilty or is found guilty of D.U.I. and has his/her driving privilege revoked or suspended and/or who is deemed uninsurable by the City’s insurance carrier, shall be subject to having charges filed against him/her for termination. At-will employee who pleads guilty...
or is found guilty of D.U.I. and has his/her driving privilege revoked or suspended and/or who is deemed uninsurable by the City’s insurance carrier, shall be subject to discipline up to and including termination as determined by the appointing authority.

ARTICLE 416 — FAMILY MEDICAL LEAVE (May, 2012)

A. Purpose: This policy establishes the rights and obligations of the City and its employees with respect to leave necessary for the medical care of employees and their families. Family Medical Leave is intended to help employees balance their work and their family responsibilities by permitting reasonable leave under certain circumstances. The function of this policy is to provide employees with a general description of their Family Medical Leave Act (FMLA) rights. In the event of any conflict between this policy and the applicable law, employees will be afforded rights required by law.

B. Eligibility: To qualify to take FMLA leave under this policy, the employee must meet all the following conditions:

1. The employee must have worked for the City for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations.

2. The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining eligibility test for an employee under FMLA.

C. Leave Entitlement: To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

1. Birth of a daughter or son, adoption of a child by the employee, or foster-care placement of a child with the employee, in order to care for the child.
   
   a. any leave entitlement under this provision would be the balance of the 12 weeks which has not been previously used during the FMLA measured year;
   
   b. son or daughter includes the employee's biological child, foster child, stepchild, legal ward, or any child for whom the employee is standing in loco parentis. A son or daughter must be under 18 years of age, or if over 18, incapable of self-care due to a mental or physical disability;
   
   c. childcare leave may not be taken intermittently;
   
   d. entitlement to leave for birth or placement of a child for adoption/foster care expires at the end of the 12-month period beginning on the date of the birth or placement;
   
   e. employees who take leave under this provision are required to provide notice of their intent at least 30 days prior to the date leave is anticipated to begin, or such notice as is practicable if leave becomes necessary before such 30-day notice may be given.

2. To care for a son, daughter, spouse, or parent with a serious health condition.
   
   a. A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider. This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three-consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.
b. Employees requesting leave under this provision must provide certification from a health care provider containing the date on which the serious health condition commenced, the probable duration of the condition, a statement that the employee is needed to care for the family member, and an estimate of the amount of time such care will be required;

c. Employees may take intermittent leave (in increments of not less than one hour) under this provision if certification from a health care provider indicating the medical necessity of intermittent leave and which gives the estimated dates and duration of any treatment and leave is presented. Employees using leave on an intermittent basis must try to schedule the leave to minimize disruption to normal job activities and City schedules;

d. Employees who take leave under this provision are required to provide notice of their intent at least 30 days prior to the date leave is anticipated to begin, or such notice as is practicable if leave becomes necessary before such 30-day notice may be given.

3. A serious health condition, as defined in C(2)(a), that makes the employee unable to perform the functions of her/his job.

a. Employees requesting leave under this provision must provide certification from a health care provider containing the date on which the serious health condition commenced, the probable duration of the condition, the appropriate medical facts regarding the condition, and a statement that the employee is unable to perform the functions of his/her position. Employees seeking certification under this provision must provide the health care provider with a copy of the City's written job description.

b. Employees may take intermittent leave (in increments of not less than one hour) under this provision if certification from a health care provider indicating the medical necessity of intermittent leave and which gives the estimated dates and duration of any treatment and leave is presented. Employees using leave on an intermittent basis must try to schedule the leave to minimize disruption to normal job activities and City schedules.

c. Employees who take leave under this provision are required to provide notice of their intent at least 30 days prior to the date leave is anticipated to begin, or such notice as is practicable if leave becomes necessary before such 30-day notice may be given.

d. If an employee takes paid sick leave for a condition that progresses into a serious health condition, the City may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications. Family Medical Leave shall run concurrently with any other paid leave available to the employee.

4. Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered duty or called to covered active duty.

a. An employee whose spouse, son, daughter, or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following:

1. short notice deployment,
2. military events and activities,
3. childcare and school activities,
4. financial and legal arrangements,
5. counseling,
6. rest and recuperation,
7. post-deployment activities.

b. “Covered active duty” means:

1. in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and
2. in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to
active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

c. The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee’s 12-week maximum of FMLA leave in a 12-month period.

5. Military caregiver leave (also known as covered servicemember leave) to care for an injured or ill servicemember or veteran.

a. An employee whose son, daughter, parent or next-of-kin is a covered servicemember may take up to 26 weeks in a single 12-month period to take care of or leave to care for that servicemember. Next-of-kin for this type of FMLA leave is defined as the closest blood relative of the injured or recovering servicemember.

b. “Covered servicemember” means:
   1. A member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
   2. A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.
   3. The term “Serious injury or illness” for this type of FMLA leave means:
      i. In the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; and
      ii. In the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered servicemember, means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by a member in line of duty on an active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

D. Amount of Leave: Under this policy, the City will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees.

1. An eligible employee can take up to 12 weeks for the FMLA circumstances (1) through (4) above under this policy during any 12-month period. The City will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the City will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

2. An eligible employee can take up to 26 weeks for FMLA circumstance (5) above (military caregiver leave) during a single 12-month period. For this military caregiver leave, the City will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total 26 weeks available.

E. Medical Certification:
1. Within 15 days of a request for or designation of leave to care for a sick family member or for an employee's own serious health condition, an employee must provide a completed Family & Medical Leave Act Designation prepared by a certified health care provider.

2. The City may directly contact the employee’s health care provider for verification or clarification purposes using a health care professional or an HR professional. The City will not use the employee’s direct supervisor for this contact. Before the City makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the City will obtain the employee’s permission for clarification of individually identifiable health information.

3. The City may request re-certification of a medical incapacity not more often than every 30 days unless the employee requests extension of a leave, the circumstances under which the leave was granted have changed significantly, or information casts doubt as to the continuing validity of the most recent certification.

4. Failure to provide the required certification may result in denial of the leave or the request for leave on an intermittent basis.

F. Co-working Spouses:

1. If spouses are both employed by the City, they are entitled to a combined total of 12 weeks family leave if the leave is taken:
   
   a. under the provisions of C (1) above, or
   b. under the provisions of C (2) above.

2. If spouses are both employed by the City, they are entitled to a full 12 weeks to care for one another or in the case of their own serious health condition. The 12-week entitlement would be the balance of the 12 weeks which has not been previously used during the FMLA measured year.

G. Paid Leave Substitution: The City will require eligible employees to substitute accrued paid leave (sick and vacation) before unpaid leave is taken. The order of substitution shall be (1) sick leave and then (2) vacation leave.

1. Upon the written request of the employee and the approval of the employee’s Department Head and the Human Resources Director, certain accrued vacation leave may be exempted from the paid leave substitution requirement: where an employee has pre-paid for a vacation and can provide proof of pre-payment, the days of pre-paid vacation may be exempted from the paid leave substitution requirement.

H. Benefit Continuation:

1. Medical and Drug: For the duration of the FMLA leave, coverage will continue as though the employee was active.

2. Dental, Life, or other supplemental insurance: For the duration of paid FMLA leave, deductions will continue the same as prior to leave; for the duration of unpaid FMLA leave, the employee’s contribution must be paid on the last day of each month for which coverage has been provided and such payment must be received by the Finance Department on the date indicated. Failure to make timely payment will result in cancellation of the coverage.

3. Vacation and sick leave accrual will be suspended during unpaid FMLA leave.

4. Holiday pay will continue during paid FMLA leave.

I. Return to Work: Upon return to duty, an employee is entitled to restoration to the former position or an equivalent position with equivalent pay and benefits.

1. An employee who has taken leave for self-care per the provisions of C (3) above will be required to present a certification of ability to perform the functions of his/her position from a qualified health care provider prior to commencement of work.
2. Failure to provide said certification may cause denial of reinstatement.

J. Termination of Employment: Sufficient cause to terminate employment shall exist if an employee fails to return to work at the end of FMLA leave without sufficient reason. Employment will be terminated at the time the employee notifies the City of his/her intent not to return to work.

K. State Family Leave: The City's Policy does not supersede any State-mandated leave plan which provides for greater eligibility or benefits.

L. Responsibility: It shall be the responsibility of the employee to be familiar with and abide by the Family Medical Leave rules and regulations. Amendments, additions, or deletions to the Policy may be necessitated by changes to or interpretations of the Family Medical Leave Act and any such revisions to the Policy will be communicated to employees by Human Resources.
ARTICLE 500 — AUTHORITY  
(May, 2012)

All disciplinary action with regard to regular At-Will employees will be in accordance with the City of Henderson Employee Manual. However, nothing in the disciplinary policy will alter or amend the at-will status of employees. All disciplinary action with regard to Civil Service employees will be in accordance with K.R.S. 90.360, K.R.S. 90.370, and the Articles of the City of Henderson Employee Manual. All disciplinary action with regard to officers of the Police and Fire Departments will be in accordance with K.R.S. 15.520, K.R.S. 95.450, K.R.S. 95.460, the Articles of the City of Henderson Employee Manual, and Departmental Manuals.

ARTICLE 501 — GROUNDS FOR DISCIPLINARY ACTION  
CIVIL SERVICE AND HAZARDOUS DUTY EMPLOYEES  
(May, 2012)

Grounds for disciplinary action against all civil service and hazardous duty employees shall include:

A. Inefficiency  
B. Misconduct  
C. Insubordination  
D. Violation of law  
E. Violation of rules adopted by the Civil Service Commission  
F. Violation of rules established by the Appointing Authority [City Manager] or Department Head  
G. Violation of rules adopted by the Board of Commissioners

Probationary employees shall serve at the pleasure of the appointing authority and are not subject to progressive discipline and shall be removable by the appointing authority at will and without cause.

ARTICLE 502 — DISCIPLINARY MEASURES: AT-WILL [CIVIL SERVICE]

The City is involved in providing the public a number of highly responsible services. The individuals and businesses in our community are dependent upon the quality, appropriate quantity, and reliability of those services. In the performance of their jobs, therefore, all City employees are expected to provide outstanding and responsible service in a dependable fashion. Any failure to meet these high standards is cause for concern and/or discipline. At-will employees may be terminated at any time with or without cause. The City of Henderson will strive to use discipline for corrective action following the progressive policy as a guide; however, this does not guaranty any employee the right to continued employment nor does the City waive its right to terminate at will employee at any time for any reason not prohibited by law.

The City attempt to use progressive discipline as a guide. This means that the City may take appropriate action based on the seriousness of the situation and the circumstances. Two forms of disciplinary action that may be taken in the City are:

A. Administrative: an administrative disciplinary procedure may apply when there is an action or behavior which should not occur, but which may not justify suspension, reduction in pay and/or grade, or dismissal. However, repeated or multiple administrative violations may support and/or warrant Appointing Authority procedures. Administrative actions be regarded as a part of the progressive disciplinary process. Administrative action may take the form of:

1. verbal warning;  
2. written warning;  
3. performance evaluation indicating substandard performance in one or more areas.
B. Appointing Authority: an appointing authority disciplinary procedure is applied when there is probable cause to believe that there has been an action(s) justifying suspension, reduction in pay and/or grade, or dismissal, resulting from inefficiency, misconduct, insubordination, violation of law, or violation of rules adopted by the Board of Commissioners, the Appointing Authority, Department Head. Appointing authority actions shall be regarded as a part of the progressive disciplinary process. Appointing authority action may take the form of:

1. suspension;
2. reduction in pay and/or grade;
3. dismissal.

C. The assessment of the seriousness of any offense will be made solely by management. Documentation of any disciplinary action shall be maintained in an employee's official Personnel File.

ARTICLE 503 – RESPONSIBILITIES OF MANAGEMENT: AT-WILL EMPLOYEES

A. Administrative Disciplinary Procedure

1. Verbal Warning

   a. A verbal warning ordinarily, but not necessarily, will be given by an employee's immediate Supervisor. When a Supervisor determines that a verbal warning will be given to an employee, the Supervisor shall orally discuss the nature of the improper behavior or the offenses involved with the employee and explain the necessary corrective action. The Supervisor shall inform the employee that future deficiencies or misconduct, whether similar or not, could result in more severe disciplinary action.

   b. A brief memorandum to the employee shall be given following the oral discussion. The memorandum shall include only a statement that the employee received a verbal warning on a stated date for a stated offense or deficiency. The employee shall sign and date the memorandum acknowledging receipt. A copy of the memorandum shall be forwarded to the Human Resources Director for inclusion in the employee's official Personnel File.

2. Written Warning

   a. A written warning ordinarily, but not necessarily, will be given by an employee's immediate Supervisor. When a Supervisor determines that a written warning will be given to an employee, a memorandum to the employee shall be prepared and should be given to the employee at the time the offense or deficiency is discussed.

   b. The content of the memorandum shall indicate that the employee is receiving an official written warning, the date of the deficiency or offense, the incident precipitating the warning, corrective action to be taken, and the specific deficiency or offense. The warning shall also indicate that future deficiencies or misconduct, whether similar or not, could result in more severe disciplinary action. The employee shall sign and date the memorandum acknowledging receipt. A copy shall be forwarded to the Human Resources Director for inclusion in the employee's official Personnel File.

3. Performance Evaluation per Article 152

B. Appointing Authority Disciplinary Procedure

1. When the Appointing Authority, Department Head, or Supervisor, has cause to believe an employee's performance or behavior makes corrective action necessary including but not limited to suspension, reduction in grade and/or pay, or dismissal, the following action shall be taken:

   a. Notify the Human Resources Director of the nature of the problem and recommend action, and
b. Department Head prepares written recommended disciplinary action including all facts and circumstances and make recommendations of specific job actions to be taken for human resources review, and  
c. Send recommendation to the Appointing Authority for decision whether to proceed with discipline, and  
d. Notify employee of recommended discipline, and employee may request a conference with the Appointing Authority to discuss the discipline.  
e. With input from the Department Head and Human Resources Director, the Appointing Authority will issue final disciplinary action, if necessary.

In cases where the head of the department or the appointing authority has probable cause to believe an employee’s conduct require his/her removal or punishment he/she may immediately suspend that employee from duty or from both pay and duty and the employee shall not be placed on duty or allowed pay thereafter until the appointing authority has rendered a decision on the recommended disciplinary action.

ARTICLE 504 (May, 2012) – DISCIPLINARY MEASURES: CIVIL SERVICE

The City is involved in providing the public a number of highly responsible services. The individuals and businesses in our community are dependent upon the quality, appropriate quantity, and reliability of those services. In the performance of their jobs, therefore, all City employees are expected to provide outstanding and responsible service in a dependable fashion. Any failure to meet these high standards is cause for concern and/or discipline.

The City generally adheres to the concept of progressive discipline. This means that the City will take appropriate action based on the seriousness of the situation and the circumstances. The two forms of disciplinary action in the City are:

A. Administrative: an administrative disciplinary procedure is applied when there is an action or behavior which should not occur, but which does not generally justify suspension, reduction in pay and/or grade, or dismissal. However, repeated or multiple administrative violations may support and/or warrant Civil Service procedures. Administrative actions shall be regarded as a part of the progressive disciplinary process. Administrative action may take the form of:

1. verbal warning;  
2. written warning;  
3. performance evaluation indicating substandard performance in one or more areas.

B. Civil Service: a Civil Service disciplinary procedure is applied when there is probable cause to believe that there has been an action(s) justifying suspension, reduction in pay and/or grade, or dismissal, resulting from inefficiency, misconduct, insubordination, violation of law, or violation of rules adopted by the Board of Commissioners, the appointing authority [City Manager], Department Head, or the Civil Service Commission. Civil Service actions shall be regarded as a part of the progressive disciplinary process. Civil Service action may take the form of:

1. suspension;  
2. reduction in pay and/or grade;  
3. dismissal.

C. The assessment of the seriousness of any offense will be made solely by management. Documentation of any disciplinary action shall be maintained in an employee’s official Personnel File.

ARTICLE 505 (May, 2012) – RESPONSIBILITIES OF MANAGEMENT: CIVIL SERVICE EMPLOYEES

B. Administrative Disciplinary Procedure
3. Verbal Warning

c. A verbal warning ordinarily, but not necessarily, will be given by an employee's immediate Supervisor. When a Supervisor determines that a verbal warning will be given to an employee, the Supervisor shall orally discuss the nature of the improper behavior or the offenses involved with the employee and explain the necessary corrective action. The Supervisor shall inform the employee that future deficiencies or misconduct, whether similar or not, could result in more severe disciplinary action.
d. A brief memorandum to the employee shall be given following the oral discussion. The memorandum shall include only a statement that the employee received a verbal warning on a stated date for a stated offense or deficiency. The employee shall sign and date the memorandum acknowledging receipt. A copy of the memorandum shall be forwarded to the Human Resources Director for inclusion in the employee's official Personnel File.

4. Written Warning

c. A written warning ordinarily, but not necessarily, will be given by an employee's immediate Supervisor. When a Supervisor determines that a written warning will be given to an employee, a memorandum to the employee shall be prepared and should be given to the employee at the time the offense or deficiency is discussed.
d. The content of the memorandum shall indicate that the employee is receiving an official written warning, the date of the deficiency or offense, the incident precipitating the warning, corrective action to be taken, and the specific deficiency or offense. The warning shall also indicate that future deficiencies or misconduct, whether similar or not, could result in more severe disciplinary action. The employee shall sign and date the memorandum acknowledging receipt. A copy shall be forwarded to the Human Resources Director for inclusion in the employee's official Personnel File.

4. Performance Evaluation per Article 152.

C. Civil Service Procedure

2. When the appointing authority [City Manager], Department Head, or Supervisor, has cause to believe an employee has been guilty of action justifying suspension, reduction in grade and/or pay, or dismissal, the following action shall be taken:

f. Notify the Human Resources Director of the nature of the problem and recommend action, and
g. Prepare written charges including all facts and circumstances and make recommendations of specific job actions to be taken, and
h. File charges with the Clerk of the Civil Service Commission.

In cases where the head of the department or the appointing authority has probable cause to believe an employee has been guilty of conduct justifying his/her removal or punishment he/she shall immediately suspend that employee from duty or from both pay and duty pending trial and the employee shall not be placed on duty or allowed pay thereafter until the charges are heard by the civil service commission.

ARTICLE 506 — FILING CHARGES AGAINST A CIVIL SERVICE EMPLOYEE (May, 2012)

Whenever probable cause appears to warrant charges against any employee believed guilty of conduct justifying dismissal, suspension, or reduction in grade or pay, charges shall be filed by the appointing authority with the Clerk of the Civil Service Commission.

A. The written charges may include, but shall not be limited to, the nature, time and place of the act of misconduct which warrants the filing of charges.
B. Upon receipt of the charges against an employee, the Clerk of the Civil Service Commission shall notify its members and serve a copy of the charges upon the accused employee with a statement of the date, place, and hour at which the hearing of charges will begin, this hearing not to be held within three (3) days of the date of the service of charges upon the accused employee. The day on which the charges are served on the accused employee shall count as one (1) of the days' notice. The person accused may, in writing, waive the service of charges and demand trial within three (3) days after they have been filed with the Clerk of the Civil Service Commission.

C. The Clerk shall advise the employee that a waiver of rights to a hearing is permitted but disciplinary measures as recommended by the appointing authority must be accepted as the alternative.

ARTICLE 508 — CIVIL SERVICE HEARING (May, 2012)

A. The Civil Service Commission shall be the sole authority for imposing disciplinary actions as stated in Article 50[2][4](B) and 50[4][5](B) on classified Civil Service employees of the City.

B. Upon the hearing, the charges shall be considered traverse and put in issue and the trial shall be limited to the issues presented by written charges.

C. The Civil Service Commission shall have the power to summon and compel attendance of witnesses at all hearings by subpoena issued by the Clerk of the Civil Service Commission and may be served upon the witness by members of the Police Department of the City.

D. If a witness fails to appear in response to a summons or refuses to testify concerning any matter on which an employee may be lawfully interrogated, any District Court Judge, on application of the Board of Commissioners, may compel obedience by proceeding for contempt as in the case of disobedience of a subpoena issued from the District Court.

E. The accused employee shall have the right to have subpoenaed any witnesses upon furnishing their names and addresses to the Clerk.

F. The Chairman of the Civil Service Commission shall preside as hearing officer.

G. The City Attorney shall act as legal counsel to the Civil Service Commission and advise the Commission as to the proceedings of the hearing.

H. The hearing shall be called to order and proceed only with a full commission present. All witnesses before the commission shall be sworn by the Chairman.

I. The Clerk of the Commission shall read the charges as presented.

J. The appointing authority or designee shall present the case for disciplinary action and present the facts and call witnesses as related to the charges.

K. The accused employee or the counsel of the accused employee shall be given the opportunity to examine all witnesses.

L. The accused employee or counsel shall be given the opportunity to present facts and call witnesses as related to the charges.

M. The appointing authority or designee shall be allowed to cross-examine witnesses called by the accused.

N. The accused may request that such hearing be closed to the public.

O. Following the presentation of all relevant facts the commission shall adjourn the hearing and hold a closed meeting for deliberation as to the merits of the case.

P. The Civil Service Commission shall by majority vote determine that the accused is either guilty or not guilty of the charges.

Q. The Civil Service Commission shall punish any employee found guilty of any offense by:

1. suspension for a length of time not to exceed six (6) months; or
2. reduction in pay and/or grade if the employee's classification warrants; or
3. a combination of any two or more of these punishments; or
4. dismissal.

R. No employee shall be suspended, reduced in grade and/or pay, or dismissed except as provided in this section.
ARTICLE 510 — DISCIPLINE OF FIRE DEPARTMENT EMPLOYEES (HAZARDOUS DUTY [NON-CIVIL SERVICE]) (May, 2012)

The City is involved in providing the public a number of highly responsible services. The individuals and businesses in our community are dependent upon the quality, appropriate quantity, and reliability of those services. In the performance of their jobs, therefore, all City employees are expected to provide outstanding and responsible service in a dependable fashion. Any failure to meet these high standards is cause for concern and/or discipline.

The City generally adheres to the concept of progressive discipline. This means that the City will take appropriate action based on the seriousness of the situation and the circumstances. The two forms of disciplinary action in the Fire Department are:

A. Administrative: an administrative disciplinary procedure is applied when there is an action or behavior which should not occur, but which does not generally justify suspension, reduction in pay and/or grade, or dismissal. However, repeated or multiple administrative violations may support and/or warrant Board of Commissioner procedures. Administrative actions shall be regarded as a part of the progressive disciplinary process. Administrative action may take the form of:

1. verbal warning;
2. written warning;
3. performance evaluation indicating substandard performance in one or more areas.

B. Board of Commissioner: a Board of Commissioner disciplinary procedure is applied when there is probable cause to believe that there has been an action(s) justifying suspension, reduction in pay and/or grade, or dismissal, resulting from inefficiency, misconduct, insubordination, violation of law, or violation of rules adopted by the Board of Commissioners, the City Manager, or the Chief of the Department. Board of Commissioner actions shall be regarded as a part of the progressive disciplinary process. Board of Commissioner action may take the form of:

1. suspension;
2. reduction in pay and/or grade;
3. dismissal.

C. The assessment of the seriousness of any offense will be made solely by management. Documentation of any disciplinary action shall be maintained in an employee's official Personnel File.

ARTICLE 512 — RESPONSIBILITIES OF MANAGEMENT: FIRE DEPARTMENT EMPLOYEES (HAZARDOUS DUTY [NON-CIVIL SERVICE]) (May, 2012)

A. Administrative Disciplinary Procedure

1. Verbal Warning

   a. A verbal warning ordinarily, but not necessarily, will be given by an employee's immediate Supervisor. When a Supervisor determines that a verbal warning will be given to an employee, the Supervisor shall orally discuss the nature of the improper behavior or the offenses involved with the employee and explain the necessary corrective action. The Supervisor should inform the employee that future deficiencies or misconduct, whether similar or not, could result in more severe disciplinary action.

   b. A brief memorandum to the employee shall be given following the oral discussion. The memorandum shall include only a statement that the employee received a verbal warning on a stated date for a stated offense or deficiency. The employee shall sign and date the memorandum...
acknowledging receipt. A copy of the memorandum shall be forwarded to the Human Resources Director for inclusion in the employee's official Personnel File.

2. Written Warning

   a. A written warning ordinarily, but not necessarily, will be given by an employee's immediate supervisor. When a Supervisor determines that a written warning will be given to an employee, a memorandum to the employee shall be prepared and should be given to the employee at the time the offense or deficiency is discussed.

   b. The content of the memorandum shall indicate that the employee is receiving an official written warning, the date of the deficiency or offense, the incident precipitating the warning, corrective action to be taken, and the specific deficiency or offense. The warning shall also indicate that future deficiencies or misconduct, whether similar or not, could result in more severe disciplinary action. The employee shall sign and date the memorandum acknowledging receipt. A copy shall be forwarded to the Human Resources Director for inclusion in the employee's official Personnel File.

3. Performance Evaluation per Article 152.

B. Board of Commissioner Disciplinary Procedure

1. Except as provided in Subsection five (5) of this section, no member of the Fire Department shall be suspended, reduced in grade and/or pay, or dismissed, for any reason except inefficiency, misconduct, insubordination, violation of the law, or the rules adopted by the City legislative body, and only after charges are preferred and a hearing conducted as provided in this section.

2. Any person can prefer charges against a member of the Fire Department by filing them with the City Clerk. The Mayor shall, whenever probable cause appears, prefer charges against any member who is believed guilty of conduct justifying dismissal or punishment. The charges shall be written and shall set out clearly the charges made.

3. All charges shall be put into issue and the trial shall be related to matters related to the issues presented. Within three (3) days after the charges have been filed with the legislative body, the Board of Commissioners shall proceed to hear charges. At least two (2) days before the hearing the member accused shall be served with a copy of the charges and a statement of the day, place and hour at which the hearing of the charges will begin. The person accused may, in writing, waive the service of charges and demand trial within three (3) days after the charges are filed with the Clerk.

4. The Board of Commissioners may summon and compel attendance of witnesses at the hearing by subpoenas issued by the City Clerk and served upon the witnesses by a police officer authorized to serve subpoenas, and the body shall have the power of justice of the peace to punish for contempt. The member accused may have subpoenaed any witnesses desired, upon furnishing their names to the City Clerk. The action and decision of the body on the charges shall be reduced to writing and entered in a book kept for that purpose and the written charges filed in the matter shall be attached to the book containing the decision.

5. When the appointing authority or Chief of the Department has probable cause to believe a member of the Fire Department has been guilty of conduct justifying dismissal or punishment, the member may be suspended from duty or from both pay and duty, pending trial, and the member shall not be placed on duty or allowed pay, until the charges are heard.

6. The Board of Commissioners shall punish any employee found guilty of any offense by:

   a. suspension for a length of time not to exceed six (6) months; or
   b. reduction in pay and/or grade if the employee's classification warrants; or
   c. a combination of any two or more of these punishments; or
   d. dismissal.

ARTICLE 514 – DISCIPLINE OF POLICE DEPARTMENT EMPLOYEES (HAZARDOUS DUTY [NON CIVIL SERVICE]) (May, 2012)
The City is involved in providing the public a number of highly responsible services. The individuals and businesses in our community are dependent upon the quality, appropriate quantity, and reliability of those services. In the performance of their jobs, therefore, all City employees are expected to provide outstanding and responsible service in a dependable fashion. Any failure to meet these high standards is cause for concern and/or discipline.

The City generally adheres to the concept of progressive discipline. This means that the City will take appropriate action based on the seriousness of the situation and the circumstances. The two forms of disciplinary action in the Police Department are:

A. Administrative: an administrative disciplinary procedure is applied when there is an action or behavior which should not occur, but which does not generally justify suspension, reduction in pay and/or grade, or dismissal. However, repeated or multiple administrative violations may support and/or warrant Board of Commissioner procedures. Administrative actions shall be regarded as a part of the progressive disciplinary process. Administrative action may take the form of:

1. verbal warning;
2. written warning;
3. performance evaluation indicating substandard performance in one or more areas.

B. Board of Commissioner: a Board of Commissioner disciplinary procedure is applied when there is probable cause to believe that there has been an action(s) justifying suspension, reduction in pay and/or grade, or dismissal, resulting from inefficiency, misconduct, insubordination, violation of law, or violation of rules adopted by the Board of Commissioners, the City Manager, or the Chief of the Department. Board of Commissioner actions shall be regarded as a part of the progressive disciplinary process. Board of Commissioner action may take the form of:

1. suspension;
2. reduction in pay and/or grade;
3. dismissal.

C. The assessment of the seriousness of any offense will be made solely by management. Documentation of any disciplinary action shall be maintained in an employee's official Personnel File.

ARTICLE 516 — RESPONSIBILITIES OF MANAGEMENT: POLICE DEPARTMENT EMPLOYEES (HAZARDOUS DUTY [NON-CIVIL SERVICE]) (May, 2012)

A. Administrative Disciplinary Procedure

1. Verbal Warning
   a. A verbal warning ordinarily, but not necessarily, will be given by an employee's immediate Supervisor. When a Supervisor determines that a verbal warning will be given to an employee, the Supervisor shall orally discuss the nature of the improper behavior or the offense involved with the employee and explains the necessary corrective action. The Supervisor should inform the employee that future deficiencies or misconduct, whether similar or not, could result in more severe disciplinary action.
   b. A brief memorandum to the employee shall be given following the oral discussion. The memorandum shall include only a statement that the employee received a verbal warning on a stated date for a stated offense or deficiency. The employee shall sign and date the memorandum acknowledging receipt. A copy of the memorandum shall be forwarded to the Human Resources Director for inclusion in the employee's official Personnel File.

2. Written Warning
a. A written warning ordinarily, but not necessarily, will be given by an employee's immediate Supervisor. When a Supervisor determines that a written warning will be given to an employee, a memorandum to the employee shall be prepared and should be given to the employee at the time the offense or deficiency is discussed.

b. The content of the memorandum shall indicate that the employee is receiving an official written warning, the date of the deficiency or offense, the incident precipitating the warning, corrective action to be taken, and the specific deficiency or offense. The warning shall also indicate that future deficiencies or misconduct, whether similar or not, could result in more severe disciplinary action. The employee shall sign and date the memorandum acknowledging receipt. A copy shall be forwarded to the Human Resources Director for inclusion in the employee's official Personnel File.

3. Performance Evaluation per Article 152.

B. Board of Commissioner Disciplinary Procedure

1. Except as provided in this section, no member of the Police Department shall be suspended, reduced in grade and/or pay, or dismissed, for any reason except inefficiency, misconduct, insubordination, violation of law, or of the rules adopted by the City legislative body, and only after charges are preferred and a hearing conducted as provided in this section.

2. Complaints alleging misconduct against police officers must be taken under oath, signed by complaining witness and sworn to by said witness and filed with the City Clerk.

3. No threats promises or coercion shall be used against a police officer while that officer is a suspect in a departmental or criminal investigation. Suspension with or without pay or reassignment is not considered coercion.

4. When the appointing authority or the Chief of the Department has probable cause to believe a member of the Police Department has been guilty of conduct justifying dismissal or punishment, that member may be suspended from duty and pay, pending trial, and the member shall not be placed on duty or pay until the charges are heard.

5. If the officer is to be interrogated regarding a department matter, 48 hours notice must be given in writing before the interrogation takes place.

6. If a police officer is to be arrested or is suspect in a criminal investigation, that officer is to be given the same due process rights afforded any person and must be informed of those rights.

7. Charges against an officer involving a Departmental matter must be specific so the officer knows the nature and circumstance of the alleged violation in order that a defense can be prepared. Any such charges must be in writing when served to the accused officer.

8. No public statements shall be made by either the police officer or a representative of the City when an officer is charged with a Departmental violation.

9. No police officer can be compelled to testify or be questioned by a person of a non-governmental nature in order to maintain employment status.

10. The Mayor shall, whenever probable cause appears, prefer charges against any member who is believed guilty of conduct justifying dismissal or punishment.

11. If a hearing is to be held by the Board of Commissioners, the following due process rights are afforded:

   a. Seventy-two (72) hours’ notice of a hearing.
   b. Copies of sworn statements or affidavits of witnesses to be used against the officer must be furnished to the accused no less than 24 hours prior to the time of the hearing.
   c. If an individual has filed a complaint, said individual shall be notified of the time and place of the hearing by certified mail.
   d. If the return receipt on the certified mail is returned unsigned, or if the individual does not appear, the charge against the officer shall be dismissed with double jeopardy (cannot be heard again) unless the person fails to appear due to circumstances beyond control.
   e. An officer has the right to have counsel present and to be represented by counsel at the hearing.
f. The Board of Commissioners may summon and compel attendance of witnesses at the hearing by subpoenas issued by the City Clerk and served upon the witnesses by a police officer authorized to serve subpoenas and the body shall have the power of justice of the peace to punish for contempt.

g. The accused officer may have subpoenaed any witnesses desired, upon furnishing their names to the City Clerk.

h. The police officer is allowed to present witnesses and other evidence and is permitted to cross-examine witnesses called by the charging party.

i. Charges which are not heard within sixty (60) days of being filed, must be dismissed.

j. The action and decision of the body on the charges shall be reduced to writing and entered in a book kept for that purpose and the written charges filed in the matter shall be attached to the book containing the decision.

12. The Board of Commissioners shall punish any police officer found guilty of any offense by:

   a. suspension for a length of time not to exceed six (6) months; or
   b. reduction in pay and/or grade if the employee's classification warrants; or
   c. a combination of any two or more of these punishments; or
   d. dismissal.

13. Any officer has the right to appeal the Board of Commissioners' decision to the Circuit Court and further appeal the decision of the Circuit Court of Kentucky.

ARTICLE 520 — DISCIPLINARY GUIDELINES (May, 2012; February, 2013; July, 2015; September, 2018)

A. Following is a representative list of guidelines. These guidelines apply to all employees. The purpose of this list is to provide basic guidelines for disciplinary action. The list is intended to give representative examples only of some of the most common offenses and deficiencies that might result in corrective and/or punitive action and recognizes clearly that no list can be all inclusive. Employees may be charged with offenses and/or deficiencies not listed here which warrant disciplinary action. In those instances, management shall supply written documentation outlining the specific charge(s) justifying discipline, the basis of those charges, and shall recommend corrective and/or punitive action.

B. These guidelines have been established in an effort to offer consistency and ensure that employees receive similar treatment in like circumstances. The punitive measures listed here are minimums and are those which are normally recommended, but it is understood that circumstances may make a greater action more appropriate than the one suggested here.

C. Second and subsequent offenses and/or deficiencies, or multiple offenses and/or deficiencies, have a cumulative effect and call for and justify greater penalties. However, an offense or deficiency need not be similar in nature to an earlier offense in order to have such a cumulative effect. The length of time between offenses and/or deficiencies may be a factor and may be considered when determining the severity of the punitive action. The past record and/or position of the employee may be variables considered in the disciplinary process.

For at-will employees, this is a guide however, this does not guarantee any employee the right to continued employment nor does the City waive its right to terminate at-will employee at any time for any reason not prohibited by law.

D. The disciplinary guidelines contained herein, and any disciplinary measure otherwise imposed but not listed herein, shall include both:

   1. a recommended punitive action, and
   2. a reckoning period. Reckoning Period shall be defined as the period of time for which an employee may be held accountable for an offense or deficiency. Reckoning periods shall start on the date the punitive action begins. The past disciplinary record of an employee which is still within an established reckoning period shall be considered when determining punitive action for an offense for which an employee has been found guilty.

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### E. Guidelines for Offenses or Deficiencies

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<th>Offenses or Deficiencies</th>
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<th>4th Violation</th>
<th>5th Violation</th>
<th>Reckoning Period</th>
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<tbody>
<tr>
<td>1. Tardiness</td>
<td>Verbal</td>
<td>Written</td>
<td>24-hour suspension</td>
<td>80-hour suspension</td>
<td>Dismissal</td>
<td>12 months</td>
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<td>2. Unauthorized &amp;/or unjustified absence</td>
<td>Written</td>
<td>24-hour suspension</td>
<td>80-hour suspension</td>
<td>Dismissal</td>
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<td>24 months</td>
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<td>3. Willful falsification of records</td>
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<td>Dismissal</td>
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<td>24 months</td>
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<td>4. Unauthorized distribution, solicitation, or sales</td>
<td>Verbal</td>
<td>Written</td>
<td>80-hour suspension</td>
<td>Dismissal</td>
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<td>12 months</td>
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<td>5. Unauthorized posting or removing of notices, signs, or writing in any form on bulletin boards or City property</td>
<td>Written</td>
<td>24-hour suspension</td>
<td>80-hour suspension</td>
<td>Dismissal</td>
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<td>24 months</td>
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<td>6. Leaving work or workstation without permission</td>
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<td>24 months</td>
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<td>7. Sleeping on the job</td>
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<td>24 months</td>
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<td>8. Wasting time(^1) or loitering(^2) during work hours</td>
<td>Verbal</td>
<td>Written</td>
<td>24-hour suspension</td>
<td>160-hour suspension</td>
<td>Dismissal</td>
<td>24 months</td>
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<td>9. Carelessness(^3) or recklessness(^4)</td>
<td>Written</td>
<td>24-hour suspension</td>
<td>80-hour suspension</td>
<td>Dismissal</td>
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<td>24 months</td>
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<td>10. Distracting, disrupting, or disturbing the work of others</td>
<td>Verbal</td>
<td>Written</td>
<td>80-hour suspension</td>
<td>Dismissal</td>
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<td>12 months</td>
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<td>11. Demonstrating on City property while on duty</td>
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<td>24 months</td>
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<td>12. Insubordination(^5) or other disrespectful(^6) conduct</td>
<td>Written</td>
<td>80-hour suspension</td>
<td>Dismissal</td>
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<td>24 months</td>
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<td>13. Failure or refusal to follow instructions, verbal or written</td>
<td>Written</td>
<td>24-hour suspension</td>
<td>160-hour suspension</td>
<td>Dismissal</td>
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<td>24 months</td>
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<td>14. Failure or refusal to perform job assignment or job duties</td>
<td>Written</td>
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<td>160-hour suspension</td>
<td>Dismissal</td>
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<td>24 months</td>
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<td>15. Failure or refusal to work scheduled overtime</td>
<td>Written</td>
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<td>80-hour suspension</td>
<td>Dismissal</td>
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<td>12 months</td>
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<td>16. Failure to report accident &amp;/or injury</td>
<td>Written</td>
<td>24-hour suspension</td>
<td>160-hour suspension</td>
<td>Dismissal</td>
<td></td>
<td>24 months</td>
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<tr>
<td>Offenses or Deficiencies</td>
<td>1&lt;sup&gt;st&lt;/sup&gt; Violation</td>
<td>2&lt;sup&gt;nd&lt;/sup&gt; Violation</td>
<td>3&lt;sup&gt;rd&lt;/sup&gt; Violation</td>
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<td>17. Horseplay</td>
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<td>Dismissal</td>
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<td>18. Smoking in restricted areas</td>
<td>Written</td>
<td>24-hour suspension</td>
<td>80-hour suspension</td>
<td>Dismissal</td>
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<td>24 months</td>
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<td>19. Threatening, intimidating, or coercing others</td>
<td>80-hour suspension</td>
<td>Dismissal</td>
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<td></td>
<td>24 months</td>
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<td>20. Gambling or any games of chance on City property or time</td>
<td>Written</td>
<td>24-hour suspension</td>
<td>80-hour suspension</td>
<td>Dismissal</td>
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<td>24 months</td>
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<tr>
<td>21. Possession of dangerous materials&lt;sup&gt;14&lt;/sup&gt; in the workplace, or on property owned, leased, or controlled by the City</td>
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<td>Dismissal</td>
<td>N/A</td>
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<td>22. Drinking alcoholic beverages on duty</td>
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<td>Dismissal</td>
<td>36 months</td>
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<td>for Drug Free Workplace</td>
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<td>Alcoholic concentration of .02 or greater&lt;sup&gt;7&lt;/sup&gt;</td>
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<td>for Safety Sensitive/CDL</td>
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<td>23. Possession &amp;/or use of drugs on City property or time</td>
<td>a. Illegal drugs/controlled substances (i.e., marijuana, cocaine, etc.)</td>
<td>Dismissal</td>
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<td>36 months</td>
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<td></td>
<td>b. Improper possession and/or use of prescription drugs</td>
<td>Written</td>
<td>80-hour suspension</td>
<td>Dismissal</td>
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<td>24. Reporting to work/working under the influence&lt;sup&gt;8&lt;/sup&gt; or with a detectable presence of alcohol (if it is suspected that an employee has so reported to work, a Reasonable Suspicion alcohol and drug test shall be performed).</td>
<td>a. (Alcoholic concentration of .02 or greater but less than .04)&lt;sup&gt;7&lt;/sup&gt;</td>
<td>24-hour suspension</td>
<td>Dismissal</td>
<td></td>
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<td>36 months</td>
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<tr>
<td>for Drug Free Workplace</td>
<td>b. (Alcoholic concentration of .04 or greater)&lt;sup&gt;7&lt;/sup&gt;</td>
<td>240-hour suspension</td>
<td>Dismissal</td>
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<td>for Safety Sensitive/CDL</td>
<td>c. (Alcoholic concentration of .02 or greater but less than .04)&lt;sup&gt;7&lt;/sup&gt;</td>
<td>24-hour suspension</td>
<td>Dismissal</td>
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<td>d. (Alcoholic concentration of .04 or greater)&lt;sup&gt;7&lt;/sup&gt;</td>
<td>240-hour suspension</td>
<td>Dismissal</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Offenses or Deficiencies</td>
<td>1st Violation</td>
<td>2nd Violation</td>
<td>3rd Violation</td>
<td>4th Violation</td>
<td>5th Violation</td>
<td>Reckoning Period</td>
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</tr>
<tr>
<td>25. Reporting to work/working under the influence or with a detectable presence of illegal drugs/controlled substances (if it is suspected that an employee has so reported to work, a Reasonable Suspicion alcohol and drug test shall be performed).</td>
<td>Drug Free Workplace</td>
<td>Dismissal</td>
<td></td>
<td></td>
<td></td>
<td>36 months</td>
</tr>
<tr>
<td>26. Violence on City property or time</td>
<td>Safety Sensitive/CDL</td>
<td>Dismissal</td>
<td></td>
<td></td>
<td></td>
<td>60 months</td>
</tr>
<tr>
<td>27. Sabotage</td>
<td>Dismissal</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Career</td>
</tr>
<tr>
<td>28. Intentionally restricting performance or productivity</td>
<td></td>
<td>24-hour suspension</td>
<td>160-hour suspension</td>
<td></td>
<td>Dismissal</td>
<td>24 months</td>
</tr>
<tr>
<td>29. Misusing, destroying, or damaging property, equipment, or information</td>
<td>Written</td>
<td>24-hour suspension</td>
<td>80-hour suspension</td>
<td></td>
<td>Dismissal</td>
<td>12 months</td>
</tr>
<tr>
<td>30. Misuse or abuse of a City vehicle</td>
<td>Verbal</td>
<td>Written</td>
<td>24-hour suspension</td>
<td>80-hour suspension</td>
<td>Dismissal</td>
<td>24 months</td>
</tr>
<tr>
<td>31. Theft</td>
<td>Dismissal</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>36 months</td>
</tr>
<tr>
<td>32. Unauthorized possession or removal of City property, equipment, or information</td>
<td>Written</td>
<td>24-hour suspension</td>
<td>240-hour suspension</td>
<td></td>
<td>Dismissal</td>
<td>24 months</td>
</tr>
<tr>
<td>33. Inappropriate or abusive language, gestures or behavior</td>
<td>Written</td>
<td>8-hour suspension</td>
<td>24-hour suspension</td>
<td>80-hour suspension</td>
<td>Dismissal</td>
<td>24 months</td>
</tr>
<tr>
<td>34. Making false, vicious, or malicious statements about any employee, management, or City policy</td>
<td>Written</td>
<td>24-hour suspension</td>
<td>160-hour suspension</td>
<td></td>
<td>Dismissal</td>
<td>24 months</td>
</tr>
<tr>
<td>35. Dishonesty in the performance of job duties.</td>
<td>Written</td>
<td>24-hour suspension</td>
<td>160-hour suspension</td>
<td></td>
<td>Dismissal</td>
<td>24 months</td>
</tr>
<tr>
<td>36. Discrimination against any employee on the basis of race, color, creed, sex, national origin, age, or disability</td>
<td></td>
<td>24-hour suspension</td>
<td>160-hour suspension</td>
<td></td>
<td>Dismissal</td>
<td>36 months</td>
</tr>
<tr>
<td>37. Any reprisal action</td>
<td>Written</td>
<td>80-hour suspension</td>
<td></td>
<td></td>
<td>Dismissal</td>
<td>24 months</td>
</tr>
<tr>
<td>38. Sexual or other unlawful or unwelcome harassment</td>
<td>Written</td>
<td>160-hour suspension</td>
<td></td>
<td></td>
<td>Dismissal</td>
<td>60 months</td>
</tr>
<tr>
<td>Offenses or Deficiencies</td>
<td>1st Violation</td>
<td>2nd Violation</td>
<td>3rd Violation</td>
<td>4th Violation</td>
<td>5th Violation</td>
<td>Reckoning Period</td>
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</tr>
<tr>
<td>39. Prohibited political activity</td>
<td>Written</td>
<td>80-hour suspension</td>
<td>Dismissal</td>
<td></td>
<td></td>
<td>36 months</td>
</tr>
<tr>
<td>40. Encouraging, participating, supporting, or inciting strike or work stoppage</td>
<td>Dismissal</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>41. Refusal to obey a direct order</td>
<td>80-hour suspension</td>
<td>Dismissal</td>
<td></td>
<td></td>
<td></td>
<td>24 months</td>
</tr>
<tr>
<td>42. Failure to use Chain of Command</td>
<td>Written</td>
<td>80-hour suspension</td>
<td>Dismissal</td>
<td></td>
<td></td>
<td>24 months</td>
</tr>
<tr>
<td>43. Failure to wear/inappropriate wearing of prescribed work clothing/uniform</td>
<td>Verbal</td>
<td>Written</td>
<td>24-hour suspension</td>
<td>160-hour suspension</td>
<td>Dismissal</td>
<td>12 months</td>
</tr>
<tr>
<td>44. Violation of law involving moral turpitude</td>
<td>Written</td>
<td>24-hour suspension</td>
<td>80-hour suspension</td>
<td>Dismissal</td>
<td></td>
<td>24 months</td>
</tr>
<tr>
<td>45. Inefficiency¹¹</td>
<td>Verbal</td>
<td>Written</td>
<td>24-hour suspension</td>
<td>80-hour suspension</td>
<td>Dismissal</td>
<td>12 months</td>
</tr>
<tr>
<td>46. Violation of a rule adopted by the Civil Service Commission</td>
<td>Written</td>
<td>24-hour suspension</td>
<td>80-hour suspension</td>
<td>Dismissal</td>
<td></td>
<td>24 months</td>
</tr>
<tr>
<td>47. Violation of rule adopted by the Board of Commissioners</td>
<td>Written</td>
<td>24-hour suspension</td>
<td>80-hour suspension</td>
<td>Dismissal</td>
<td></td>
<td>24 months</td>
</tr>
<tr>
<td>48. Violation of a rule established by the City Manager</td>
<td>Written</td>
<td>24-hour suspension</td>
<td>80-hour suspension</td>
<td>Dismissal</td>
<td></td>
<td>24 months</td>
</tr>
<tr>
<td>49. Violation of a rule established by the Department Head or Chief of Department</td>
<td>Written</td>
<td>24-hour suspension</td>
<td>80-hour suspension</td>
<td>Dismissal</td>
<td></td>
<td>24 months</td>
</tr>
<tr>
<td>50. Discourteous or disrespectful conduct to a citizen</td>
<td>Written</td>
<td>24-hour suspension</td>
<td>80-hour suspension</td>
<td>Dismissal</td>
<td></td>
<td>24 months</td>
</tr>
<tr>
<td>51. Conduct inappropriate of a public employee¹²</td>
<td>Written</td>
<td>24-hour suspension</td>
<td>80-hour suspension</td>
<td>Dismissal</td>
<td></td>
<td>24 months</td>
</tr>
<tr>
<td>52. Inappropriate use of City communications equipment, i.e., 2-way radios, telephones, facsimile machines, computers, modems, etc.</td>
<td>Verbal</td>
<td>Written</td>
<td>24-hour suspension</td>
<td>160-hour suspension</td>
<td>Dismissal</td>
<td>12 months</td>
</tr>
<tr>
<td>53. Violation of social media policy</td>
<td>Written</td>
<td>24-hour suspension</td>
<td>160-hour suspension</td>
<td>Dismissal</td>
<td></td>
<td>24 months</td>
</tr>
<tr>
<td>54. Conspiracy¹³</td>
<td>80-hour suspension</td>
<td>240-hour suspension</td>
<td>Dismissal</td>
<td></td>
<td></td>
<td>60 months</td>
</tr>
<tr>
<td>55. Fraudulent employment</td>
<td>Dismissal</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>Offenses or Deficiencies</td>
<td>1&lt;sup&gt;st&lt;/sup&gt; Violation</td>
<td>2&lt;sup&gt;nd&lt;/sup&gt; Violation</td>
<td>3&lt;sup&gt;rd&lt;/sup&gt; Violation</td>
<td>4&lt;sup&gt;th&lt;/sup&gt; Violation</td>
<td>5&lt;sup&gt;th&lt;/sup&gt; Violation</td>
<td>Reckoning Period</td>
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</tr>
<tr>
<td>56. Chargeable vehicle accident</td>
<td>Written</td>
<td>24-hour suspension</td>
<td>80-hour suspension</td>
<td>Dismissal</td>
<td>24 months</td>
<td></td>
</tr>
<tr>
<td>57. Preventable vehicle accident</td>
<td>Written</td>
<td>24-hour suspension</td>
<td>80-hour suspension</td>
<td>Dismissal</td>
<td>12 months</td>
<td></td>
</tr>
<tr>
<td>58. Preventable property damage incident</td>
<td>Verbal</td>
<td>Written</td>
<td>24-hour suspension</td>
<td>80-hour suspension</td>
<td>Dismissal</td>
<td>12 months</td>
</tr>
<tr>
<td>59. Preventable injury to self or others</td>
<td>Written</td>
<td>24-hour suspension</td>
<td>80-hour suspension</td>
<td>Dismissal</td>
<td>12 months</td>
<td></td>
</tr>
<tr>
<td>60. Filing a frivolous, false, or non-grievable grievance</td>
<td>Verbal</td>
<td>Written</td>
<td>24-hour suspension</td>
<td>80-hour suspension</td>
<td>Dismissal</td>
<td>60 months</td>
</tr>
<tr>
<td>61. Failure to file a Medical Awareness Form</td>
<td>Verbal</td>
<td>Written</td>
<td>24-hour suspension</td>
<td>80-hour suspension</td>
<td>Dismissal</td>
<td>12 months</td>
</tr>
<tr>
<td>62. Failure to use seatbelts or other occupant restraint devices</td>
<td>Written</td>
<td>24-hour suspension</td>
<td>80-hour suspension</td>
<td>Dismissal</td>
<td>12 months</td>
<td></td>
</tr>
<tr>
<td>63. Violation of Bloodborne Pathogens policy</td>
<td>24-hour suspension</td>
<td>80-hour suspension</td>
<td>160-hour suspension</td>
<td>Dismissal</td>
<td>36 months</td>
<td></td>
</tr>
<tr>
<td>64. Violation of safety rules</td>
<td>Verbal</td>
<td>Written</td>
<td>24-hour suspension</td>
<td>80-hour suspension</td>
<td>Dismissal</td>
<td>24 months</td>
</tr>
<tr>
<td>65. Any offense or deficiency not listed herein.</td>
<td>Verbal to Dismissal</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>As determined by the Appointing Authority</td>
</tr>
</tbody>
</table>
Footnotes:

1. Wasting time: Engaged in non-work-related activity during work hours.

2. Loitering: To delay a work-related activity with idle stops or pauses and/or to loaf, lounge, dally, or procrastinate during work hours.

3. Carelessness: Inattentive, heedless, unobservant, negligent, indifferent, or slipshod behavior in or toward a work action, City policy or procedure.

4. Recklessness: Rash, imprudent, incautious, or unwise behavior in or toward a work action, City policy, or procedure, or conduct indicative of indifference to consequences.

5. Insubordination: Defiance, disobedience, or resistance, to Management/Supervisory personnel, City policy or procedure.

6. Disrespectful: Discourteous, impertinent, rude, contemptuous, or irreverent behavior toward Management/Supervisory personnel, City policy or procedure, or other City employees.

7. Alcohol: Any employee found guilty of this charge shall on the first offense also be mandated to report to the Employee Assistance Program as a condition of continued employment with the City and shall successfully complete any program required by the Employee Assistance Counselor/Substance Abuse Professional/Medical Review Officer prior to being allowed to return to work.

8. Under the Influence: Any noticeable physical or behavioral traits not usually associated with the employee’s customary character: slurred speech, staggered walk, unusually slow or fast movements, glazed eyes, over emotionalism, etc. Under the influence shall be determined by the Department Head or Supervisor.

9. Sabotage: Planned or willful destruction or damage to City property or material, or hindering or hurting provision of City services to citizens, or any attempt at such activities.

10. Abusive: Derogatory, insulting, foul, obscene, or offensive.

11. Inefficiency: Performing a work action in an inadequate, inept, extravagant, or wasteful manner.

12. Conduct: Public employees are held to a higher standard of conduct both on and off the job/duty. Inappropriate conduct is that which conflicts with the higher standards demanded of an employee of the City since City employees are representatives of the people. Actions of a public employee are reflective of the City as a whole.

13. Conspiracy: Scheming or plotting to undermine City authority, services, policies, or procedures.

14. Pursuant to KRS 65.870, the City of Henderson may not regulate “the manufacture, sale, purchase, taxation, transfer, ownership, possession, carrying, storage, or transportation of firearms, ammunition, components of firearms, components of ammunition, firearm accessories or combination thereof” except where other statutes authorize it.
Attachment A (May, 2012; February, 2013; December, 2014; February, 2018)

Drug and Alcohol Policy

A. Policy Statement / Overview

1. The objective and purpose of the City’s Drug and Alcohol Policy is to ensure a safe, drug free and alcohol free, working environment for employees and the citizens we serve. It is our intention to prohibit drug and alcohol use in the workplace to ensure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner, to prohibit the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances, and to encourage employees to seek professional assistance any time personal problems, including alcohol or drug dependency or abuse, adversely affect their ability to perform assigned duties. A copy of the policy shall be provided to every safety-sensitive transit or gas pipeline system employee, and every CDL employee. The policy and drug and alcohol testing shall be in accordance with the provisions, requirements, and regulations of the Federal Transit Administration (FTA), 49 CFR Part 655 Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, and 49 CFR (40) Procedures for Transportation Workplace Drug and Alcohol Testing Programs), Federal Motor Carrier Safety Administration (FMCSA) regulations, the Pipeline and Hazardous Materials Safety Administration (PHMSA), The Substance Abuse and Mental Health Service Administration (SAMSHA), and in accordance with Kentucky Administrative Regulation 803 KAR 25:280, Certification of Drug-Free Workplace.

2. The City recognizes that there are serious adverse effects caused by the abuse and misuse of drugs and alcohol in the workplace while on duty. The City is committed to providing its employees with a drug and alcohol-free workplace environment that promotes safety and health. And furthermore, as a provider of services to the public, the City is also committed to providing safe, efficient, and professional delivery of services to the community.

3. Likewise, the City is committed to its employees’ rights. Therefore, this policy establishes uniform standards for pre-employment and employment drug and alcohol testing to ensure confidentiality, reliability, and fairness in drug and alcohol testing.

4. The Employee Assistance Program (EAP) is provided by the City at no cost to its employees and their families. The purpose of the EAP is to provide employees with opportunities to obtain assistance for a variety of personal problems, which may affect their functioning as productive members of the City’s workforce and society at large. Examples of issues addressed by this program include: Alcohol and Drug Dependency Problems, Anxiety Disorders, Depression and Mood Changes, Family Conflicts, Job Crisis, Eating Disorders, Adolescent Behavioral Problems, Marital Problems, Stress at Home and Work, Threatening and Destructive Behaviors, and Financial and Legal Concerns. The EAP is a confidential counseling and referral service with professionally certified employee assistance providers who are experienced in a wide range of issues including relationship, conflict, family concerns, and alcohol or drug dependence. The EAP is intended to assist in the rehabilitation of employees with their personal issues so they can lead happier lives and be productive workers. The EAP is confidential and such, the records and conversations between an EAP counselor and an employee/family member are private. One aspect of the City’s EAP is it plays an important role in preventing and resolving employee drug use by:
   a. Providing assistance for employees to discontinue their drug use;
   b. Providing educational materials to supervisors and employees;
   c. Assisting supervisors in confronting employees who have performance and/or conduct problems;
   d. Making referrals to appropriate treatment and rehabilitation facilities; and
   e. Follow-up with individuals during the rehabilitation process to track their progress and encourage successful completion of the program.

f. The EAP provider for the City of Henderson is
   Deaconess Concern
   445 Cross Pointe Blvd
   Evansville, Indiana 47715
   800-874-7104
   812-471-4611
5. This policy covers all safety-sensitive employees (as listed in Addendum A) of the City, direct or by contract, in addition to persons who have been offered employment direct or by contract. Therefore, all employees shall comply with this policy as a condition of employment.

6. The Human Resources Director has the responsibility to establish and interpret procedures and rules to effectively implement and enforce this policy. Furthermore, for the purpose of implementing this policy, the City shall follow the drug and alcohol-testing as accepted by the Department of Transportation under 49 CFR (Part 40) (e.g., breath analysis, collection of urine specimen, direct observation, transfer of specimen, chain of custody, laboratory testing, split specimen testing, Medical Review Officer procedures), as amended from time to time. Federal and State regulations recognize alcohol breath testing and urine drug testing only.

7. All notices and policies in effect prior to the adoption of this policy are hereby rescinded.

8. The City reserves the right to modify and amend this policy as necessary. Employees shall be notified of any such revisions. The City reserves the right to interpret, change, rescind, or depart from the City’s position on this document in whole or in part without prior notice. The City also reserves the right to modify and amend this policy in accordance with 803 KAR 25:280.

9. Information concerning the effects of drugs and alcohol can be found in Addendum C of Attachment A.

10. Employees shall be provided a copy of this policy with their employee manual. Employees shall sign an acknowledgement form to the effect that:
   a. They acknowledge receipt and personal responsibility to read and comply with the policy;
   b. They understand and support the City’s Drug Free Workplace policy;
   c. They agree to refrain from violating this policy while in the employment of the City;
   d. They understand that the penalty for breach of this policy may result in termination from employment and agree that it is appropriate when supported by evidence; and
   e. They have been advised that drug/alcohol testing of employees will be conducted as follows:
      i. Pre-employment testing of drugs and alcohol
      ii. Individualized reasonable suspicion of drug/alcohol use
      iii. Post-accident situations (refer to Addendum A)
      iv. Random (refer to Addendum B)
      v. Position change
      vi. Return-to-duty
      vii. Follow-up requirements

11. Drug testing will screen for all illegal controlled substances, including controlled substances listed in Controlled Substance Act (21 USC 812), Title 21 CFR, or as listed in 803 KAR 25:280 and any unauthorized prescription medications. (Refer to Addendum C).

12. In addition, the Drug and Alcohol Policy is also in accordance with the City’s provisions, requirements, and regulations, including adherence to the Drug Free Workplace Act of 1988.

B. Notice Upon Hiring

1. As a condition precedent to hiring, all prospective employees will receive a copy of the City’s Drug Free Workplace Statement policy and Drug Testing policy; and will be required to sign a receipt, which will become a permanent part of the employee’s personnel file.

2. In addition, as a further condition precedent to hiring, all prospective employees will be required to sign a written acknowledgement to the effect that:
   a. They understand the City (the employer) maintains pre-employment screening practices, including pre-employment drug testing, designed to prevent hiring individuals who use illegal drugs/controlled substances or individuals whose use of drugs or alcohol indicates a potential for impaired or unsafe job performance;
   b. They understand and support the City’s Drug Free Workplace policy;
   c. They agree to refrain from violating this policy while in the employment of the City;
   d. They acknowledge in advance that they understand that the penalty for breach of this policy may result in dismissal and agree that it is appropriate when supported by evidence;
   e. They acknowledge that they have been advised that drug testing of employees will be conducted in accordance with the policy established herein.

C. Distribution of Drug Free Workplace Policy to Current Employees
1. All current employees will receive a copy of the City’s Drug Free Workplace statement policy and Drug Testing policy, and will be required to sign a receipt, which will become part of the employee’s personnel file.
2. All current employees will be required to sign a statement supporting the enforcement of these policies.
3. All current employees will be given notice that the City reserves the right to order employees to submit to drug testing in accordance with the policy established herein.

D. The Drug Free Workplace Policy

1. Definitions: For the purpose of this policy:
   a. Employer – means the City, its departments, agencies, and programs.
   b. Employee – means any person, i.e., management, supervisory, or non-supervisory, who is paid in whole or in part by the Employer.
   c. Controlled Substance – means any controlled substance contained in Schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) and as further defined by 21 CFR 1300.01 and 1300.02, or as defined by Kentucky statute.
   d. Conviction – means any finding of guilt, including a plea of nolo contendere (no contest) of the imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
   e. Criminal Drug Statute – means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance.
   f. Safety Sensitive – means any potentially dangerous function, such as but not limited to; working with equipment that could cause significant injury to oneself or others; those mandated by the Federal Government; those that drive a CDL vehicle; are involved in the operation or maintenance of the Mass Transit system; those involved with the gas pipeline industry; and any public safety position.

2. Regulations
   a. It is the policy of the City to maintain a safe and productive workplace free of drugs and free of those individuals who use drugs.
   b. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by any employee that takes place in whole or in part in the Employer’s workplace is strictly prohibited and will result in criminal prosecution and employee discipline which may include termination from employment.
   c. Any employee convicted of any federal or state criminal drug offense must notify the City of that fact within five (5) calendar days of the conviction. The City will notify the appropriate Federal agency, as applicable, within ten (10) days of notification of the violation.
   d. Any employee who reports for duty in an altered or impaired condition that is the result of the illegal use of controlled substances will be subject to disciplinary action. Any decision to take disciplinary action may be held in abeyance pending the completion by the employee of drug rehabilitation program, however, shall not alter the Employer’s right to discipline the employee for violation of this policy.
   e. Any employee convicted of a workplace-related drug offense, who fails to report the conviction as required by the above, will be:
      i. Terminated from employment,
      ii. Forever barred from future employment; and
      iii. Held civilly responsible for any loss of federal funds resulting from the conviction.
   f. Within thirty (30) days following conviction of any workplace-related drug offense, the employee so convicted shall have appropriate sanctions imposed up to and including termination of employment.

E. Policy on Employee Job Categories Subject to Testing

1. All employees and contractors who perform safety-sensitive transit functions must be subject to the testing provisions set forth in the FTA regulations. FTA has determined that safety-sensitive functions are performed by those who:
   a. Operate revenue service vehicles including operation when not in revenue service;
   b. Operate non-revenue service vehicles that require drivers to hold Commercial Drivers Licenses (CDL’s);
   c. Dispatch or control revenue service vehicles;
d. Maintain revenue service vehicles or equipment used in revenue service;
e. Provide security and carry a firearm;
f. Supervisors who perform any of the above functions or control movement of a revenue service vehicle;
g. Supervisors of employees in these categories who do not themselves perform these functions are excluded.

2. All employees who hold a CDL and operate a commercial motor vehicle and are subject to the CDL requirement are subject to the testing provisions set forth in the Federal Motor Carrier Safety Administration (49CFR Part 382) and Department of Transportation (49CFR Part 40) regulations. FMCSA has determined that a commercial motor vehicle includes any motor vehicle used to transport passengers or property if the vehicle has a gross combination weight rating of 26,001 or more pounds, including a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or a gross vehicle weight rating of 26,001 or more pounds; or is designed to transport 16 or more passengers, including the driver; or is of any size and is used to transport materials that are hazardous for the purposes of the Hazardous Materials Transportation Act and that require the motor vehicle to be placarded under the Hazardous Materials regulations. Any CDL holder who performs any of the following activities associated with a commercial vehicle is considered to perform or to be performing a safety-sensitive function:
   a. Inspects, services, or conditions any commercial vehicle; or
   b. Drives or operates a commercial vehicle; or
   c. Loads, unloads, supervises, or assists in the loading or unloading of a commercial vehicle being loaded or unloaded, or gives or receives receipts for shipments loaded or unloaded; or
   d. Performs the driver requirements relating to an accident of a commercial vehicle; or
   e. Rides or spends time in or on a commercial vehicle; or
   f. Repairs, obtains assistance, or remains in attendance upon a disabled commercial vehicle; or
   g. Performs traffic control functions related to commercial vehicle operations; or

3. All employees who perform safety-sensitive functions on a gas, hazardous liquid, or carbon dioxide pipeline, or at a liquefied natural gas (LNG) facility must be subject to the testing provisions of PHMSA (49 CFR Part 199) and DOT (49 CFR Part 40) regulations including:
   a. Any individual who performs operation, maintenance, or emergency response activities on a pipeline; or
   b. Individuals employed by the operator; or
   c. Contractors engaged by the operator; or
   d. Individuals employed by a contractor.

4. All employees who are assigned to a position with the Public Safety Sector of the City are subject to random drug/alcohol testing. Public Safety Sector employees include the following:
   a. An individual who is a sworn officer of the law;
   b. An individual who is authorized by the City to carry a firearm;
   c. An individual who dispatches any emergency services organization;
   d. An individual whose job description requires providing of medical care or the supervision thereof;
   e. An individual whose job description allows the supervision of any emergency operations;
   f. An individual whose job description requires the possibility of driving an emergency vehicle to, from or during an emergency

5. All employees who have a position change such as a:
   a. Promotion
   b. Demotion
   c. Transfer

6. All employees may be tested when there is reasonable suspicion of such drug or alcohol use while performing work duties.

7. All employees who have an accident or injury and meet the standard as listed in Addendum D, decision tree 4.

8. Any City employee who is subject to more than one regulation shall be subject to the regulation in which the employee performs the greatest percentage of the time and reporting shall be to the regulatory authority covering the greatest percentage of the employee’s time.

9. The City of Henderson has reviewed the actual duties performed by employees to determine which employees perform safety-sensitive jobs and has determined which jobs may require the performance of safety-sensitive functions. Additional analysis will be performed if any new job classifications are developed.
to determine if the new job classifications should be considered safety-sensitive. Addendum A is a list of the safety-sensitive job titles and job titles subject to random drug and/or alcohol testing.

F. Participation as a Requirement of Employment

1. Participation in the City’s prohibited substance testing program is a requirement of employees who fall under the guidelines prescribed by the Department of Transportation, the Federal Motor Carrier Safety Administration, and the Pipeline and Hazardous Material Safety Administration, and therefore is a condition of employment.

2. Participation in the City’s prohibited substance testing program is a requirement of employees who fall under the guidelines by the City of Henderson, and therefore, is a condition of employment.

G. Required Hours of Compliance

1. Alcohol: An employee must not consume alcohol:
   a. While on duty;
   b. While performing a safety-sensitive job;
   c. While on-call;
   d. Four hours prior to performing a safety-sensitive job;
   e. Up to eight hours following an accident or until the employee undergoes a post-accident test, whichever occurs first.

2. Employees shall not report to work with a blood alcohol content (BAC) of .02 or greater.

3. Drugs: Use and ingestion of illegal drugs/controlled substances or non-prescribed prescription drugs are prohibited at all times.

H. Prohibited Behavior

1. Employees are prohibited from engaging in unlawfully manufacturing, distributing, dispensing, possessing, or using controlled substances in the workplace consistent with the Drug Free Workplace Act of 1988 and the City of Henderson Drug Free Workplace Policy.

2. Possession of illegal drugs/controlled substances or alcohol on or in any City vehicle, in any City facility, on City property, or work premise is prohibited.

3. The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functions, motor skills, or judgment may be adversely affected must be discussed by employees with their appropriate healthcare professionals before performing work-related duties. Educational information regarding prescription and over-the-counter medications should be obtained from either a healthcare professional or pharmacist. Employees are strongly urged to seek and obtain medical advice prior to using prescription or over-the-counter drugs that may adversely affect the ability to safely operate or maintain vehicles or perform other safety-sensitive functions. A legally prescribed drug means that the individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. If an employee tests positive for drugs and believes the test positive is the result of the use of legal drugs, he/she must provide a valid prescription within twenty-four (24) hours. A valid prescription includes the patient’s (employee’s) name, the name of the legal substance, quantity / amount to be taken, the dosage, and the time period of the authorization for usage. The misuse or abuse of legal drugs while performing a safety-sensitive job or job requiring a CDL while performing City business, while in uniform, or on City property, is prohibited.

I. Circumstances for Testing

1. In order to maintain a safe and healthful work environment, the City reserves the right to set standards for employment and to require employees to submit to physical examinations including urine test for alcohol, illegal drugs, controlled substances, or the misuse of legal drugs in accordance with City policy.

2. The FTA requires that drug and alcohol testing be performed on safety-sensitive employees in specific circumstances:
a. Pre-employment (drugs only required; City requires alcohol)
b. Reasonable suspicion
c. Post-accident
d. Random
e. Return to duty
f. Follow-up
g. In addition to the above six types of testing, transit systems are also required to perform blind sample testing as a quality assurance measure for the testing laboratory.

3. The FMCSA requires that drug and alcohol testing be performed on individuals subject to CDL requirements in specific circumstances:
   a. Pre-employment (drugs only required; City also requires alcohol)
   b. Reasonable suspicion
c. Post-accident
d. Random
e. Return to duty
f. Follow-up

4. The PHMSA requires that drug and alcohol testing be performed on safety-sensitive employees in specific circumstances:
   a. Pre-employment (drugs only required; City also requires alcohol)
   b. Reasonable suspicion
c. Post-accident
d. Random (drugs only)
e. Return to duty
f. Follow-up

5. City policy requires that drug and alcohol testing be performed on Public Safety employees in specific circumstances:
   a. Pre-employment
   b. Reasonable suspicion
c. Post-incident
d. Random
e. Return to duty
f. Follow-up

6. City policy requires that drug and alcohol testing be performed on all employees in specific circumstances:
   a. Pre-employment
   b. Reasonable suspicion
c. Post-incident
d. Position change

J. Pre-Employment Testing

1. Passing a drug and alcohol test is a condition of employment and shall be stated in the vacancy announcements. Applicants must sign an acknowledgement that they know they will be drug and alcohol tested.

2. The City requires pre-employment testing for all applicants for employment. The City is prohibited from assigning or employing any individual who has an unsatisfactory test result.

3. For FTA-personnel, pre-employment alcohol testing is a requirement of the City and will be performed using DOT Alcohol Test Forms and be completed in accordance with 49 CFR 655.42.

4. If a pre-employment drug test is cancelled by the City, the City shall require the applicant to submit to another test.

5. The City will release the results of testing to the applicant that was tested. Prior to making a final decision to verify a positive drug test result, the City’s Medical Review Officer (MRO) must give the applicant an opportunity to discuss the results.

6. If an applicant who has had an unsatisfactory test result applies again for a position with the City, the City shall administer another drug and alcohol test to the individual. If the person received
an unsatisfactory test results during the application process, that person shall be referred to a Substance Abuse Professional (SAP). The applicant shall not be hired for a FTA-covered position, unless proof is provided that the applicant has successfully completed a referral, evaluation, and treatment plan as described in 49 CFR 655.

7. Pre-employment testing shall be given to any FMSCA-regulated personnel who had been out of service for 30 days and had been removed from the random pool during that period.

8. Pre-employment testing shall be given to any FTA-regulated personnel who had not performed a safety-sensitive function for 90 consecutive calendar days and the employee had been removed from the random pool.

K. Reasonable Suspicion Testing

1. Federal regulations require safety-sensitive employees and commercial vehicle drivers (CDL holders) to submit to a test when the City has reasonable suspicion that an employee has used a prohibited drug or has misused alcohol as defined in the Federal Transit Authority (FTA), the Federal Motor Carriers Safety Administration (FMCSA) and the Pipeline Hazardous Materials Safety Administration (PHMSA) regulations.

2. City policy requires all employees to submit to a test when the City has reasonable suspicion that an employee has used a prohibited drug or has misused alcohol.

3. For FTA-covered personnel, reasonable suspicion testing for alcohol is only permissible just before an employee performs safety-sensitive duties, during the performance of those duties, or just after an employee has performed covered duties.

4. Reasonable suspicion testing is required when one or more trained supervisors or company officials can articulate and substantiate physical, behavioral and performance indicators of probable drug use or alcohol misuse by observing the appearance, behavior, speech, or body odors of the covered employee. Form 05-01-03 shall be used to document any reasonable suspicion drug test request.

5. Reasonable suspicion must be based on specific, objective facts and any rationally derived inferences from those facts about the conduct of an individual that would lead a reasonable person to suspect that the individual is or has been using drugs and/or alcohol on or off duty.

6. Reasonable suspicion shall include, but is not limited to, the following circumstances:
   a. An employee’s arrest for commission of a criminal drug offense
   b. An employee’s arrest for driving under the influence of alcohol or drugs (charged but not convicted)
   c. Someone witnessed the employee using drugs or alcohol
   d. Employee exhibits signs of drugs or alcohol use

7. Any employee reasonably suspected of being under the influence of drugs or alcohol shall be relieved of job duties until it has been confirmed that the result is negative.

8. In cases where the City has a reasonable suspicion to believe that the employee is under the influence of the substances referenced in this policy, the City may require the employee to be referred to a medical clinic, at the City’s expense, to provide a urine specimen for testing.

L. Post-Accident Testing

1. All City employees are subject to post-accident testing that occur in the workplace, while on duty, or in a City-owned or leased vehicle or equipment. The type of test required will be based upon which federal classification, if any that is applicable. If no federal regulation is applicable, then they will be tested in accordance with City policy.

2. Requirements for Testing
   a. Federal Transit Administration:
      i. An accident is an occurrence associated with the operation of a vehicle in which:
         1. An individual dies; or
         2. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or
3. The mass transit vehicle involved is a bus, electric bus, van, or automobile in which one or more vehicles incurs disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle; or
   ii. Disabling damage: damage that precludes departure of any vehicle from the scene of occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated.
   iii. Fatal accident: whenever there is loss of human life, each surviving safety-sensitive employee on duty in the mass transit vehicle at the time of the accident must be tested. Safety-sensitive employees not on the vehicle whose performance could have contributed to the accident (as determined by the City using the best information available at the time of the accident) must also be tested.
   iv. Nonfatal accident: The City shall test any other safety-sensitive employee whose performance could have contributed to the accident (as determined by the City using the best information available at the time of the accident).

b. Federal Motor Carrier Safety Administration:
   i. Regulations require that a commercial vehicle driver (CDL holder) must be tested for alcohol misuse and use of controlled substances if the employee is involved in an accident, when operating on public roads, which resulted in:
      1. A fatality; or
      2. If a citation was issued, then under these circumstances:
         a. Bodily injury to a person who, as a result of that injury, immediately receives medical treatment away from the scene of the accident; or
         b. One or more motor vehicles incurring disabling damage as a result of the accident requiring the vehicle(s) to be transported away from the scene by a tow truck or other vehicle.

c. Pipeline Hazardous Material Safety Administration:
   i. Regulations require that safety-sensitive employees must be tested for alcohol misuse and use of controlled substances following an accident reportable under 40 CFR Part 191 involving gas pipeline facilities, which includes all parts of those physical facilities through which gas moves in transportation, including but not limited to pipe, valves, and other appurtenances attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies.
   ii. An accident of a gas pipeline is
      1. an event that involves a release of gas from a pipeline or liquefied natural gas or gas from an LNG facility and;
         a. a death or personal injury necessitating inpatient hospitalization; or
         b. estimated property damage, including the cost of gas lost, to the operator or others, or both, of $50,000 or more;
      2. an event that results in an emergency shutdown of an LNG facility.
      3. an event that is significant, in the judgment of the operator, even though it did not meet the criteria of a or b of this section.

d. City of Henderson
   i. All City employees are subject to post accident testing whenever the following condition(s) are met:
      1. Any incident where there is loss of life, or
      2. Any incident where there was an injury that required immediate professional medical assistance excluding first aid, or
      3. There is an anticipation of damages in excess of $1,000 and the employee’s performance cannot be reasonably discounted as a contributing factor to the incident.

3. Post-accident drug and alcohol tests must be performed as soon as possible. Drug tests must be performed within thirty-two (32) hours following the incident. Alcohol tests should be performed within but not more than eight (8) hours after the incident.
   a. If an alcohol test is not administered within two (2) hours following the accident, the City must still attempt to administer the test, and also prepare and maintain on file a record stating the reason(s) the test
was not promptly administered. If an alcohol test is still not administered within eight (8) hours following the accident, the City shall cease attempts to administer an alcohol test and shall maintain the same record.

b. The requirement for testing for drugs and alcohol following an accident should in no way delay necessary medical attention for injured people or prohibit an employee from leaving the scene of the accident to obtain assistance in responding to the accident or to obtain necessary medical care. However, the employee must remain readily available, which means the City knows the location of the employee.

c. Employees may not consume alcohol for eight (8) hours after the accident requiring post-accident testing or until such time as a test for alcohol has been administered, whichever occurs first.

4. Steps to follow in a post-accident situation:
   a. Treat injury first;
   b. Contact law enforcement;
   c. Contact Supervisor who will contact the Safety Coordinator;
   d. Determine if testing is required;
   e. Conduct test promptly, if necessary;
   f. Collect accident documentation.

M. Position Change Testing

1. The City requires position change testing for all employees for a job position change. The City is prohibited from assigning or changing the position of any individual who has an unsatisfactory test result.

2. For FTA-personnel, position change alcohol testing is a requirement of the City and will be performed using DOT Alcohol Test Forms and be completed in accordance with 49 CFR 655.42.

3. If a position change drug test is cancelled by the City, the City shall require the applicant to submit to another test.

4. The City will release the results of testing to the applicant that was tested. Prior to making a final decision to verify a positive drug test result, the City’s Medical Review Officer (MRO) must give the applicant an opportunity to discuss the results.

N. Periodic Testing

1. All Employees who hold a CDL shall be tested in conjunction with periodic Department of Transportation (DOT) recurrent physical examinations. Generally, periodic testing under this section will take place every two (2) years.

2. An employee may continue to drive while awaiting the periodic test results, provided that the results are received before the certification expires.

3. If medical qualifications are delayed for the processing of the test, the employee will be deemed physically unqualified to drive a commercial vehicle. The employee may not return to safety-sensitive duties until such time as the employee receives an affirmative qualification by the Medical Review Officer.

O. Random Testing

1. Random testing is a method of selecting employees for drug and/or alcohol testing that results in a equal probability that any employee from a particular group of employees subject to random testing be selected and does not give the City any discretion to waive the random selection of any employee chosen under the process. It is possible for some employees to be tested several times a year.

2. Federal regulations and/or City policy require random testing for drugs for the following:
   a. Federal Transit Administration (FTA) covered employees
   b. Federal Motor Carrier Safety Administration (FMCSA) covered employees
   c. Pipeline Hazardous Materials Safety Administration (PHMSA) covered employees
   d. City of Henderson Public Safety Employees
3. FTA covered employees are subject to random testing at all times they are on-duty, whether or not there is an exception that they may perform a safety-sensitive function or not.

4. For FTA covered employees, random testing for alcohol is only permissible just before an employee performs safety-sensitive duties, during the performance of those duties, or just after an employee has performed covered duties.

5. Federal regulations and/or City policy require random testing for alcohol for the following:
   a. Federal Transit Administration (FTA) covered employees
   b. Federal Motor Carrier Safety Administration (FMCSA) covered employees
   c. City of Henderson Public Safety Employees

6. The City will use a scientifically valid random number selection method to select employees to be tested. Valid methods include the use of a random-number table or a computer-based random number generator that is matched with the employee identification numbers. Separate pools for FTA covered employees, FMCSA covered employees, PHMSA covered employees and Public Safety employees shall be maintained.

7. The number of federally regulated covered personnel tested will be dictated by the DOT guidelines.

8. Each Public Safety pool will have at least fifty percent (50%) selection rate for testing.

9. Test dates will be spread reasonably throughout the year and not establish a predictable pattern. Testing will be performed on different days of the week and at different times throughout the annual cycle. The process will be unannounced as well as random.

10. An employee performing duties subject to more than DOT Agency’s regulations must be randomly tested at the percentage rate established for the calendar year by the DOT Agency regulating more than fifty percent (50%) of the employee’s function. Example: If an employee drives CDL vehicles seventy-five percent (75%) of the time and transit buses twenty-five percent (25%) of the time, that employee will be in the FMCSA-regulated pool.

11. All other testing (e.g. pre-employment, post-accident) is regulated under the Agency that regulates the function the employee was performing at the time of the event. Example: If an employee wrecks the transit bus, he/she must be subject to post-accident testing under the FTA regulations even though they are in the City’s FMCSA random pool.

P. Employee Notification of Random Testing

1. Supervisor receives notification from the Human Resources Director of the employee selected for testing.

2. Employee shall be afforded the maximum privacy possible and discretely notified that they have been randomly selected for testing.

3. Paperwork will be picked up from Human Resources.

4. If available, the supervisor/department head will transport employee to the testing site, not stopping anywhere along the route.

5. If the employee is not available for random testing when selected due to medical leave, vacation, etc., their name will be held by Human Resources and be tested when the employee returns. Employees not tested because they were unavailable during the entire testing period (until next random draw) may not be tested during the next testing cycle unless their names are randomly drawn again.

6. Federally regulated and Public Safety employees cannot continue to perform safety-sensitive or driving functions if the result of the:
   a. Alcohol test indicates an alcohol level of 0.02 or greater, or
   b. Controlled substance test is positive

Q. Return to Duty Testing

1. Federally regulated positions tested in accordance with Decision Tree 1, 2, or 3:
   a. Before an employee is allowed to return to duty to perform a safety-sensitive function or to perform commercial vehicle driving following a verified positive drug test result, an alcohol result 0.02 or greater, a refusal to submit to a test, or any other activity that violates the federal regulations, that employee must first be evaluated by a Substance Abuse Professional (SAP), and must follow the SAP recommendations and pass a return to duty test.
b. The employee must have a verified negative drug test result or an alcohol test result of less than 0.02 to return to a safety-sensitive or commercial vehicle driving function. If a drug test is cancelled, the City shall require the employee to submit to and pass the rescheduled test.

2. All City positions who are tested in accordance with Decision Tree 4:
   a. Before an employee is allowed to return to work to perform any duties following a verified positive drug test result, an alcohol result of 0.04 or greater, a refusal to submit to a test, or any other activity that violates the City’s drug policies, that employee must first be evaluated by a Substance Abuse Professional (SAP), and must follow the SAP recommendations and pass a return to duty test.
   b. The employee must have a verified negative drug test result or an alcohol test result of less than 0.02 to return to any work duties. If a drug test is cancelled, the City shall require the employee to submit to and pass the rescheduled test.

3. For any employee who has a Federal or City mandated drug and/or alcohol test, the City shall administer a return to duty drug test even though the original infraction was due to alcohol, or shall administer a return to duty alcohol test even though the original infraction was drug-related.

R. Follow-up Testing

1. Once allowed to return to duty, an employee shall be subject to unannounced follow-up testing for at least twelve (12) months but not more than sixty (60) months. Frequency and duration of follow-up testing shall be at a minimum once per quarter for a one (1) year period or as recommended by the Substance Abuse Professional as long as the minimum of six tests are performed during the first twelve (12) months after the employee has returned to duty.

2. Employees who are in a random pool and are subject to follow-up testing must also remain in the standard random pool and be tested if selected by the random number.

3. If the employee is subject to drug follow-up testing, the City may require the employee to take one or more follow-up alcohol tests with a result of less than 0.02. If the employee is subject to alcohol follow-up tests, the City may require follow-up drug tests with a verified negative result.

S. Voluntary Referral to a Substance Abuse Treatment Program or Facility

Employees who voluntarily report a substance or alcohol abuse problem prior to being required to take a controlled substance or alcohol test as defined in this policy, will not be subject to disciplinary action if they voluntarily and conscientiously seek substance abuse assistance and agree to a treatment plan prescribed by the Substance Abuse Professional (SAP). The SAP shall be either a licensed physician, certified psychologist, social worker, employee assistance professional or addiction counselor.

1. Voluntary referral is defined as when an employee admits themselves to a treatment program or facility prior to:
   a. the required drug and/or alcohol test for a position change such as promotion, demotion, or transfer; or
   b. being selected from one of the random drug testing pools; or
   c. being involved in an incident that meets the criteria for a post-accident drug and/or alcohol test as outlined in Addendum E of Attachment A; or
   d. being required to take a drug and/or alcohol test based on reasonable suspicion

2. An employee shall not be allowed to use voluntary referral after being arrested and/or charged by a law enforcement entity:
   a. for any felony, including felony drug charges, including but not limited to felony drug possession, felony drug trafficking, and/or conspiracy; or
   b. for any misdemeanor drug trafficking offense; or
   c. for driving under the influence (DUI) or boating under the influence (BUI) and it being a second offense or greater as defined by Kentucky Revised Statutes (KRS) 189A.010; or
   d. for any alcohol offense that includes “with aggravating circumstances” or “contributing to the delinquency of a minor” or “unlawful transaction with a minor”.

An employee who wishes to voluntarily refer himself/herself to a substance abuse treatment program or facility after being arrested and/or charged with a drug and/or alcohol offense, must present or have presented to the City, the arrest citation before the employee is authorized to use this section of the
policy. If an employee is convicted of a Local, State and/or Federal law and receives a sentence that is incompatible with his or her job duties, the employee may be disciplined up to and including termination. However, if an employee is not convicted of the above referenced offense(s), then the employee would be allowed to use voluntary referral after the final adjudication of the charge(s).

3. An employee who voluntarily acknowledges a substance misuse or abuse problem may request, in writing, a leave of absence through the Human Resources (HR) Department.
   a. The leave shall be used to attend any professionally approved drug and/or alcohol rehabilitation program at the employee’s own expense and within the parameters of the City’s health insurance plan.
   b. The leave shall be for the employee to attend a treatment program until he/she has been released by the Substance Abuse Professional (SAP) as being able to return to work; this means that the employee shall have a verified negative drug and/or alcohol test prior to be able to return to work.
   c. Before the employee can return from the approved leave, the City, at its own expense, shall send the employee to their contracted drug testing facility for a return-to-work drug and alcohol test.

4. An employee who voluntarily reports himself/herself having a substance or alcohol abuse problem prior to any condition outlined in section 1, shall be required to meet with a Human Resources representative to receive an explanation of the terms of continued employment and be provided a copy of the Controlled Substance/Alcohol Abuse Last Chance Agreement:
   a. The employee shall be required to agree to and sign a Controlled Substance/Alcohol Abuse Last Chance Agreement.
   b. The agreement consists of but not limited to the following actions (after treatment has been completed):
      i. The employee must, at all times, report and validate any prescription drug which he/she is taking to the Human Resources Director or designee prior to starting work.
      ii. The employee is subject to and required to submit to unannounced controlled substance and alcohol testing for a period of at least twelve (12) months but no longer than thirty-six (36) months after resuming work-related duties. The City is responsible for paying for the unannounced controlled substance and alcohol testing as required by this Last Chance Agreement. **ANY POSITIVE TEST WILL RESULT IN IMMEDIATE CHARGES FOR TERMINATION.**
      iii. The employee must maintain satisfactory work performance and work attendance. If work performance or attendance is unsatisfactory, disciplinary action up to and including termination may be warranted.
      iv. The employee must understand that if the problem is not corrected and satisfactory job performance is not maintained, he/she will be subject to disciplinary action up to and including termination.
   c. Failure to seek assistance as identified herein or failure to abide by the terms of the treatment plan shall be grounds for termination.
   d. Controlled Substance/Alcohol Abuse Last Chance Agreement may be utilized ONE time by an employee for reasons related to drugs or alcohol, throughout the duration of his or her career, whether or not his or her employment is continuous, unless otherwise required by the Americans with Disabilities Act, the Family Medical Leave Act, or applicable law.
   e. If a leave of absence from work is the result of a voluntary referral substance dependency, the following actions are required:
      i. Weekly verification to Human Resources that the treatment is on-going until such time a full release is garnered which is then submitted to Human Resources prior to returning to work. If the employee is unable to contact Human Resources to verify treatment, the employee must authorize and request the healthcare provider treating the dependency issue to release information regarding their **attendance and cooperation** to the City of Henderson. **FAILURE TO PROVIDE WEEKLY VERIFICATION OR A REPEAT OCCURRENCE OF SUBSTANCE ABUSE OR VIOLATION OF ANY OTHER ASPECT OF THE CITY’S DRUG AND ALCOHOL-FREE WORKPLACE POLICIES MAY RESULT IN IMMEDIATE DISCIPLINARY ACTION UP TO AND INCLUDING TERMINATION.**
5. An employee who has self-reported a drug and/or alcohol problem and is being treated as an outpatient for said problem, is not allowed to work for the City until the employee has:
   a. been released by the Substance Abuse Professional (SAP); and
   b. has successfully completed return-to-duty testing as being able to return to work; and
   c. has a verified negative result of the drug and alcohol test from the City’s designated drug testing facility.

T. Additional Requirements

1. A refusal to provide either specimen will constitute insubordination and a presumption of impairment and may result in disciplinary action up to and including termination.
2. Any employee given a non-DOT drug test may request, in advance of the original test, that a portion of the original specimen be delivered to a third party for testing at the employee’s expense. DOT testing does not allow for split sampling.
3. The results of any such test will constitute medical information and will remain confidential except for their use in official safety investigations, or any actions necessary to defend the discipline or termination of the employee.
4. For all classifications, a negative-dilute test result is considered a negative test and further testing is not required.
5. All probationary employees who have a verified positive drug or alcohol test will be recommended for disciplinary action up to and including termination by their department head to the appointing authority [City Manager].

U. Behavior that Constitutes a Refusal to Submit to a Test: Drugs

1. Failure to cooperate with any part of the testing process which includes but not limited to the:
   a. Failure to appear at the urine collection site when directed to report;
   b. Failure to remain at the urine collection site;
   c. Fail to permit a monitored or observed urine collection;
   d. Fail to provide a urine specimen;
   e. Fail to provide a sufficient amount of urine;
   f. Fail or decline to take an additional drug test the employer or collector has directed;
   g. Fail to undergo a medical examination or evaluation the MRO or employer has directed;
   h. Fail to cooperate with any part of the urine collection process;
   i. For an observed collection, fail to follow the instructions to raise and lower clothing and turn around;
   j. Possess or wear a prosthetic or other device that could be used to interfere with the collection process;
   k. Admit to collector to having adulterated or substituted the specimen;
   l. Adulterate or substitute a urine specimen;
   m. Admit to MRO to having or substituted the specimen;
   n. Fail appear for an alcohol test when directed to report;
   o. Fail to remain at the alcohol test site;
   p. Fail to provide adequate amount of saliva or breath;
   q. Fail to provide a sufficient breath specimen;
   r. Fail to undergo a medical examination or evaluation as the employer has directed as part of the insufficient volume breath procedures;
   s. Fail to sign the certification statement at Step 2 of the ATF;
   t. Fail to cooperate with any part of the alcohol testing process
2. Any of the above actions shall result in disciplinary action up to and including termination.

V. Testing Procedure for Federally Mandated Job Classifications: Drugs

1. Under drug testing regulations for safety-sensitive employees (FTA) and for commercial vehicle drivers (CDL holders), the City is required to conduct laboratory testing of urine specimens for five panels of drugs and for adulterants. Identification of either a drug or its metabolite in the urine indicates use of the drug in the recent past. Regulations require testing for the following drugs or their metabolites:
   a. Marijuana
b. Cocaine
c. Opiates (e.g., heroin, morphine, codeine)
d. Opiates Semi-synthetic (e.g. hydromorphone, hydrocodone)
e. 6-Acetylmorphine
f. Oxycodones (e.g. oxymorphone, oxycodone)
g. MDA Analogues (e.g. methylenedioxymethamphetamine)
h. Phencyclidine (PCP)
i. Amphetamines (e.g., racemic amphetamine, dextroamphetamine, methamphetamine)

2. Specimen Collection
   a. All urine specimens must be collected at an appropriate collection site and testing shall be conducted by a certified laboratory shall conduct the testing. A collection site is defined as a place designated by the City where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs or of their metabolites.
   b. Regardless of the collection site location, it shall meet the SAMSHA, FTA, FMCSA, and PHMSA guidelines as listed in 49 CFR Part 40 as well as 803 KAR 25:280.
   c. The site will have a privacy enclosure for urination, a toilet, a suitable clean writing surface, and a water source for hand washing, which if practicable, will be outside the privacy enclosure.

3. Collection Site Personnel
   a. The collection site personnel are responsible for the integrity of the specimen collection and transfer process, and for ensuring the dignity and privacy of the donor to the greatest extent possible.
   b. Regardless of the background and training of the collection site staff, the City shall provide them with clear and unambiguous written instructions on collecting specimens.

4. Collection Process
   a. Collection shall conform to the standards and regulations per 49 CFR 40.
   b. In the event that the employee requests third party testing of a non-DOT test, the site personnel shall be given advance notice, before testing begins, that a portion of the original specimen be delivered to a third party for testing. This test is at the employee’s expense.

5. Regulations require that a qualified Medical Review Officer (MRO) review all drug testing laboratory results. The purpose of this review is to verify and validate test results. An MRO is defined in the regulations as a licensed physician responsible for receiving laboratory results generated by an employer’s drug testing program that 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 or her medical history and any other relevant biomedical information.

6. The City shall strictly adhere to all standards of confidentiality to protect employees and the integrity of the drug and alcohol testing process, safeguard the validity of that the test results, and ensure the test results are attributed to the correct employee.
   a. The City shall assure all employees that testing records and results will be released only to those authorized by 49 CFR 40, FMCSA, FTA, or PHMSA rules to receive information, or to the National Transportation Safety Board (NTSB) about any post-accident test performed for an accident under NTSB investigation, or:
      i. in the event of a lawsuit or Civil Service/Board of Commissioner hearing; or
      ii. in the event of a grievance or other proceeding initiated by or on behalf of the employee arising from the results of an alcohol or controlled substance test; or
      iii. in a proceeding relating to a benefit sought by the employee, such as workers’ compensation or unemployment insurance; or
      iv. in the event of specific written instructions from the employee to release test results to a third party; or
      v. in the event of a written request from the employee to receive a copy of any records relating to his/her test.
b. The City shall instruct to the Medical Review Officer (MRO), the Breath Alcohol Breath Alcohol Technician (BAT), the Substance Abuse Professional (SAP), the collection agency, the testing laboratory, and its Employee Assistance Program (EAP) provider that each shall be held to strict confidentiality requirements including but not limited to the following:
   i. the testing laboratory is prohibited from releasing individual test results to anyone except the designated MRO; or
   ii. the MRO, BAT, SAP, and EAP are prohibited from releasing individual test results to anyone except the Human Resources Director who serves as the Drug and Alcohol Program contact/manager, or to the individual who was tested.

c. City actions as the employer and consequences for the employee are contingent upon drug test results as verified by the MRO and are outlined in Section X of this policy, Addendum D of this policy, and/or Article 520 of the City of Henderson Employee Manual.

W. Testing Procedure for City Mandated Job Classifications: Drugs

1. Under drug testing policies of the City, the City is required to conduct laboratory testing of urine specimens for eleven types of drugs and for adulterants. Identification of either a drug or its metabolites in the urine indicates uses of the drug in the recent past. This policy requires testing for the following drugs or their metabolites:
   a. Amphetamines
   b. Cannabinoids/THC
   c. Cocaine
   d. Opiates
   e. Phencyclidine (PCP)
   f. Benzodiazepines
   g. Propoxyphene
   h. Methaqualone
   i. Methadone
   j. Barbiturates
   k. Synthetic narcotics; synthetic cannabinoids

2. Specimen Collection
   a. All urine specimens must be collected at an appropriate collection site and a certified laboratory shall conduct the testing in accordance with SAMSHA guidelines. A collection site is defined as a place designated by the City where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs or of their metabolites.
   b. Regardless of the collection site location, it shall meet the guidelines as listed in 49 CFR Part 40.
   c. The site will have a privacy enclosure for urination, a toilet, a suitable clean writing surface, and a water source for hand washing, which if practicable, will be outside the privacy enclosure.

3. Collection Site Personnel
   a. The collection site personnel are responsible for the integrity of the specimen collection and transfer process and for ensuring the dignity and privacy of the donor to the greatest extent possible.
   b. Regardless of the background and training of the collection site staff, the City shall provide them with clear and unambiguous written instructions on collection specimens.

4. Collection Process
   a. Collection shall conform to the industry standards,
   b. The site personnel shall be given advance notice, before testing begins, that a portion of the original specimen be delivered to a third party for testing. This test is at the employee’s expense.

5. Regulations require that a qualified Medical Review Officer (MRO) review all drug testing laboratory results. The purpose of this review is to verify and validate the test results. An MRO is defined in the regulations as a licensed physician responsible for receiving laboratory results generated by an employer’s drug testing program, which 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 or her medical history and any other relevant biomedical information.
6. The City shall strictly adhere to all standards of confidentiality to protect employees and the integrity of the
drug and alcohol testing process, safeguard the validity of the test results, and ensure that the test results are
attributed to the correct employee.
a. The City shall assure all employees that testing records and results will be release only to those authorized
to receive information or to the National Transportation Safety Board (NTSB) about any post-accident
test performed for an accident under NTSB investigations; or
i. In the event of a lawsuit of Civil Service/Board of Commissioners hearing; or
ii. In the event of other proceeding initiated by or on behalf of the employee arising from the results of
an alcohol or controlled substance test; or
iii. In a proceeding relating to a benefit sought by the employee, such as workers’ compensation or
unemployment insurance; or
iv. In the event of specific written instructions from the employee to release test results to a third party; or
v. In the event of a written request from the employee to receive a copy of any records relating to his/her
test.
b. The City shall instruct the Medical Review Officer (MRO), the Breath Alcohol Technician (BAT), the
Substance Abuse Professional (SAP), the collection agency, the testing laboratory, and its Employee
Assistance Program (EAP) provider that each shall be held to strict confidentiality requirement including
but not limited to the following:
i. The testing laboratory is prohibited from releasing individual test results to anyone except the
designated MRO; or
ii. The MRO, BAT, SAP, and EAP are prohibited from releasing individual test results to anyone except
the City’s Human Resources Director, who serves as the Drug and Alcohol Program
contact/manager, or to the individual who was tested.
c. City actions as the employer and consequences for the employee are contingent upon drug test results as
verified by the MRO and are outlined in Section X of this policy, Addendum D of the policy, and/or
Article 520 of the City of Henderson Employee Manual.

X. Behavior that Constitutes a Refusal to Submit to a Test: Alcohol

1. Failure to cooperate with any part of the testing process which includes but not limited to:
a. Failure to appear for the test within a reasonable timeframe defined by the City; or
b. Failure to remain at the testing site until the testing process is complete; or
c. Failure to provide an adequate amount of saliva or breath; or
d. Failure to provide sufficient breath specimen, and the physician has determined, through a required
medical evaluation, that there was no adequate medical explanation for the failure; or
e. Failure to undergo a medical examination or evaluation, as directed by the City as part of the insufficient
breath procedures; or
f. Failure to sign the certification at Step 2 of the alcohol testing form.
2. Any of the above actions shall result in disciplinary action up to and including termination.

Y. Testing Required: Alcohol

1. Regulations require the City to conduct breath alcohol testing on safety-sensitive employees and commercial
vehicle drivers (CDL holders). The initial screen test may be conducted using an evidential breath testing
device (EBT), or a non-evidential alcohol screen device (ASD), approved by the National Highway Traffic
Safety Commission (NHTSA). The confirmatory test can only be conducted using an EBT. ASDs may only
be operated by trained and qualified Screen Test Technicians (STT) and EBTs may only be operated by a
trained and qualified Breath Alcohol Technician (BAT).
2. Federal regulations and City policy prohibit the City from allowing an employee with an alcohol
concentration of 0.04 or greater to perform any work, especially safety-sensitive or commercial vehicle
driving duties until that employee has been evaluated by a SAP and has passed a return to duty test. An
employee with an alcohol concentration of 0.02 or greater but less than 0.04 will be removed from duty for
twenty-four (24) hours or until a retest shows an alcohol concentration of less than 0.02.
3. City actions as the employer and consequences for the employee are contingent upon alcohol test results verified by the MRO and are outlined in Section X of this policy, Addendum D of this policy, and/or Article 520 of the City of Henderson Employee Manual.

4. Alcohol Testing Site
   a. The City shall designate the test site or sites.
   b. Alcohol test shall be conducted at a site or sites that conform to all FTA, FMCSA, and PHMSA regulations.

Z. Consequences of the Use of Drugs and the Misuse of Alcohol

1. A refusal to submit to a test will:
   a. Mean immediate suspension from City employment.
   b. Be considered as an automatic positive test.
   c. Result in disciplinary action, up to and including termination.

2. A verified positive drug test will:
   a. Mean immediate suspension from City employment.
   b. Result in disciplinary action, up to and including charges filed for termination for any City employee.
   c. Any employee thus terminated from employment will be referred to a Substance Abuse Professional (SAP).

3. An alcohol concentration of 0.04 or greater will:
   a. Mean immediate suspension from City employment.
   b. Mean charges filed for a 240-hour suspension for any City employee. Any employee thus suspended will be referred to a Substance Abuse Professional (SAP) and must complete the program recommended by the SAP or MRO before being allowed to return to work.

4. An alcohol concentration 0.02 or greater but less than 0.04 will:
   a. Not be allowed to perform any safety-sensitive duties until the BAC is less than 0.02 or at the start of the next duty period, but not less than eight (8) hours following the test.
   b. Mean automatic twenty-four (24) hour suspension without pay and evaluation by a SAP for all employees on a first offense and automatic charges filed for termination on a second offense. Any employee that has a verified positive result will be referred to a SAP.

AA. Identity of Contact Person

1. The Human Resources Director represents the City as the contact for Drug and Alcohol Program employee inquiries.

2. Questions about the drug and alcohol program may be addressed to the Human Resources Director by calling 270-831-1200. The Human Resources Office address is 222 First Street, Henderson, KY 42420 or P.O. Box 673, Henderson, KY 42419-0673.

3. The City contact person’s name, office location, and telephone number shall be posted on each Department bulletin board.

AB. Additional Provisions

The City exceeds the requirements of the Federal regulations by the following provisions:

1. City DUI (Driving Under the Influence) policy states that any City employee whose essential job functions require driving as a part of the job and who is charged with a DUI off the job may be suspended from work without pay pending court action. Employees found guilty of the offense by a court of competent jurisdiction may be allowed to retain their employment with the City but are mandated to go through all legal processes to regain their licenses and also to submit to and successfully complete a program of assessment and counseling by the City’s Employee Assistance Program (EAP) professional counselors prior to being allowed to return to work.

2. Medical Awareness forms are required for those medications which might impair the safe, efficient, or proper performance of an employee’s job duties. A medical awareness Form shall be filed when a new employee is hired. A new medical awareness form shall be filed each time medications are changed or added which might impair the safe, efficient, or proper performance of an employee’s job duties.
3. All City employees are subject to requirements of the City, independent of the FTA, FMCSA, or PHMSA authority. In the event City policy differs from DOT regulations, the more stringent of the two shall be followed in accordance with state and federal laws.

AC. Policy Communication

1. Subject employees shall be made aware of the City's Drug and Alcohol Policy and the effect it will have on them. A notification letter and a copy of the policy shall be given to each employee. Each employee shall sign and date a confirmation of receipt.
2. Information concerning any available drug counseling, rehabilitation, and employee assistance program shall be distributed annually.
3. The policy shall also be communicated by:
   a. Orientation sessions;
   b. Written materials;
   c. Informational material displays;
   d. Ongoing dialogue.
4. Ongoing Awareness Program
   a. Awareness shall be reinforced during annual training by the City’s EAP provider, monthly safety meetings, newsletter articles and continuing dialogue between management and employees as well as through displays, bulletin board announcements, and informational pamphlets to serve as reminders and to reinforce the key points of the entire policy.
   b. Information concerning the effects of drugs and alcohol can be found in Addendum C.
   c. Initial training to employees and to supervisors will be provided by the EAP provider and will be provided on an ongoing basis. Each employee will be provided with at least one (1) hour initial, and at least thirty (30) minutes of refresher training each year thereafter of alcohol and substance abuse education and awareness training. At a minimum the training will consist of the dangers of drug and alcohol use and abuse, the warning signs, and the consequences of said use and abuse. Supervisory personnel will be provided, in addition to training specified in paragraph (b) of this subsection, with a minimum of thirty (30) minutes each year of alcohol and substance abuse education and awareness training which will include a minimum, signs and symptom of alcohol and substance abuse. Also included in the training will be the drug testing decision tree that is listed in Addendum E. Other training will be determined as the need arises. The City reserves the right to include other qualified instructors outside of the EAP provider's preview.

AD. Implementation

1. Implementation of the FMCSA, FTA, and PHMSA drug and alcohol program is mandated by the Federal government.
2. The policy stated herein is subject to technical revisions and/or modifications by the Federal government and therefore, changes and revisions by the City may be made, administratively, at any time and without prior notice.
3. The City of Henderson shall maintain the drug-free workplace program in compliance with all federal and state laws and regulations in accordance with 803 KAR 25:280.

AE. Records

1. Alcohol
   a. Five Year Retention
      i. Records for any employee alcohol test results indicating an alcohol concentration of 0.02 or greater;
      ii. Documentation of refusals to take required alcohol tests;
      iii. Equipment calibration documentation;
      iv. Documentation of employee evaluation and referrals;
      v. Documentation of employee disputes;
      vi. Annual Management Information Systems (MIS) reports submitted to each DOT agency.
   b. Three Year Retention
Records containing information obtained through previous employer record checks.

c. Two Year Retention
   Records related to the collection process and training.

d. One Year Retention
   Records of all test results indicating an alcohol concentration of less than 0.02.

e. Types of Records
   i. Collection process records
   ii. Records of test results
   iii. Education and training records;
   iv. Records related to other violations of the alcohol misuse rules;
   v. Records related to evaluations;
   vi. Records related to a determination by an SAP with respect to an employee's need for assistance, including records concerning the employee's compliance with the recommendations of the SAP.

2. Drugs
   a. Five Year Retention
      i. Records of an employee's verified positive controlled substances test results, including the City's copy of the custody and control form and documents presented by a covered employee to dispute the result of a required controlled substances test
      ii. Documentation of refusals to take a required controlled substance test.
      iii. Records related to:
          1. The referral and evaluation of covered employees;
          2. A determination by a Substance Abuse Professional (SAP) concerning an employee's need for referral for assistance in resolving problems associated with the use of controlled substances;
          3. An employee's entry into and completion of the program of treatment recommended by the SAP;
          4. Any required return-to-duty and follow-up controlled substances testing.
             i. Copies of the annual Management Information System (MIS) reports required to be submitted to any DOT agency
             ii. Documentation of employee disputes
   b. Three Year Retention
      Records containing information obtained through previous employer record checks.
   c. Two Year Retention
      i. Records related to the collections process.
      ii. All records related to supervisor and employee education and training.
   d. One Year Retention
      Records of negative and canceled controlled substances test results.

AF. Drug and Alcohol Information

1. Addendum A lists job classifications that fall under either the City policy or under the Department of Transportation regulations that required random drug and/or alcohol testing.
2. Addendum B lists the job classifications in the City’s random drug pools.
3. Addendum C lists the Drug and Alcohol fact sheets.
4. Addendum D lists the Consequences and Employer Actions for test results of a drug or alcohol test.
5. Addendum E is the decision tree to guide the person through the process whether or not a drug/alcohol test is required or not.

AG. Policy Approval

The Board of Commissioners of the City approved and adopted the aforementioned Drug and Alcohol Policy for all on the 27th day of February 2018.
### ADDENDUM A

#### Positions Requiring Random Drug and/or Alcohol Test

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<tr>
<th>Job Title</th>
<th>Dept. or Division</th>
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<th>Required By Alcohol Rule:</th>
<th>Required By City Policy:</th>
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<td>HWU Utility Locator</td>
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</table>
ADDENDUM B
Job Classification in Each of the Five Random Drug Pools

Random Pool One – Federal Transit Administration (Transit)
Bus Operator
Bus Operator, Part Time
Bus Operator, On-Call
Bus Preventive Maintenance Technician
Bus/Vehicle Mechanic
Mass Transit Superintendent [Director]
Office Assistant, Mass Transit
Transit Supervisor

Random Pool Two – Federal Motor Carrier Safety Administration (CDL, non-transit)
Crew Worker
Crew Worker Senior
Crew Worker, Seasonal
Equipment Operator
Equipment Operator, Senior
Garage Superintendent
Heavy Equipment Operator
HWU Maintenance Technician, Senior
HWU Mechanic
HWU Utility Locator
HWU Utility System Crew Leader
HWU Utility System Specialist
HWU Utility System Superintendent
HWU Utility System Worker I
HWU Utility System Worker II
HWU Utility System Worker III
Sanitation Superintendent
Vehicle Mechanic

Random Pool Three – Pipeline & Hazardous Materials Safety Administration (All Safety-Sensitive Classifications)
Administrative Secretary, Gas
[Assistant Drafter, Seasonal]
Assistant Gas System Director
Gas System Analyst
Gas Construction Supervisor
Gas Distribution Crew Leader
Gas Distribution Engineer
Gas Distribution Superintendent
Gas Distribution Technician
Gas Measurement Technician
Gas Measurement Technician, Senior
Gas Operations Manager
Gas Servicer
Gas System Director
Gas System Equipment Operator
Gas System Worker
Gas System Worker, Seasonal
Gas Technical Supervisor
Inventory Control Technician, Gas
Maintenance Welder, Gas
Secretary, Gas
Utility Billing Supervisor
Utilities Servicer

**Random Pool Four – Police Department (all Hazardous-duty Positions, Communications Officers & Supervisor)**
Communications Officer
Communications Officer, Lead
[Communications Supervisor]
[Emergency Communications Director]
Deputy Police Chief
Police Chief
[Police Identification Officer]
Police Lieutenant
Police Major
Police Officer
Police Officer, Reserve
Police Sergeant

**Random Pool Five – Fire Department (all Hazardous-duty Positions)**
Assistant Fire Chief
Fire Captain
Fire Chief
Fire Driver/Engineer
Firefighter
Firefighter-in-Training
Fire Lieutenant
ADDENDUM C
Drug and Alcohol Facts

The following information is provided as a part of the City of Henderson's Drug and Alcohol Awareness Program to aid City employees in understanding the physical and psychological effects of drugs and alcohol in compliance with Federal drug and alcohol regulations.

Drug Detection Periods
Detection periods vary; rates of metabolism and excretion are different for each drug and use. Detection periods should be viewed as estimates.

<table>
<thead>
<tr>
<th>Drug</th>
<th>Detection Period</th>
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</thead>
<tbody>
<tr>
<td>Amphetamines</td>
<td></td>
</tr>
<tr>
<td>Amphetamine</td>
<td>2-4 days</td>
</tr>
<tr>
<td>Methamphetamine</td>
<td>2-4 days</td>
</tr>
<tr>
<td>Barbiturates</td>
<td></td>
</tr>
<tr>
<td>Alphenal, Butethal, Secobarbital</td>
<td>1-4 days</td>
</tr>
<tr>
<td>Phenobarbital, Barbital</td>
<td>2-3 weeks or longer</td>
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<tr>
<td>Benzodiazepine (tranquillizers)</td>
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</tr>
<tr>
<td>Infrequent user</td>
<td>3 days</td>
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<tr>
<td>Frequent user</td>
<td>4-6 weeks</td>
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<tr>
<td>Cocaine</td>
<td></td>
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<tr>
<td>Benzoylecgonine</td>
<td>12-72 hours</td>
</tr>
<tr>
<td>Cannabinoids (Marijuana, THC)</td>
<td></td>
</tr>
<tr>
<td>Casual Use</td>
<td>2-7 days</td>
</tr>
<tr>
<td>Chronic Use</td>
<td>Up to 30 days</td>
</tr>
<tr>
<td>MDMA (ecstasy)</td>
<td>2-3 days</td>
</tr>
<tr>
<td>Ethanol (Alcohol)</td>
<td>12-24 hours</td>
</tr>
<tr>
<td>Methadone</td>
<td>2 hours</td>
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<tr>
<td>Opiates</td>
<td></td>
</tr>
<tr>
<td>Codeine</td>
<td>2-4 days</td>
</tr>
<tr>
<td>Hydromorphone (Dilaudid)</td>
<td>2-4 days</td>
</tr>
<tr>
<td>Morphine (for Heroin)</td>
<td>2-4 days</td>
</tr>
<tr>
<td>Oxycodone</td>
<td>1-2 days</td>
</tr>
<tr>
<td>Phencyclidine (PCP)</td>
<td></td>
</tr>
<tr>
<td>Casual Use</td>
<td>2-7 days</td>
</tr>
<tr>
<td>Chronic Use</td>
<td>Up to 30 days</td>
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Detection Periods

<table>
<thead>
<tr>
<th>Symbol</th>
<th>Target Drug/Metabolite</th>
<th>Concentration</th>
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</thead>
<tbody>
<tr>
<td>THC</td>
<td>Marijuana/Cannabis</td>
<td>50 ng/ml</td>
</tr>
<tr>
<td>COC</td>
<td>Cocaine/Benzoylecgonine</td>
<td>150 ng/ml</td>
</tr>
<tr>
<td>PCP</td>
<td>Phencyclidine</td>
<td>25 ng/ml</td>
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<tr>
<td>OPI</td>
<td>Opiates/Morphine</td>
<td>2000 ng/ml</td>
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<tr>
<td>MET</td>
<td>Methamphetamine</td>
<td>500 ng/ml</td>
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<tr>
<td>MDMA</td>
<td>Ecstasy</td>
<td>500 ng/ml</td>
</tr>
<tr>
<td>OXY</td>
<td>Oxycodone</td>
<td>100 ng/ml</td>
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<tr>
<td>AMP</td>
<td>Amphetamines</td>
<td>500 ng/ml</td>
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<td>MTD</td>
<td>Methadone</td>
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<td>BAR</td>
<td>Barbiturates</td>
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<tr>
<td>BZO</td>
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Alcohol Fact Sheet

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Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. When consumed for its physical and mood-altering effects, however, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

**Signs and Symptoms of Use**

- Dulled mental processes
- Lack of coordination
- Odor of alcohol on breath
- Possibly constricted pupils
- Sleepy or stuporous condition
- Slowed reaction rate
- Slurred speech

(Note: Except for the odor, these are the general signs and symptoms of any depressant substance.)

**Health Effects**

The chronic consumption of (alcohol an average of three servings per day of beer [12 ounces], whiskey [1 ounce], or wine [6-ounce glass] over time may result in the following health hazards:

- Decreased sexual functioning
- Dependency (up to 10% of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed “alcoholic”)
- Fatal liver diseases
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- Kidney disease
- Pancreatitis
- Spontaneous abortion and neonatal mortality
- Ulcers
- Birth defects (up to 54% of all birth defects are alcohol related)

**Social Issues**

- Two-thirds of all homicides are committed by people who drink prior to the crime.
- Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
- Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes.
- The rate of separation and divorce in families with alcohol dependency problems is seven times the average.
- Forty percent of family court cases are alcohol problem related.
- Alcoholics are 15 times more likely to commit suicide than are other segments of the population.
- More than 60% of burns, 40% of falls, 69% of boating accidents, and 76% of private aircraft accidents are alcohol related.

**The Annual Toll**

- 24,000 people will die on the nation’s highways due to the legally impaired drivers.
- 12,000 more will die on the nation’s highways due to the alcohol-affected drivers.
- 15,800 will die in non-highway accidents.
- 30,000 will die due to alcohol-caused liver disease.
- 10,000 will die due to alcohol-induced brain disease or suicide.
- Up to another 125,000 will die due to alcohol-related conditions or accidents.
Workplace Issues

- It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
- Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.
- A person who is legally intoxicated is six (6) times more likely to have an accident than a sober person.
Amphetamine Fact Sheet

Amphetamines are central nervous system stimulants that speed up the mind and body. The physical sense of energy at lower doses and the mental exhilaration at higher doses are the reasons for their abuse. Although widely prescribed at one time for weight reduction and mood elevation, the legal use of amphetamines is now limited to a very narrow range of medical conditions. Most amphetamines that are abused are illegally manufactured in foreign countries and smuggled into the U.S. or clandestinely manufactured in crude laboratories.

Description

- Amphetamine is sold in counterfeit capsules or as white, flat, double-scored "mini-bennies and is usually taken by mouth.
- Methamphetamine is often sold as a creamy white and granular powder or in lumps and in packaged in aluminum foil wraps or sealable plastic bags. Methamphetamine may be taken orally, injected or snorted into the nose.
- Trade /street names include Biphetamine, Delcobese, Detedrine, Chertol, Ritalin, speed, meth, crank, crystal, monster, black beauties, and rits.

Signs and Symptoms of Use

- Hyperexcitability, restlessness
- Dilated pupils
- Increased heart rate and blood pressure
- Heart palpitations and irregular beats
- Profuse sweating
- Rapid respiration
- Confusion
- Panic
- Talkativeness
- Inability to concentrate
- Heightened aggressive behavior

Health Effects

- Regular use produces strong psychological dependence and increasing tolerance to the drug
- High doses may cause toxic psychosis resembling schizophrenia
- Intoxication may induce a heart attack or stroke due to the spiking of blood pressure
- Chronic use may cause heart and brain damage due to severe constriction of capillary blood vessels
- The euphoric stimulation increases impulsive and risk-taking behaviors, including bizarre and violent acts
- Withdrawal from the drug may result in severe physical and mental depression

Workplace Issues

- Since amphetamines alleviate the sensation of fatigue, they may be abused to increase alertness because of unusual overtime demands or failure to get rest.
- Low-dose amphetamines use will cause a short-term improvement in mental and physical functioning. With greater use or increasing fatigue, the effect reverses and has an impairing effect. Hangover effect is characterized by physical fatigue and depression, which may make operation of equipment or vehicles dangerous.
Barbiturate Fact Sheet

Barbiturates have been used as sedatives (calming effects) and as hypnotics (sleeping pills) and have therefore been termed hypnosedatives. Due to their abuse and the danger of a fatal overdose, they are not prescribed anymore and are often replaced by tranquillizers.

Description

- Is crystallized and is often white, off-white or off-yellow in color
- Barbiturates mainly come in the form of a tablet that is sometimes dissolved and injected.
- They are also manufactured as ampoules, suppositories, capsules and syrups.
- Trade/street names include barbs, downers, blues, sekkies, purple hearts, red devils and goofballs.

Signs and Symptoms of Use

- Produces a drunken effect similar to alcohol
- Double vision
- Impaired muscular coordination
- Chronic Bronchitis
- Chronic pneumonia, and hypothermia
- Is extremely easy to overdose on this family of drugs especially when taken with alcohol or other substances such as heroin and tranquillizers.
- Physical dependence
- Psychological dependence
- Birth defects
- Use of barbiturates causes a physical and psychological dependence that is very difficult to overcome. Withdrawal from the drug may be fatal.
- In small doses, users become relaxed while at higher doses a drunken effect is produced.
- Poor motor coordination
- Slurred speech
- Disorientation and panic
- High doses may lead to respiratory depression
- Abnormally rapid heart rate
- Tremor of the hands and legs
- Acute doses may result in delirium, seizures, coma and possibly death

Workplace Issues

- Since even at low doses of this drug may result in a drunken state with less coordination, accidental injuries due to falls may happen more frequently as well as other accidents due to the effects of the drug. This is one of the many drugs that the DOT testing process does not test for. It is however, tested in an 11-panel drug test process.
Benzodiazepines Fact Sheet

Drugs in this category are widely prescribed as sedatives, to combat anxiety, as muscle relaxants, anti-epileptics and anti-convulsants. They have supplanted and are preferential to the Barbiturate groups of drugs because the risks of overdose, dependence and side-effects were thought to be less. They are very widely prescribed and are apt for abuse.

Description

- The appearance of each drug varies widely from drug-company to drug-company. Most comes as tablets, in a variety of shapes, colors and strength. Few also come available in preparation for injection, such as Valium ampoules. The tablets are sometimes crushed and injected.
- Trade/street names include Mogadon, Valium, Xanax, moggies, jellies, vallies, and rufies.

Signs and Symptoms of Use

- Drowsiness and sleepiness are often present
- Forgetfulness
- Slurred speech
- Clumsiness
- Confusion
- Perceived invulnerability
- Perceived invisibility
- Over excited and violent

Health Effects

- This family of drugs induce physical relaxation and reduces stress and anxiety
- Depression
- The user will begin to experience insomnia, anxiety, tremors and in severe cases, convulsions unless the dosage if continually increased
- There is a low risk of fatal overdose unless they are exacerbated by using other depressant drugs such as alcohol or opiates.
- It is possible to die due to severe withdrawal symptoms

Workplace Issues

The health effects often cause workplace accidents and injuries to increase. This is one of the many drugs that the DOT testing process does not test for. It is however, tested in an 11-panel drug test process.
Cocaine Fact Sheet

Cocaine is used medically as a local anesthetic. It is abused as a powerful physical and mental stimulant. The entire central nervous system is energized. Muscles are tense, the heart beats faster and stronger, and the body burns more energy. The brain experiences an exhilaration caused by a large release of neurohormones associated with mood elevation.

Description

- The source of cocaine is the coca bush, grown almost exclusively in the mountainous regions of northern South America.
- Cocaine Hydrochloride: “snorting coke” is a white to creamy granular or lumpy powder that is chopped into a fine powder before use. It is snorted into the nose, rubbed on the gums, or injected in veins. The effect is felt within minutes and lasts 40 to 50 minutes per “line” (about 60 to 90 milligrams). Common paraphernalia include a single-edged razor blade and a small mirror or piece of smooth metal, a half straw or metal tube, and a small screw cap vial or folded paper packet containing the cocaine.
- Cocaine Base: a small crystalline rock about the size of a small pebble. It boils at a low temperature, is not soluble in water, and is up to 90 percent pure. It is heated in a glass pipe and the vapor is inhaled. The effect is felt within seven (7) seconds. Common paraphernalia include a crack pipe (a small glass smoking device for vaporizing the crack crystal) and a lighter, alcohol lamp, or small butane torch for heating.
- Trade/street names include coke, rock, crack, free base, flake, snow, smoke and blow.

Signs and Symptoms of Use

- Financial problems
- Frequent and extended absences from meetings or work assignments
- Increased physical activity and fatigue
- Isolation and withdrawal from friends and normal activities
- Secretive behaviors, frequent non-business visitors, delivered packages, phone calls
- Unusual defensiveness, anxiety, agitation
- Wide mood swings
- Runny or irritated nose
- Difficulty in concentration
- Dilated pupils and visual impairment
- Restlessness
- Formication (sensation of bugs crawling on skin)
- High blood pressure, heart palpitations, and irregular rhythm
- Hallucinations
- Hyperexcitability and overreaction to stimulus
- Insomnia
- Paranoia
- Profuse sweating and dry mouth
- Talkativeness

Health Effects

- Research suggests that regular cocaine use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing irreparable damage to critical nerve cells. The onset of nervous system illnesses such as Parkinson's disease could also occur.
- Cocaine use causes the heart to beat faster and harder and rapidly increases blood pressure. In addition, cocaine causes spasms of blood vessels in the brain and heart. Both effects lead to ruptured vessels causing strokes or heart attacks.
• Strong psychological dependency can occur with one "hit" of crack. Usually, mental dependency occurs within days (crack) or within several months (snorting coke). Cocaine causes the strongest mental dependency of any known drug.
• Treatment success rates are lower than for other chemical dependencies.
• Cocaine is extremely dangerous when taken with depressant drugs. Death due to overdose is rapid. The fatal effects of an overdose are not usually reversible by medical intervention. The number of cocaine deaths has tripled in the last four (4) years.
• Cocaine overdose was the second most common drug emergency in 1986 – up from 11th place in 1980.

Workplace Issues

• Extreme mood and energy swings create instability. Sudden noises can cause a violent reaction.
• Lapses in attention and ignoring warning signals greatly increase the potential for accidents.
• The high cost of cocaine frequently leads to workplace theft and/or dealing.
• A developing paranoia and withdrawal create unpredictable and sometimes violent behavior.
• Work performance is characterized by forgetfulness, absenteeism, tardiness, and missed assignments.
Cannabinoids (Marijuana) Fact Sheet

Marijuana is one of the most misunderstood and underestimated drugs of abuse. People use marijuana for the mildly tranquilizing and mood and perception altering affects it produces.

Description

- Usually sold in plastic sandwich bags, leaf marijuana will range in color from green to light tan. The leaves are usually dried and broken into small pieces. The seeds are oval with one slightly pointed end. Less prevalent, hashish is a compressed, sometimes tarlike substance ranging in color from pale yellow to black. It is usually sold in small chunks wrapped in aluminum foil. It may also be sold in any oily liquid.
- Marijuana has a distinctly pungent aroma resembling a combination of sweet alfalfa and incense.
- Cigarette papers, roach clip holders, and small pipes made of bone, brass, or glass are commonly used. Smoking “bongs” (large bore pipes for inhaling large volumes of smoke) can easily be made from soft drink cans and toilet paper rolls.
- Trade/street names include: Marinol; THC; pot; grass; joint; reefer; Acapulco Gold; sinsemilla; Thai Sticks; hash; and hash oil.

Signs and Symptoms of Use

- Reddened eyes (often masked by eye drops)
- Slowed speech
- Distinctive odor on clothing
- Lackadaisical, “don’t care” attitude
- Chronic fatigue and lack of motivation
- Irritating cough, chronic sore throat

Health Effects

General

- When marijuana is smoked, it is irritating to the lungs. Chronic smoking causes emphysema-like conditions.
- One joint causes the heart to race and be overworked. People with undiagnosed heart conditions are at risk.
- Marijuana is commonly contaminated with the fungus Aspergillus, which can cause serious respiratory tract and sinus infections.
- Marijuana smoking lowers the body’s immune system response, making users more susceptible to infection. The U.S. government is actively researching a possible connection between marijuana smoking and the activation of AIDS in positive human immunodeficiency virus (HIV) carriers.

Pregnancy Problems and Birth Defects

- The active chemical, tetrahydrocannabinol (THC), and 60 other related chemicals in marijuana concentrate in the ovaries and testes.
- Chronic smoking of marijuana in males causes a decrease in sex hormone, testosterone, and an increase in estrogen, the female sex hormone. The result is a decrease in sperm count, which can lead to temporary sterility. Occasionally, the onset of female sex characteristics including breast development occurs in heavy users.
- Chronic smoking of marijuana in females causes a decrease in fertility and an increase in testosterone.
- Pregnant women who are chronic marijuana smokers have a higher than normal incidence of stillborn births, early termination of pregnancy, and higher infant mortality rate during the first few days of life.
- In test animals, THC causes birth defects, including malformations of the brain, spinal cord, forelimbs, and liver and water on the brain and spine.
- Offspring of test animals who were exposed to marijuana have fewer chromosomes than normal, causing gross birth defects or death of the fetus. Pediatricians and surgeons are concluding that the use of marijuana
by either or both parents, especially during pregnancy, leads to specific birth defects of the infant's feet and hands.

- One of the most common effects of prenatal cannabinoid exposure is underweight newborn babies.
- Fetal exposure may decrease visual functioning and causes other ophthalmic problems.

**Mental Function**

Regular use can cause the following effects:

- Delayed decision-making
- Diminished concentration
- Impaired short-term memory, interfering with learning
- Impaired signal detection (ability to detect a brief flash of light), a risk for users who are operating machinery
- Impaired tracking (the ability to follow a moving object with the eyes) and visual distance measurements.
- Erratic cognitive function
- Distortions in time estimation
- Long-term negative effects on mental function known as “acute brain syndrome” which is characterized by disorders in memory, cognitive function, sleep patterns, and physical condition.

**Acute Effects**

- Aggressive urges
- Anxiety
- Confusion
- Fearfulness
- Hallucinations
- Heavy sedation
- Immobility
- Mental dependency
- Panic
- Paranoid reaction
- Unpleasant distortions in body image

**Workplace Issues**

- The active chemical, THC, stores in the body fat and slowly releases over time. Marijuana smoking has a long-term effect on performance.
- A 500 to 800 percent increase in THC concentration in the past several years makes smoking three to five joints a week today equivalent to 15 to 40 joints a week in 1978.
- Combining alcohol or other depressant drugs and marijuana can produce a multiplied effect, increasing the impairing effect of both the depressant and marijuana.
Methadone Fact Sheet

Methadone is an analgesic prescribed for the relief of moderate to severe pain and is used in the detoxification treatment of opioid dependence and maintenance in narcotic addiction. Compared to morphine, methadone has a much longer duration of action, suppressing opiate withdrawal symptoms and remaining efficacious for extended period of time with repeated administration.

Description

- Methadone is a white crystalline powder or colorless crystal
- The primary route of entry into the body is through oral ingestion. However, the drug may be intravenous, intramuscular or subcutaneous injected into the body.

Signs and Symptoms of Use

- Tooth decay
- Skin rashes
- Drowsiness
- Fluid retention

Health Effects

- Cramps
- Diarrhea
- Muscle aches
- Tremors
- Insomnia
- Rapid heartbeat
- Shock
- Pulmonary edema
- Acute effects include coma, cardiac arrest, and death.

Workplace Issues

In general, laboratory studies have shown that individuals have produced dose-dependent reductions in reaction time, visual acuity, information processing, and sedation. The drug manufacturer cautions that methadone may impair the mental and/or physical abilities required for the performance of potentially hazardous tasks.
Methylenedioxymethamphetamine (MDMA/Ecstasy) Fact Sheet

MDMA is a synthetic psychoactive drug, chemically similar to both methamphetamines and the hallucinogen mescaline.

Description

- Ecstasy can be produced as a pill, caplet, or in liquid form.
- It is most commonly used as a pill, the shape and design of which may vary. They are usually white, yellow, or brown but may come in any color.
- They may be branded with symbols or logos.
- Ecstasy is a stimulant with mildly hallucinogenic effects.
- Trade/street names include Adam, bean, clarity, E, essence, eve, lover’s speed, X, and XTC.

Signs and Symptoms of Use

- Hallucinations
- Increased physical energy
- Trance-like state
- Transfixed on sights and sounds
- Very affectionate
- Possession of pacifiers or lollipops

Health Effects

- Use increases the heart rate and blood pressure
- Short term use includes the feelings of mental stimulation, emotional warmth, and enhanced sensory perception.
- Nausea
- Chills
- Sweating
- Teeth clenching
- Muscle cramping
- Blurred vision
- Severe anxiety
- Sleep problems
- Brain damage

Workplace Issues

The fact that MDMA markedly impairs information processing emphasizes the potential dangers of performing complex or even skilled activities, such as driving a car, while under the influence of this drug.
Opiates (Narcotics) Fact Sheet

Opiates (also called narcotics) are drugs that alleviate pain, depress body functions and reactions, and when taken in large doses, cause a strong euphoric feeling.

Description

- Natural and natural derivatives – opium, morphine, codeine, and heroin
- Synthetics – meperidine (Demerol), oxymorphone (Numorphan), and Oxycodone (Percodan)
- May be taken in pill form, smoked, or injected, depending upon the type of narcotic used
- Trade/street names include smack, horse, Emma, Big D, dollies, juice, syrup, and China White

Signs and Symptoms of Use

- Mood changes
- Impaired mental functioning and alertness
- Constricted pupils
- Depression and apathy
- Impaired coordination
- Physical fatigue and drowsiness
- Nausea, vomiting, and constipation
- Impaired respiration

Health Effects

- IV needle users have a high risk for contracting hepatitis and AIDS due to the sharing of needles.
- Narcotics increase pain tolerance. As a result, people could more severely injure themselves or fail to seek medical attention after an accident due to the lack of pain sensitivity.
- Narcotics effects are multiplied when used in combination with other depressant drugs and alcohol, causing increased risk for an overdose.

Social Issues

- There are over 500,000 heroin addicts in the United States, most of whom are IV needle users.
- An even greater number of medicinal narcotic-dependent persons obtain their narcotics through prescriptions.
- Because of tolerance, there is an ever-increasing need for more narcotics to produce the same effect
- Strong mental and physical dependency occurs.
- The combination of tolerance and dependency creates an increasing financial burden for the user. Costs for heroin can reach hundreds of dollars a day.

Workplace Issues

- Unwanted side effects such as nausea, vomiting, dizziness, mental clouding, and drowsiness place the legitimate user and abuser at higher risk for an accident
- Narcotics have a legitimate medical use in alleviating pain. Workplace use may cause impairment of physical and mental function.
OxyCodone Fact Sheet

Oxycotin is the brand name for a prescription pain medication containing oxycodone. It is a drug prescribed by doctors to treat severe pain. A person under the influence of oxycodone is said to be “jammed”. This drug is very addictive and prolonged use will lead to tolerance and the need for higher dosages to achieve the desired effect.

Description

- It exists in tablet, capsule, or liquid form
- The pills are crushed into a fine powder and snorted or chewed, or they are dissolved in water and the solution is injected. This is done to defeat the time-released mechanism.
- Trade/street names include Oxy, OC, killers, kickers, blue, Hillbilly heroin or Percs.

Signs and Symptoms of Use

- Euphoria
- Relaxed and calm
- Stoned or high
- Change in attitude or personality
- Loss of interest in activities and social gatherings
- Loss of appetite
- Sleeping at unusual times
- Frequent visits to multiple doctors

Health Effects

- Chemical dependence
- Mental and physical impairment
- Respiratory depression
- Headaches
- Nausea
- Seizures
- Low blood pressure
- Heart failure
- Birth defects. The child may be born with an addiction to oxycodone if taken during pregnancy. The drug is also excreted in breast milk and may cause harm to an infant being breast fed by a user.

Workplace Issues

Like many narcotic medications certain daily activities can be impaired, such as driving and other mental and physical abilities and thereby leading to an increase in workplace accidents and injuries.
Phencyclidine (PCP) Fact Sheet

Phencyclidine (PCP) was originally developed as an anesthetic, but the adverse side effects prevented its use except as a large animal tranquilizer. Phencyclidine acts as both a depressant and a hallucinogen, and sometimes as a stimulant. It is abused primarily for its variety of mood-altering effects. Low doses produce sedation and euphoric mode changes. The mood can change rapidly from sedation to excitation and agitation. Larger doses may produce a coma-like condition with muscle rigidity and a blank stare with the eyelids half closed. Sudden noises or physical shocks may cause a "freak out" in which the person has abnormal strength, extremely violent behavior, and an inability to speak or comprehend communication.

Description

- PCP is sold as a creamy, granular powder and is often packaged in one-inch square aluminum foil or folded paper “packets”.
- It may be mixed with marijuana or tobacco and smoked. It is sometimes combined with procaine, a local anesthetic, and sold as imitation cocaine
- Trade/street names include angel dust, dust, and hog

Signs and Symptoms of Use

- Impaired coordination
- Severe confusion and agitation
- Extreme mood shifts
- Muscle rigidity
- Nystagmus (jerky eye movements)
- Dilated pupils
- Profuse sweating
- Rapid heartbeat
- Dizziness

Health Effects

- The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body
- PCP is potentiated by other depressant drugs, including alcohol, increasing the likelihood of an overdose reaction
- Misdiagnosing the hallucinations as LSD induced, and then treating with Thorazine, can cause a fatal reaction
- Use can cause irreversible memory loss, personality changes, and thought disorders
- There are four phases to PCP abuse: The first phase is acute toxicity. It can last up to three days and can include combativeness, catatonia, convulsions, and coma. Distortions of size, shape, and distance perception are common. The second phase, which does not always follow the first, is a toxic psychosis. Users may experience visual and auditory delusion, paranoia, and agitation. The third phase is a drug-induced schizophrenia that may last a month or longer. The fourth phase is PCP induced depression. Suicidal tendencies and mental dysfunction can last for months.

Workplace Issues

- PCP abuse is less common today than in recent years. It is also not generally used in a workplace setting because of the severe disorientation that occurs.
## Addendum D

### Consequences and Employer Actions - Illegal Drugs/Controlled Substances

<table>
<thead>
<tr>
<th>Test Result</th>
<th>Verified Result</th>
<th>Employer Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Negative</td>
<td>Negative</td>
<td>No Action Required</td>
</tr>
<tr>
<td>Negative – Dilute</td>
<td>Negative</td>
<td>No Action or may retest</td>
</tr>
<tr>
<td>Temperature out of range</td>
<td>Inconclusive</td>
<td>Retest under Direct Observation</td>
</tr>
<tr>
<td>Evidence at Collection of Specimen tampering/substitution/adulteration</td>
<td>Inconclusive</td>
<td>Retest under Direct Observation</td>
</tr>
<tr>
<td>Positive</td>
<td>Positive – Rule Violation</td>
<td>Remove from Duty, Refer to SAP, Disciplinary Action Taken</td>
</tr>
<tr>
<td>Test Refusal/Adulteration/Substitution</td>
<td>Test Refusal – Rule Violation</td>
<td>Remove from Duty, Refer to SAP, Disciplinary Action Taken</td>
</tr>
<tr>
<td>Insufficient Volume with Medical Explanation (random, reasonable suspicion, post-accident)</td>
<td>Cancelled</td>
<td>No Action Required</td>
</tr>
<tr>
<td>Insufficient Volume with Disability- No Evidence of Drug Use (pre-employment, return-to-duty, follow-up)</td>
<td>Cancelled</td>
<td>Removed from Duty, Disciplinary Action Taken</td>
</tr>
<tr>
<td>Insufficient Volume with Evidence of Illegal Drug Use (Pre-employment, return-to-duty, follow-up)</td>
<td>Cancelled</td>
<td>Removed from Duty, Disciplinary Action Taken</td>
</tr>
<tr>
<td>Insufficient Volume with No Medical Explanation</td>
<td>Test Refusal – Rule Violation</td>
<td>Remove from Duty, Refer to SAP, Disciplinary Action Taken</td>
</tr>
<tr>
<td>Fatal Flaw/Rejected for Testing</td>
<td>Cancelled</td>
<td>No Action Required</td>
</tr>
<tr>
<td>Invalid Result with Medical Explanation</td>
<td>Cancelled</td>
<td>No Action Required</td>
</tr>
<tr>
<td>Invalid Result with no Medical Explanation</td>
<td>Cancelled</td>
<td>Retest Under Direct Observation</td>
</tr>
<tr>
<td>Primary Positive – Split Fails to Reconfirm Drug</td>
<td>Cancelled</td>
<td>Employer/MRO Notifies ODAPC</td>
</tr>
<tr>
<td>Primary Adulterated/Substituted – Split Fails to Reconfirm</td>
<td>Cancelled</td>
<td>Employer/MRO Notifies ODAPC</td>
</tr>
<tr>
<td>Primary Invalid – Split Fails to Reconfirm</td>
<td>Cancelled</td>
<td>Retest Under Direct Observation</td>
</tr>
<tr>
<td>Primary Non-negative – Split Unavailable for Testing</td>
<td>Cancelled</td>
<td>Retest Under Direct Observation</td>
</tr>
</tbody>
</table>
### Consequences and Employer Actions - Alcohol

<table>
<thead>
<tr>
<th>Test Result</th>
<th>Verified Result</th>
<th>Employer Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Negative</td>
<td>Negative</td>
<td>No Action Required</td>
</tr>
<tr>
<td>Confirmation Test $\geq .02$ but $&lt; .04$</td>
<td>Negative – Not a Rule Violation</td>
<td>Remove from Duty for 8 hours unless a Retest Results in $&lt; .02$, Disciplinary Action</td>
</tr>
<tr>
<td>Confirmation Test $\geq .04$</td>
<td>Positive</td>
<td>Remove from Duty, Refer to SAP, Disciplinary Action</td>
</tr>
<tr>
<td>Test Refusal</td>
<td>Test Refusal – Rule Violation</td>
<td>Remove from Duty, Refer to SAP, Disciplinary Action</td>
</tr>
<tr>
<td>Insufficient Volume with Medical Explanation</td>
<td>Cancelled</td>
<td>No Action Required</td>
</tr>
<tr>
<td>Insufficient Volume with No Medical Explanation</td>
<td>Test Refusal – Rule Violation</td>
<td>Remove from Duty, Refer to SAP, Disciplinary Action</td>
</tr>
<tr>
<td>Fatal Flaw (random, reasonable suspicion, post-accident)</td>
<td>Cancelled</td>
<td>No Action Required</td>
</tr>
<tr>
<td>Fatal Flaw (return-to-duty, follow-up)</td>
<td>Cancelled</td>
<td>Retest</td>
</tr>
<tr>
<td>Consumption of Alcohol while Performing Work Duties</td>
<td>Rule Violation</td>
<td>Remove from Duty, Disciplinary Action</td>
</tr>
<tr>
<td>Consumption of Alcohol within 4 Hours of Coming to Work</td>
<td>Rule Violation</td>
<td>Remove from Duty, Disciplinary Action</td>
</tr>
<tr>
<td>Consumption of Alcohol while On-call-Employee refuses Work</td>
<td>No Rule Violation</td>
<td>Remove from Duty, Disciplinary Action</td>
</tr>
<tr>
<td>Consumption of Alcohol while On-call-Employee reports to Work</td>
<td>Rule Violation if Alcohol level is $\geq .02$</td>
<td>Remove from Duty, Disciplinary Action</td>
</tr>
<tr>
<td>Consumption of Alcohol within 8 Hours Following an Accident without Previously Undergoing an Alcohol Test</td>
<td>Rule Violation if Alcohol Level is $\geq .02$</td>
<td>Remove from Duty, Disciplinary Action</td>
</tr>
</tbody>
</table>
Federal Transit Administration

Was the incident associated with the operation of a mass transit vehicle?

Was there a fatality?

NO

Was anyone immediately transported to a medical treatment facility?

NO

Was there disabling damage to any vehicle?

NO

Could any other covered employee have contributed to the accident?

YES, test driver

NO, don't test other employee

YES, test other employee

DOT drug/alcohol test required

YES

Could any other covered employee have contributed to the accident?

NO, don't test other employee

YES, test other employee

Can operator's performance be completely discounted as a contributing factor?

YES

NO

See decision tree 4

Decision Tree 1
Mass Transit Employees
Federal Motor Carrier Safety Administration

Was the occurrence involving a commercial motor vehicle on a public road?

- YES
  - Did the Law Enforcement Officer issue a citation to the driver of the vehicle?
    - NO
      - Bodily injury to a person who as a result of the injury immediately receives medical treatment away from the scene of the accident?
        - NO
          - DOT drug/alcohol test required
        - YES
          - One or more motor vehicles incur disabling damage as a result of the accident, requiring the vehicle(s) to be transported away from the scene by a tow truck or other vehicle?
            - NO
              - See decision tree 4
            - YES

- NO
  - Was there a fatality as a result of the occurrence?
    - YES
      - DOT drug/alcohol test required
    - NO
      - See decision tree 4
Pipeline and Hazardous Materials Safety Administration

Was there an event that involved a release of gas from a pipeline or of liquefied natural gas or gas from a LNG facility?

A death, or personal injury necessitating in-patient hospitalization?

Estimates property damage, including cost of gas lost, of the operator or others or both of $50,000 or more?

An event that results in the emergency shutdown of a LNG facility?

An event that is significant, in the judgment of the Operator, even though it does meet other criteria?

DOT drug test required

See decision tree 4
City of Henderson Policy

Was there a fatality in the incident?

Yes

No

Was there an injury requiring immediate professional medical assistance, excluding First Aid?

Yes

No

Can employee performance be reasonably discounted as a contributing factor to the incident?

Yes

No

Was there property damage?

Yes

No

Is there an anticipation of damages in excess of $1000.00?

Yes

No

NON-DOT drug/alcohol test required

No drug/alcohol test required
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A. POLICY STATEMENT

1. In recognition of the special hazards associated with risk of exposure to and transmission of bloodborne pathogens, including but not limited to HIV (Human Immunodeficiency Virus) and HBV (Hepatitis B Virus), the following policies and procedures are adopted by the City for all work entailing such risk.

B. INFECTION CONTROL REPRESENTATIVES

1. A City Infection Control Representative will be designated as responsible for the implementation of these policies and procedures.
2. A Department Infection Control Representative will be designated for each Department in the City in which it has been determined that a risk of exposure to employees exists.
   a. Department Infection Control Representatives will assist the City Infection Control Representative in all phases of implementation, control, and follow-up.

C. EXPOSURE CONTROL PLAN

1. In conjunction with the special policies and procedures, an Exposure Control Plan will be implemented to minimize or eliminate exposure to bloodborne pathogens.

D. UNIVERSAL PRECAUTIONS

1. All blood and body fluids will be treated as infectious, although the special hazards and higher risks of transmission with certain body fluids are recognized. Universal precautions will be used in all work activities with any potential for exposure to blood or other body fluids.

E. ENGINEERING AND WORK PRACTICE CONTROLS

1. Engineering and work practice controls shall be used to eliminate or minimize employee exposure. Where occupational exposure remains after institution of these controls, personal protective equipment shall be used. Engineering controls shall be examined and maintained or replaced on a regular schedule to ensure their effectiveness.
2. Handwashing

   a. Handwashing facilities which are readily accessible to employees shall be provided in each Department. When provision of handwashing facilities is not feasible, either an appropriate antiseptic hand cleanser in conjunction with clean cloth or paper towels or antiseptic towelettes will be provided. When antiseptic hand cleansers or towelettes are used, hands shall be washed with soap and running water as soon as feasible.
   b. Employees shall wash their hands immediately or as soon as feasible after removal of gloves or other personal protective equipment. Employees shall wash hands and any other skin with soap and water, or flush mucous membranes with water immediately or as soon as feasible following contact of such body areas with blood or other potentially infectious materials.
3. Handling of sharps

a. Contaminated needles and other contaminated sharps shall not be bent, recapped, or removed (separated from the syringe). Shearing or breaking of contaminated needles is prohibited. Contaminated needles and other contaminated sharps shall not be recapped or removed from disposable syringes unless no alternative is feasible, or such action is required by a specific medical procedure which must be documented and approved by the City Infection Control Representative prior to the use of such procedures. Recapping or needle removal shall be accomplished by a mechanical device or one-handed technique; no shearing or breaking of contaminated needles shall be performed.

b. Contaminated sharps shall be placed in appropriate containers (puncture resistant, leak proof on sides and bottom, BioHazard labeled) and shall be disposed of by transporting them to the Police Department where they will be stored in collection boxes until picked up and destroyed by qualified personnel or contractual service.

c. Contaminated reusable sharps shall be placed in appropriate containers (puncture resistant, leak proof on sides and bottom, BioHazard labeled) and shall not be stored or processed in a manner that requires employees to reach by hand into the containers where these sharps have been placed. Decontamination of reusable sharps shall be conducted by using the appropriate Reprocessing Method for Equipment as defined in Table 1 of this plan.

d. Sharps containers will be located in the evidence collection area of the Police Department and in each Police cruiser, in each Fire Station and on at least one truck at each Fire Station, at the Atkinson Park Pool First Aid Room, at the City Garage, on each City Maintenance Department truck, and at the HART Garage. Additionally, any Public Works vehicle responding to an accident shall carry a sharps container.

e. Police officers should consider all other sharps (knives, scalpels, etc.) to be contaminated and shall handle them with extraordinary care.

   i. When feasible, leather gloves shall be worn when searching suspects for or handling sharps.
   
   ii. Officers shall not place their hands in areas where sharp instruments might be concealed. An initial visual search of the area should be conducted, using a flashlight when necessary. The suspect may also be asked to remove such objects from his/her person.
   
   iii. Needles and other sharps shall be placed in a puncture resistant container when being collected for evidentiary or disposal purposes.

4. Personal Habits and Food and Drink

a. Eating, drinking, smoking, application of cosmetics or lip balm, and handling contact lenses are prohibited in work areas with reasonable likelihood of occupational exposure to bloodborne pathogens (i.e., the evidence collection area of the Police Department, and the First Aid area at Atkinson Park Pool).

b. Food and drink shall not be kept in refrigerators, freezers, shelves, cabinets, or on countertops or bench tops where blood or other potentially infectious materials are present.

5. Specific Work Practices

a. All procedures involving blood or other potentially infectious materials shall be performed in such a manner as to minimize splashing, spraying, spattering, and generation of droplets of these substances. No objects should be placed in the mouth. The nose, mouth, and eyes should not be touched during or after contact with any potential infectious material until proper handwashing procedures have been followed. Special care and precautions shall be taken at any time an employee may have open cuts or sores or dermatitis that may compromise the barrier protection provided by the skin. Employees in departments where occupational exposure risk has been determined shall report to work with waterproof bandages on open cuts or sores.

b. The minimum number of personnel required shall be involved with any procedure entailing exposure to bloodborne pathogens and exposure time should be minimized.

6. Storage and Transport of Blood or Other Infectious Body Fluids
a. The container for storage, transport, or shipping (including freezers and refrigerators used for storage of blood or other potentially infectious materials) shall be BioHazard labeled or color-coded with fluorescent orange or orange-red labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by a method which will prevent loss or unintentional removal, or in red bags substituted for labels (except for containers of blood, blood components, or blood products that are labeled as to their contents and have been released for clinical or laboratory use) and closed prior to being stored, transported or shipped.

b. If outside contamination of the primary container occurs, the primary container shall be placed within a second container which prevents leakage during handling, processing, storage, transport, or shipping and is labeled or color-coded with fluorescent orange or orange-red labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by a method which will prevent loss or unintentional removal or in red bags substituted for labels.

c. If the specimen could puncture the primary container, the primary container shall be placed within a secondary container which is puncture resistant in addition to the above characteristics.

d. When a Police Officer is required to transport or take into custody any person who may have a communicable disease or where blood or other body fluids are present, no officer shall refuse to arrest or otherwise physically handle that person(s).

   i. Individuals with body fluids on their persons shall be transported in separate vehicles from other individuals being transported by Police Officers. The individual may be required to wear a suitable protective covering if he/she is bleeding or otherwise emitting body fluids.

   ii. Officers have an obligation to notify supervisory personnel during a transfer of custody when the suspect has body fluids present on his/her person or has stated that he/she has a communicable disease. The supervisor shall then inform the Police Department Infection Control Representative within 24 hours of the incident.

   iii. Officers shall notify jail personnel when a suspect taken into custody and transported to jail has blood or other body fluids on his/her person or has stated that he/she has a communicable disease.

   iv. For Officers or Firefighters who may have to touch or remove a body, all precautions and preventive measures should be exercised, i.e., wear gloves and other protective clothing, cover cuts or abrasions with waterproof bandages, etc., and then wash all exposed areas after contact with any blood or other body fluids. The same precautions should be taken when handling amputated body parts.

e. If the Police Department has to store any evidence that has been contaminated with blood, body fluids, or other potentially infectious material, such evidence shall be dried, double bagged in BioHazard bags and clearly marked to identify contents.

7. Equipment Contaminated by Blood or Other Infectious Body Fluids

a. Equipment which may become contaminated with blood or other potentially infectious materials shall be examined prior to utilization, servicing, or transporting and shall be decontaminated as necessary unless unfeasible. If unfeasible, the reason(s) for inability to decontaminate the equipment shall be documented by the Department Infection Control Representative and those portions that have not been decontaminated shall be labeled or color-coded with fluorescent orange or orange-red labels with lettering or symbols in a contrasting color affixed as close as possible to the contaminated portion by a method which will prevent loss or unintentional removal or if feasible, placed in red bags substituted for labels. Further, the Department Infection Control Representative shall ensure that this information is conveyed to all affected employees, the servicer, transporter, or other interested parties as appropriate, prior to handling, servicing, utilizing, transporting, etc., so that all necessary precautions shall be taken. The Department Infection Control Representative shall notify the City Infection Control Representative of the procedure/precautions taken and shall list all who were notified or provided the information.
8. Personal Protective Equipment

a. All employees performing tasks entailing reasonably anticipated exposure to blood or other potentially infectious materials will be provided and are required to use appropriate personal protective equipment, such as, but not limited to, gloves, gowns, laboratory coats, face shields or masks, eye protection, mouthpieces, resuscitation bags, pocket masks, or other ventilation devices. Such equipment shall be repaired or replaced as needed to maintain its effectiveness, at no cost to the employees. It is the responsibility of the Department Infection Control Representative to inspect such equipment and to notify the Department Head in writing when equipment needs to be repaired, replenished, or replaced. It is the responsibility of the Department Head to order and replenish supplies of personal protective equipment in quantities sufficient to meet the needs of all covered employees. The Department Head shall consult with the Department Infection Control Representative to ensure that supplies are repaired, replenished, or replaced as necessary.

b. Personal protective equipment will be considered "appropriate" only if it does not permit blood or other potentially infectious materials to pass through to or reach the employee's work clothes, street clothes, under garments, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the duration of time which the protective equipment will be used.

c. Appropriate personal protective equipment in the appropriate sizes shall be available and readily accessible at the worksite or issued to employees as necessary. Hypoallergenic gloves, glove liners, powderless gloves, or other similar alternatives shall be readily accessible to those employees who are allergic to the glove normally provided. The Department Infection Control Representative shall survey covered employees to determine if such allergies exist and then ensure that supplies are readily available.

d. Any garment penetrated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible. All personal protective equipment shall be removed prior to leaving the work area or workplace. When personal protective equipment is removed it shall be placed in an appropriately designated area or container for storage, washing, decontamination or disposal.

e. Personal protective gloves shall be worn when it can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious material, mucous membranes, and non-intact skin.

f. Disposable (single-use) gloves such as surgical, examination, or utility gloves shall be replaced as soon as practical when contaminated or as soon as feasible if they are torn, punctured, or when their ability to function as a barrier is compromised and shall not be washed or decontaminated for re-use.

g. Masks in combination with eye protection devices, such as goggles or glasses with solid side shields, or chin-length face shields, shall be worn whenever splashes, spray, spatter, or droplets of blood or other potentially infectious materials may be generated and eye, nose, or mouth contamination can be reasonably anticipated.

h. Protective clothing such as, but not limited to, gowns, aprons, lab coats, clinic jackets, or similar outer garments shall be worn in situations with reasonably anticipated exposure to blood or other potentially infectious materials. The type and characteristics will depend upon the task(s) and the degree of exposure anticipated.

i. Overalls, aprons, shoe covers, or boots shall be worn in instances when gross contamination can be reasonably anticipated (i.e., accident scenes, homicides, etc.).

j. For Police Officers, Firefighters, and Lifesaving personnel at Atkinson Park Pool, or other personnel designated as first providers, authorized resuscitation devices shall be used whenever CPR or mouth-to-mouth resuscitation is performed.

9. Cleaning and Disinfection

a. All Department worksites shall be maintained in a clean and sanitary condition. The specific written schedules for cleaning and the methods of decontamination outlined shall be followed.

b. All equipment and environmental working surfaces shall be cleaned and decontaminated after contact with blood or other potentially infectious materials.

c. Contaminated work surfaces shall be decontaminated with an appropriate disinfectant immediately or as soon as feasible when surfaces are overtly contaminated or after any spill of blood or other potentially
infectious materials and at the end of any work shift if the surface may have become contaminated since the last cleaning.

d. Protective coverings, such as plastic wrap, aluminum foil, or imperviously-backed absorbent paper used to cover equipment and environmental surfaces shall be removed and replaced as soon as feasible when they become overtly contaminated or at the end of any work shift if they may have become contaminated during the shift or since the last cleaning.

e. All bins, pails, cans, and similar receptacles intended for reuse which have a reasonable likelihood for becoming contaminated with blood or other potentially infectious materials shall be inspected and decontaminated according to the Cleaning Schedule and decontaminated immediately or as soon as feasible upon visible contamination.

f. Broken glassware (to include broken glass at accident scenes) which may be contaminated shall not be picked up directly with the hands. It shall be cleaned up using mechanical means, such as a brush or broom and dustpan, tongs, or forceps.

g. Contaminated sharps shall be discarded immediately or as soon as feasible in containers that are closable, puncture resistant, leak proof on sides and bottom and labeled or color-coded with fluorescent orange or orange-red labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by a method which prevents loss or unintentional removal, or in red bags substituted for labels.

h. During use, containers for contaminated sharps shall be easily accessible to personnel and located as close as is feasible to the immediate area where sharps are used or can be reasonably anticipated to be found, maintained upright throughout use, and replaced routinely and not be allowed to overfill.

i. When moving containers of contaminated sharps from the area of use, the containers shall be closed immediately prior to removal or replacement to prevent spillage or protrusion of contents during handling, storage, transport, or shipping and placed in a secondary container if leakage is possible. The second container shall be closable, constructed to contain all contents and prevent leakage during handling, storage, transport, or shipping, and labeled or color-coded with fluorescent orange or orange-red labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by a method which prevents loss or unintentional removal, or in red bags substituted for labels.

j. Reusable containers shall not be opened, emptied, or cleaned manually or in any other manner which would expose employees to the risk of percutaneous injury.

k. For HART vehicles, all surfaces contaminated with blood or other potentially infectious materials shall be promptly cleaned using an EPA-approved germicide or a 1:100 solution of household bleach in the following manner:

   i. Personal protective equipment such as gloves, overalls, shoe covers, etc. shall be worn. If splashing is anticipated, protective eyewear or face shields shall be worn;

   ii. Visible material should first be removed with disposable towels or other appropriate means that will ensure against direct contact with blood or other potentially infectious materials;

   iii. The contaminated area should then be decontaminated with an appropriate germicide by following manufacturer's directions;

   iv. Disposable gloves should be rinsed before removing and hands shall be washed immediately following removal of gloves; hand lotion shall be applied after disinfection to prevent chapping and to seal cracks and cuts on the skin;

   v. Soiled cleaning equipment and disposable personal protective equipment shall be placed in an appropriate container and transported according to policy to the Ambulance Service for appropriate disposal.

   vi. All HART vehicles taken to the HART garage for scheduled cleaning/washing/servicing, shall routinely have the interiors cleaned with an appropriate EPA-approved disinfectant.

   vii. When areas are contaminated by massive amounts of blood or other potentially infectious material, disposable, impervious shoe coverings shall be worn. Gloves shall be worn to remove contaminated disposable protective shoe coverings. Coverings, gloves, other disposable protective equipment, and other contaminated material shall be placed in BioHazard plastic bags for disposal.

l. Employees in all Departments shall remove clothing contaminated by blood or other potentially
infectious materials as soon as feasible. Employees shall thoroughly cleanse contaminated skin surfaces. Each Department shall provide a change of clean clothes to wear until the employee can change into appropriate uniform(s), working, or street clothes. Under no circumstances shall employees wear contaminated clothing home or during the remainder of their work shift.

m. For Police Department vehicles contaminated by blood or other potentially infectious materials:

   i. A supervisor shall be notified immediately, and the vehicle shall be taken to the City Garage as soon as feasible for decontamination;

   ii. It is the responsibility of the supervisor to notify the Department Infection Control Representative of the circumstances and steps taken to initiate decontamination; the Department Infection Control Representative shall document all such circumstances and procedures;

   iii. Affected vehicle(s) shall be immediately identified to City Garage supervisors who will ensure that trained personnel shall begin decontamination of the vehicle(s); said vehicle(s) shall be tagged with appropriate BioHazard labels upon arrival at the City Garage shall remain so tagged while awaiting decontamination;

   iv. All Police Department vehicles taken to the City Garage for scheduled cleaning/washing/servicing shall routinely have the interiors cleaned with an appropriate EPA-approved disinfectant.

10. Medical Waste

   a. Medical waste shall be considered to be any liquid or semi-liquid blood or other potentially infectious materials, dried blood, or other potentially infectious materials in any form. This includes any items which may have such materials on them in any form with the exception of reusable equipment, instruments, or personal protective clothing and equipment which undergoes proper decontamination procedures.

   b. Medical waste shall be placed in containers which are closable, constructed to contain all contents and prevent leakage of fluids during handling, storage, transport, or shipping, and labeled or color-coded with fluorescent orange or orange-red labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by a method which prevents loss or unintentional removal, or in red bags substituted for labels. These shall be closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.

   c. If outside contamination of such containers occurs, it shall be placed in a second container. The second container shall be closable, constructed to contain all contents and prevent leakage of fluids during handling, storage, transport, or shipping, and labeled or color-coded with fluorescent orange or orange-red labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by a method which prevents loss or unintentional removal, or in red bags substituted for labels. This container shall be closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.

   d. Disposal of all sharps and medical waste as well as all disposable contaminated materials shall be in accordance with applicable regulations for the United States, the Commonwealth of Kentucky, and the City.

11. Laundry Practices

   a. Contaminated laundry shall be handled as little as possible with a minimum of agitation and shall be bagged or containerized at the location where it was used and shall not be sorted or rinsed in the location of use. Contaminated laundry shall be placed and transported in bags or containers labeled or color-coded with fluorescent orange or orange-red labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by a method which prevents loss or unintentional removal, or in red bags substituted for labels. Universal Precautions shall be used in the handling of all soiled laundry.
b. Whenever contaminated laundry is wet and presents a reasonable likelihood of soak through of or leakage from the bag or container, the laundry shall be placed and transported in bags or containers which prevent soak through or leakage of fluids to the exterior.

c. All employees who have contact with contaminated laundry shall wear protective gloves and other appropriate personal protective equipment.

d. All reusable, washable, personal protective equipment and all uniforms, work clothes, or personal clothing that becomes contaminated by blood or other potentially infectious materials, shall be removed as soon as feasible and transported using appropriate methods to the City Municipal Center. The City Infection Control Representative shall be informed in advance that such laundry is being transported to the Municipal Center. It shall be the responsibility of the Infection Control Representative of the Department from which such laundry has been generated to ensure that appropriate bagging and tagging of said potentially contaminated laundry has been performed. The City Infection Control Representative will call Pearl Cleaners in Evansville, Indiana, (812-425-6121) to arrange for pickup of said laundry. If pick up is not available, the City Infection Control Representative shall arrange for transport of the laundry to Pearl Cleaners in Evansville. The City Infection Control Representative will ensure that such laundry is kept under lock and key awaiting pick up or transport and that the area for storage shall be labeled or color-coded with BioHazard fluorescent marking. The appropriate Department Infection Control Representative shall inform the City Infection Control Representative of the circumstances and conditions leading to possible contamination and the procedures followed in transport and shall document all steps, conditions, circumstances, and procedures and shall then submit a written report of each occurrence to the City Infection Control Representative.

i. For extreme contamination from blood, body fluids, or other potentially infectious materials, removal of the contaminants from reusable personal protective equipment is necessary, followed by appropriate cleaning. In the case of Bloodborne Pathogens, recommended decontamination procedures include using a .5 to 1% concentration of Lysol, or a 3-6% concentration of stabilized hydrogen peroxide. Liquid glutaraldehyde, available through commercial sources, will also provide high to intermediate levels of disinfectant activity. If it is determined that decontamination is not possible, the Department Infection Control Representative should be notified and in consultation with the Department Head shall determine whether or not the equipment should be discarded. If the equipment is to be discarded, it shall be in accordance with Federal, State, and City regulations. Equipment that is to be discarded shall be destroyed. Additional decontamination recommendations and procedures can be found in Table 1.

e. If personal clothing worn by employees is contaminated by blood or other potentially infectious material in the line of duty and washing or laundering is not feasible or ruins said clothing, it shall be the responsibility of the City to replace this personal clothing at no cost to the employee. The City shall not be responsible for other personal items worn at the employee’s discretion (i.e., watches, jewelry, optional equipment, etc.).

f. If it is necessary to ship any laundry off-site, it shall be placed in containers which are labeled or color-coded with fluorescent orange or orange-red labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by a method which prevents loss or unintentional removal, or in red bags substituted for labels. Personal laundry shipped off-site shall be at no cost to the employee.

F. HEPATITIS B VACCINATION

1. Hepatitis B Vaccine and vaccination series shall be made available to all employees with reasonably anticipated exposure to blood or other potentially infectious materials at no cost to the employee, at a reasonable time and place, and performed by or under the care of a licensed physician or under the supervision of another licensed healthcare professional. These shall be provided according to recommendations of the U. S. Public Health Service current at the time these evaluations and procedures take place. All laboratory tests shall be conducted by an accredited laboratory at no cost to the employee.

2. Hepatitis B vaccination shall be made available after the employee has received the Bloodborne Pathogens Education Program and within 10 working days of initial assignment to duties with
reasonably anticipated exposure to blood or other potentially infectious materials unless the employee has previously received the complete Hepatitis B Vaccination series, antibody testing has revealed that the employee is immune, or the vaccine is contraindicated for medical reasons. Prescreening is available to, but not require of, such employees and is provided at no cost. Employees initially declining Hepatitis B Vaccination but at a later date decide to accept the vaccination, shall receive the Hepatitis B Vaccination according to the provisions of this policy at that time.

3. All employees who decline to accept Hepatitis B Vaccination offered by the City shall sign the Hepatitis B Vaccination Refusal Form.

4. Routine booster dose(s) of Hepatitis B Vaccine recommended by the United States Public Health Service shall be made available to employees who at the time such recommendations are applicable have reasonably anticipated exposure to blood or other potentially infectious materials at no cost to the employee, made available to the employee at a reasonable time and place, and performed by or under the supervision of a licensed physician or by or under the supervision of another licensed healthcare professional.

G. POST-EXPOSURE EVALUATION and FOLLOW-UP

1. After an exposure incident, a confidential medical evaluation and follow-up shall be made immediately available to the exposed employee including:

   a. Documentation of the route(s) of exposure and the circumstances under which the exposure incident occurred;
   b. Identification and documentation of the source individual (unless it can be established that identification is not feasible or prohibited by state or local law).

2. All medical evaluations and procedures performed as part of post-exposure evaluation and follow-up, including prophylaxis, are:

   a. Provided at no cost to the employee;
   b. Made available to the employee at a reasonable time and place;
   c. Performed by or under the supervision of a licensed physician or by or under the supervision of another licensed healthcare professional;
   d. Provided according to recommendations of the United States Public Health Service current at the time these evaluations and procedures take place. All laboratory tests are conducted by an accredited laboratory at no cost to the employee.

3. The healthcare professional responsible for the employee's Hepatitis B Vaccination shall be provided the Post-Exposure Assessment Package. This package includes a copy of the Bloodborne Pathogens Rule, a description of the exposed employee's duties as they relate to the exposure incident, documentation of the route(s) of exposure and circumstances under which exposure occurred, results of the source individual's blood testing, if available, and all medical records relevant to the appropriate treatment of the employee including vaccination status which is the responsibility of the City of Henderson to maintain.

4. A copy of the evaluating healthcare professional's written opinion shall be obtained and provided to the employee within 15 days of the completion of the evaluation. The healthcare professional's opinion for Hepatitis B Vaccination shall be limited to whether Hepatitis B Vaccination is indicated for an employee and if the employee has received such vaccination. The healthcare professional's written opinion for post-exposure evaluation and follow-up shall be limited to documenting that the employee has been informed of the results of the evaluation and that the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment. All other findings or diagnoses shall remain confidential and shall not be included in the written report.

5. Based upon the recommendation of the healthcare professional providing the post-exposure evaluation, the source individual's blood shall be tested as soon as feasible and after consent is obtained in order to determine HBV and HIV infectivity. If consent is not obtained, it shall be established that legally
required consent cannot be obtained. When the source individual's consent is not required by law, the source individual's blood, if available, shall be tested and the results documented. When the source individual is already known to be infected with HBV and/or HIV, testing for the source individual's known HBV or HIV status need not be repeated. Results of the source individual's testing shall be made available to the exposed employee and to the licensed physician or licensed healthcare official performing the required post-exposure medical evaluation and follow-up of the exposed employee. The employee shall be informed of applicable laws and regulations concerning disclosure of the identity and infectious status of the source individual.

6. Based upon the recommendation of the healthcare professional providing the post-exposure evaluation, the exposed employee's blood shall be collected as soon as feasible and tested after consent is obtained. If the employee consents to baseline blood collection but does not give consent at that time for HIV serologic testing, the sample shall be preserved for at least 90 days. If, within 90 days of the exposure incident, the employee elects to have the baseline sample tested, such testing shall be done as soon as feasible.

7. Post-exposure prophylaxis, when medically indicated, as recommended by the United States Public Health Service, shall be given by or under the supervision of the licensed physician or other licensed healthcare professional performing the post-exposure medical evaluation of the exposed employee.

8. Counseling and evaluation of reported illnesses shall be provided to the exposed employee by the licensed physician or other licensed healthcare professional performing the post-exposure medical evaluation of the exposed employee as needed and indicated.

   a. Additional counseling shall be available to the exposed employee through the City's Employee Assistance Program.

H. BIOHAZARD LABELING

1. Warning labels shall be affixed to containers, refrigerators, and freezers containing blood or other potentially infectious material; and other containers used to store, transport, or ship blood or other potentially infectious materials, except that red bags or red containers may be substituted for labels. Individual containers of blood or other potentially infectious materials that are placed in a labeled container during storage, transport, shipment, or disposal are exempted from the labeling requirement.

2. Labels shall include the following legend:

   and shall be fluorescent orange or orange-red or predominantly so, with lettering or symbols in a contrasting color. Labels are required to be affixed as close as feasible to the container by string, wire, adhesive, or other method that prevents their loss or unintentional removal. Such labels are required for contaminated equipment and shall also state which portions of the equipment remain contaminated.
I. EDUCATION and TRAINING

1. All employees with reasonably anticipated exposure to blood or other potentially infectious materials shall participate in the City Bloodborne Pathogens Education Program at no cost to the employee and during working hours. This shall occur at the time of initial assignment to tasks where occupational exposure may take place and at least annually thereafter. Additional training when changes such as modification of tasks or institution of new tasks or procedures affect the employee's occupational exposure shall be provided which may be limited to addressing the new exposures created.

2. Employees shall be retrained at least annually to keep their knowledge current. New employees whose job assignment(s) place them in positions where occupational exposure to Bloodborne Pathogens, shall receive training within 10 working days of initial assignment to tasks where such exposure is anticipated.

3. It shall be the responsibility of the Department Infection Control Representative to notify the Department Head and the City Infection Control Representative of those employees who need this training and it shall be the responsibility of the Department Head to ensure that this training is provided in the appropriate time frames as outlined in this policy.

4. Training shall be conducted by a qualified healthcare professional. Training topics shall include, but are not limited to:
   a. The Bloodborne Pathogens standard.
   b. The epidemiology and symptoms of bloodborne diseases.
   c. The modes of transmission of Bloodborne Pathogens.
   d. Information on the Hepatitis B Vaccine including:
      i. Efficacy.
      ii. Safety.
      iii. Method of administration.
      iv. Benefits of vaccination.
      v. The City’s free vaccination program.

5. In-service training shall be conducted for each Department in which exposure determination has been made for employees of the Department. It shall be the responsibility of the Department Head to ensure that In-service training is provided within 10 days of initial assignment of an employee to a position in which tasks may expose said employee to blood or other potentially infectious materials. In-service training shall include, but is not limited to:
   a. The City’s Exposure Control Plan (and where employees can obtain a copy).
   b. Appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials.
   c. A review of the use and limitations of methods that will prevent or reduce exposure, including:
      i. Engineering controls.
      ii. Work practice controls.
      iii. Personal protective equipment.
   d. Selection and use of personal protective equipment including:
      i. Types available.
      ii. Proper use.
      iii. Location of City equipment.
      iv. Removal.
      v. Handling.
      vi. Decontamination.
      vii. Disposal.
   e. Visual warnings of BioHazards within City facilities including labels, signs, and color-coded containers.
f. Actions to take and persons to contact in an emergency involving blood or other potentially infectious materials.
g. The procedures to follow if an exposure incident occurs, including incident reporting.
h. Information on the post-exposure evaluation and follow-up, including medical consultation that the City will provide.

6. Training methods shall include, but are not limited to:

a. Because we feel that employees need an opportunity to ask questions and interact with their instructors, time shall be specifically allotted for these activities in each training session.
   i. Classroom type atmosphere with personal instruction.
   ii. Videotape programs.
   iii. Training manuals/employee handouts.
   iv. Employee review sessions.
   v. On-the-job training.

7. To facilitate the training of employees, as well as to document the training process, training records shall be maintained. It shall be the responsibility of the Department Infection Control Representative to document and compile training records. The Department Infection Control Representative shall provide copies of such records to the Department Head and the City Infection Control Representative. Training records shall contain, but are not limited to, the following information:

a. Dates of all training sessions.
b. Contents/summary of the training sessions.
c. Names and qualifications of the instructors.
d. Names and job titles of employees attending the training sessions.

8. Training records shall be provided upon request for examination and copying to employees, and to the Director of the Occupational Safety and Health Administration (OSHA) or the Assistant Secretary in accordance with 29 CFR 1910.20. Training records shall be maintained for 3 years from the date on which the training occurred.

J. RECORDKEEPING

1. An accurate medical record for each employee with occupational exposure, in accordance with 29 CFR 1910.20, shall be maintained. This record shall include the name and social security number of the employee, a copy of the employee's Hepatitis B Vaccination status including the dates of all the Hepatitis B Vaccinations and any medical records relative to the employee's ability to receive vaccination, a copy of all results of examinations, medical testing, and follow-up procedures required as part of any post-exposure medical evaluation including the employer's copy of the healthcare professional's written opinion and a copy of the information provided to the healthcare professional as part of that evaluation.

2. Employee medical records will be kept confidential and not disclosed or reported without the employee's express written consent to any person within or outside the workplace except as required by this section or as may be required by law. Such records shall be maintained for at least the duration of employment plus 30 years in accordance with 29 CFR 1910.20.

3. Training records shall be maintained and shall include the dates of the training sessions, contents or a summary of the training sessions, the names and qualifications of persons conducting the training, and the names and job titles of all persons attending the training sessions. Training records shall be maintained of 3 years from the date on which the training occurred.

4. All employee medical records or training records shall be made available upon request to the Assistant Secretary and the Director of the Occupational Safety and Health Administration (OSHA) for examination and copying.
5. Employee training records shall be provided upon request for examination and copying to employees, to employee representatives, and to the Director or Assistant Secretary in accordance with 29 CFR 1910.20.

6. Employee medical records shall be provided upon request for examination and copying to the subject employee, to anyone having written consent of the subject employee, and to the Director or the Assistant Secretary in accordance with 29 CFR 1910.20.

7. Requirements involving transfer of records set forth in 29 CFR 1910.20 (h) shall be followed.

8. The Director shall be notified at least three months prior if cessation of business occurs and there is no successor employer to receive and retain the records for the prescribed period. Such records shall be transmitted to the Director, if requested by the Director to do so, within that three-month period.

K. EMPLOYEE RESPONSIBILITIES

1. In addition to specific responsibilities outlined above in this plan, employees performing tasks with reasonably anticipated exposure to blood or other potentially infectious materials are required to inform a designated Department Infection Control Representative if proper protective clothing and equipment is unavailable or appears inadequate to provide appropriate protection from such exposure. Employees are required to report to a designated Department Infection Control Representative any incidents or observations suggesting inadequate use of personal protective clothing and equipment or other control measures by any employee.

2. Employees are required to follow the requirements of these policies and procedures, including all work practice requirements. The use of Universal Precautions and the use of specific engineering controls and protective equipment outlined is mandatory.

3. Employees who do not follow these requirements are subject to disciplinary action up to and including dismissal as outlined in Article 520 of the Employee Manual.
GLOSSARY OF TERMS

Blood:

means human blood, human blood components, and products made from human blood.

Bloodborne Pathogens:

means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, Hepatitis B Virus (HBV) and Human Immunodeficiency Virus (HIV).

Clinic Laboratory:

means a workplace where diagnostic or other screening procedures are performed on blood or other potentially infectious materials.

Contaminated:

means the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

Contaminated Laundry:

means laundry which has been soiled with blood or other potentially infectious materials or may contain sharps.

Contaminated Sharps:

means any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass, broken capillary tubes, and exposed ends of dental wires.

Decontamination:

means the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface of the item is rendered safe for handling, use, or disposal.

Director:

means the Director of the National Institute for Occupational Safety and Health, United States Department of Health and Human Services, or designated representative.

Engineering Controls:

means controls (i.e., sharps disposal containers) that isolate or remove the bloodborne pathogens hazard from the workplace.

Exposure Incident:

means a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious material that results from the performance of an employee’s duties.

Handwashing Facilities:
means a facility providing an adequate supply of running potable water, soap and single use towels or hot air-drying machines.

*Licensed Healthcare Professional:*

means a person whose legally permitted scope of practice allows him/her to independently perform the activities related to Hepatitis B Vaccination and Post-exposure Evaluation and Follow-up.

*HBV:*

means Hepatitis B Virus.

*HIV:*

means Human Immunodeficiency Virus.

*Occupational Exposure:*

means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.

*Other Potentially Infectious Materials:*

means (1) the following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids; (2) any unfixed tissue (other than intact skin) from a human (living or dead); and (3) HIV-containing cell or tissue cultures, organ cultures, and HIV or HBV-containing culture medium or other solutions, and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

*Parenteral:*

means piercing mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts, and abrasions.

*Personal Protective Equipment:*

means specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (i.e., uniforms, pants, shirts or blouses) not intended to function as protection against a hazard are not considered to be personal protective equipment.

*Regulated Waste:*

means liquid or semi-liquid blood or other potentially infectious material in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.
**Sharps:**

any edged, honed, whetted, barbed, pointed, spiked, or spiny object which might cut, pierce, or penetrate the skin (i.e., knives, scalpels, broken glass, needles, etc.).

**Source Individual:**

means any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to an employee. Examples include, but are not limited to, hospital and clinic patients; clients in institutions for the developmentally disabled; trauma victims; clients of drug and alcohol treatment facilities; residents of hospices and nursing homes; human remains; and individuals who donate or sell blood or blood components.

**Sterilize:**

means the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

**Universal Precautions:**

means an approach to infection control in which all human blood and certain human body fluids are treated as though known to be infectious for HIV, HBV, and other bloodborne pathogens.

**Work Practice Controls:**

means controls that reduce the likelihood of exposure by altering the manner in which a task is performed (i.e., prohibiting recapping of needles by a two-handed technique).
### TABLE 1

**Methods of Decontamination**  
*(From Center for Disease Control, February 1989)*

This section is provided to give examples of decontamination procedures.

<table>
<thead>
<tr>
<th>Sterilization</th>
<th>Destroys:</th>
<th>All forms of microbial life including high numbers of bacterial spores.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Methods:</strong></td>
<td>Steam under pressure (autoclave), gas (ethylene oxide, dry heat, or immersion in EPA-approved chemical &quot;sterilant&quot; for a prolonged period of time, e.g., 6-10 hours or according to manufacturer’s instructions. Note: liquid chemical &quot;sterilants&quot; should be used only on those instruments that are impossible to sterilize or disinfect with heat.</td>
<td></td>
</tr>
<tr>
<td><strong>Use:</strong></td>
<td>For those instruments or devices that penetrate skin or contact normally sterile areas of the body, e.g., scalpels, needles, etc. Disposable invasive equipment eliminates the need to reprocess these types of items. When indicated, however, arrangements should be made with a health-care facility for reprocessing of reusable invasive instruments.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>High-Level Disinfection</th>
<th>Destroys:</th>
<th>All forms of microbial life except high numbers of bacterial spores.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Methods:</strong></td>
<td>Hot water pasteurization (80-100 C, 30 minutes) or exposure to an EPA-registered &quot;sterilant&quot; chemical as above, except for a short exposure time (10-45 minutes or as directed by the manufacturer).</td>
<td></td>
</tr>
<tr>
<td><strong>Use:</strong></td>
<td>For reusable instruments or devices that come into contact with mucous membranes (e.g., laryngoscope blades, endotracheal tubes, etc.).</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Intermediate-Level Disinfection</th>
<th>Destroys:</th>
<th>Mycobacterium tuberculosis, vegetative bacteria, most viruses, and most fungi, but does not kill bacterial spores.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Methods:</strong></td>
<td>EPA-registered &quot;hospital disinfectant&quot; chemical germicides that have a label claim for tuberculocidal activity; commercially available hard-surface germicides or solutions containing at least 500 ppm free available chlorine (a 1:100 dilution of common household bleach - approximately 1/4 cup bleach per gallon of tap water).</td>
<td></td>
</tr>
<tr>
<td><strong>Use:</strong></td>
<td>For those surfaces that come into contact only with intact skin, e.g., stethoscopes, blood pressure cuffs, splints, etc., and have been visibly contaminated with blood or bloody body fluids. Surfaces must be pre-cleaned of visible material before the germicidal chemical is applied for disinfection.</td>
<td></td>
</tr>
</tbody>
</table>
**Low-Level Disinfection:**

**Destroys:** Most bacteria, some viruses, some fungi, but not Mycobacterium tuberculosis or bacterial spores.

**Methods:** EPA-registered "hospital disinfectants" (no label claim for tuberculocidal activity).

**Use:** These agents are excellent cleaners and can be used for routine housekeeping or removal of soiling in the absence of visible blood contamination.

**Environmental Disinfection:**

Environmental surfaces which have become soiled should be cleaned and disinfected using any cleaner or disinfectant agent which is intended for environmental use. Such surfaces include floors, woodwork, ambulance seats, countertops, etc.

**IMPORTANT:** To assure the effectiveness of any sterilization or disinfection process, equipment and instruments must first be thoroughly cleaned of all visible soil.
Bloodborne Pathogens

1910.1030 Scope and Application. This section applies to all occupational exposure to blood or other potentially infectious materials as defined by paragraph (b) of this section. (b) Definitions. For purposes of this section, the following shall apply: Assistant Secretary means the Assistant Secretary for Occupational Safety and Health, or designated representative. Blood means human blood, human blood components, and products made from human blood. Bloodborne Pathogens means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV). Clinical Laboratory means a workplace where diagnostic or other screening procedures are performed on blood or other potentially infectious materials. Contaminated means the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface. Contaminated sharps means any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass, broken capillary tubes, and exposed ends of dental wires. Decontamination means the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal. Director means the Director of the National Institute for Occupational Safety and Health, U.S. Department of Health and Human Services, or designated representative. Engineering Controls means controls (e.g., sharps disposal containers, self-sealing needles) that isolate or remove the bloodborne pathogens hazard from the workplace. Exposure Incident means a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee’s duties. Hand washing Facilities means a facility providing an adequate supply of running water, soap, and single use towels or hot air drying machines. Licensed Healthcare Professional is a person whose legally permitted scope of practice allows him or her to independently perform the activities required by paragraph (f) of this section. Hepatitis B Vaccine includes a two-dose (standard) or three-dose (reduced toxicology) schedule of recombinant DNA vaccines. Post-Exposure Evaluation and Follow-up. HBV means hepatitis B virus. "HIV" means human immunodeficiency virus. "Occupational Exposure" means reasonably anticipated skin, eye, or mucous membrane contact with blood or other potentially infectious materials that may result from the performance of an employee’s duties. "Other Potentially Infectious Materials" means (1) The following human body fluids: semen, vaginal fluid, menstrual fluid, sweat, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids; (2) Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and (3) HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV. Parenteral means piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions. Personal Protective Equipment means the equipment worn by employees for protection against a hazard. General work clothes (e.g., uniforms, pants, shirts or blouses) not intended to function as protection against a hazard are not considered to be personal protective equipment. Production Facility means a facility engaged in industrial-scale, large-volume or high concentration production of HIV or HBV. "Regulated Waste" means liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; items contaminated with pathological and microbiological wastes containing blood or other potentially infectious materials. Research Laboratory means a laboratory producing or using research-laboratory-scale amounts of HIV or HBV. Research laboratories may produce high concentrations of HIV or HBV but not in the volume found in production facilities. "Source Individual" means any individual, living or dead, who has had a known exposure to HIV, HBV, or other bloodborne pathogens. "Sterilize" means the use of a physical or chemical procedure to destroy all microorganisms including highly resistant bacterial endospores. "Universal Precautions" is an approach to infection control. According to the concept of Universal Precautions, all human blood and certain human body fluids are treated as if known to be infected for HIV, HBV, and other bloodborne pathogens. "Work Practice Controls" means controls that reduce the likelihood of exposure by altering the manner in which a task is performed (e.g., prohibiting recappping of needles by a two-hand technique). (c) Exposure Control Plan. (c)(1) Each employer having an employee(s) with occupational exposure as defined by paragraph (b) of this section shall establish a written Exposure Control Plan designed to eliminate or minimize employee exposure. (c)(1)(i) The Exposure Control Plan shall contain at least the following elements: (c)(1)(i)(A) The exposure determination required by paragraph (d)(2), (c)(1)(i)(B) The schedule and methods of implementation for paragraphs (d). (c)(1)(ii) Methods of Compliance, (e) HIV and HBV Research Laboratories and Production Facilities, (f) Hepatitis B Vaccination and Post-Exposure Evaluation and Follow-up, (g) Communication of Hazards to Employees, and (h) Recordkeeping of this standard, and (c)(1)(ii)(C) The procedure for the evaluation of circumstances surrounding exposure incidents as required by paragraph (f)(3)(i) of this standard. (c)(1)(iii) Each employer shall ensure that a copy of the Exposure Control Plan is accessible to employees in accordance with 29 CFR 1910.1020(e). (c)(1)(iv) The Exposure Control Plan shall be reviewed and updated at least annually and whenever necessary to reflect new or modified tasks and procedures which may affect occupational exposure and to reflect new or revised employee positions with occupational exposure. (c)(1)(v) The Exposure Control Plan shall be made available to the Assistant Secretary and the Director upon request for examination and copying. (c)(2) Exposure Determination. (c)(2)(i) Each employer who has an employee(s) with occupational exposure as defined by paragraph (b) of this section shall prepare an exposure determination. This exposure determination shall contain the following: (c)(2)(i)(A) A list of all job classifications in which all employees in those job classifications have occupational exposure; (c)(2)(i)(B) A list of classifications in which some employees have occupational exposure; and (c)(2)(i)(C) A list of all tasks and procedures or groups of closely related task and procedures in which occupational exposure occurs and that are performed by employees in the job classifications listed in accordance with the provisions of paragraph (c)(2)(i)(B) of this standard. (c)(2)(ii) This exposure determination shall be made without regard to the use of personal protective equipment. (d) Methods of Compliance. (d)(1) General. Universal precautions shall be observed to prevent contact with blood or other potentially infectious materials. Under circumstances in which differentiation between blood fluid types is difficult or impossible, all bodily fluids shall be treated as potentially infectious materials. (d)(2) Engineering and Work Practice Controls. (d)(2)(i) Engineering and work practice controls shall be used to eliminate or minimize employee exposure. Where occupational exposure remains after institution of these controls, personal protective equipment shall also be used. (d)(2)(ii) Engineering controls shall be examined and maintained or replaced on a regular schedule to ensure their effectiveness. (d)(2)(iii) Employers shall provide employees with personal protective equipment which are readily accessible to employees. (d)(2)(iv) When provision of hand washing facilities is not feasible, the employer shall provide either an appropriate antiseptic hand cleanser in conjunction with clean cloth/paper towels or antiseptic towelettes. When antiseptic hand cleansers or towelettes are used, hands shall be washed with soap and running water as soon as feasible. (d)(2)(v) Employers shall ensure that employees wash their hands immediately or as soon as feasible after removal of gloves or other personal protective equipment. (d)(2)(vi) Employers shall ensure that employees wash hands and any other skin with soap and water, or flush mucous membranes with water immediately after contact with suspected infectious sites in order to prevent contamination of the contaminated areas with blood or other potentially infectious materials.
contaminated sharps shall not be bent, recapped, or removed except as noted in paragraphs (d)(2)(vi)(A) and (d)(2)(vi)(B) below. Shearing or breaking of contaminated needles is prohibited. (d)(2)(vi)(A) Contaminated needles and other contaminated sharps shall not be bent, recapped or removed unless the employer can demonstrate that no alternative is feasible or that such action is required by a specific medical or dental procedure. (d)(2)(vi)(B) Such bending, recapping or needle removal must be accomplished with the use of a mechanical device or a one-handed technique. (d)(2)(vii) Immediately or as soon as possible after use, contaminated reusable sharps shall be placed in appropriate containers until properly reprocessed. These containers shall be: (d)(2)(vii)(A) puncture resistant; (d)(2)(vii)(B) labeled or color-coded in accordance with this standard; (d)(2)(vii)(C) leak proof on the sides and bottom; and (d)(2)(vii)(D) in accordance with the requirements set forth in paragraph (c) of this section. (d)(2)(viii) Eating, drinking, smoking, applying cosmetics or lip balm, and handling contact lenses are prohibited in work areas where there is a reasonable likelihood of occupational exposure. (d)(2)(ix) Food and drink shall not be stored in refrigerators, freezers, shelves, cabinets or on countertops or benches where blood or other potentially infectious materials are present. (d)(2)(x) All procedures involving blood or other potentially infectious materials shall be performed in such a manner as to minimize splashing, spraying, spattering, and generation of droplets of these substances. (d)(2)(xi) Mouth pipetting/suctioning of blood or other potentially infectious materials is prohibited. (d)(2)(xii) Specimens of blood or other potentially infectious materials shall be placed in a container which prevents leakage during collection, handling, processing, storage, transport, or shipping. (d)(2)(xiii)(A) The container for storage, transport, or shipping shall be labeled or color-coded according to paragraph (g)(1)(i) and closed prior to being stored, transported, or shipped. When a facility utilizes Universal Precautions in the handling of all specimens, the labeling/color-coding of specimens is not necessary provided containers are recognizable as containing specimens. This exemption only applies while such specimens/containers remain within the facility. Labeling or color-coding in accordance with paragraph (g)(1)(i) is required when such specimens/containers leave the facility. (d)(2)(xiii)(B) If outside contamination of the primary container occurs, the primary container shall be placed within a second container which prevents leakage during handling, processing, storage, transport, or shipping and is labeled or color-coded according to the requirements of this standard. (d)(2)(xiv)(C) If the specimen could puncture the primary container, the primary container shall be placed within a secondary container which is puncture-resistant in addition to the above characteristics. (d)(2)(xiv) Equipment which may become contaminated with blood or other potentially infectious materials shall be examined prior to servicing and shall be decontaminated as necessary, unless the employer can demonstrate that decontamination of such equipment or portions of such equipment is not feasible. (d)(2)(xv)(A) A readily observable label, in accordance with paragraph (g)(1)(i)(H) shall be attached to the equipment stating which portions remain contaminated. (d)(2)(xv)(B) The employer shall ensure that this information is conveyed to all affected employees, the servicing representative, and the equipment manufacturer, as appropriate, prior to handling, servicing, or shipping so that appropriate precautions will be taken. (d)(3) Personal Protective Equipment. (d)(3)(i) Provision. When there is occupational exposure, the employer shall provide, at no cost to the employee, appropriate personal protective equipment such as, but not limited to, gloves, gowns, laboratory coats, face shields or masks and eye protection, and mouthpieces, resuscitation bags, pocket masks, or other ventilation devices. Personal protective equipment will be considered “appropriate” only if it does not permit blood or other potentially infectious materials to pass through or reach the employee’s work clothes, street clothes, underwear, skin, eyes, mouth, or nose. The outer membranes under normal conditions of use and for the duration of time which the protective equipment will be used. (d)(3)(ii) Use. The employer shall ensure that the employee uses appropriate personal protective equipment unless the employer shows that the employee temporarily and briefly declined to use personal protective equipment when, under rare and extraordinary circumstances, it was the employee’s professional judgment that in the specific instance its use would have prevented the delivery of health care or public safety services or would have posed an increased hazard to the safety of the worker or co-worker. When the employee makes this judgment, the circumstances shall be investigated and documented in order to determine whether changes can be instituted to prevent such occurrences in the future. (d)(3)(iii) Accessibility. The employer shall ensure that appropriate personal protective equipment in the appropriate sizes is readily accessible at the worksite or is issued to employees. Hypoallergenic gloves, glove liners, powderless gloves, or other similar alternatives shall be readily accessible to those employees who are allergic to the gloves normally provided. (d)(3)(iv) Cleaning, Laundering, and Disposal. The employer shall clean, launder, and dispose of personal protective equipment required by paragraphs (d) and (e) of this standard, at no cost to the employee. (d)(3)(v) Replacement. The employer shall repair or replace personal protective equipment as needed to maintain its effectiveness, at no cost to the employee. (d)(3)(vi) If a garment is penetrated by blood or other potentially infectious material, the garment shall be removed immediately or as soon as feasible. (d)(3)(vii) All personal protective equipment shall be removed prior to leaving the work area. (d)(3)(viii) When personal protective equipment is removed, it shall be placed in an appropriately designated area or container for storage, washing, disinfection or disposal. (d)(3)(ix) Gloves. Gloves shall be worn when it can be reasonably anticipated that the employee may have hand contact with blood or other potentially infectious materials, mucus membranes, and non-intact skin; when performing vascular access procedures except as specified in paragraph (d)(3)(ix)(D), and when handling or touching contaminated items or surfaces. (d)(3)(ix)(A) Disposable (single use) gloves such as surgical or examination gloves, shall be replaced as soon as possible when contaminated or as soon as feasible if they are torn, punctured, or exhibit other signs of deterioration. However, if the ability to function as a barrier is compromised. (d)(3)(ix)(B) Non-disposable (reusable) gloves shall not be washed or decontaminated for re-use. (d)(3)(ix)(C) Utility gloves may be decontaminated for re-use if the integrity of the glove is not compromised. However, they must be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration or when their ability to function as a barrier is compromised. (d)(3)(ix)(D) If an employer in a volunteer blood donation center judges that routine gloving for all phlebotomies is not necessary then the employer shall: (d)(3)(ix)(D)(1) Periodically reevaluate this policy; (d)(3)(ix)(D)(2) Make gloves available to all employees who wish to use them for phlebotomy; (d)(3)(ix)(D)(3) Not discourage the use of gloves for phlebotomy; and (d)(3)(ix)(D)(4) Require that gloves be used for phlebotomy in the following circumstances: (i) When the employee has cuts, scratches, or other breaks in his or her skin; (ii) When the employee judges that hand contamination with blood may occur, for example, when performing phlebotomy on an uncooperative source individual; and (iii) When the employee is receiving training in phlebotomy. (d)(3)(x) Masks, Eye Protection, and Face Shields. Masks in combination with eye protection devices, such as goggles or glasses with solid side shields, or chin length face shields, shall be worn whenever splashes, spray, spatter, or droplets of blood or other potentially infectious materials may be generated and eye, nose, or mouth contamination can be reasonably anticipated. (d)(3)(xi) Gowns, Aprons, and Other Protective Body Clothing. Appropriate protective clothing such as, but not limited to, gowns, aprons, jumpsuits, jackets, or similar outer garments shall be worn in occupational exposure situations. The type and characteristics will depend upon the task and degree of exposure anticipated. (d)(3)(xii) Surgical caps or hair nets and other similar outer garments shall be worn in instances when gross contamination can reasonably be anticipated (e.g., autopsies, orthopedic surgery). (d)(4) Housekeeping. (d)(4)(i) General. Employers shall ensure that the worksite is maintained and sanitary condition. The employer shall determine and implement an appropriate written schedule for cleaning and method of decontamination based upon the location within the facility, type of surface to be cleaned, type of soil present, and tasks or procedures being performed in the area. (d)(4)(ii) All equipment and environmental and working surfaces shall be cleaned and decontaminated after contact with blood or other potentially infectious materials. (d)(4)(iii) Disinfected work surfaces shall be disinfected with an appropriate disinfectant after completion of procedures; immediately or as soon as feasible if surfaces are overtly contaminated or after any spill of blood or other potentially infectious materials; and at the end of the work shift if the surface may have become contaminated since the last cleaning. (d)(4)(iii)(B) Protective coverings, such as plastic wrap, aluminum foil, or impermeably-backed absorbent paper used to cover equipment and environmental surfaces, shall be removed and replaced as soon as feasible when they become overly contaminated or at the end of the workshift if they may have become contaminated during the shift. (d)(4)(iii)(C) In similar receptacles intended for reuse which have a reasonable likelihood for becoming contaminated with blood or other potentially infectious materials
shall be inspected and decontaminated on a regularly scheduled basis and cleaned and decontaminated immediately or as soon as feasible upon visible contamination. (d)(4)(ii)(D) Broken glassware which may be contaminated shall not be picked up directly with the hands. It shall be cleaned up using mechanical means, such as a brush and dust pan, tongs, or forceps. (d)(4)(ii)(E) Reusable sharps that are contaminated with blood or other potentially infectious materials shall not be sorted or rinsed in the location where it was used and shall not be sorted or rinsed in the location of use. (d)(4)(ii)(A)(2) Contaminated laundry shall be placed and transported in bags or containers labeled or color-coded in accordance with paragraph (g)(1) of this standard. (d)(4)(ii)(A)(3) Whenever contaminated laundry is wet and presents a reasonable likelihood of soak-through of or leakage from the bag or container, the laundry shall be placed and transported in bags or containers which prevent soak-through and/or leakage of fluids to the exterior. (d)(4)(ii)(B) The employer shall ensure that employees who have contact with contaminated laundry wear protective gloves and other appropriate personal protective equipment. (d)(4)(ii)(C) If the facility ships contaminated laundry off-site to a second facility which does not utilize Universal Precautions in the handling of all soiled laundry, alternative labeling or color-coding is sufficient if it permits all employees to recognize the containers as requiring compliance with Universal Precautions. (d)(4)(ii)(A)(3) Contaminated laundry shall be handled as little as possible with a minimum of agitation. (d)(4)(ii)(A)(4) Reusable containers shall not be opened, emptied, or cleaned manually or in any other manner which would expose employees to the risk of percutaneous injury. (d)(4)(iii)(B) Other Regulated Waste Containment. (d)(4)(iii)(B)(1) Regulated waste shall be placed in containers which are: [a] Closed; [b] Maintained upright throughout use; and [c] Replaced routinely and not allowed to overfill. (d)(4)(iii)(A)(3) When moving containers of contaminated sharps from the area of use, the containers shall be: [a] Closed immediately prior to removal or replacement to prevent spillage or protrusion of contents during handling, storage, transport, or shipping; [b] Placed in a secondary container if leakage is possible. The second container shall be: [i] Closed; [ii] Maintained upright throughout use; and [c] Replaced immediately if leakage is possible. (d)(4)(iii)(B)(2) If outside contamination of the regulated waste container occurs, it shall be placed in a second container. The second container shall be: [a] Closed; [b] Constructed to contain all contents and prevent leakage of fluids during handling, storage, transport or shipping; [c] Labeled or color-coded in accordance with paragraph (g)(1) of this standard; and [d] Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping. (d)(4)(ii)(B)(2). If outside contamination of the regulated waste container occurs, it shall be placed in a second container. The second container shall be: [a] Closed; [b] Constructed to contain all contents and prevent leakage of fluids during handling, storage, transport or shipping; [c] Labeled or color-coded in accordance with paragraph (g)(1) of this standard; and [d] Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping. (d)(4)(iii)(C) Disposal of all regulated waste shall be in accordance with applicable regulations of the United States and Territories, and any appropriate local or political subdivisions of States and Territories. (d)(4)(iv)(Laundry. (d)(4)(iv)(b) Contaminated laundry shall be handled as little as possible with a minimum of agitation. (d)(4)(iv)(A) Contaminated laundry shall be placed and transported in bags or containers labeled or color-coded in accordance with paragraph (g)(1) of this standard. When a facility utilizes Universal Precautions in the handling of all soiled laundry, alternative labeling or color-coding is sufficient if it permits all employees to recognize the containers as requiring compliance with Universal Precautions. (d)(4)(iv)(A)(3) Whenever contaminated laundry is wet and presents a reasonable likelihood of soak-through of or leakage from the bag or container, the laundry shall be placed and transported in bags or containers which prevent soak-through and/or leakage of fluids to the exterior. (d)(4)(iv)(B) The employer shall ensure that employees who have contact with contaminated laundry wear protective gloves and other appropriate personal protective equipment. (d)(4)(iv)(C) If the facility ships contaminated laundry off-site to a second facility which does not utilize Universal Precautions in the handling of all soiled laundry, alternative labeling or color-coding is sufficient if it permits all employees to recognize the containers as requiring compliance with Universal Precautions.
cleared. Penetrations in these surfaces shall be sealed or capable of being sealed to facilitate decontamination. (e)(4)(iii) Each work area shall contain a sink for washing hands and a readily available eye wash facility. The sink shall be foot, elbow, or automatically operated and shall be located near the exit door of the work area. (e)(4)(iv) Access doors to the work area or containment module shall be self-closing. (e)(4)(v) An autoclave for decontamination of regulated waste shall be available. (f)(1) Hepatitis B Vaccination. (f)(1)(i) The employer shall ensure that employees who have occupational exposure to hepatitis B shall be vaccinated with hepatitis B vaccine as soon as feasible. (f)(1)(ii) The employer shall provide a copy of this regulation to the employee. (f)(1)(iii) The employer shall ensure that employees vaccinated shall be informed of the hepatitis B vaccine and vaccination status which are the employees’ responsibilities to maintain. (f)(1)(iv) The employer shall ensure that all medical evaluations and procedures including the hepatitis B vaccine and vaccination series and post-exposure evaluation and follow-up, including prophylaxis, are available at no cost to the employer. (f)(1)(v) The employer shall provide hepatitis B information and training as modific

City of Henderson Employee Manual
2022

the following legend: BIOHAZARD (g)(1)(i)(C) These labels shall be fluorescent orange or orange-red or predominantly so, with lettering and symbols in a contrasting color. (g)(1)(i)(D) Labels shall be affixed as close as feasible to the container by string, wire, adhesive, or other method that prevents their loss or unintentional removal. (g)(1)(i)(E) Red bags or red containers may be substituted for labels. (g)(1)(i)(F) Containers of blood, blood components, or blood products that are labeled as to their contents shall be exempted from the labeling requirements of paragraph (g). (g)(1)(i)(G) Individual containers of blood or other potentially infectious materials that are placed in a labeled container during transport, shipment or disposal are exempted from the labeling requirements. (g)(1)(i)(H) Labels required for contaminated equipment shall be in accordance with this paragraph and shall also state which portions of the equipment are contaminated. (g)(1)(i)(I) Regulated waste that has been decontaminated need not be labeled or color-coded. (g)(1)(i)(J) Signs. (g)(1)(i)(A) The employer shall post signs at the entrance to work areas specified in paragraph (e), HIV and HBV Research Laboratories and Production Facilities, which shall bear the following legend: BIOHAZARD (Name of the Infectious Agent) (Special requirements for entering the area) (Name, telephone number of the laboratory director or other responsible person.) (g)(2)(i)(A) These signs shall be fluorescent orange-red or predominantly so, with lettering and symbols in a contrasting color. (g)(2) Information and Training. (g)(2)(i) Employers shall ensure that all employees with occupational exposure participate in the training program which must be provided at no cost to the employee and during working hours. (g)(2)(ii) Training shall be provided as follows: (g)(2)(ii)(A) At the time of initial assignment to tasks where occupational exposure may take place; (g)(2)(ii)(B) Within 90 days after the effective date of the standard; and (g)(2)(ii)(C) At least annually thereafter. (g)(2)(iii) For employees who have received training on bloodborne pathogens in the year preceding the effective date of the standard, only training with respect to the provisions of the standard which were not included need be provided. (g)(2)(iv) Annual training for all employees shall be provided within one year of their previous training. (g)(2)(v) Employers shall provide additional training as modification of tasks or procedures or institution of new tasks or procedures affect the employee’s occupational exposure. The additional
training may be limited to addressing the new exposures created. (g)(2)(v) Material appropriate in content and vocabulary to educational level, literacy, and language of employees shall be used. (g)(2)(vi) The training program shall contain at a minimum the following elements: (g)(2)(vi)(A) An accessible copy of the regulatory text of this standard and an explanation of its contents; (g)(2)(vi)(B) A general explanation of the epidemiology and symptoms of bloodborne diseases; (g)(2)(vi)(C) An explanation of the modes of transmission of bloodborne pathogens; (g)(2)(vi)(D) An explanation of the employer's exposure control plan and the means by which the employee can obtain a copy of the written plan; (g)(2)(vi)(E) An explanation of methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials; (g)(2)(vi)(F) An explanation of the use and limitations of methods that will prevent or reduce exposure to potentially infectious materials; (g)(2)(vi)(G) Information on the types, proper use, location, removal, handling, decontamination and disposal of personal protective equipment; (g)(2)(vi)(H) An explanation of the basis for selection of personal protective equipment; (g)(2)(vi)(I) Information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine and vaccination will be offered free of charge; (g)(2)(vi)(J) Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials; (g)(2)(vi)(K) An explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be available; (g)(2)(vi)(L) Information on the post-exposure evaluation and follow-up that the employer is required to provide for the employee following an exposure incident; (g)(2)(vi)(M) An explanation of the signs and labels and/or color coding required by paragraph (g)(1); and (g)(2)(vi)(N) An opportunity for interactive questions and answers with the person conducting the training session. (g)(2)(vii) The person conducting the training shall be knowledgeable in the subject matter covered by the elements contained in the training program as it relates to the workplace that the training is to take place. (g)(2)(vii) An Additional Initial Training for Employees in HIV and HBV Laboratories and Production Facilities. Employees in HIV or HBV research laboratories and HIV or HBV production facilities shall receive the following initial training in addition to the above training requirements. (g)(2)(vii)(A) The employer shall assure that employees demonstrate proficiency in standard microbiological practices and techniques and in the practices and operations specific to the facility before being allowed to work with HIV or HBV. (g)(2)(vii)(B) The employer shall assure that employees have prior experience in the handling of human pathogens or practices before working with HIV or HBV. (g)(2)(vii)(C) The employer shall provide a training program to employees who have no prior experience in handling human pathogens. Initial work activities shall not include the handling of infectious materials. A progression of work activities shall be assigned as techniques are learned and proficiency is developed. The employer shall assure that employees participate in work activities involving infectious agents only after proficiency has been demonstrated. (g)(2)(vii)(D) An explanation of the appropriate practices and techniques and in the disposal of personal protective equipment; (g)(2)(vii)(E) A copy of the employee's hepatitis B vaccination status including the dates of all the hepatitis B vaccinations and any medical records relative to the employee's ability to receive vaccination as required by paragraph (h)(2): (h)(1)(i)(C) A copy of all results of examinations, medical testing, and follow-up procedures as required by paragraph (h)(3); (h)(1)(i)(D) The employer's copy of the healthcare professional's written opinion as required by paragraph (h)(5); and (h)(1)(i)(E) A copy of the information provided to the healthcare professional as required by paragraphs (h)(4)(iii)(B)(C) and (D); (h)(1)(iii) Confidentiality. The employer shall ensure that employee medical records required by paragraph (h)(1) are: (h)(1)(i)(iii)(A) Kept confidential; and (h)(1)(i)(iii)(B) Not disclosed or reported without the employee's express written consent to any person within or outside the workplace except as required by this section or as may be required by law. (h)(1)(iv) The employer shall maintain the records required by paragraph (h)(1) for at least the duration of employment plus 30 years in accordance with 29 CFR 1910.1020. (h)(2) Training Records. (h)(2)(i) Training records shall include the following information: (h)(2)(i)(A) The dates of the training sessions; (h)(2)(i)(B) The contents or a summary of the training sessions; (h)(2)(i)(C) The names and qualifications of persons conducting the training; and (h)(2)(i)(D) The names and job titles of all persons attending the training sessions. (h)(2)(ii) Training records shall be maintained for 3 years from the date on which the training occurred. (h)(3) Availability. (h)(3)(i) The employer shall ensure that all records required to be maintained by this section shall be made available upon request to the Assistant Secretary and the Director for examination and copying. (h)(3)(ii) Employee training records required by this paragraph shall be provided upon request for examination and copying to employees, to employee representatives, to the Director, and to the Assistant Secretary. (h)(3)(iii) Employee medical records required by this paragraph shall be provided upon request for examination and copying to the subject employee, to anyone having written consent of the subject employee, to the Director, and to the Assistant Secretary in accordance with 29 CFR 1910.1020. (h)(4) Transfer of Records. (h)(4)(i) The employer shall comply with the requirements involving transfer of records set forth in 29 CFR 1910.1020(h). (h)(4)(ii) If the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall notify the Director, at least three months prior to their disposal and transmit them to the Director, if required by the Director to do so, within that three month period. (i) Dates. (i)(1) Effective Date. The standard shall become effective on March 6, 1992. (i)(2) The Exposure Control Plan required by paragraph (c) of this section shall be completed on or before May 5, 1992. (i)(3) Paragraph (g) Information and Training and (h) Recordkeeping shall take effect or before June 4, 1992. (i)(4) Paragraphs (d)(2) Engineering and Work Practice Controls, (d)(3) Personal Protective Equipment, (d)(4) Housekeeping, (e) HIV and HBV Research Laboratories and Production Facilities, (f) Hepatitis B Vaccination and Post-Exposure Evaluation and Follow-up, and (g)(1) Labels and Signs, shall take effect July 6, 1992.
City Commission Memorandum
20-129

August 7, 2020

TO: Mayor Steve Austin and the Board of Commissioners
FROM: William L. "Buzzy" Newman, Jr., City Manager
SUBJECT: Amending Appendix “A” Zoning – Animal Café

Enclosed for the agenda of Tuesday, August 11, 2020, is first reading of an ordinance updating Appendix “A” Zoning, to add the definition of Animal Café and to allow animal cafes as a conditional use in certain zoning districts including:

Article XIX - General Business District
Article XX - Central Business District
Article XXI - Highway Commercial District
Article XXX – Riverfront Zones, RF-2 Light Commercial
Article XXXII – Audubon Commercial District
Article XXXIII – Gateway Zone District
Article XXXIV – Henderson Innovative Planning District

As you will recall, a request for review of the zoning ordinance was forwarded to the Planning Commission after the City was approached by a person requesting the proposed changes. The Planning Commission conducted a public hearing at its meeting of August 4, 2020 and recommended the proposed amendments.

Your approval of the attached ordinance is requested.

c: Brian Bishop
August 5, 2020

Mayor Steve Austin
City Commissioners
Henderson Municipal Center
Henderson, KY 42420

ATTN: Buzzy Newman, City Manager

RE: Amendments to Henderson City Zoning Ordinance, Appendix A Zoning, - The Planning Commission will consider adding changes to the following Articles below.

Please be advised on Tuesday, August 4, 2020 the Henderson City-County Planning Commission held a Public Hearing to consider the following:

- **Article II, Section 2.01, Definitions** - *Animal café*. Any retail café that collaborates with any animal shelter as defined in KRS 258.095 to provide space to showcase cats or rabbits owned by the entities for the purpose of adoption.

- **Article XIX- General Business District, Section 19.03 – Conditional Uses** - (f) Animal cafés.

- **Article XX- Central Business District, Section 20.03 – Conditional Uses** - (a) Animal cafés.

- **Article XXI – Highway Commercial District, Section 21.03 – Conditional Uses** - (f) Animal cafés.

- **Article XXX – Riverfront Zones, RF-2, Light Commercial, Section 30.03, Permitted & Conditional Uses** - Animal cafés.

- **Article XXXII – Audubon Commercial District, Section 32.03 – Permitted & Conditional Uses** - (a) Animal cafés
- Article XXXIII - Gateway Zone District, Section 33.06 – Permitted & Conditional Uses - (f) Animal cafés as defined in section 2.01.

- Article XXXIV - Henderson Innovative Planning District (HIP), Section 34.02 – Permitted & Conditional Uses - (b) Animal cafés.

Pursuant to the direction of the Board of Commissioners, to have the Planning Commission hold a public hearing of the zoning ordinance to determine the appropriateness of amending the ordinance to allow Animal Café and any necessary change to this section pursuant to Kentucky Revised Statute 258.095.

PLANNING COMMISSION RECOMMENDATION - MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY BOBBIE JARRETT TO RECOMMEND TO THE CITY COMMISSION THAT THEY ADOPT THESE CHANGES AS PRESENTED, TO THE ZONING ORDINANCE.

AYE: ALL
NAY: NONE

Attached is a copy of the transcript of the public hearing, and documents related to the text amendments.

Respectfully submitted,

Brian Bishop
Executive Director, AICP
Henderson City-County Planning Commission
BB/tgc
Cc: Dawn Kelsey
Sec. 2.01. - Definitions.

For the purpose of these regulations, certain terms and words shall be used and interpreted as defined hereinafter. Words used in the present tense include the future. The singular number includes the plural, and the plural the singular. The word "shall" is mandatory, not merely directive; the word "may" is permissive.

Accessory structure or use. Any structure or use, other than the principal structure or use, and detached therefrom by a reasonable distance, directly incidental to or required for the enjoyment of the permitted use of any premises; also as specifically designated under the zoning district regulations of this chapter.

Administrative official. Any department, employee, or advisory, elected or appointed body which is authorized to administer any provision of the zoning regulation, subdivision regulations, and if delegated, any provision of any housing or building regulation or any other land use control regulation.

Agricultural use. The use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetable, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public.

Alley. Any public or private way which affords only a secondary means of access to abutting property and which does not constitute a public maintained street upon which property may front.

Alteration. Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partition, columns, beams, "altered or reconstructed."

Animal café. Any retail café that collaborates with any animal shelter as defined in KRS 258.095 to provide space to showcase cats or rabbits owned by the entities for the purpose of adoption.

Apartment. A dwelling unit as defined by this article, not to be construed as an apartment house.

Applicant. The owner of land and/or property proposed to be zoned or his representative.

Basement. That portion of a building the average height of which is at least half below grade, which is ordinarily used for purposes such as storage, laundry facilities, household tool shops, and installation and operation of heating, cooling, ventilating facilities, but which is not ordinarily used for the purpose of general household habitation.

Bed and breakfast inn. A single-family, owner occupied dwelling which has been designated by the State of Kentucky as a Kentucky Landmark and is arranged in order for the owner-occupant to let no more than four (4) separate bedrooms and serve breakfast to overnight guests. The following applies to signs advertising the bed and breakfast inn:

(1) There shall be no evidence of the conduct of the bed and breakfast business from the exterior of the dwelling, other than one (1) sign not exceeding four (4) square feet in area, unlighted, and mounted flat against the wall of the dwelling. In the case of a corner lot, one (1) sign may be placed on each street side of the dwelling.

Block. The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream, or between any of the foregoing and any other barriers, to the continuity of development.

Board. The word "board" shall mean the board of zoning adjustment as established in Article V of this ordinance.

Boardinghouse. A building arranged or used for lodging with or without meals for compensation, by more than five (5) and not more than twenty (20) individuals.
Article XIX-GB, General Business District

Sec. 19.03. - Conditional uses.

(a) Any uses not allowed above, which are of the same general character as the above permitted uses, which will not be detrimental to the district in which they are located, and which will not be objectionable by reason of odors, dust, smoke, cinders, gas fumes, noise, vibrations and refuse matter are eligible for a conditional use permit. The procedure in Section 4.03 shall be followed.

(b) Shopping centers, in accordance with Section 4.39.

(c) Private clubs.

(d) The owner-operator of a permitted general business district commercial use may be allowed to establish one (1) dwelling unit for his use only as an accessory conditional use to the commercial use. Said residential use shall follow the procedure for obtaining a conditional use permit as outlined in Section 4.03 of Article IV. All provisions of Section 4.03 shall apply to this section. Additionally, the residential use shall be required to have one off-street parking space in addition to the required spaces for the commercial use. The proposal shall be submitted to the board of zoning adjustment which may alter, deny or grant any request in accordance with Section 4.03.

(e) Allow multiple uses (businesses), but no more than three (3), may be allowed in the same structure (building) with a conditional use permit.

(f) Animal cafés

(Ord. No. 23-14, Exh. A, 7-8-14; Ord. No. 16-16, Exh. A, 4-26-16)
Article XX-CBD, Central Business District

Sec. 20.03. - Conditional uses.

(a) Animal cafés.
(b) Auto sales lots.
(c) Auto and body repair shops and/or any type of motor vehicle service.
(d) Car wash establishments.
(e) Craft distilleries as defined in section 2.01.
(f) Convenient stores with gas pumps.
(g) First floor dwelling units: Residential dwelling units may be located on the ground floor of structures originally constructed as mixed use or commercial buildings, or new mixed use buildings, when the following conditions are met:
   i. Each ground floor dwelling unit is located at the rear of the building, behind a commercial or office use.
(h) Gas stations.
(i) Microbreweries as defined in section 2.01.
(j) Moving or storage offices.
(k) Pawn shops and payday lending services.
(l) Public auction houses.
(m) Tattoo parlors.
(n) Used car lots.

(o) Allow multiple uses (businesses), but no more than three (3), may be allowed in the same structure (building) with a conditional use permit.

(Ord. No. 23-14, Exh. A, 7-8-14; Ord. No. 06-15, Exh. B, 4-14-15; Ord. No. 16-16, Exh. A, 4-26-16; Ord. No. 51-17, 8-25-17)
Article XXI-H-C, Highway Commercial District

Sec. 21.03. - Conditional uses.

(a) Any uses not allowed above, which are of the same general character as the above permitted uses, which will not be detrimental to the district in which they are located, and which will not be objectionable by reason of odors, dust, smoke, cinders, gas fumes, noise, vibrations and refuse matter are eligible for a conditional use permit. The procedure in Section 4.03 shall be followed.

(b) Shopping centers in conformance with Section 4.39 of these regulations. Shopping centers shall be permitted as conditional uses only in central business and highway commercial districts according to the following conditions.

(c) Allow multiple uses (businesses), but no more than three (3), may be allowed in the same structure (building) with a conditional use permit.

(d) Shooting range, indoors (must meet all federal, state, and local regulations).

(e) Self storage rental units (must meet all of the following conditions):
   (i) Vegetative buffer strips shall be required for construction along and either side of blue-line streams, creeks, rivers, lakes and impoundments, and all streams labeled with names or numbers on the FIRMs;
   (ii) One (1) parking space for every one thousand (1,000) square feet for non-vehicular accessed storage space;
   (iii) Site geometry so that doors (overhead and person) face to the interior of drives;
   (iv) All driving aisles shall be a minimum of twenty-four (24) feet wide and hard surfaced;
   (v) All other associated driving and vehicle storage areas shall be hard surfaced;
   (vi) All buildings must meet Kentucky Building Codes;
   (vii) Exterior of buildings must be compatible to surrounding areas (example brick, siding, stucco, or eifs) and exterior paint colors, including roof, to be in harmony with other homes and or building (not bold colors) in area;
   (viii) Night sky friendly lighting only; and
   (ix) Heavy planting to serve as softscaping on perimeter.

(f) Animal cafés.

(Ord. No. 23-14, Exh. A, 7-8-14; Ord. No. 16-16, Exh. A, 4-26-16; Ord. No. 24-16, Exh. A, 7-12-16; Ord. No. 26-18, 8-28-18)
Article XXX-Riverfront Zones, RF-1, RF-2, RF-3, and RF-4
Sec. 30.03. - RF-2 Light commercial.

(A) Permitted uses:

- Barber and beauty shops, (excluding tattooing and body art);
- Bed and breakfast inns;
- Business and professional offices;
- Catering establishments;
- Eating or drinking establishments, with or without entertainment, except those having the principal character of a drive-in facility wherein food is served to a customer in his vehicle.
- Exhibition halls/convention center;
- Health and fitness centers;
- Interior decorating establishments;
- Government offices;
- Meat, fruit and vegetable markets;
- Media studios, including photography shops;

Mixed-use buildings:

- Museums:
  - Structures that are a minimum of two (2) stories in height, containing both residential dwelling units and non-residential commercial uses, when the following criteria are met:
    a) Residential dwelling units may be located on the ground floor of mixed-use buildings provided that a minimum of one thousand five hundred (1,500) square feet of non-residential floor areas is located on the ground floor;
    b) Each ground floor dwelling unit is at the rear of the building, behind a commercial or office use and at least twenty-five (25) feet back from the street right-of-way line.
- Nonprofit organization offices;
- Offices; either business, professional, or government.
- Pet shops;
- Religious uses;
- Retail shops;
- Single-family residence;
- Studios for art, dancing, music or theatrical instruction, exhibition or performance;
- Theatre, dance halls or similar places of assembly;
Townhouses;
Wedding chapels or banquet halls;
Building contractor offices, excluding outside storage yards.

(B) **Conditional uses:**
- Animal cafes;
- Apartments;
- Bakeries;
- Hotels/motels;
- Marina (pleasure boats only);
- Parking lots and garages, where parking is the primary, not the accessory use;
- Repair shops, (excluding automotive/motorized vehicles/power equipment);

(C) **Prohibited uses:**
- Auto sales lots.
- Auto and body repair shops and/or any type of motor vehicle service.
- Car wash establishments.
- Moving or storage offices.
- Mini-storage.
- Outdoor storage and sales.
- Pawn shops and payday lending services.
- Public auction houses.
- Tattoo parlors.
- Used car lots.

(D) **Area, height, bulk and placement:** See schedule of regulations, Article XXVII.

(E) **General requirements:**
1. Plans for building construction, parking area, yards, driveways, entrances and exits shall be approved by the enforcement officer and the local government engineer, acting jointly, in consultation with the planning commission, and they may require any changes therein as may be deemed necessary or desirable to ensure safety, to minimize traffic difficulty and to safeguard adjacent properties.
2. Plans shall be considered as to location of the use with relationship to the riverfront development plan as adopted in 1994.

(F) **Design and building exterior requirements:** Development within the RF-2 district shall substantially comply with the following supplemental development regulations:
1. Facades.
i. Buildings wider than one hundred (100) feet shall be designed so that multiple differing facade treatments are used, to give the impression that the building is made up of a number of small buildings connected together. Each differing facade treatment should be between twenty (20) and forty (40) feet in width.

ii. Principal facades facing Water Street, a plaza, or public park may not have blank walls (without doors or windows) greater than fifteen (15) feet in length.

iii. Where parapets are used, the parapet must wrap around the entire length of the front and side of the buildings. Where parapets are not used, all rooftop mechanical equipment shall be screened.

iv. Facade articulation is required for walls exceeding thirty (30) feet in length, wherein portions of the building are recessed slightly from the build-to line.

v. False parapets shall be limited to twenty (20) percent of the total height of the facade.

2. Building materials.

i. No portion of a building shall be treated with smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels, unless the visible finish is comprised of a suitable finish material. Materials suitable for treating visible facades may include, but are not limited to, brick, glass, split-face decorative block, stone, or stucco;

ii. The rear and side facades shall be of materials and design characteristics consistent with that of the front; use of inferior or lesser quality materials for rear or side facades shall be prohibited.

3. Entrances. A minimum one (1) entrance shall front Water Street. A commercial or institutional building shall feature one (1) or more prominent entries on the principal facade highlighted by at least three (3) of the details listed below. Secondary entrances to smaller tenants in multi-tenant buildings shall also have at least two (2) of the features listed below.

i. Canopies/porticos above the entrance;

ii. Roof overhangs above the entrance;

iii. Entry recesses/projections;

iv. Arcades that are physically integrated with the entrance;

v. Raised corniced parapets above the entrance;

vi. Architectural details, such as tile work and moldings, that are integrated into the building structure and design; or

vii. Integral planters or wing walls that incorporate landscaped areas or seating areas. A wing wall is a wall secondary in scale projecting from a primary wall and not having a roof.


i. Shingles, metal standing seam, tile or other roofing materials with similar appropriate texture and of earthen appearance shall be utilized on roofs visible from Second Street.

ii. Roof mounted mechanical equipment visible from Second Street shall be enclosed or screened to ensure that such features are not visible. Enclosures and screens shall be compatible to the architectural style of the proposed building.

(G) Parking: Due to the unique characteristics of the RF-2 district, including the existence of street parking, all new and existing commercial, mixed use buildings, and single family dwelling units, are allowed a one-hundred-percent parking reduction from the required on-site parking spaces as set forth in Section 9.01. This reduction shall not be construed as an exemption to or reduction of required ADA compliant handicap parking.

1. Location.
i. No on-site parking or parking areas are permitted in the front yard of any single-family, duplex, townhouse, or commercial uses, except for driveways connecting to the rear or side off-street parking area or private access ways and loading areas.

2. **Shared parking.** If parking is to be provided, it is recommended that the applicant utilize shared parking. Shared parking arrangements for non-residential uses with different hours of operation may be approved provided the shared parking arrangement satisfies the following requirements:

   a. The applicant must provide evidence that no substantial conflict in the principal operating hours of the uses for which shared parking is proposed, exists.

   b. Office, retail, and other similar uses are considered daytime uses.

   c. Auditoriums, religious assembly, entertainment, and eating and drinking establishments, and other similar uses, are considered nighttime and weekend uses.

   d. Shared parking must be no more than six hundred fifty (650) feet walking distance from the property in question.

   e. A written agreement providing for the shared use of parking, acceptable to the codes administrator, shall be executed by the appropriate parties and filed with the Henderson County Court Clerk's Office, and copies shall be provided to the city codes and planning office. Shared parking privileges will continue in effect only as long as the agreement, binding upon both parties, remains in force. If the agreement is not in force, the normal parking standards will then apply.

3. **Principal use parking lots.** Where parking lots are the principal use of the property, or have been granted a conditional use permit as allowed in Section 32.03, the following standards shall apply:

   a. The parcel shall be screened from all abutting streets and residentially zoned properties.

   b. The screening shall consist of a wall, fence, or hedge (of not less than three and a half (3½) feet in height at planting), of not less than four (4) feet in height, or more than six (6) feet in height. Chain link fences are prohibited. If fencing is used, a landscaping area of no less than three (3) feet in width shall be required to soften its appearance.

   (H) **Utility services:**

   1. **Utility location.** Utility services shall be located underground when practical. Exceptions to the requirements of underground utilities are:

      a. Major electric transmission lines responsible for transporting power through the area rather than to the area;

      b. Where the codes administrator determines that an underground utility location is not practical, above grade utilities shall be located behind structures in a utility “alley” easement approved by the applicable utility authority when practical.

      c. Elements such as HVAC units, telephone boxes, or electrical transformers shall be placed as close to the structure as feasible and screened.

   (I) **Signage:** Article X of the zoning ordinance applies, and the following additional district signage regulations shall also apply:

   1. **Wall signage.**

      a. Each business will be allowed one (1) wall-mounted sign per street frontage, up to ten (10) percent of the surface area of the wall area;

   2. **Pedestrian signage.**
APPENDIX A-ZONING CODE, CITY OF HENDERSON, KY

i. Pedestrian oriented signs are designed and intended for pedestrians to easily read the signage of the business, as they stand on the sidewalk adjacent to the business;

ii. One (1) pedestrian oriented sign is permitted per business fronting Second Street, in addition to existing on-site signage allowances of Article X;

iii. Such pedestrian sign shall be either a projecting sign, an awning sign, or attached to the facade;

iv. If the pedestrian sign is a wall or awning sign in type, it must not exceed eight (8) square feet in size.

3. Projecting signage is allowed with the following conditions:

i. All signs shall comply with applicable provisions of the Kentucky Building Code and the National Electrical Code adopted by the City of Henderson;

ii. The sign must not exceed sixteen (16) square feet in size;

iii. The sign shall not be placed lower than ten (10) feet above grade;

iv. The maximum height of the sign shall be sixteen (16) feet in height or the bottom of the second floor window or wall, whichever is less;

v. The sign shall not project more than six (6) feet from the facade of the building.

(Ord. No. 23-14, Exh. A, 7-8-14)
ARTICLE XXX/1 - AUDUBON COMMERCIAL DISTRICT

Sec. 32.03. - Permitted uses.

1. Permitted uses. The following uses are permitted:
   (a) Antique shops.
   (b) Art galleries.
   (c) Bakeries.
   (d) Barber or beauty shop.
   (e) Bicycle rental or repair shop.
   (f) Cafe's and coffeehouses.
   (g) Catering establishments.
   (h) Clothing or costume rental establishments.
   (i) Community gardens.
   (j) Eating or drinking establishments, with or without entertainment, except those having the principal character of a drive-in facility wherein food is served to a customer in his vehicle.
   (k) Home occupations as defined in Article II.
   (l) Interior decorating establishments.
   (m) Musical shops.
   (n) Offices; either business, or professional.
   (o) Retail business or service.
   (p) Shoe repair.
   (q) Any use allowed in the Audubon Residential District.
   (r) Any other substantially similar activity.
   (s) Mixed-uses.

i. Mixed use buildings:
   New or existing buildings containing both residential dwelling units and non-residential commercial uses: residential dwelling units may be located on the ground floor of mixed-use buildings provided that a minimum of one thousand five hundred (1,500) square feet of non-residential floor areas is located on the ground floor, or when all the following criteria are met:
   1. The building is a minimum of two (2) stories in height;
   2. Commercial or office uses are restricted to the ground floor unless a conditional use permit is obtained;
   3. Each ground floor dwelling unit is at the rear of the building, behind a commercial or office use, unless a conditional use permit is obtained.

ii. Neighborhood retail sales and services:
   The use must be located in an existing structure, originally constructed for neighborhood business, or located within any mixed-use building, with the following criteria:
1. The gross floor area of the original structure may be expanded with a conditional use permit.

2. Retail sales and services that have been traditionally found in older urban neighborhoods. Typical uses include grocery shops, butcher shops, delicatessens, fruit and vegetable markets, ice cream shops, bakeries, cafes, pharmacies, music shops and schools, dance studios, antique shops, shoe repair, restaurants without drive-thrus, clothing and apparel stores, barber and beauty shops, and similar uses as determined by the codes administrator.

3. Bars, banks with drive-thrus, and restaurants with drive-thrus are permitted with a conditional use permit.

iii. Professional offices:

The following professional office uses, may be allowed as permitted uses in existing or new buildings originally constructed for neighborhood business, or mixed-use purposes:

1. Medical, dental, optometry, chiropractic offices, architecture and engineering offices, attorney, title or other legal offices, professional services including real-estate, insurance, property management, tourism and travel, marketing, design, and other related professional services.

2. Such professional office uses shall only be permitted on the first floor of a mixed use building unless a conditional use permit is obtained.

2. Conditional uses.

(a) Animal cafes.

(b) Banks.

(c) Bed and breakfast inns.

(d) Day cares.

(e) Family child-care home, with the following limitations:
   i. There shall be a maximum of ten (10) children allowed in the home of which no more than six (6) shall be unrelated to the care provider. No more than four (4) children under twelve (12) months of age nor more than six (6) children under six (6) years of age, including the provider's own or related children, shall be kept in the home.
   ii. No person may be employed that is not a resident of the premises.
   iii. Otherwise fully complies with the provisions of a home occupation as provided in Section 2.01 of this Code.

(f) Funeral homes.

(g) Grocery stores.

(h) Medical and dental offices.

(i) Nonprofit public and private facilities.

(j) Parking lots and garages, where parking is the primary, not accessory use.

(k) Professional and labor organizations.

(l) Studios for music, dancing, or theatrical instruction.

(m) Schools, libraries, churches and other facilities normally incidental thereto, provided that there is adequate access to all required off-street parking areas, on-site parking spaces as required in Section 9.01 are provided, and there is no parking in the front yard (see Section 32.05(2)(a) parking.
(n) Theatre, dance halls, or similar places of assembly.
(o) Wedding chapels or banquet halls.

(Ord. No. 37-13, 12-10-13)
Sec. 33.06. - Permitted uses.

The following uses shall be permitted in the gateway zone district:

1. Permitted uses.
   a. Antique shops.
   b. Art galleries.
   c. Bakeries.
   d. Banks.
   e. Barber or beauty shop.
   f. Bicycle rental or repair shop.
   g. Blueprinting.
   h. Business schools, and colleges, or private schools operated for profit.
   i. Carpet, rug, linoleum, or other floor covering stores.
   j. Catering establishments.
   k. Churches.
   l. Clothing or costume rental establishments.
   m. Convention centers.
   n. Day cares.
   o. Department stores.
   p. Eating or drinking establishments, with or without entertainment, except those having the principal character of a drive-in facility wherein food is served to a customer in his vehicle.
   q. Furniture stores.
   r. Grocery stores.
   s. Hotels.
   t. Home occupations as defined in Article II.
   u. Hospitals.
   v. Interior decorating establishments.
   w. Medical or dental laboratories for research or testing, not involving any danger of fire or explosion, nor of offensive noise, vibration, smoke, odorous matter, heat, humidity, glare, or other objectionable effects.
   x. Museums.
   y. Family child-care home, with the following limitations: There shall be a maximum of ten (10) children allowed in the home of which no more than six (6) shall be unrelated to the care provider. No more than four (4) children under twelve (12) months of age nor more than six (6) children under six (6) years of age, including the provider's own or related children, shall be kept in the home. No person may be employed that is not a resident of the premises. Otherwise fully complies with the provisions of a home occupation as provided in Section 2.01 of this Code.
z. Funeral homes, except crematoriums.
aa. Medical and dental offices.
bb. Multifamily housing.
c. Musical shops.
dd. Office or business machine stores, sales or rental.
e. Offices; either business, professional, or government.
f. Pharmacy.
gg. Photographic developing or printing establishments and studios.
hh. Printing establishments.
i. Professional and labor organizations.
jj. Publicly owned or leased buildings, and public utility buildings.
[jj.1.] Radio and television studios.
k. Residential care facilities.
l. Retail business or service, including the incidental manufacture of articles to be sold at retail on premises as long as no more than five (5) persons are employed in such manufacture.
mm. Shopping center.
nn. Studios for music, dancing, or theatrical instruction.
oo. Television, radio or household appliance repair shops.
pp. Theatre, dance halls or similar places of assembly.
qq. Townhouses.
r. Venetian blind, window shades, or awning shops, custom shops, including repairs, limited to two thousand five hundred (2,500) square feet of floor area per establishment.
s. Wedding chapels or banquet halls.
t. Any other substantially similar activity.

2. **Mixed-use buildings.** Buildings containing both residential dwelling units and non-residential commercial uses are permitted. Residential dwelling units may be located on the ground floor of mixed-use buildings provided that a minimum of one thousand five hundred (1,500) square feet of non-residential floor areas is located on the ground floor, or when all the following criteria are met:
   a. The building is a minimum of two (2) stories in height;
   b. Commercial or office uses are restricted to the ground floor;
   c. Each ground floor dwelling unit is at the rear of the building, behind a commercial or office use.

3. **Conditional uses.**
   b. Parking lots and garages, where parking is the primary, not accessory use.
   c. Allow multiple uses (businesses), but no more than three (3), may be allowed in the same structure (building) with a conditional use permit.
   d. Craft distilleries as defined in section 2.01.
e. Microbreweries as defined in section 2.01.
f. Animal cafés as defined in section 2.01.

4. Prohibited uses.
   a. Auto sales lots.
   b. Auto and body repair shops and/or any type of motor vehicle service.
   c. Car wash establishments.
   d. Moving or storage offices.
   e. Mini-storage.
   f. Outdoor storage and sales.
   g. Pawn shops and payday lending services.
   h. Public auction houses.
   i. Tattoo parlors.
   j. Used car lots.

(Ord. No. 6-14, Exh. A, 1-28-14; Ord. No. 16-16, Exh. A, 4-26-16; Ord. No. 51-17, 8-25-17)
Article XXXIV- Henderson Innovative Planning District (HIP)

Sec. 34.02. - Permitted uses.

1. Permitted uses.
   
   (a) Antique shops.
   (b) Art galleries.
   (c) Assisted living facilities.
   (d) Bakeries.
   (e) Banks.
   (f) Barber or beauty shop, or tanning salon.
   (g) Bed and breakfast establishments.
   (h) Bicycle rental or repair shop.
   (i) Business schools, and colleges, or private schools operated for profit.
   (j) Catering establishments.
   (k) Churches.
   (l) Clothing or costume rental establishments.
   (m) Contractors office.
   (n) Day cares.
   (o) Eating or drinking establishments, with or without entertainment, except those having the principal character of a drive-in facility wherein food is served to a customer in his vehicle.
   (p) Grocery stores.
   (q) Home occupations as defined in Article II.
   (r) Interior decorating establishments.
   (s) Museums.
   (t) Family child-care home, with the following limitations:
       There shall be a maximum of ten (10) children allowed in the home of which no more than six (6) shall be unrelated to the care provider. No more than four (4) children under twelve (12) months of age nor more than six (6) children under six (6) years of age, including the provider's own or related children, shall be kept in the home. No person may be employed that is not a resident of the premises. Otherwise fully complies with the provisions of a home occupation as provided in Section 2.01 of this Code.
   (u) Medical and dental offices.
   (v) Mixed use buildings, containing both residential dwelling units and non-residential commercial uses.
   (w) Multifamily housing.
   (x) Music shops.
   (y) Office or business machine stores, sales, or rental.
   (z) Offices: government, commercial, or professional.
   (aa) Pharmacy.
   (bb) Printing and related establishments.
(cc) Professional and labor organizations.
(dd) Publicly owned or leased buildings; public utility buildings.
(ee) Residential care facilities.
(ff) Retail businesses or service.
(gg) Shoe repair.
(hh) Sidewalk dining.
(ii) Studios for music, dancing, or theatrical instruction.
(jj) Theatre, dance halls, or places of assembly.
(kk) Townhouses and condominiums.
(ll) Wedding chapels.
(mm) Any substantially similar activity.

2. Conditional uses.
   (a) Allow multiple uses (businesses), but no more than three (3), may be allowed in the same structure (building) with a conditional use permit.
   (b) Animal cafés.

(Ord. No. 36-14, Exh. A, 10-28-14; Ord. No. 16-16, Exh. A, 4-26-16)
The Henderson City-County Planning Commission held a meeting August 4, 2020 at 6:00 p.m., at the Peabody Building, 1990 Barret Ct, Suite F, via teleconference. Members present via teleconference: Chairman David Dixon, Vice-Chairman David Williams, Bobbie Jarrett, Gary Gibson, Rodney Thomas, Dickie Johnson, Gray Hodge, Kevin Richard, Doug Bell, Mac Arnold, Stacy Denton and Tommy Joe Fridy. Kevin Herron was absent. Staff present: Director Brian Bishop, Jennifer Marks, Theresa Curtis, and Chris Raymer. Heather Lauderdale was absent.

Chairman Dixon: We’ll move on to the next item in the public hearing; Amendments to the Henderson City Zoning Ordinance, Appendix A.

Mr. Bishop, will you start that discussion?

Brian Bishop: Yes sir.

I’m going to ask for assistance with Mr. Ray Nix with this one. But before Ray gives his presentation, I will give a little bit of a background.

Zoning text amendments originate with two (2) groups. It can either be Planning Commission or the Legislative body. In this case, the Board of Commissioners has requested that we hold a public hearing to address animal café’s; which you’ll see in the definition of your packet.

So what will happen next is we hold the public hearing, which is now. Once we do that, we make a recommendation back to the Board of Commissioners, and then they take final action on that.

So, with that, I’m going to switch seats with Mr. Ray Nix and he’s going to take us home on this one.
Theresa Curtis: Brian, can you take the rezoning off the big screen?
Brian Bishop: Yes, Chris is doing that right now.
Theresa Curtis: Thank you.
Chairman Dixon: Let me get Mr. Nix sworn in.
Do you swear to tell the whole truth and nothing but the truth?
Ray Nix: I do.
Chairman Dixon: Thank you, please proceed.
Ray Nix: A few weeks ago the City of Henderson was approached by a person wanting to start up an animal café, specifically a cat café.
We have nothing in our zoning ordinances regarding this type of business so, the city is coming to the Planning Commission to consider adding changes to the following articles.
They are; Article II Section 2.01 Definitions; Animal café to be any retail café that collaborates with any animal shelter defined in KRS 258.095, to provide space to showcase cats or rabbits owned by the entities for the purpose of adoption.
They would also like to include Article XIX, General Business District, Section 19.03- Conditional uses- (f) as animal café’s.
Article XX- Central Business District, Section 20.03 – Conditional uses – (a) animal café’s.
Article XXI- Highway Commercial Districts, Section 21.03– Conditional uses – (f) animal café’s.
Article XXX- Riverfront Zones, RF-2, Light Commercial, Section 30.03 – Permitted & Conditional Uses – animal café’s.
Article XXXII- Audubon Residential District, Section 32.03 – Permitted & Conditional Uses – (a) include animal café’s.
Article XXXIII- Gateway Zone District, Section 33.06 – Permitted & Conditional Uses- (f) animal café’s as defined in Section 2.01

Article XXXIV- Henderson Innovative Planning District (HIP), Section 34.02- Permitted & Conditional Uses (b) - animal café’s.

A little background on this just to give you a little information and input. Over the past decade or two (2), as populations of stray and neglected animals have grown and overwhelmed cities and counties and I’m sure if you heard about Fiscal Court report from the Humane Society, the County has a huge group of stray animals out there.

Animal cafes have popped up around the country with the purpose of working with local animal shelters and providing a site for showcasing animals for the purpose of adoption.

These are café’s in the sense that they provide a small area for coffee, tea or other non-alcoholic beverages while providing the majority of the separate space for viewing and interacting with animals for the purpose of adoption.

In our case, that would be cats and/or rabbits and located in a less stressful environment than what you would normally see at a shelter.

Lexington and Louisville have such businesses, as does Evansville. There is a place called River Kitty Cat Café on Main Street, you should check out their website, it’s really a creative concept.

I spoke with Paula at New Hope and she said she is excited about the possibility of collaborating in this type of way to help with adoptions since they are overwhelmed by numbers.

She said that she has talked with a couple of the shelters in Evansville and they have indicated to her that the cat café in Evansville has been a godsend for their overcrowding problem by helping to increase the number of adoptions.
I also spoke with Debbie at the Humane Society and she thinks this is a win-win for our community.

She said that currently, the Humane Society is drowning in cats. They have so many that they have a waiting list now for anyone wanting to give up a cat.

She went on to say that the Kitty Café in Evansville was doing a tremendous job with adoption placements stating that they have had over five-hundred (500) cats adopted so far this year. She also said the Humane Society and New Hope have met together and are in collaborative support for this.

The City has crafted these changes so that any request of this type would go to the Board of Zoning Adjustment as a conditional use with a public hearing and approval.

Those are my comments, if anyone has any questions I’ll try to answer them.

Mac Arnold: Ray, I’ve got a question. I noticed it says cats and rabbits, what is the concern about… are dogs not thought about in this or is it something they are preparing for later on or just does not apply?

Ray Nix: I think we’re looking at maybe something like this popping up in a business district area without having a larger area for walking space and that sort for some of the larger animals. I think, considering cats probably have a lower maintenance as far as that type of animal as well as less noise and sanitation was also a consideration.

Mac Arnold: Ok. So, later on if someone wants a café for dogs, we’re going to have to go through this process again?

Ray Nix: Absolutely.

Mac Arnold: Ok, thank you.
Brian Bishop: Guys, before we discuss any more I believe we have Mr. Adam Fox who’s on, and would like to discuss the issue.

Chairman Dixon: Mr. Fox, would you like to join us?

Adam Fox: Absolutely.

Chairman Dixon: I need to ask you if you are willing if you swear to tell the truth, the whole truth, and nothing but the truth this evening.

Adam Fox: Absolutely.

Chairman Dixon: Very good, thank you sir.

Theresa Curtis: Mr. Chairman?

Chairman Dixon: Yes ma’am?

Theresa Curtis: We need his address for the record.

Chairman Dixon: Oh, I’m sorry! Mr. Fox, your address for the record.

Adam Fox: 771 Lakeview Drive, here in Henderson, 42420.

Theresa Curtis: Thank you.

Chairman Dixon: Thank you.

Adam Fox: No problem.

So, I just wanted to elaborate a bit on the cat café concept, and I wanted to respond to the question in regards to rabbits.

In regards to the rabbits, about the potential for having other animals besides cats at this establishment or this café, it would be in the case of owner surrenders.

Rescues like VHS, like New Hope Animal Rescue often times do get small, strange animals such as a rabbit, a ferret, sometimes reptiles in tanks, things like that so I wanted to leave that option open in case anyone did have a particular animal that wasn’t necessarily a cat or wasn’t a dog. So again, ferrets, rabbits, reptiles in tanks, things that are
in those instances to leave myself the ability to have them surrendered and rehomed property to the establishment.

One of the statistics I like to send out is that cat café’s such as this have a twenty percent (20%) or higher chance of adopting out an animal than a private animal shelter in town, just due to exposure and the amount of foot traffic that goes through the door to be able to see those animals and give them a chance to get with someone that clicks with them and wants to go home with them.

So, also about your point about the dogs. Dogs tend to be a bit of a noise nuisance, I guess, in such area as a café where I expect to have a light food sales that he mentioned, beverages and things like that. Again, pending the approval of the Health Department.

In my model for this, I don’t believe that dogs would be a good fit for in this space, not to say that someone shouldn’t try it down the line but it just didn’t fit with my model so I didn’t suggest it.

Chairman Dixon: Thank you.

Brian Bishop: Mr. Chairman, if I may, Mr. Fridy, I’m going to need your assistance on this.

As far as Mr. Fox’s question regarding the fluidness of the animals that would be allowed, the City’s language was very specific. It specifically says cats and rabbits only. So, unless Mr. Fridy thinks I’m wrong, I don’t think we can give that allotment. There’s not that much fluidness there. It has to be specific to those two (2) types of animals.

Tommy Joe Fridy: I agree. That’s my opinion.

Chairman Dixon: The amendment, as presented to us, deals specifically with cats and rabbits.

That’s what everybody’s looking at, right?

Good. Do any commission members have more questions for Mr. Fox?
Mr. Fox, do you have anything you would like to add?

Adam Fox: No, unless revising the amendments is necessary in terms of that the State of Kentucky recognizes those tank reptiles and other small animals as individual items that need to have specific laws for those breeds or species of animals. Now of course I would like to get that revised in the future and have that set up; but as far as an initial... it’s entirely up to you as an initial amendment to have cats and rabbits or to amend that down the line and say, ok, cats, rabbits and you know ferrets, tank reptiles, etc., to more closely fit the range of animals I would like to be able to accommodate for.

Chairman Dixon: Ok, thank you.

Tommy Joe, make sure I’m speaking correctly. If we were going to add species, we would come back and do that in a separate action, would that be correct?

Tommy Joe Fridy: There are two (2) possibilities.

That is possibility one, and it is the best possibility in my judgement.

But it is also possible for the Planning Commission to recommend to the City Commission that they include other pets or other animals.

Chairman Dixon: Which would of course delay our consideration if we went with Plan B.

Tommy Joe Fridy: No it would not. We’re holding a public hearing and making a recommendation to the city.

Chairman Dixon: Understood, understood. Thank you, thank you.

Any other questions from anyone regarding anything on this proposed amendment?

I’m hearing none, the chair will entertain a motion in connection with this action.
David Williams: Mr. Fridy, would you please repeat what you said about including other animals in this recommendation please?

Tommy Joe Fridy: You could include other animals. It’s my suggestion that we pass it as it is. There’s no cost or time factor here, and then allow the city to have discussions with whomever may be interested which may include yourself or Mac, and ask them to include other animals such as dogs or reptiles, etc. But when you do that, the Planning Commission and the city may very well want to have that café for a dog with different requirements than a café for a cat or rabbit.

So, it may take a good deal of more work and if there is someone wanting to do it for cats, rabbits then I see no reason not to... or would be my recommendation that you pass it as it is and then we can immediately work on adding other animals.

Chairman Dixon: Very good, thank you counselor.

Tommy Joe Fridy: You’re very welcome.

Chairman Dixon: The chair will entertain a motion.

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY BOBBIE JARRETT TO RECOMMEND TO THE CITY COMMISSION THAT THEY ADOPT THESE CHANGES AS PRESENTED, TO THE ZONING ORDINANCE.

Chairman Dixon: We have a motion and a second. Madame Secretary, please call the roll.

AYE: ALL

NAY: NONE

Chairman Dixon: The motion carries. Thank you all, and thank you Mr. Fox for your input on this. We appreciate it.

Adam Fox: Thank you everyone.
SUMMARY: AN ORDINANCE AMENDING APPENDIX A – ZONING, ARTICLE II, SECTION 2.01, DEFINITIONS TO ADD DEFINITION OF ANIMAL CAFÉ; ARTICLE XIX, GB, GENERAL BUSINESS DISTRICT, SECTION 19.03 CONDITIONAL USES; ARTICLE XX, CBD, CENTRAL BUSINESS DISTRICT, SECTION 20.03 CONDITIONAL USES; ARTICLE XXI, H-C HIGHWAY COMMERCIAL DISTRICT, SECTION 21.03 CONDITIONAL USES; AND ARTICLE XXX, RIVERFRONT ZONES, SECTION 30.03 RF-2 LIGHT COMMERCIAL; ARTICLE XXXIII GATEWAY ZONE DISTRICT, SECTION 33.06 PERMITTED USES; AND ARTICLE XXXIV HENDERSON INNOVATIVE PLANNING DISTRICT SECTION 34.02 PERMITTED USES, TO ADD ANIMAL CAFÉS AS CONDITIONAL USES.

WHEREAS, animal cafes are gaining popularity in the United States as an avenue to support adoption efforts for homeless cats and rabbits;

WHEREAS, Appendix A – Zoning did not define animal café or provide districts where these businesses could operate in the City of Henderson;

Whereas, the City of Henderson wants to support efforts to assist animal shelters to find owners for homeless cats and rabbits;

WHEREAS, the Henderson-Henderson County Planning Commission approved such an amendment at its August 4, 2020, meeting.

NOW, THEREFORE, BE IT ORDAINED by the City of Henderson, Kentucky, that Appendix A, Article II Section 2.01, Definitions to add definition of “Animal Café”; Article XIX, GB, General Business District, Section 19.03 Conditional Uses; Article XX, CBD, Central Business District, Section 20.03 Conditional Uses; Article XXI, H-C Highway Commercial District, Section 21.03 Conditional Use; And Article XXX, Riverfront Zones, Section 30.03 RF-2 Light Commercial; Article XXXIII Gateway Zone District, Section 33.06 Permitted Uses; And Article XXXIV Henderson Innovative Planning District, Section 34.02 Permitted Uses, To Add Animal Cafés As Conditional Uses, of the Code of Ordinances of the City of Henderson, is hereby amended as follows:

ARTICLE II

Sec. 2.01. - Definitions.
For the purpose of these regulations, certain terms and words shall be used and interpreted as defined hereinafter. Words used in the present tense include the future. The singular number includes the plural, and the plural the singular. The word "shall" is mandatory, not merely directive; the word "may" is permissive.

Accessory structure or use. Any structure or use, other than the principal structure or use, and detached therefrom by a reasonable distance, directly incidental to or required for the enjoyment of the permitted use of any premises; also as specifically designated under the zoning district regulations of this chapter.

Administrative official. Any department, employee, or advisory, elected or appointed body which is authorized to administer any provision of the zoning regulation, subdivision regulations, and if delegated, any provision of any housing or building regulation or any other land use control regulation.

Agricultural use. The use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetable, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public.

Alley. Any public or private way which affords only a secondary means of access to abutting property and which does not constitute a public maintained street upon which property may front.

Alteration. Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partition, columns, beams, "altered or reconstructed."

Animal café. Any retail café that collaborates with any animal shelter as defined in KRS 258.095 to provide space to showcase cats or rabbits owned by the entities for the purpose of adoption.

Apartment. A dwelling unit as defined by this article, not to be construed as an apartment house.

Applicant. The owner of land and/or property proposed to be zoned or his representative.

Basement. That portion of a building the average height of which is at least half below grade, which is ordinarily used for purposes such as storage, laundry facilities, household tool shops, and installation and operation of heating, cooling, ventilating facilities, but which is not ordinarily used for the purpose of general household habitation.

Bed and breakfast inn. A single-family, owner occupied dwelling which has been designated by the State of Kentucky as a Kentucky Landmark and is arranged in order for the owner-occupant to let no more than four (4) separate bedrooms and serve breakfast to overnight guests. The following applies to signs advertising the bed and breakfast inn:

(1) There shall be no evidence of the conduct of the bed and breakfast business from the exterior of the dwelling, other than one (1) sign not exceeding four (4) square feet in area, unlighted, and mounted flat against the wall of the dwelling. In the case of a corner lot, one (1) sign may be placed on each street side of the dwelling.
Block. The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream, or between any of the foregoing and any other barriers, to the continuity of development.

Board. The word "board" shall mean the board of zoning adjustment as established in Article V of this ordinance.

Boardinghouse. A building arranged or used for lodging with or without meals for compensation, by more than five (5) and not more than twenty (20) individuals.

Buffer. An area meeting specified widths and depths on the side(s) abutting, facing, or fronting between differing land uses. A buffer area serves as a physical and/or visual means of separating differing land uses. Where required under the provisions of these regulations, a buffer area shall be provided as specified herein.

Buildable area. The portion of a building site remaining after required yards have been provided.

Building. Any structure for the shelter or enclosure of persons, animals or property.

Building height. The vertical distance measured from the average finished grade at the front building line to the highest point of the structure.

Building, principal. A building, including covered porches, carports, and attached garages in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be the principal building on the lot on which the same is situated.

Building, separate. Any portion of any structure completely separated from every other portion by masonry or a fire wall without any window, which wall extends from the ground to the roof.

Building inspector. The Building Inspector of the City of Henderson, or his authorized representative.

Building site. The land occupied or to be occupied by a principal building and its accessory buildings and including such open spaces, yards, minimum area, off-street parking facilities, and off-street truck loading facilities as are required by this ordinance; every building site shall abut upon a dedicated street. Any building site established after the effective date of this ordinance which occupies only a portion of a lot of record may be established only in accordance with the requirements of the subdivision regulations [Appendix A of this Code] and this ordinance, whichever is more restrictive.

Building line. A line established in general, parallel to the front street line between which line and the front street line, no part of a building shall project, except as otherwise provided by these regulations.

Carport. A shelter for one (1) or more vehicles which is not fully enclosed by walls and one (1) or more doors.

Certificate of use and occupancy. The certificate issued by the building official which permits the use of a building in accordance with the approved plans and specifications and which
certifies compliance with the provisions of law for the use and occupancy of the building in its several parts together with any special stipulation or conditions of the building permit.

City. The word "city" shall mean the Board of Commissioners of the City of Henderson, Kentucky.

Clerk. The clerk of the governing body.

Club. An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the like, but not for profit.

Commission. The word "commission" shall mean the Henderson City-County Planning Commission.

Comprehensive plan. A comprehensive plan for the development of the local government, prepared and adopted by the planning commission and board of commissioners pursuant to state law, and including any part of such plan separately adopted and any amendment to such plans, or parts thereof.

Conditional use. A use which is essential to or would promote the public health, safety, or welfare in one (1) or more zones, but would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulation.

Conditional use permit. Legal authorization to undertake a conditional use issued by the administrative official pursuant to authorization by the board of zoning adjustment, consisting of two (2) parts:

1. A statement of the factual determination by the board of zoning adjustment which justifies the issuance of the permit; and

2. A statement of the specific conditions which must be met in order for the use to be permitted.

Condominium. Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

Consumer fireworks. Those fireworks that are described in KRS 227.702.

Convalescent home. A convalescent home is a home for the care of the aged or infirm, or a place of rest for those suffering bodily disorders wherein two (2) or more persons are cared for. Said home shall conform and qualify for license under state law.

County. The word "county" shall mean the Fiscal Court of Henderson County, Kentucky.

Court. An open, unoccupied space, other than a yard on the same lot as a building.

Craft distillery. A facility as defined by KRS 243.120(2)b, which produces in quantities not to exceed fifty thousand (50,000) gallons of distilled spirits per calendar year.

Day care facility. A day care facility is designed to offer care and/or training to children or adults unrelated to the owner or director for any part of a day on some kind of regular basis. Such facility may or may not be operated for profit. For the purposes of the zoning regulations, a
sitting service that is used at the convenience of parents or other relatives at irregular intervals is not to be considered a day care facility.

Type of day care facilities: The services offered, and ages of persons enrolled in a day care facility determine the classification of the facility. The name of the facility should be descriptive of its purpose.

   (a) **Group care center (day nursery, day care center)** is defined as a facility for six (6) or more children, regardless of age, whose primary purpose is the care of the child for part of a day.

   (b) **Nursery school** is defined as a school for two-, three- and four-year-old children which operates for periods generally not to exceed four (4) hours per day and whose primary purpose is education and guidance.

   (c) **Kindergarten** is defined as a school for four- and five-year-olds which operates for periods not to exceed four (4) hours per day and whose primary purpose is education and guidance for health, emotional and social development of the children.

   (d) **Foster family day care** is defined as a service in a private home offering care in a family setting to a maximum of five (5) children, including the foster families own children during part of the day. Because of the special needs of the very young child, there should be no more than two (2) children under the age of two (2) years in a foster family day care home.

   (e) **Adult day care** is defined as personal care and supervision in a protective setting for adults outside their own home for less than twenty-four (24) hours per day. The program may include the provisions of daily medical supervision, nursing and other health care support, psycho-social assistance, or appropriate socialization stimuli or a combination of these. Adult day care is available for those persons who do not require twenty-four-hour per day institutional care, but who, because of physical and/or mental disability, are not capable of full-time independent living.

**Density.** The number of families residing on, or dwelling units developed on an acre of land. As used in these regulations, all densities are stated in families per acre.

**Development plan.** Written and graphic material for the provision of a development, including any or all of the following: Location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing manmade and natural conditions and all other conditions agreed to by the applicant.

**District.** A portion of the jurisdiction of the governing body within which on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot acres and other requirements are established, i.e., residential district, commercial district, etc.

**Drive-in establishment.** A business establishment, other than a drive-in restaurant, so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, and may include drive-in banks, drive-in cleaners and drive-in laundries.
Drive-in restaurant. Any place or premises used for the sale, dispensing or serving of food, refreshments, or beverages in automobiles, including establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages in automobiles on the premises.

Dwelling, group. A group of two (2) or more single-family semi-detached or multiple dwellings occupying a parcel of land in common ownership and having yard or courts in common.

Dwelling, multifamily. A residential dwelling designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, row or townhouses. A row of three (3) or more attached single-family dwellings, not more than two and one-half (2½) stories in height, in which each dwelling has its own front and rear entrances.

Dwelling, two-family. A building designed exclusively for occupancy by two (2) families independent of each other, such as a duplex dwelling unit.

Dwelling unit. A single unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling unit, single-family.

(a) A building or structure designed and intended for occupancy by a single family constructed on site on a permanent foundation in compliance with all standards contained in the Kentucky Building Code; or

(b) A building or structure designed and intended for occupancy by a single family and fabricated in whole or part in an off-site manufacturing facility and transported by truck for installation or assembly at the building site as a permanent structure with installation required to be moored to a permanent foundation in compliance with all the standards contained in the Kentucky Building Code and once installed can only be moved as a conventional home.

Efficiency unit. An efficiency unit is a dwelling unit consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the room, providing not less than three hundred fifty (350) square feet of floor area.

Erected. The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operation on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of "erected."

Facade. Facade is the visual portion of a property with frontage along a public right-of-way, not including a public alleyway, including all architectural and construction features including and without limitation to: structural materials, facing materials, windows, doors, trim, sill, steps, railing, cornices, molding, and fences.

Family. One (1) person living alone, or two (2) or more persons living together as a single nonprofit, housekeeping unit, provided that unless all members are related by blood, marriage, or legal adoption, no such family shall contain over three (3) unrelated persons. The term "family" shall be deemed to include domestic servants, gratuitous guests, and foster or boarded children
whose room and board is paid by a recognized child care agency. Further provided that the term "family" shall not include a group occupying a hotel, club, boarding house or fraternity or sorority house.

**Family child-care home.** A private residence that provides for the temporary care of children who are unrelated to the care provider.

**Fast food restaurant.** A fast food restaurant is defined to be a restaurant that has the following characteristics:

(a) Its principal business is the sale of food items and beverages of the kind which can readily be taken out of the restaurant for consumption off the premises.

(b) Service is not customarily provided to customers at their tables by employees of the restaurant.

**Filling.** Shall mean the depositing or dumping of any matter on or into the ground, except deposits resulting from common household gardening and general farm care.

**Floor area ratio.** The ratio between the maximum allowable amount of floor space on all floors in a building and the total area of the lot on which the building is located. Example. A FAR of 2.0 would allow floor space of twice the area, or a four-story building covering one-half ($\frac{1}{2}$) of the lot. A FAR of 0.5 would allow floor space of one-half ($\frac{1}{2}$) of the lot area, or a two-story building covering one-quarter ($\frac{1}{4}$) of the lot area, or a two-story building covering one-quarter ($\frac{1}{4}$) of the lot.

**Floor area, total.** The area of all floors of building including finished basements and covered porches.

**Floor area, usable.** Any floor area within outside walls of a building, exclusive of areas in cellars, unfinished basements, utility area, unfinished attics, garages, open porches and accessory buildings.

**Foster child.** A person who has not reached his eighteenth birthday, unrelated to a family by blood or adoption with whom he or she lives for the purpose of care and/or education.

**Garage, private.** An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory, for personal use only.

**Garage, public.** Any premises used for the storage or care of motor-driven vehicles, or place where any such vehicles are equipped for operation, repaired, or kept for re-numeration, hire or sale.

**Home occupation.** Professional offices and personal services maintained or conducted within a dwelling or conducted as a conditional use in a detached existing garage. (See reference [section] 4.38).

**Hospital.** Any institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient department, training facilities, central service facilities and staff offices, as licensed by the Commonwealth of Kentucky.
Hotel. A building or group of buildings containing individual sleeping or living units designed for the temporary occupancy of transient guests and including hotels, tourist courts, motor lodges, motor hotels, or auto courts, but not including boarding houses or lodging houses.

Junk. The term "junk" means any motor vehicle, machine, appliance, scrap material that is in a condition which prevents its use for the purpose for which it was originally manufactured.

Junkyards, used auto parts yards, salvage yards. The use of an area of any lot for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition, abandonment of automobiles, or other vehicles or machines or parts thereof.

Kennel. Any lot or premises on which three (3) or more dogs, four (4) months old or older, are kept either permanently or temporarily for commercial or breeding purposes.

Laboratory. A place devoted to experimental study, such as testing and analyzing. Manufacturing of product or products is not permitted within this definition.

Loading space. An off-street space on the same parcel of property with a building or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lot. A parcel of land occupied or intended for occupancy by a use permitted in these regulations, including one (1) principal building together with the accessory buildings, yard area, and parking spaces required by these regulations, and having its principal frontage upon a publicly maintained street.

Lot area. The total horizontal area within the lot lines of a lot.

Lot, corner. A corner lot of which at least two (2) adjacent sides abut for their full length upon a street, provided that such two (2) sides intersect at an interior angle of not more than one hundred thirty-five (135) degrees. Where a lot is on a curve, if tangents through the extreme point of the street line of such lot make an interior angle of not more than one hundred thirty-five (135) degrees, it is a corner lot. In the case of a corner lot with curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.

Lot, coverage. That part or percent of the lot occupied by the buildings, including accessory buildings.

Lot depth. The mean horizontal distance from the front lot line to the rear lot line.

Lot, double frontage. An interior lot having frontages on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, one (1) street will be designated as the front street in the plat and the request for a building permit will indicate which street is the designated front street.

Lot, interior. A lot other than a corner lot.

Lot line. The property line abounding the lot.

Lot line, front. In the case of an interior lot, that line separating said lot from the street. In the case of a corner lot, or double frontage lot, "front lot line" shall mean that line separating said lot from that street which is designated as the front street in the plat and in the application for a building permit.
Lot line, rear. That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet long farthest from the front lot line and wholly within the lot.

Lot line, side. Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot line, street or alley. A lot line separating the lot from the right-of-way of a street or alley.

Lot of record. A lot which is part of a subdivision recorded in the office of the county court clerk, or a lot or parcel surveyed or described by metes and bounds, by description of which has been so recorded.

Lot width. The mean horizontal distance between the side lines at the building line measured along the building line.

Maintenance. General property maintenance and/or repair of any water, sewer, HVAC, or electrical expenditures incurred in updating an existing structure where no new expansion will occur.

Major thoroughfare. The major streets which carry a relatively large amount of vehicular traffic and may connect to secondary or regional thoroughfares. The major thoroughfares are as delineated on the comprehensive land use plan as adopted by the governing body.

Manufactured housing. A manufactured building designed for long-term residential use. Manufactured housing includes that housing built on a chassis and is commonly referred to as "mobile homes"; however, manufactured housing does not include recreational vehicle, as defined herein at "Article II, Definitions, Section 2.01, Definitions." For the purpose of these regulations, manufactured housing is divided into four (4) classifications.

(1) Class A manufactured housing. Manufactured housing certified by the Department of Housing and Urban Development as meeting all federal manufactured home construction and safety standards and approved by the zoning administrator as meeting all the "acceptable installation standards" and all "acceptable appearance standards" herein below.

a. Acceptable installation standards.

1. The home shall be permanently attached and installed on a permanent foundation with the manufacturer's installation specifications as approved by the U.S. Department of Housing and Urban Development.
2. The home shall be anchored to the ground in accordance with manufacturer's specifications.
3. All wheel, trailer tongue and hitch assemblies shall be removed upon installation.
4. The home shall meet all requirements for lot, yard, building and other requirements for the district in which it is located.
5. All stairs, porches, entrances, platforms and other means of entrance and exit to the home shall be installed and constructed in conformance to the Kentucky Building Code.
6. All utilities shall be permanently connected to a public utility system in accordance with all City Codes and all public health requirements governing plumbing installations.

b. **Acceptable appearance standards.**

1. A poured concrete or masonry skirting wall shall be constructed beneath and along the entire perimeter of the manufactured home, including the perimeter of the front steps and front porch, even if the wall is not structurally required by manufactured installation specifications. Venting and access requirements shall be in accordance with the Kentucky Building Code.

2. The home shall be a minimum width of twenty (20) feet as measured across the narrowest portion.

3. The home shall be placed so that the main egress is parallel to the street. Main egress shall be considered the principal access for the home as constructed off site.

4. The manufactured home shall either be oriented so that: 1) its long axis is parallel with the street; or 2) if the narrow dimension of the unit is located parallel to the street it shall be no less than fifty (50) percent of the unit's long dimension.

5. The home shall have a minimum roof pitch of four (4) feet of rise for every twelve (12) feet of horizontal run. The roof shall be covered with material that is residential in appearance including, but not limited to, approved wood, asphalt composition shingles, standing seam metal, or fiberglass, but excluding corrugated aluminum, corrugated fiberglass or other metal roofs.

6. Exterior siding cannot have a high-gloss finish and must be residential in appearance including, but not limited to, clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles, "glossy" shakes, or similar material but excluding smooth, ribbed, or corrugated metal or plastic panels.

7. An adequate guttering and roof drainage system shall be installed.

8. The home shall have eaves with a minimum of six (6) inch overhang.

(2) **Class B manufactured home.** Manufactured housing certified by the Department of Housing and Urban Development as meeting all federal manufactured home construction and safety standards and acceptable installation standards but not meeting all of the acceptable appearance standards described above.

(3) **Class C manufactured home.** A manufactured/mobile home built before the HUD Code (1976) which is not certified by the Department of Housing and Urban Development as meeting all federal manufactured housing and safety standards and not meeting all of the acceptable installation standards and acceptable appearance standards described above. No class C manufactured homes will be permitted.

(4) **Class D manufactured home.** A manufactured home having been issued a "class B2 seal", which means the home has been inspected and found not to be in compliance with applicable codes and is a salvage unit unfit for human habitation. No class D manufactured homes will be permitted.
Manufactured housing park. A unified development of two (2) or more manufactured housing sites, plots, or stands arranged on a large tract usually under single ownership, meeting the area and yard requirements of this ordinance, and designed to accommodate manufactured housing, for more or less permanent duration, whether or not a charge is made for such accommodations, and includes any service building, structure, enclosure or other facility used as part of the manufactured housing park.

Marina. A dock or basin with moorings and supplies for yachts and small pleasure craft. A marina differs from a port in that a marina does not handle large passenger ships or commercial vessels.

Microbrewery. A facility as defined by KRS 243.157, which engages in the business of a brewery under the terms and conditions of KRS 243.150, which produces in quantities not to exceed twenty-five thousand (25,000) gallons of malt beverages per calendar year, including the sale of malt beverages produced on premises to licensed distributors and the general public.

Motor vehicle repair. General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame or fender straightening and repair; overall painting, completely enclosed spray booth.

Motor vehicle wash establishments. A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

Nonconforming structures or uses. A structure or use of any premises which does not conform with applicable provisions of this ordinance, but which existed at the time of its designation as nonconforming by the adoption or amendment of this ordinance.

Nursery, trees and shrubs. An area or establishment devoted to the raising and care of trees, shrubs, or similar plant materials.

Off-street parking lot. A facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than two (2) automobiles.

Open air business uses. Open air business uses shall include the following:
(a) Retail sale of trees, shrubs, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.
(b) Retail sale of fruit and vegetables.
(c) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, children’s amusement parks or similar recreational uses.
(d) Bicycle, trailer, motor vehicle, boats or home equipment sales, service, rental services, farm and construction equipment.
(e) Outdoor display and sale of garages, swimming pools, monuments, and similar uses.
(f) Flea markets and similar open air displays.

Parking spaces. An area of not less than ten (10) feet wide by eighteen (18) feet long, for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances or exits and being fully accessible for the storage or parking of permitted vehicles.
Person with a disability. A person with a physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, deafness or hard of hearing, sight impairments, and orthopedic impairments, but not including convicted felons or misdemeanants on probation or parole or receiving rehabilitation services as a result of their prior conviction, or mentally ill persons who have pled guilty but mentally ill to a crime or not guilty by reason of insanity to a crime. "Person with a disability" does not include persons with current, illegal use of or addiction to alcohol or any controlled substance as regulated under KRS [Ch.] 218A.

Planned unit development (PUD). A land development project comprehensively planned as an entity via a unitary site plan which permits flexibility in building sitting, mixtures of housing types and land uses, usable open spaces and the preservation of significant natural features.

Public street. A publicly maintained thoroughfare providing the principal means of access to abutting property and listed on the city, county, state, or federal road system.

Recreational vehicle:

1. **Travel trailer** means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation or vacation.

2. **Pick-up coach** means a structure designed to be mounted on a truck for use as a temporary dwelling for travel, recreation or vacation.

3. **Motor home** means a portable temporary dwelling to be used for travel, recreation or vacation, constructed as an integral part of a self-propelled vehicle.

4. **Camping trailer** means a canvas or other collapsible folding structure, mounted on wheels and designed for travel, recreation or vacation use.

5. **Dependent recreational vehicle** means a recreational vehicle which does not have toilet, lavatory or bathing facilities.

6. **Self-contained recreational vehicle** means a recreational vehicle which can operate independent of connections to sewer, water and electric systems. It contains a water-flushed toilet, lavatory, shower or bath, [and] kitchen sink, all of which are connected to water-storage and sewage-holding tanks located within the recreational vehicle.

Residential care facility. A residence operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for persons with disability.

Residential care services. Services include but are not limited to supervision, shelter, protection, rehabilitation, personal development and attendant care.

Rubbish. Means the miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals or any similar or related combinations thereof.

Salvage. Refers to any motor vehicle, machine or appliance having sufficient value to justify its sale for repair or recovery of parts.
Self storage (a shorthand for "self-service storage", and also known as "mini storage") is an industry in which storage space (such as rooms, lockers, containers, and/or outdoor space), also known as "storage units" is rented to tenants, usually on a short-term basis.

Setback. The required distance between every structure and any lot line on the lot on which it is located.

Setback, front. The minimum distance between the street right-of-way and the building line.

Service station. A building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in vehicles and including space for facilities for the temporary storage of vehicles, minor repair or servicing.

Shooting range, indoors. A facility designed or used for shooting at targets with bows and arrows, rifles, pistols, or shotguns and which is completely enclosed within a building or structure for the purposes of target practice or temporary competitions.

Shopping center. A group of three (3) adjoining or adjacent retail stores, and more than twenty thousand (20,000) square feet, or service establishments to be planned, constructed and developed as a single unit, and including any additional such stores or establishments subsequently adjoining or adjacent thereto.

Sign. Any fabricated sign or outdoor display structure including its structure, consisting of any letter, figure, character, mark, point, plane, marquee sign, design, poster, pictorial picture stroke, stripe, line, trademark, reading matter, or illuminating device, constructed, attached, erected, fastened, or manufactured in any manner whatsoever so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise whatsoever, and displayed in any manner out of doors for recognized advertising purposes.

Site plan. A graphic plan drawn to scale for all proposed non-single family development or change of uses, or creation of new commercial or multi-family lots, which shows elements of site design in sufficient detail to depict the approved locations of buildings, accessory structures, parking areas, access points, open spaces, drainage facilities, utilities, yard dimensions, easements, screening, erosion control, flood zone boundaries, and all other information required by the enforcement officer or approving body.

Soil removal. Shall mean the removal of any kind of soil or earth matter which includes topsoil, sand, gravel, clay or other materials or any combination thereof, except common household gardening and general farm care.

Story. That part of a building comprised between a floor and the floor or roof next above which is not a basement or an attic.

(1) First story. The lowermost story entirely above the grade plane.

(2) Mezzanine. An intermediate level between the floor and the ceiling of any story, and covering not more than thirty-three (33) percent of the floor area of the room in which it is located.
Street. Any public or private vehicular way which affords the principal means of access to abutting property. The term shall include "road," "highway," or "thoroughfare." A public street is a street accepted according to the subdivision regulations and maintained by the governing body. A private street is not so accepted and maintained.

Structure. Anything constructed or erected, the use of which requires fixed location on the ground or attachment to something having a fixed location on the ground, including buildings, radio towers, swimming pools, and walls or fences exceeding three and one-half (3½) feet in height, billboards, and poster panels; reference to buildings includes structures and vice versa.

Structural alteration. Any change in the supporting members of a building or structure, each as bearing walls or partitions, columns, beams or girders or any change in the width or number of exits, or any structural change in the roof.

Subdivision regulations. Regulations as adopted by the city for the subdivision of land.

Swimming pool. The term "swimming pool" shall mean any structure or container intended for swimming or bathing located either above or below grade designed to hold water to a depth greater than twenty-four (24) inches.

Townhouse. An attached, privately owned, single-family dwelling, which is designed and erected as an independent unit on a separate lot and separated from all other such units by a properly rated common party wall having no doors, windows, or other provisions for human passage or visibility. (See Article IV, Section 4.05)

Travel trailer. A vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, with a body width not exceeding eight (8) feet and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons. For the purposes of these regulations, the term includes recreational vehicle, pickup campers, camping trailers, and motorized homes (living facilities constructed as integral parts of self-propelled vehicles).

Truck gardening. Truck gardening is the use of land for growing edible vegetables, fruits, and other crops for resale and commercial purposes. Household gardening by a property owner for a hobby or purely local consumption by himself and his family residing on the same premises shall not be construed to be truck gardening.

Use. The purpose for which land or premises or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let or leased.

Utility room. A room or space, located other than in the basement, specifically designed and constructed to house any home appliances (furnace, water heater, pump).

Variance. A departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 and 100.247.

Vehicular use area (VUA). Any area used by vehicles of any type, whether moving or at rest, including but not limited to parking lots or areas, loading and unloading areas, mobile home yards, sales and service areas, and driveways.
Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. The measurement of a yard is the minimum horizontal distance between the lot line and the building or structure.

1. Side yard. A yard between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard, or in the absence of either such yard, to the front and rear lot lines, as the case may be; except that on a corner lot, the side yard adjacent to a street shall extend the full depth of the lot.

2. Front yard. A yard extending the full width of the lot; the depth of which is the horizontal distance between the front lot line and the nearest line of the principal building on the lot.

3. Rear yard. A yard extending the full width of the lot, the depth of which is the horizontal distance between the rear lot line and the rear line or lines of the principal building of the lot.

Sec. 19.03. - Conditional uses.

(a) Any uses not allowed above, which are of the same general character as the above permitted uses, which will not be detrimental to the district in which they are located, and which will not be objectionable by reason of odors, dust, smoke, cinders, gas fumes, noise, vibrations and refuse matter are eligible for a conditional use permit. The procedure in Section 4.03 shall be followed.

(b) Shopping centers, in accordance with Section 4.39.

(c) Private clubs.

(d) The owner-operator of a permitted general business district commercial use may be allowed to establish one (1) dwelling unit for his use only as an accessory conditional use to the commercial use. Said residential use shall follow the procedure for obtaining a conditional use permit as outlined in Section 4.03 of Article IV. All provisions of Section 4.03 shall apply to this section. Additionally, the residential use shall be required to have one off-street parking space in addition to the required spaces for the commercial use. The proposal shall be submitted to the board of zoning adjustment which may alter, deny or grant any request in accordance with Section 4.03.

(e) Allow multiple uses (businesses), but no more than three (3), may be allowed in the same structure (building) with a conditional use permit.

(f) Animal cafés

Sec. 20.03. - Conditional uses.

(a) Animal cafés.

(b) Auto sales lots.

(c) Auto and body repair shops and/or any type of motor vehicle service.

(d) Car wash establishments.

(e) Craft distilleries as defined in section 2.01.
(f) Convenient stores with gas pumps.

(g) First floor dwelling units: Residential dwelling units may be located on the ground floor of structures originally constructed as mixed use or commercial buildings, or new mixed use buildings, when the following conditions are met:
   i. Each ground floor dwelling unit is located at the rear of the building, behind a commercial or office use.

(h) Gas stations.

(i) Microbreweries as defined in section 2.01.

(j) Moving or storage offices.

(k) Pawn shops and payday lending services.

(l) Public auction houses.

(m) Tattoo parlors.

(n) Used car lots.

(o) Allow multiple uses (businesses), but no more than three (3), may be allowed in the same structure (building) with a conditional use permit.

Sec. 21.03. - Conditional uses.

(a) Any uses not allowed above, which are of the same general character as the above permitted uses, which will not be detrimental to the district in which they are located, and which will not be objectionable by reason of odors, dust, smoke, cinders, gas fumes, noise, vibrations and refuse matter are eligible for a conditional use permit. The procedure in Section 4.03 shall be followed.

(b) Shopping centers in conformance with Section 4.39 of these regulations. Shopping centers shall be permitted as conditional uses only in central business and highway commercial districts according to the following conditions.

(c) Allow multiple uses (businesses), but no more than three (3), may be allowed in the same structure (building) with a conditional use permit.

(d) Shooting range, indoors (must meet all federal, state, and local regulations).

(e) Self storage rental units (must meet all of the following conditions):
   (i) Vegetative buffer strips shall be required for construction along and either side of blue-line streams, creeks, rivers, lakes and impoundments, and all streams labeled with names or numbers on the FIRMs;
   (ii) One (1) parking space for every one thousand (1,000) square feet for non-vehicular accessed storage space;
   (iii) Site geometry so that doors (overhead and person) face to the interior of drives;
   (iv) All driving aisles shall be a minimum of twenty-four (24) feet wide and hard surfaced;
(v) All other associated driving and vehicle storage areas shall be hard surfaced;
(vi) All buildings must meet Kentucky Building Codes;
(vii) Exterior of buildings must be compatible to surrounding areas (example brick, siding, stucco, or EIFS) and exterior paint colors, including roof, to be in harmony with other homes and or building (not bold colors) in area;
(viii) Night sky friendly lighting only; and
(ix) Heavy planting to serve as softscaping on perimeter.

(f) Animal cafés.
Sec. 30.03. - RF-2 Light commercial.

(A) Permitted uses:
Barber and beauty shops, (excluding tattooing and body art);
Bed and breakfast inns;
Business and professional offices;
Catering establishments;
Eating or drinking establishments, with or without entertainment, except those having the principal character of a drive-in facility wherein food is served to a customer in his vehicle.
Exhibition halls/convention center;
Health and fitness centers;
Interior decorating establishments;
Government offices;
Meat, fruit and vegetable markets;
Media studios, including photography shops;

Mixed-use buildings:
Museums:
Structures that are a minimum of two (2) stories in height, containing both residential dwelling units and non-residential commercial uses, when the following criteria are met:
a) Residential dwelling units may be located on the ground floor of mixed-use buildings provided that a minimum of one thousand five hundred (1,500) square feet of non-residential floor areas is located on the ground floor;
b) Each ground floor dwelling unit is at the rear of the building, behind a commercial or office use and at least twenty-five (25) feet back from the street right-of-way line.

- Nonprofit organization offices;
- Offices; either business, professional, or government.
- Pet shops;
- Religious uses;
- Retail shops;
- Single-family residence;
- Studios for art, dancing, music or theatrical instruction, exhibition or performance;
- Theatre, dance halls or similar places of assembly;
- Townhouses;
- Wedding chapels or banquet halls;
- Building contractor offices, excluding outside storage yards.

(B) Conditional uses:

- **Animal cafés:**
  - Apartments;
  - Bakeries;
  - Hotels/motels;
  - Marina (pleasure boats only);
  - Parking lots and garages, where parking is the primary, not the accessory use;
  - Repair shops, (excluding automotive/motorized vehicles/power equipment);

(C) Prohibited uses:

- Auto sales lots.
- Auto and body repair shops and/or any type of motor vehicle service.
- Car wash establishments.
- Moving or storage offices.
- Mini-storage.
Outdoor storage and sales.

Pawn shops and payday lending services.

Public auction houses.

Tattoo parlors.

Used car lots.

(D) *Area, height, bulk and placement:* See schedule of regulations, Article XXVII.

(E) *General requirements:*

1. Plans for building construction, parking area, yards, driveways, entrances and exits shall be approved by the enforcement officer and the local government engineer, acting jointly, in consultation with the planning commission, and they may require any changes therein as may be deemed necessary or desirable to ensure safety, to minimize traffic difficulty and to safeguard adjacent properties.

2. Plans shall be considered as to location of the use with relationship to the riverfront development plan as adopted in 1994.

(F) *Design and building exterior requirements:* Development within the RF-2 district shall substantially comply with the following supplemental development regulations:

1. **Facades.**
   
i. Buildings wider than one hundred (100) feet shall be designed so that multiple differing facade treatments are used, to give the impression that the building is made up of a number of small buildings connected together. Each differing facade treatment should be between twenty (20) and forty (40) feet in width.
   
ii. Principal facades facing Water Street, a plaza, or public park may not have blank walls (without doors or windows) greater than fifteen (15) feet in length.
   
iii. Where parapets are used, the parapet must wrap around the entire length of the front and side of the buildings. Where parapets are not used, all rooftop mechanical equipment shall be screened.
   
iv. Facade articulation is required for walls exceeding thirty (30) feet in length, wherein portions of the building are recessed slightly from the build-to line.
   
v. False parapets shall be limited to twenty (20) percent of the total height of the facade.

2. **Building materials.**
   
i. No portion of a building shall be treated with smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels, unless the visible finish is comprised of a suitable finish material. Materials suitable for treating visible facades may include, but are not limited to, brick, glass, split-face decorative block, stone, or stucco;
ii. The rear and side facades shall be of materials and design characteristics consistent with that of the front; use of inferior or lesser quality materials for rear or side facades shall be prohibited.

3. Entrances. A minimum one (1) entrance shall front Water Street. A commercial or institutional building shall feature one (1) or more prominent entries on the principal facade highlighted by at least three (3) of the details listed below. Secondary entrances to smaller tenants in multi-tenant buildings shall also have at least two (2) of the features listed below.

i. Canopies/porticos above the entrance;
ii. Roof overhangs above the entrance;
iii. Entry recesses/projections;
iv. Arcades that are physically integrated with the entrance;
v. Raised corniced parapets above the entrance;
vii. Architectural details, such as tile work and moldings, that are integrated into the building structure and design; or
vii. Integral planters or wing walls that incorporate landscaped areas or seating areas.

A wing wall is a wall secondary in scale projecting from a primary wall and not having a roof.

4. Building roof:

i. Shingles, metal standing seam, tile or other roofing materials with similar appropriate texture and of earthen appearance shall be utilized on roofs visible from Second Street.

ii. Roof mounted mechanical equipment visible from Second Street shall be enclosed or screened to ensure that such features are not visible. Enclosures and screens shall be compatible to the architectural style of the proposed building.

(G) Parking: Due to the unique characteristics of the RF-2 district, including the existence of street parking, all new and existing commercial, mixed use buildings, and single family dwelling units, are allowed a one-hundred-percent parking reduction from the required on-site parking spaces as set forth in Section 9.01. This reduction shall not be construed as an exemption to or reduction of required ADA compliant handicap parking.

1. Location.

i. No on-site parking or parking areas are permitted in the front yard of any single-family, duplex, townhouse, or commercial uses, except for driveways connecting to the rear or side off-street parking area or private access ways and loading areas.

2. Shared parking. If parking is to be provided, it is recommended that the applicant utilize shared parking. Shared parking arrangements for non-residential uses with different hours of operation may be approved provided the shared parking arrangement satisfies the following requirements: If the applicant provides satisfactory evidence that up to one hundred (100) percent of the parking required for a daytime use is to be
supplied by the off-street parking spaces provided by a nighttime or weekend use, or vice versa.

i. The applicant must provide evidence that no substantial conflict in the principal operating hours of the uses for which shared parking is proposed, exists.

ii. Office, retail, and other similar uses are considered daytime uses.

iii. Auditoriums, religious assembly, entertainment, and eating and drinking establishments, and other similar uses, are considered nighttime and weekend uses.

iv. Shared parking must be no more than six hundred fifty (650) feet walking distance from the property in question.

v. A written agreement providing for the shared use of parking, acceptable to the codes administrator, shall be executed by the appropriate parties and filed with the Henderson County Court Clerk's Office, and copies shall be provided to the city codes and planning office. Shared parking privileges will continue in effect only as long as the agreement, binding upon both parties, remains in force. If the agreement is not in force, the normal parking standards will then apply.

3. Principal use parking lots. Where parking lots are the principal use of the property, or have been granted a conditional use permit as allowed in Section 32.03, the following standards shall apply:

i. The parcel shall be screened from all abutting streets and residentially zoned properties.

ii. The screening shall consist of a wall, fence, or hedge (of not less than three and a half (3½) feet in height at planting), of not less than four (4) feet in height, or more than six (6) feet in height. Chain link fences are prohibited. If fencing is used, a landscaping area of no less than three (3) feet in width shall be required to soften its appearance.

(H) Utility services:

1. Utility location. Utility services shall be located underground when practical. Exceptions to the requirements of underground utilities are:

   i. Major electric transmission lines responsible for transporting power through the area rather than to the area;

   ii. Where the codes administrator determines that an underground utility location is not practical, above grade utilities shall be located behind structures in a utility "alley" easement approved by the applicable utility authority when practical.

   iii. Elements such as HVAC units, telephone boxes, or electrical transformers shall be placed as close to the structure as feasible and screened.

(I) Signage: Article X of the zoning ordinance applies, and the following additional district signage regulations shall also apply:

1. Wall signage.

   i. Each business will be allowed one (1) wall-mounted sign per street frontage, up to ten (10) percent of the surface area of the wall area;
2. Pedestrian signage.
   i. Pedestrian oriented signs are designed and intended for pedestrians to easily read the signage of the business, as they stand on the sidewalk adjacent to the business;
   ii. One (1) pedestrian oriented sign is permitted per business fronting Second Street, in addition to existing on-site signage allowances of Article X;
   iii. Such pedestrian sign shall be either a projecting sign, an awning sign, or attached to the facade;
   iv. If the pedestrian sign is a wall or awning sign in type, it must not exceed eight (8) square feet in size.

3. Projecting signage is allowed with the following conditions:
   i. All signs shall comply with applicable provisions of the Kentucky Building Code and the National Electrical Code adopted by the City of Henderson;
   ii. The sign must not exceed sixteen (16) square feet in size;
   iii. The sign shall not be placed lower than ten (10) feet above grade;
   iv. The maximum height of the sign shall be sixteen (16) feet in height or the bottom of the second floor window or wall, whichever is less;
   v. The sign shall not project more than six (6) feet from the facade of the building.

Sec. 33.06. - Permitted uses.

The following uses shall be permitted in the gateway zone district:

1. Permitted uses.
   a. Antique shops.
   b. Art galleries.
   c. Bakeries.
   d. Banks.
   e. Barber or beauty shop.
   f. Bicycle rental or repair shop.
   g. Blueprinting.
   h. Business schools, and colleges, or private schools operated for profit.
   i. Carpet, rug, linoleum, or other floor covering stores.
   j. Catering establishments.
   k. Churches.
   l. Clothing or costume rental establishments.
   m. Convention centers.
   n. Day cares.
o. Department stores.

p. Eating or drinking establishments, with or without entertainment, except those having the principal character of a drive-in facility wherein food is served to a customer in his vehicle.

q. Furniture stores.

r. Grocery stores.

s. Hotels.

t. Home occupations as defined in Article II.

u. Hospitals.

v. Interior decorating establishments.

w. Medical or dental laboratories for research or testing, not involving any danger of fire or explosion, nor of offensive noise, vibration, smoke, odorous matter, heat, humidity, glare, or other objectionable effects.

x. Museums.

y. Family child-care home, with the following limitations: There shall be a maximum of ten (10) children allowed in the home of which no more than six (6) shall be unrelated to the care provider. No more than four (4) children under twelve (12) months of age nor more than six (6) children under six (6) years of age, including the provider's own or related children, shall be kept in the home. No person may be employed that is not a resident of the premises. Otherwise fully complies with the provisions of a home occupation as provided in Section 2.01 of this Code.

z. Funeral homes, except crematoriums.

aa. Medical and dental offices.

bb. Multifamily housing.

c. Musical shops.

dd. Office or business machine stores, sales or rental.

ee. Offices; either business, professional, or government.

ff. Pharmacy.

gg. Photographic developing or printing establishments and studios.

hh. Printing establishments.

ii. Professional and labor organizations.

jj. Publicly owned or leased buildings, and public utility buildings.

[jj.1.] Radio and television studios.

kk. Residential care facilities.
ll. Retail business or service, including the incidental manufacture of articles to be sold at retail on premises as long as no more than five (5) persons are employed in such manufacture.

mm. Shopping center.

nn. Studios for music, dancing, or theatrical instruction.

oo. Television, radio or household appliance repair shops.

pp. Theatre, dance halls or similar places of assembly.

qq. Townhouses.

rr. Venetian blind, window shades, or awning shops, custom shops, including repairs, limited to two thousand five hundred (2,500) square feet of floor area per establishment.

ss. Wedding chapels or banquet halls.

tt. Any other substantially similar activity.

2. **Mixed-use buildings.** Buildings containing both residential dwelling units and non-residential commercial uses are permitted. Residential dwelling units may be located on the ground floor of mixed-use buildings provided that a minimum of one thousand five hundred (1,500) square feet of non-residential floor areas is located on the ground floor, or when all the following criteria are met:

a. The building is a minimum of two (2) stories in height;

b. Commercial or office uses are restricted to the ground floor;

c. Each ground floor dwelling unit is at the rear of the building, behind a commercial or office use.

3. **Conditional uses.**


b. Parking lots and garages, where parking is the primary, not accessory use.

c. Allow multiple uses (businesses), but no more than three (3), may be allowed in the same structure (building) with a conditional use permit.

d. Craft distilleries as defined in section 2.01.

e. Microbreweries as defined in section 2.01.

f. **Animal cafés as defined in section 2.01.**

4. **Prohibited uses.**

a. Auto sales lots.

b. Auto and body repair shops and/or any type of motor vehicle service.

c. Car wash establishments.

d. Moving or storage offices.

e. Mini-storage.
f. Outdoor storage and sales.
g. Pawn shops and payday lending services.
h. Public auction houses.
i. Tattoo parlors.
j. Used car lots.

Sec. 34.02. - Permitted uses.

1. Permitted uses.
   (a) Antique shops.
   (b) Art galleries.
   (c) Assisted living facilities.
   (d) Bakeries.
   (e) Banks.
   (f) Barber or beauty shop, or tanning salon.
   (g) Bed and breakfast establishments.
   (h) Bicycle rental or repair shop.
   (i) Business schools, and colleges, or private schools operated for profit.
   (j) Catering establishments.
   (k) Churches.
   (l) Clothing or costume rental establishments.
   (m) Contractors office.
   (n) Day cares.
   (o) Eating or drinking establishments, with or without entertainment, except those having the principal character of a drive-in facility wherein food is served to a customer in his vehicle.
   (p) Grocery stores.
   (q) Home occupations as defined in Article II.
   (r) Interior decorating establishments.
   (s) Museums.
   (t) Family child-care home, with the following limitations:
       There shall be a maximum of ten (10) children allowed in the home of which no more than six (6) shall be unrelated to the care provider. No more than four (4) children under twelve (12) months of age nor more than six (6) children under six (6) years of age, including the provider's own or related children, shall be kept in the home. No person
may be employed that is not a resident of the premises. Otherwise fully complies with the provisions of a home occupation as provided in Section 2.01 of this Code.

(u) Medical and dental offices.
(v) Mixed use buildings, containing both residential dwelling units and non-residential commercial uses.
(w) Multifamily housing.
(x) Music shops.
(y) Office or business machine stores, sales, or rental.
(z) Offices: government, commercial, or professional.
(aa) Pharmacy.
(bb) Printing and related establishments.
(cc) Professional and labor organizations.
(dd) Publicly owned or leased buildings; public utility buildings.
(ee) Residential care facilities.
(ff) Retail businesses or service.
(gg) Shoe repair.
(hh) Sidewalk dining.
(ii) Studios for music, dancing, or theatrical instruction.
(jj) Theatre, dance halls, or places of assembly.
(kk) Townhouses and condominiums.
(ll) Wedding chapels.
(mm) Any substantially similar activity.

2. Conditional uses.

(a) Allow multiple uses (businesses), but no more than three (3), may be allowed in the same structure (building) with a conditional use permit.

(b) Animal cafés.

All ordinances or parts of ordinances in conflict herewith are hereby repealed and superseded to the extent of such conflict.

The ordinance shall become effective upon legal adoption.

On first reading of the foregoing ordinance, it was moved by Commissioner ________________, seconded by Commissioner ________________, that the Ordinance be adopted on its first reading. On roll call the vote stood:
On second reading of the ordinance, it was moved by Commissioner _______ , seconded by Commissioner _________ , that the Ordinance be adopted. On roll call the vote stood:

Commissioner Bugg: ________  Commissioner Vowels: ________
Commissioner Royster: ________  Mayor Austin: ________
Commissioner Staton: ________

WHEREUPON, Mayor Austin declared the ordinance adopted, affixed his signature and the date and ordered that it be recorded.

______________________________
Steve Austin, Mayor

Date: __________________________

ATTEST:

Maree Collins, City Clerk

APPROVED AS TO FORM AND LEGALITY THIS _5_ DAY OF AUGUST, 2020.

By:  

Dawn S. Kelsey
City Attorney
City Commission Memorandum
20-130

August 6, 2020

TO: Mayor Steve Austin and the Board of Commissioners
FROM: William L. “Buzzy” Newman, Jr., City Manager
SUBJECT: City Manager’s Report

I. Rezoning #1103 with a Revised Development Plan, 985 Cosby Drive

The Planning Commission conducted a public hearing at their meeting of August 4, 2020 and made a recommendation on this rezoning request. The property identified as 985 Cosby Drive will have a Revised Development Plan, for the proposed construction of an eight unit apartment complex from a strip mall/shopping center. The rezoning request was submitted by George M. and Bobbie J. Chambers (owners).

The Planning Commission approved the Revised Development Plan which shall become final on Wednesday, August 26, 2020, unless an aggrieved party or the Board of Commissioners files written notice to the Planning Commission within the allotted twenty-one (21) day time period to have the Board of Commissioners make the final decision.

No formal action is necessary unless a written request is received by the Planning Commission from either an aggrieved person or the Legislative Body on or before August 25, 2020.

c: Brian Bishop
Henderson City/County Recommendation on Zoning Map Amendment
To: Henderson City Commission

APPLICANT & OWNER: GEORGE M. AND BOBBIE J. CHAMBERS
ADDRESS: 985 COSBY DRIVE (PID# 65A-13)
HENDERSON, KY 42420

RE-ZONING CASE NUMBER: #1103 WITH A REVISED DEVELOPMENT PLAN

ZONE CHANGE REQUESTED: The applicants are requesting a change in the development plan to construct an eight (8) unit apartment complex; a development plan restricts the use of the subject property to ONLY the use set out in such development plan, which in this case is an eight (8) unit apartment complex.

Having considered the above matter at a Public Hearing on (date): AUGUST 4, 2020
And having voted (tally): (10) Yes (0) No
To submit this Recommendation to the (jurisdiction): City Commission
The Henderson City/County Planning Commission hereby recommends: Approval of this proposal, based on the following findings of fact and conditions.

FINDINGS OF FACT

I Doug Bell, seconded by Kevin Richard, move that the Planning Commission recommend that the Henderson Board of Commissioners (the “City”) APPROVE the Revised Development Plan for this Application which is known and referred to as Rezoning Application # 1103 with a Revised Development Plan leaving the zoning classification General Business and changing the development plan from a strip mall/shopping center to a new revised development plan to allow an eight (8) unit apartment complex and for no other use without the approval of the Planning Commission, subject to the final approval of a site plan before a building permit can be issued; and, I leave the motion open for other members of the Planning Commission to add findings of fact in support of this motion, because:
The subject property, parcel PID 65A-13, is located at the intersection of Cosby Drive and Hwy 60 E, with frontage on Hwy 60 E. The subject property is now and will remain zoned General Business (GB).

The proposed use as an apartment complex is allowed in the General Business Zone but the development plan in rezoning #960 limited the parcel’s use to a strip mall/shopping center.

The existing strip shopping center development plan is inappropriate and the proposed development plan for an eight (8) unit apartment complex is appropriate, because:

- The City of Henderson has a need for more housing which this development provides.
- The proposed development plan will allow for a residential use by constructing an apartment complex.
- There are other apartment complexes, several churches, restaurants, a school, a large storage facility, financial institutions, and health care facilities, among other commercial businesses, on U.S. 60 E, which are in close proximity to the subject property.
- There is a major shipping complex containing both Walmart and Lowe’s within walking distance by sidewalk, approximately 4/10ths of a mile, from the subject property.
- This proposed Development Plan for “the subject parcel” will not adversely affect the other properties in the area.
- The new development is at the intersection of Cosby Drive and Hwy 60 E; and, Hwy 60 E has been recently widened to 4 lanes and upgraded, with sidewalks, etc.
The above recommendation of the Henderson City-County Planning Commission will be final on Wednesday, **08/26/2020** unless Henderson City Commission decides to make a final decision on this zoning map amendment by filing notice on the attached form with the Planning Commission, or an aggrieved person files notice with City Commission to make a final decision, within twenty-one (21) days after the action of the Planning Commission. In the event notice is filed for the appropriate body to make a final decision on this application, a full transcript of the minutes of the Planning Commission meeting will be forwarded to Henderson City Commission with this recommendation.
REQUEST FOR LEGISLATIVE BODY TO DECIDE ZONING MAP AMENDMENT

<table>
<thead>
<tr>
<th>APPLICANT &amp; OWNER:</th>
<th>GEORGE M. AND BOBBIE J. CHAMBERS</th>
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<tbody>
<tr>
<td>ADDRESS OF PROPERTY</td>
<td>985 COSBY DRIVE (PID# 65A-13)</td>
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<tr>
<td>REQUESTED FOR ZONE CHANGE</td>
<td>HENDERSON, KY 42420</td>
</tr>
<tr>
<td>ACREAGE INVOLVED</td>
<td>APPROXIMATELY 1.63 ACRES</td>
</tr>
<tr>
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</tr>
<tr>
<td>ZONE CHANGE REQUESTED (LIST ZONE)</td>
<td>GENERAL BUSINESS</td>
</tr>
<tr>
<td>DATE OF PLANNING COMMISSION HEARING</td>
<td>AUGUST 4, 2020</td>
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<tr>
<td>PLAN COMMISSION FINAL RECOMMENDATION</td>
<td>APPROVE</td>
</tr>
<tr>
<td>(CHECK APPLICABLE)</td>
<td>X</td>
</tr>
<tr>
<td>08-04-2020</td>
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NOTICE FOR LEGISLATIVE BODY TO DECIDE ZONING MAP AMENDMENT MUST BE FILED WITHIN TWENTY ONE (21 DAYS) OF PLANNING COMMISSION RECOMMENDATION

NOTICE FILED BY:

Please indicate what party is requesting and which Legislative Body, by checking appropriate boxes

| HENDERSON COUNTY FISCAL COURT |
| CITY OF HENDERSON |
| CITY OF CORYDON |
| AGGRIEVED PERSON |

NAME REQUESTING PARTY
(PLEASE PRINT)

SIGNATURE

DATE NOTICE FILED

SUBMITTAL OF THIS WRITTEN REQUEST/NOTICE TO THE HENDERSON CITY/COUNTY PLANNING COMMISSION (THE "PLANNING COMMISSION") BY THE APPROPRIATE PARTY, SERVES AS A WRITTEN REQUEST/NOTICE IN ACCORDANCE WITH KRS 100.2111(4) THAT THE FINAL DECISION ON THE ABOVE REFERENCED MAP AMENDMENT APPLICATION IS TO BE MADE BY THE APPROPRIATE LEGISLATIVE BODY. IF NO KRS 100.2111(4) WRITTEN REQUEST/NOTICE IS FILED BY EITHER THE LEGISLATIVE BODY OR AN AGGRIEVED PERSON, WITH THE PLANNING COMMISSION, WITHIN 21 DAYS AFTER THE FINAL ACTION OF THE PLANNING COMMISSION, THEN THE RECOMMENDATION OF THE PLANNING COMMISSION, RELATING TO THIS APPLICATION FOR MAP AMENDMENT (REZONING), SHALL BE DEEMED (SHALL BECOME) AUTOMATICALLY IMPLEMENTED BY THE BOARD OF CITY COMMISSIONERS, SUBJECT TO APPEAL PROVISIONS OF KRS 100.347(3).

* HENDERSON PLANNING COMMISSION OFFICE, 1990 BARRET COURT • SUITE C • HENDERSON, KY 42420
  • (270) 831-1289 • FAX (270) 831-1237 • WEB : WWW.HENDERSONPLANNING.ORG
  • (270) 831-1277 HENDERSON CITY CODES DEPARTMENT * WEB: WWW.CITYOFHENDERSONKY.ORG
  • (270) 827-6030 HENDERSON COUNTY CODES DEPARTMENT * WEB: WWW.HENDERSONKY.US
Applicants: GEORGE M. & BOBBIE CHAMBERS  
Attorney: CHRIS HOPGOOD  
Acreage: 1.63 ACRES  
Current Zoning: GENERAL BUSINESS (GB) CITY  
Proposed Zoning: GENERAL BUSINESS (GB) WITH A REVISED DEVELOPMENT PLAN - CITY  

Surrounding Zoning Classifications & Uses:  
North: Residential-2 (R-2)  
South: General Business (GB)  
East: Residential-2 (R-2)  
West: Residential-2 (R-2)  

Proposed Zone & Land Use Plan  
Applicants are requesting a Revised Development Plan to place eight (8) Residential Apartments on the property zoned General Business District (GB).  

Among other things, the Planning Commission should consider: 1) current use, 2) likely or desired future use, and 3) potential growth patterns; all for, a) the subject property, b) the surrounding property, c) the general area, and, d) the effect such recommendation will have on surrounding parcels.

Planning Staff Review:  
FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN:  
The Future Land Use Map of the Comprehensive Plan depicts this area developing as Medium Density Residential District.

Urban Services  
Electric, gas and Potable water supply are available at the site.

Development Patterns  
Site: 1.63 acres  
Structure: N/A

Planning Staff Recommendation:  
A proposed Motion and Findings of Fact is attached. This is only a proposal and the Planning Commission may use all or any part of the Proposed Motion and Findings of Fact.
REZONING #1103 TO CONSIDER A REVISED DEVELOPMENT PLAN – Submitted by George & Bobbie Chambers and Attorney Chris Hopgood, for the property located in the City of Henderson on 985 Cosby Drive with frontage on Hwy. U.S. 60 East, (PID #65A-13), containing 1.63 acres (the “subject property”). Applicants are requesting to change the Development Plan from a strip shopping center to an eight (8) unit apartment complex, which is being treated like a zoning change/map amendment for notice, advertising, public hearing, etc. purposes. The property is currently zoned General Business with a development plan for a strip shopping center and will remain zoned General Business (GB) with a new/revised development plan. The applicants are requesting a change in the development plan to construct an eight (8) unit apartment complex; a development plan restricts the use of the subject property to ONLY the use set out in such development plan, which in this case is an eight (8) unit apartment complex.

I move that the Planning Commission recommend that the Henderson Board of Commissioners (the “City”) APPROVE the Revised Development Plan for this Application which is known and referred to as Rezoning Application # 1103 with a Revised Development Plan leaving the zoning classification General Business and changing the development plan from a strip mall/shopping center to a new revised development plan to allow an eight (8) unit apartment complex and for no other use without the approval of the Planning Commission, subject to the final approval of a site plan before a building permit can be issued; and, I leave the motion open for other members of the Planning Commission to add findings of fact in support of this motion, because:

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The proposed use as an apartment complex is allowed in the General Business Zone but the development plan in rezoning #960 limited the parcel’s use to a strip mall/shopping center.

The existing strip shopping center development plan is inappropriate and the proposed development plan for an eight (8) unit apartment complex is appropriate, because:

- The City of Henderson has a need for more housing which this development provides.
- The proposed development plan will allow for a residential use by constructing an apartment complex.
- There are other apartment complexes, several churches, restaurants, a school, a large storage facility, financial institutions, and health care facilities, among other commercial businesses, on U.S. 60 E, which are in close proximity to the subject property.
- There is a major shipping complex containing both Walmart and Lowe's within walking distance by sidewalk, approximately 4/10ths of a mile, from the subject property.
- This proposed Development Plan for "the subject parcel" will not adversely affect the other properties in the area.
- The new development is at the intersection of Cosby Drive and Hwy 60 E; and, Hwy 60 E has been recently widened to 4 lanes and upgraded, with sidewalks, etc.
- The property is served by adequate infrastructure/utilities.
- The rezoning request is justified because the economy in the area has not created sufficient demand or justification for the development of the proposed strip mall.

The proposed zoning classification is in agreement with the Goals and Objectives of the Comprehensive Plan, in that:

- **Balancing Land Use Objective A**: Identify areas of opportunity for infill, redevelopment and adaptive reuse that respect the area's context and design features.
- **Balancing Land Use, Objective (B)**: Guide development to existing centralized areas served by adequate infrastructure to avoid decentralized and scattered development.
- **Balancing Land Use, Objective (C)**: Promote mixed use neighborhoods to create a vibrant built environment.
- **Healthy Neighborhoods (A)**: Promote stability of existing neighborhoods and all aspects of housing including infill, redevelopment, and encourage new development where appropriate.
- **Healthy Neighborhoods (D)**: Plan for housing that addresses the market needs for all residents, including, but not limited to, mixed-use and housing near employment and commercial areas.
- **Healthy Neighborhoods (G)**: Encourage recreational and community facilities into developments to afford active living alternatives for residents.

The zoning classification and the proposed use are in agreement with the Future Land Use Map of the Comprehensive Plan, which shows the area developing Medium Density Residential.
The City of Henderson has adopted the Alternative Rezoning procedures set out in KRS 100.2111. Pursuant to KRS 100.2111(4), the recommendation of the Planning Commission shall become final and be automatically implemented; unless, within 21 days, either (a) an aggrieved person files a written request with the Planning Commission that the Board of Commissioners consider the matter and make a final determination, or (b) the Board of Commissioners files a notice with the Planning Commission that it (the City) will consider and finally determine the application to rezone.

The Appeal procedures set out in KRS 100.347 are also applicable.

REZONING #1103 PROPOSED MOTION & FINDINGS OF FACT – FOR
Rezoning #1103 with Revised Development Plan

SITE FACING SOUTH

SITE FACING WEST

SITE FACING EAST

SITE FACING NORTH
# PLANNING COMMISSION ZONING MAP AMENDMENT APPLICATION

**Please Print**

<table>
<thead>
<tr>
<th>The applicant must be an owner of the property</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicant(s) name(s):</strong> George M. and Bobbie J. Chambers</td>
</tr>
<tr>
<td><strong>Business entity - names of Officers, Directors; Shareholders or Members:</strong></td>
</tr>
<tr>
<td><strong>Address:</strong> Post Office Box 333 Henderson, KY 42419</td>
</tr>
<tr>
<td><strong>Daytime Telephone:</strong> (270) 957-0250 <strong>Cell:</strong> (270) 957-0250</td>
</tr>
<tr>
<td><strong>Email Address:</strong> <a href="mailto:tescolandscaping@yahoo.com">tescolandscaping@yahoo.com</a></td>
</tr>
<tr>
<td><strong>Property owner(s) name(s):</strong> George M. and Bobbie J. Chambers</td>
</tr>
<tr>
<td><strong>Address:</strong> Post Office Box 333 Henderson, KY 42419</td>
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<tr>
<td><strong>Email Address:</strong> <a href="mailto:tescolandscaping@yahoo.com">tescolandscaping@yahoo.com</a></td>
</tr>
<tr>
<td><strong>Applicant(s) Agent/Attorney:</strong> J. Christopher Hopgood</td>
</tr>
<tr>
<td><strong>Address:</strong> 318 Second Street Henderson, KY 42420</td>
</tr>
<tr>
<td><strong>Daytime Telephone:</strong> (270) 826-3965 <strong>Cell:</strong> (270) 831-0505</td>
</tr>
<tr>
<td><strong>Email Address:</strong> <a href="mailto:chopgood@dkgenc.com">chopgood@dkgenc.com</a></td>
</tr>
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**Henderson City-County Planning Commission - 1990 Barret Court, Suite C - 270-831-1289**

[www.hendersonplanning.org](http://www.hendersonplanning.org)
PLANNING COMMISSION ZONING MAP AMENDMENT APPLICATION

Project Summary
Revised development plan is necessary to place residential units on the property.

In order for the Planning Commission to make a recommendation for a zoning map amendment, it must make findings of fact in support of its recommendation.

Findings in Compliance with the Comprehensive Plan: Please provide specific evidence from the Comprehensive Plan with reference to the Land Use Criteria and Goals and Objectives, to support this map amendment request.

The proposed use is consistent with the single and multifamily in the area and is consistent with the existing neighborhood. Healthy neighborhoods:
(a) Housing infill and (d) Redevelopment supports mixed use housing development.

If the applicant feels the proposed request is not consistent with the adopted Comprehensive Plan, the application must contain facts supporting one of the following:

1. Describe why the original classification was inappropriate
   (Use additional sheets if needed)
   It was re-zoned to General Business 12 years ago for office buildings but that never occurred. Originally was R-2.

2. Describe the major changes not anticipated by the Comprehensive Plan and how they have altered the basic character of the area
   (Use additional sheets if needed)
   Prior anticipated development never occurred. Social and economic changes did not support the original proposed use.
PLANNING COMMISSION ZONING MAP AMENDMENT APPLICATION

Property and Proposed Development Information

- Property Address: 905 Cosby Drive
- Property Address: 905 Cosby Drive
- PID #: 65A-13
- Acreage: 1.63
- Existing Zoning: GB
- Existing Land Use: vacant property
- Zoning Requested: Amended development plan
- Plat of property and description of area showing accurate measurements with acreage included.
- List of adjacent property owners for property being rezoned
- Development Plan: Yes X No
  (If Development Plan submitted please provide 8 copies (one 8 ½ x 11) and (1) digital copy)

Applicant's Certification

I do hereby certify that, to the best of my knowledge and belief, all application materials have been submitted and that the information they contain is true and correct.

Signature(s) and owner(s):

(Please print name and title)
George M. Chambers

(Please print name and title)
Bobbie J. Chambers

(Date)
7-14-20

The foregoing signatures constitute all of the owners of the affected property necessary to convey fee title, their attorney or their legally constituted attorney-in-fact. If the signature is of an attorney, then such signature is certification that the attorney represents each and every owner of the affected property.
The Henderson City-County Planning Commission held a meeting August 4, 2020 at 6:00 p.m., at the Peabody Building, 1990 Barret Ct, Suite F, via teleconference. Members present via teleconference: Chairman David Dixon, Vice-Chairman David Williams, Bobbie Jarrett, Gary Gibson, Rodney Thomas, Dickie Johnson, Gray Hodge, Kevin Richard, Doug Bell, Mac Arnold, Stacy Denton and Tommy Joe Fridy. Kevin Herron was absent. Staff present: Director Brian Bishop, Jennifer Marks, Theresa Curtis, and Chris Raymer. Heather Lauderdale was absent.

Chairman Dixon: The next item is **Rezoning #1103 with a Revised Development Plan**. Brian, are you going to read that?

Brian Bishop: Yes sir.

Theresa, if you wouldn’t mind saying Gray Hodges’ name, he’s present now.

Theresa Curtis: Gray Hodge.

Gray Hodge: Here.

Brian Bishop: Guys if you would, please mute your microphones unless you’re talking. Mute it temporarily so that we don’t get a lot of background noise.

Can everyone hear us ok?

Theresa Curtis: Yes.

Brian Bishop: Can everyone see the screen? There should be a GIS map up and it will be the intersection of 60 and Cosby Drive.

Theresa Curtis: Yes.
Brian Bishop: Moving along, **Rezoning #1103 a Revised Development Plan**, submitted by George and Bobbie Chambers, and Attorney Chris Hopgood for the property located in the City of Henderson on 985 Cosby Drive with frontage on Hwy US 60 East, (PID# 65A-13), containing 1.63 acres. The applicants are requesting a revised development plan to place eight (8) residential apartments currently zoned General Business.

This is the rezoning that’s not really a rezoning. In 2006, roughly, Mr. Chambers rezoned this to General Business with a Development Plan for a strip mall. That has never come to fruition. So Mr. Chambers now proposes to build an eight (8) unit apartment complex which is allowed in a General Business zone but the development plan that was previously approved by the Planning Commission limits that use to the strip mall.

So, what we are doing is requesting a new rezoning so that it’s more of a clerical issue that this rezoning and this development plan has a new number that will be distinguishable from the previous rezoning; which was #960.

I know that’s a little weird because we normally have not done that in the past it’s a different subject. Is everyone clear with that? It’s the same zone, we’re replacing the previously adopted development plan with a new development plan.

The previous use would have been a strip mall, the current use will be an eight (8) unit apartment complex. Everybody good?

Give me one second, and we will show you what the drawing looks like. Let me get the computer to cooperate.

Can everyone see the screen?

Theresa Curtis: Yes.
Rodney Thomas: Yes.
Brian Bishop: You guys should see a drawing, can you see that?
Mac Arnold: Yes.
David Williams: Yes.
Brian Bishop: Ok. So, this is the apartment building here. This is Hwy 60, this is Cosby Drive. There will be a new entrance on Cosby Drive, here, and all the public improvements are covered under a site plan.
So, things like drainage, parking, lighting, and things of that nature are on another site plan that will be approved later by the Planning Commission; assuming you guys approve this; this rezoning with a development plan.
So, with that I’ll do my best to answer any questions.
Kevin Richard: Brian, the detail is kind of small, is there a page of that that actually shows the building in a little better detail that we could actually see?
Brian Bishop: Yes sir, I will get that in one (1) second.
David Williams: Brian, did I hear you say that the staff does recommend...
Brian Bishop: I’m sorry Dave, can you say that again please?
David Williams: Have you said whether staff recommends approval for this?
Brian Bishop: Staff recommends approval, yes.
Commissioner Richard, does that help? Can you see that now?
Kevin Richard: Yes. I’m just trying to understand what those three (3) shapes were. Are those like the entrances or...?
Brian Bishop: Are you referring to where the arrow is?
Kevin Richard: Yes.

Brian Bishop: I believe that is just striping for parking but Matt Calvert who is the engineer for the project is here, online with us and he can probably answer that better than I can.

Matt, do you care to address...?

Matt Calvert: Yes, this is Matt. Those areas will be landscaped islands, in front of the parking.

Brian Bishop: Matt, one second, we need to swear you in, I’m sorry.

Chairman Dixon: Sir, do you swear to tell the truth, the whole truth and nothing but the truth?

Matt Calvert: Yes sir.

Chairman Dixon: Very good, thank you sir.

Brian Bishop: Matt, would you go ahead please? I’m sorry.

Matt Calvert: Yes. Those spots that you’re referring to are going to be landscaped islands in front of the parking.

Kevin Richard: Ok, that makes sense. It almost looks like they were bushes or something, that’s why I was asking. Ok.

Thank you.

David Williams: Brian, does the rezoning, in your opinion, agree with the Comprehensive Plan?

Brian Bishop: Yes sir, it does. That should be addressed in the motion that was emailed out earlier in the day.

David Williams: Is Tommy Joe with us today?

Brian Bishop: He is.

Tommy Joe Fridy: Yes, I’m with you.
David Williams: Good to know, Tommy Joe. Have we established the finding of facts (inaudible)...?

Tommy Joe Fridy: You cut out. I heard you say findings of fact.

David Williams: In your opinion, have we established findings of facts.

Tommy Joe Fridy: No, I don't think you introduced any facts.

Brian can recite the facts or the applicant can.

Brian Bishop: Commissioner Williams, do you have a copy of the proposed motion and findings of fact that we passed out, or emailed out; excuse me?

Tommy Joe Fridy: I think he's asking if you have them in the record but we haven't heard if there's any opposition or anyone wants to speak for the application.

Chairman Dixon: Are there any questions of staff at this point?

Is there anyone who would like to speak in favor of this rezoning; either with us tonight, or on Facebook or by whatever means? Anyone wanting to speak in favor?

I'm hearing no reply.

Is there anyone who would like to speak against this rezoning? Anyone outside the commission that has any kind of questions regarding this rezoning?

Brent Jacobs: Brian, I don't see any comments on Facebook but give it a few minutes.

Chairman Dixon: Brian, would you like to go ahead and read those findings of facts?

Brian Bishop: I can do that.

Chairman Dixon: Brian is going to read the findings of facts into the record.
Brian Bishop:

"REZONING #1103 TO CONSIDER A REVISED DEVELOPMENT PLAN – Submitted by George & Bobbie Chambers and Attorney Chris Hopgood, for the property located in the City of Henderson on 985 Cosby Drive with frontage on Hwy. U.S. 60 East, (PID #65A-13), containing 1.63 acres (the “subject property”). Applicants are requesting to change the Development Plan from a strip shopping center to an eight (8) unit apartment complex, which is being treated like a zoning change/map amendment for notice, advertising, public hearing, etc. purposes. The property is currently zoned General Business with a development plan for a strip shopping center and will remain zoned General Business (GB) with a new/revised development plan. The applicants are requesting a change in the development plan to construct an eight (8) unit apartment complex; a development plan restricts the use of the subject property to ONLY the use set out in such development plan, which in this case is an eight (8) unit apartment complex."

Brian Bishop: Then, the motion would read;

“I move that the Planning Commission recommend that the Henderson Board of Commissioners (the “City”) APPROVE the Revised Development Plan for this Application which is known and referred to as Rezoning Application # 1103 with a Revised Development Plan leaving the zoning classification General Business
and changing the development plan from a strip mall/shopping center to a new revised development plan to allow an eight (8) unit apartment complex and for no other use without the approval of the Planning Commission, subject to the final approval of a site plan before a building permit can be issued; and, I leave the motion open for other members of the Planning Commission to add findings of fact in support of this motion, because:

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- The property is served by adequate infrastructure/utilities.

- The rezoning request is justified because the economy in the area has not created sufficient demand or justification for the development of the proposed strip mall.

The proposed zoning classification is in agreement with the Goals and Objectives of the Comprehensive Plan, in that:

- Balancing Land Use Objective A: Identify areas of opportunity for infill, redevelopment and adaptive reuse that respect the area’s context and design features.
- **Balancing Land Use, Objective (B):** Guide development to existing centralized areas served by adequate infrastructure to avoid decentralized and scattered development.

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- **Healthy Neighborhoods (A):** Promote stability of existing neighborhoods and all aspects of housing including infill, redevelopment, and encourage new development where appropriate.

- **Healthy Neighborhoods (D):** Plan for housing that addresses the market needs for all residents, including, but not limited to, mixed-use and housing near employment and commercial areas.

- **Healthy Neighborhoods (G):** Encourage recreational and community facilities into developments to afford active living alternatives for residents.

The zoning classification and the proposed use are in agreement with the **Future Land Use Map of the Comprehensive Plan, which shows the area developing Medium Density Residential.**

Brian Bishop: That is all, Mr. Chairman.

Chairman Dixon: Very good, thank you.

Has anyone joined us that wants to speak for or against this rezoning by whatever means?
Tommy Joe Fridy: Mr. Chairman, while you’re waiting for Facebook, do I have permission to address staff?

Chairman Dixon: Yes, please do.

Tommy Joe Fridy: Brian, are you, on behalf of the Planning Commission as the Director, introducing the factual components of that proposed motion in the record?

Brian Bishop: Yes sir.

Tommy Joe Fridy: Thank you. I have no further questions, Mr. Chairman.

Brent Jacobs: There are no comments on Facebook.

Chairman Dixon: I’m hearing no comments on Facebook.

The chair will entertain a motion in this regard; rezoning #1103.

Tommy Joe Fridy: If someone makes the motion, they do not need to read it again because Mr. Bishop has already read it. You can move to adopt the motion as read.

**MOTION WAS MADE BY DOUG BELL, AND SECONDED BY KEVIN RICHARD TO ADOPT THE MOTION AS READ.**

Chairman Dixon: We have a motion, and a second.

Madame Secretary, can you call the roll?

**AYE: ALL**

**NAY: NONE**

Chairman Dixon: The motion carries. Thank you all.
# UPCOMING BOARD APPOINTMENTS

<table>
<thead>
<tr>
<th>BOARD</th>
<th>EXPIRATION DATE</th>
<th>TERM</th>
</tr>
</thead>
<tbody>
<tr>
<td>CITY UTILITY COMMISSION</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jud Royster</td>
<td>04/25/2020</td>
<td>3-Year</td>
</tr>
<tr>
<td>MUNICIPAL HOUSING COMMISSION</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amy Taylor</td>
<td>09/30/2020</td>
<td>4-Year</td>
</tr>
<tr>
<td>Willie Ballard*</td>
<td>09/30/2020</td>
<td>2-Year</td>
</tr>
<tr>
<td>*Non-voting Resident Member</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BOARD OF OCCUPATIONAL LICENSE APPEALS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alternate Member (Vacant-former member moved out of town)</td>
<td>08/11/2020</td>
<td>3-Year</td>
</tr>
</tbody>
</table>

Meeting: 08/11/2020