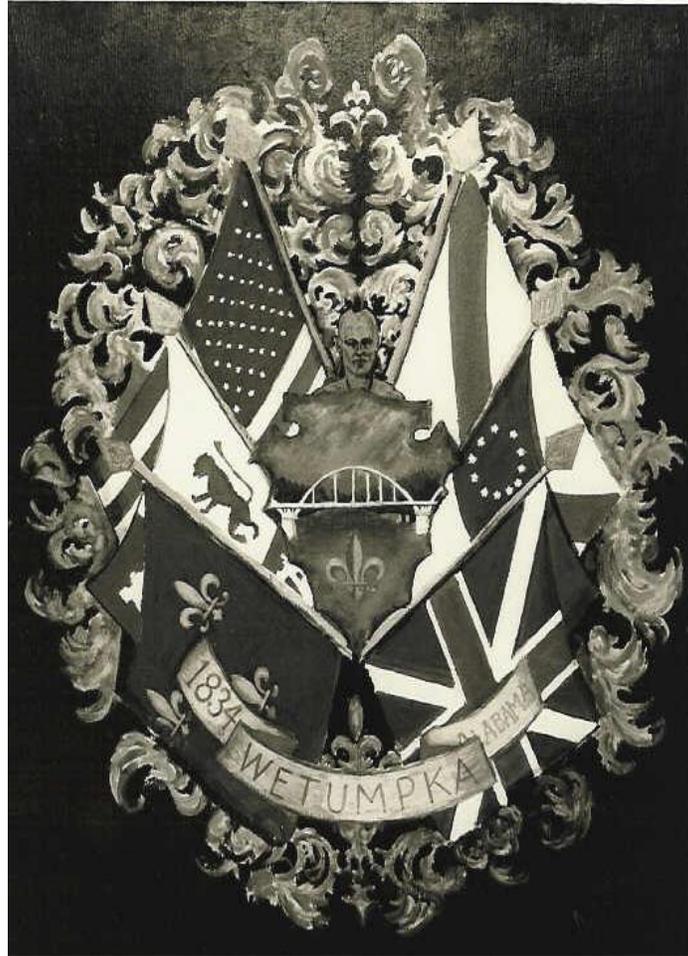


# ***Personnel Policies And Procedures Manual***



## **City of Wetumpka**

**Jerry Willis  
Mayor  
Effective July 1, 2013**



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**INTRODUCTION AND DEFINITIONS**

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**INTRODUCTION**

Maintaining high standards of honesty, integrity, and conduct by employees of the City of Wetumpka is essential to assuring that the City of Wetumpka ("City") as an organization is accomplishing its mission and purpose and that it is preserving the public's confidence and trust in the organization. Therefore, this Personnel Policies and Procedures Manual (Manual) has been developed for the purpose of establishing guidelines for personnel actions which will facilitate the: (i) recruitment, selection, and retention of qualified employees; (ii) the effective and efficient performance of employees in providing services for the City of Wetumpka's citizens and clients; (iii) the attainment of job satisfaction by the City's employees in their work; and which will ensure that all human resource management activities are carried out in accordance with applicable laws and regulations.

**2.0 FUNCTIONS OF THIS MANUAL**

This Manual contains general statements of the City of Wetumpka's policy and procedures and should not be read as including all of the details of each policy and procedure. It is the intent and purpose of this Manual to be used as an outline of the basic personnel policies, practices, and guidelines for the City of Wetumpka, and nothing contained herein shall be interpreted as forming any promise that the policies and procedures discussed in it will be applied in all cases. From time-to-time, the City of Wetumpka may add to the policies and procedures contained in this Manual or may revoke or modify the policies or procedures included herein. The Human Resources Manager will attempt to keep this Manual current, but there may be times when policies and procedures will change before the material in this Manual is revised and updated.

**3.0 CONTRACT DISCLAIMER.**

- a) Nothing contained in this MANUAL shall be interpreted as forming an express or implied contract of employment with the City of Wetumpka or as restricting the right of the City of Wetumpka to:
  - i. refuse or discontinue employment and/or prohibit the future service of any person when it is considered to be in the best interest of the City of Wetumpka;

- ii. decrease proportionally the compensations of all employees when required as a City-wide economy measure; or
  - iii. use independent contractors to perform work or render services to the City of Wetumpka.
- b) Continuation of employment with the City of Wetumpka will be contingent upon an employee's job performance, the need for the position, and/or the availability of funds for the position. Nothing contained herein shall be construed as preventing the removal of any employee, now or in the future, in the manner prescribed by these policies and procedures.

**4.0 GUIDES ARE INSTRUCTIVE AND NOT DIRECTIVE**

The guidelines established in these policies and procedures are for the most part instructive and not directive. An omission of, or deviation from, any particular procedure which is not shown to be intended to abrogate, defeat or frustrate rights of an employee and which, in fact, does not materially affect such rights cannot serve as the basis for invalidating, reversing or modifying any action relating to a City employee.

**5.0 DEPARTMENTAL GUIDELINES.**

The policies and procedures contained herein are not intended to be inclusive of all the guidelines which may be necessary at an operational level. Therefore, they may be supplemented by departmental procedures, rules, or regulations initiated by department heads to ensure efficient and effective operation of his/her department. However, no such departmental procedure, rule, or regulation shall be in conflict with the basic policies and procedures contained herein.

**6.0 PERSONNEL OFFICER'S RESPONSIBILITIES**

The Personnel Officer is responsible for ensuring compliance with the provisions of the City's personnel system, including all personnel policies and procedures, and other personnel plans adopted by the Council. This manual is a public record and will be held as public record subject to the Alabama public records laws.

**7.0 HUMAN RESOURCES MANAGER'S RESPONSIBILITIES**

The Human Resources Manager is responsible for the distribution of this Manual to department heads, program directors and supervisors; for communicating these policies and

procedures; and for assisting the Mayor, department heads, program directors and supervisors in performing the administrative tasks required by these guidelines. Additionally, the Human Resources Manager will be responsible for:

- a) Maintaining a file of applicable employment laws and regulations; such file to be revised and updated as necessary.
- b) Maintaining up-to-date knowledge of employment laws and regulations through self-study, attending workshops and briefings, and other professional development activities.
- c) Revising procedures as necessary to incorporate developments in employment laws and regulations.
- d) Maintaining files as required by regulations.
- e) Training department heads and supervisors in legal compliance topics.
- f) Ensuring all legal requirements have been met before personnel actions are implemented.

#### **8.0 DEPARTMENT AND SUPERVISOR RESPONSIBILITY**

Department heads, Program Directors and Supervisors are responsible for the fair and equitable personnel administration within their respective departments or divisions as directed by the Mayor and these policies and procedures. This responsibility includes educating and training of employees as necessary to ensure that they are knowledgeable of the City's policies and procedures and the conditions of their employment and that they adhere to them. Department heads and supervisors may delegate through departmental procedures, rules, and regulations responsibility for specific requirements of these policies and procedures so long as such delegation meets the intent of these guidelines. Department heads, program directors and supervisors should refer to this Manual whenever questions regarding policy interpretation or implementation arise.

#### **9.0 EMPLOYEE RESPONSIBILITY**

Employees are responsible for familiarizing themselves with and complying with the policies and procedures contained in this Manual and with the rules, regulations, and procedures established by their respective departments.

## DEFINITIONS 102-1

The following words, terms, and phrases wherever used in these policies and procedures have the following meanings.

**City:** The City of Wetumpka, Alabama.

**Classified Employee:** A full time or part-time employee who is not appointed by the Council.

**Council:** The elected council members and Mayor who as a whole are responsible for the overall governance of the City.

**Demotion:** The non-temporary assignment of an employee to a job that has a lower pay grade than the job the employee was assigned prior to the new assignment.

**Department Head:** An employee charged with the responsibility of managing and administering activities and resources, to include personnel, within a defined and organized department/division of City.

**Disability:** A physical or mental impairment which substantially limits one or more of a person's major life activities; or a record of such an impairment; or a physical or mental condition that is regarded as being such an impairment which prevents the employee from performing the essential functions of his job. (This definition applies to actions associated with the Americans with Disabilities Act. Disability, as it relates to other areas such as worker's compensation claims, retirement, and other City provided benefits, will be in accordance with the determinations for that program.)

**Disciplining Individual:** Department heads are generally responsible for administering disciplinary actions. However, the Mayor and/or department heads may designate, through written department rules and regulations, other individuals who will be authorized to take disciplinary actions in their departments. The Mayor has the authority to discipline all department heads who are classified employees.

**Employee:** A person who regularly occupies a position with City (other than a temporary employee obtained through a temporary service company) or a person who is on authorized leave of absence and whose position is being held for him/her pending his/her return.

**Employment Date:** The date that an employee was hired by the City.

**Exempt Employee:** An employee whose job duties are of such a nature that they are covered by exemptions from the overtime provisions of the Fair Labor Standards Act (FLSA).

**Full-Time Employee:** An employee of City who is employed in a position in which the employee normally is scheduled to work forty (40) hours or more per week.

**He, His, Him:** These and other similar pronouns by which the male gender is normally designated but which, for purposes of these guidelines, are intended to refer to male or female employees, public officials or other individuals as indicated in context.

**Job Opening:** A vacancy in a job that has been duly created and funded but which is not occupied or is occupied by a temporary service employee.

**Non-exempt Employee:** An employee whose job duties do not exempt him/her from the overtime provisions of the Fair Labor Standards Act (FLSA).

**Part-Time Employee:** An employee employed in a position in which the employee is normally scheduled to work thirty-two (32) hours or less per week.

**Probationary Status:** That employment status in which employees that are newly hired, promoted, transferred or demoted, serve until successfully completing the probationary period.

**Program Director:** An Employee who works independently, without direct supervision and is in charge of a specific department or has been assigned a specific area of responsibility. This person may be responsible for budgeting for his/her area department or area of responsibility.

**Promotion:** The non-temporary assignment of an employee to a vacancy that has a higher pay grade and/or a higher mid-point pay than the job to which the employee was assigned prior to the new assignment.

**Separation:** The termination of employment with City.

**Supervisor:** An individual with the authority to assign, direct, and review the work of two or more subordinates.

**Temporary Employee:** An employee employed in a short-term situation to include special projects, authorized and funded temporary positions, or in substitution of, or replacement for, general appointment on approved leave. Temporary employees are always considered to be in a probationary status.

**Transfer:** The non-temporary assignment of an employee to a job that has the same pay grade as the job to which the employee was assigned prior to the new assignment.

**Unclassified Employee:** Persons appointed by the City Council to serve as City Clerk, Police Chief and Fire Chief for the City.

**Vacancy:** A position that has been duly created and funded but which is not occupied or is occupied by a temporary service employee.

**Workweek:** The work period established and designed for every non-exempt general appointment and temporary appointment employees.

## **SECTION 200**

### **EMPLOYMENT**

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## *NON-DISCRIMINATION & HARASSMENT 201-1*

### **1.0 GENERAL**

The City is committed to providing a work environment in which all individuals are treated equally with respect and dignity. Employees are expected to maintain a work environment that is free from harassing or disruptive activity. No forms of harassment will be tolerated, including harassment based on race, color, religion, sex, age, national origin, disability, pregnancy, military status, or any other characteristic protected by applicable federal and state law. The City expects that all relationships among persons will be business-like and free of bias, prejudice, and harassment. Each Department Head, Program Director and Supervisor has a responsibility to keep the workplace free of any form of harassment, and in particular, sexual harassment. No Department Head, Program Director or Supervisor shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment.

### **2.0 EQUAL EMPLOYMENT OPPORTUNITY**

The City will provide equal employment opportunity to all employees and applicants for employment. No person will be discriminated against in employment because of race, religion, color, sex, age, national origin, disability, military status, or any other characteristic protected by applicable federal and state law. The Human Resources Manager is responsible for formulating, implementing, coordinating, and monitoring all efforts in the area of equal opportunity employment. Any communication from an applicant for employment, an employee, a government agency, or an attorney concerning any equal employment opportunity matter should be referred to the Human Resources Manager.

### **3.0 RETALIATION IS PROHIBITED**

The City encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of the City to investigate such reports. Retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports is prohibited.

## 4.0 HARASSMENT

### 4.1 Definitions of Harassment

- a) Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, sexual orientation, national origin, age, disability, marital status, citizenship or any other characteristic protected by law or that of his/her relatives, friends or associates, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities. Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace.

4.2 Individuals and Conduct Covered - These policies apply to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to the City (e.g., an outside vendor, consultant, or customer). Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings, and business-related social events.

4.3 Reporting an Incident of Harassment, Discrimination, or Retaliation – The City encourages reporting of all perceived incidents of discrimination, harassment, or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should discuss their concerns with their immediate supervisor or the Human Resources Manager. See the Complaint Procedure described below. In addition, the City encourages individuals who believe they are being subjected to such

conduct to advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. The City recognizes, however, that an individual may prefer to pursue the matter through informal or formal complaint procedures.

#### 4.4 Complaint Procedures

- a) Informal Procedure - If for any reason an individual does not wish to address the offender directly, or if such action does not successfully end the offensive conduct, the individual should notify his/her immediate supervisor or the Human Resources Manager, who may, if the individual so requests, talk to the alleged offender on the individual's behalf. In addition, there may be instances in which an individual seeks only to discuss matters with one of the City's designated representatives, and such discussion is encouraged. An individual reporting harassment, discrimination, or retaliation should be aware, however, that the City may decide it is necessary to take action to address such conduct beyond an informal discussion. This decision will be discussed with the individual. The best course of action in any case will depend on many factors and, therefore, the informal procedure will remain flexible. Moreover, the informal procedure is not a required first step for the reporting individual.
- b) Formal Procedure - As noted above, individuals who believe they have been the victims of conduct prohibited by this policy statement or believe they have witnessed such conduct should discuss their concerns with the Human Resources Manager. The City encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Therefore, while no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. Confidentiality will be maintained throughout the investigatory process to

the extent consistent with adequate investigation and appropriate corrective action.

- c) Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.
- d) Misconduct constituting harassment, discrimination, or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay or termination, as the City believes appropriate under the circumstances. If a party to a complaint does not agree with its resolution, that party may appeal (see APPEALS, Section 702.). False and malicious complaints of harassment, discrimination or retaliation as opposed to complaints for cause, which, even if erroneous, are made in good faith, may be the subject of appropriate disciplinary action.

## **5.0 CONCLUSION**

- a) The City has developed this policy to ensure that all its employees can work in an environment free from harassment, discrimination, and retaliation. The City will make every reasonable effort to ensure that all concerned are familiar with these policies and aware that any complaint in violation of such policies will be investigated and resolved appropriately. Any employee who has any questions or concerns about these policies should talk with the Human Resources Manager.
- b) These policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions. In other words, no one should make the mistake of engaging in discrimination or exclusion in order to avoid allegations of harassment. The law and the policies of the City prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges and perquisites of employment. The prohibitions against harassment,

discrimination and retaliation are intended to complement and further those policies, not to form the basis of an exception to them.

## SEXUAL HARASSMENT 202-1

### 1.0 **SEXUAL HARASSMENT:**

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. Sexual harassment is a form of sex discrimination under Title VII of the Civil Rights Act of 1964 as amended. Sexual harassment de-motivates and demoralizes victims; it lowers productivity; it creates legal liability for the organization; and it will not be tolerated by the City. Sexual harassment is a violation of work rules and persons who engage in harassing behaviors will be subject to the disciplinary process which may involve penalties up to and including dismissal based on the seriousness of the offense.

### 2.0 **Guidelines:**

For the purposes of this policy, sexual harassment is defined (in the Equal Employment Opportunity Commission Guidelines), as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example:

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages (such as email, instant messaging, and Internet materials); and other physical, verbal, or visual conduct of a sexual nature.

### **3.0 Responsibility:**

**(a) Department Heads and Program Directors:** Department Heads, Program Directors and supervisors at all levels are responsible for maintaining a workplace that is free of sexual harassment by setting the example, closely monitoring the workplace and initiating appropriate disciplinary action against subordinates who engage in prohibited conduct, or referring the incident to his or her superior and the Human Resources Manager as appropriate.

**(b) Human Resource Manager:** The Human Resources Manager is responsible for publication and distribution of work rules regarding specific prohibited conduct, sexual harassment training, investigation of complaints, advising complainants and accused persons of their rights, conducting investigations and advising management what disciplinary action is appropriate.

**(c) Employees:** Employees are responsible for adhering to the rules of conduct and for promptly reporting any prohibited conduct by a co-employee or Department Head, Program Director or supervisor whether the conduct is directed against them personally or against other persons. Employees may report incidents of sexual harassment to their supervisor, or, if the supervisor is involved in the harassment, or for any other reason, the employee shall report incidents to the supervisor's supervisor or to the Human Resources Manager.

**4.0 Complaints:** All complaints will be promptly investigated. The process for this procedure can be found in (SECTION 201-3 -202-4). The complainant will be advised of the outcome of the investigation and the action taken.

### **5.0 Disciplinary Action for Sexual Misconduct:**

**(a) Group 2 Offenses** – Employees may be subject to reprimand or warning for first incident.

- Making unwelcome advances to a co-worker.
- Unwelcome non-sexual touching of co-worker.
- Using “slang” words with sexual connotation to address co-worker.
- Telling “dirty” jokes or stories.
- Displaying written material or pictures with a sexual theme.

- Unwelcome comments of a sexual nature to a co-worker.
- Denigrating behavior of any kind directed at co-worker because of sexual behavior.

**(b) Group 1 Offenses** – Employee is subject to suspension or discharge for first incident.

- Supervisor making any advances to subordinate.
- Supervisor exchanging or attempting to exchange sexual favors for job benefits.
- Supervisor engaging in sexual misconduct set forth in Group 2 rules.
- Supervisor abetting or allowing subordinates to engage in sexual misconduct.
- Sexual touching or grabbing.
- Using obscene language.
- Displaying pornographic material.
- Repetitive violation of Group 2 offenses

**6.0 Retaliation:** Retaliation against an employee who makes a complaint against a manager, supervisor or co-employee is prohibited and violations will subject the individual to disciplinary action. (SEE RETALIATION 201-4, Section (c).

## WORKPLACE VIOLENCE 203-1

### **1.0 GENERAL**

The City will not tolerate any type of workplace violence committed by or against its employees. Threats, threatening behavior, or acts of violence against employees, customers, or visitors by anyone on the City property will not be tolerated. To ensure a safe workplace and to reduce the risk of violence, all employees should review and understand all provisions of this workplace violence policy.

### **2.0 PROHIBITED CONDUCT**

Employees are prohibited from making threats or engaging in any type of violent activities. The following list of behaviors, while not inclusive, provides examples of conduct that is prohibited.

1. Fighting;
2. Making threatening remarks to or about a co-worker;
3. Causing physical injury to another person;
4. Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
5. Intentionally damaging the City property, the property of another employee, or the property of a customer or visitor;
6. Throwing objects in the workplace regardless of the size or type of object being thrown or whether or not a person is the target of the thrown object;
7. Engaging in name-calling or obscene language and gestures;
8. Possession of a weapon while on the City property or while on the City business, without authorization;
9. Committing acts motivated by, or related to, sexual harassment or domestic violence.

### **3.0 REPORTING PROCEDURES**

Any employee having knowledge of a violation of this workplace violence policy or of a potentially dangerous situation shall promptly report it to a supervisor or the Human Resources Manager. Reports can be made anonymously and all reported incidents will be

investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis. All parties involved in a situation will be counseled and the results of investigations will be discussed with them. The City will actively intervene at any indication of a possible hostile or violent situation.

#### **4.0 IDENTIFYING POTENTIALLY VIOLENT SITUATIONS**

While employees are not expected to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform their supervisor or department head if any employee exhibits behavior that could be a sign of potential violence. Such behavior includes, but is not limited to:

- a) Possessing weapons or bringing them to the workplace;
- b) Threatening a co-worker or customer with a weapon;
- c) Making threatening remarks whether verbal or written to or about employees and customers;
- d) Making comments and jokes regarding harm to others;
- e) Displaying overt signs of extreme stress, resentment, hostility, or anger;
- f) Making threatening remarks;
- g) Sudden or significant deterioration of performance or personal hygiene;
- h) Displaying irrational or inappropriate behavior.

#### **5.0 ENFORCEMENT**

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. (See EMPLOYEE CONDUCT AND BEHAVIOR, Section 601; and DISCIPLINARY PROCEDURES, Section 606.). Non-employees engaged in violent acts on the employer's premises will be reported to the proper authorities and fully prosecuted.

## *INDIVIDUALS WITH DISABILITIES 204-1*

### **1.0 AMERICANS WITH DISABILITIES ACT**

The City will comply with the Americans with Disabilities Act of 1990 (ADA), as amended. The City will affirmatively provide reasonable accommodation of the disabilities of individuals who are capable of performing the essential functions of the City jobs, unless undue hardship to the City would result. An individual with a disability under the ADA is a person who has a physical or a mental impairment that substantially limits one or more major life activities such as caring for oneself, walking, seeing, hearing, speaking, or working. The City will not discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of the individual's disability or perceived disability as long as the employee can perform the essential functions of the job with or without accommodation. The City will provide reasonable accommodations to a qualified individual with a disability, as defined by ADA, who has made the City aware of his/her disability, provided that such accommodation is feasible and does not constitute an undue hardship on the City. However, in all instances of hiring and retention, the City is not required to hire or retain an individual whose presence in the workplace poses a substantial risk of harm unless a reasonable accommodation can eliminate the threat to health and safety. Such a determination shall be based on an individualized assessment of the situation. In addition, the ADA does not require the City to make the best possible accommodation, or to reallocate essential job functions, or to provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

### **2.0 MEDICAL DISQUALIFICATIONS**

Employees who, after determination by a competent medical authority, are rendered physically or mentally unfit to perform the essential duties as required in the employee's job description with or without reasonable accommodations or when a significant risk of substantial harm to himself/herself or others exist may, when in the best interest of the City, be assigned to another classification, transferred, demoted, medically retired (if eligible), or terminated as a non-disciplinary action. Where a current employee with a qualified disability

becomes unable to perform the essential functions of his/her job, the City may attempt to make reasonable accommodations and/or reassign such employee to a vacant position for which the employee is qualified. Reassignment will be attempted only after reasonable efforts at accommodating the employee in his/her current position have been unsuccessful. Nevertheless, if the City cannot reasonably accommodate the employee's impairment and a vacant position does not exist for which the employee is qualified; the City may elect to medically retire (if eligible) or terminate the employee as a non-disciplinary action. Each determination will be made according to the specific circumstances of the deficiency, availability of other suitable employment and any other factors as deemed necessary. Personnel actions as discussed above will be taken at the recommendation of the employee's Department Head and with the approval of the Mayor.

### **3.0 LIMITED DUTY ASSIGNMENTS-TEMPORARY DISABILITY**

In the event an employee is temporarily disabled according to competent medical opinion and the employee is expected to return to work at full capacity within a limited time, such employee may, with the appropriate written return to work statement from the treating physician, recommendation of the Department Head, and approval of the Mayor, be allowed to return to work in a limited duty status if productive work is available and/or light duty assignments are authorized for the department. However, at any time it is determined that such employee will be disabled for an extended period of time, the employee may be required to use authorized leave, assigned to another classification, transferred, excused with a leave of absence, medically retired (if eligible), or terminated as a non-disciplinary action. The Department Head shall have the responsibility, with the Mayor's approval, of determining if there is productive work to be performed by the disabled employee that would benefit the department, and if a light duty assignment may be authorized for the department.

## DRUG-FREE WORKPLACE 205-1

### 1.0 GENERAL STATEMENT

Practical experience and research, has proven that even small quantities of narcotics, abused and non-abused prescription drugs, or alcohol may impair judgment and reflexes. Even when not readily apparent, this impairment can have serious results, particularly for employees operating vehicles, potentially dangerous equipment, working with or around high voltage lines and appurtenances, or near and/or working with toxic chemicals. Drug-using employees are a threat to co-workers and themselves, and may make costly errors. For these reasons, the City has adopted the following Drug-Free Workplace and Substance Abuse Policy. This policy will be enforced to provide a safe workplace for all employees. Employees should understand that a positive drug or alcohol test is not a necessary prerequisite to disciplinary action, if this policy or any other work rule has been violated. The City has put into place a drug-free workplace program. All applicants and employees are subject to its conditions.

### 2.0 TERMS DEFINED

For the purposes of this policy implementation, the following terms shall have the meanings assigned to them:

- A. Alcohol: Ethyl alcohol or spirits of wine, from whatever source or by whatever process produced.
- B. Breath Alcohol Concentration (BrAC): Alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath.
- C. Confirmation Test or Confirmed Test: A second analytical procedure used to identify the presence of a specific drug or metabolite or alcohol in a specimen. The confirmation test shall be different in scientific principle than that of the initial test procedure. The confirmation method shall be capable of providing requisite specificity, sensitivity, and quantitative accuracy.
- D. Drugs: As used in this policy, drugs include illegal use of controlled substances, drugs which are not legally obtainable, or the improper use of prescription drugs.

Unless otherwise stated, this term refers to amphetamines, cannabinoids, phencyclidine (PCP), methadone, opiates, cocaine methaqualone, barbiturates, benzodiazepines, propoxyphene, or a metabolite of any of these substances.

- E. Evidential Breath Testing Device (EBT): Device used for alcohol testing which has been approved by the National Highway Traffic Safety Administration (NHTSA) and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices."
- F. Medical Review Officer (MRO): A licensed physician (medical doctor or doctor of osteopathy), certified by either the American College of Occupational and Environmental Medicine or The American Association of Medical Review Officers, responsible for receiving laboratory results generated by an employer's drug testing program. The MRO shall have knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual's confirmed positive test, medical history, and other relevant biomedical information.
- G. Oral Drug and Alcohol Testing: A technical analysis used to identify the presence of a specific drug, metabolite and/or alcohol in a specimen comprised of oral fluid.
- H. Prescription Medication (Prescription Drug): A drug or medication lawfully prescribed by a physician for an individual and taken by that individual in accordance with the prescription.
- I. Safety Sensitive Positions: As used throughout this document, the phrase "Safety Sensitive Position" means any position that involves any one or more of the following functions or criteria:
  - 1. Operating a vehicle that requires a CDL;
  - 2. Operation of commercial vehicles, heavy machinery, or industrial equipment, the mishandling of which may place fellow employees or the general public at risk of serious injury, or the nature of which would create a security risk in the workplace;
  - 3. Handling of hazardous material; and
  - 4. Working with or around high voltage lines and appurtenances.

- J. Substance Test or Test: Any chemical, biological, or physical instrumental analysis administered for the purpose of determining the presence of a drug or alcohol.

### **3.0 PROHIBITED SUBSTANCES**

All employees are prohibited from possessing, distributing, giving, transferring, manufacturing, or having a detectable presence of any Drugs, abused prescription drugs or any other mind-altering substances in their system during working hours or in a work area either on City premises or on any job site or in any City or private vehicle on the way to or from work while at work or on duty.

### **4.0 ALCOHOL PROHIBITED**

All employees are prohibited from possessing or drinking any quantity of alcohol while at work or on duty. All employees are also prohibited from reporting to work or remaining at work with blood alcohol concentration of more than 0.02 percent by weight.

### **5.0 LEGAL MEDICATIONS**

The proper use of medication that is legally prescribed by a physician is not prohibited. However, employees occupying a Safety Sensitive Position must report their use of over-the-counter or prescription medication to supervisors and to the Human Resources Department if: (1) the use might impair their ability to perform their job safely and effectively; or (2) the medication is accompanied by a warning that it may cause drowsiness or may impair the user's ability to operate a vehicle or heavy equipment. A determination will then be made as to whether the employee should be able to perform the essential functions of the job safely and effectively. Depending on the circumstances, employees may be reassigned, prohibited from performing certain tasks, or prohibited from working if they are determined to be unable to perform their jobs safely and properly while taking a prescription or nonprescription legal drugs. (See MEDICAL PROCEDURES, Section 209.).

### **6.0 OFF DUTY SUBSTANCE AND ALCOHOL USE**

Off-duty use of drugs, alcohol or any other prohibited substances which results in impaired work performance, which may include absenteeism, tardiness, poor work performance, damage to the employer's reputation, or inferior quality of work, is prohibited.

## **7.0 CONSEQUENCES OF VIOLATION OF POLICY**

- a) Any employee who violates this policy shall be subject to discipline up to and including immediate dismissal. However, an employee who voluntarily admits to a drug or alcohol problem, before being asked to take a substance use test, enrolls in a supervised rehabilitation program at their own expense, and stops using drugs illegally, shall not be terminated for requesting help as long as the employee thereafter remains in compliance with this policy.
- b) An employee who refuses to submit immediately upon request to an initial screening, a blood test, urinalysis, "breathalyzer" test or other diagnostic test for the purpose of detecting drug or alcohol use; refuses to sign a consent form; or refuses to cooperate with the testing process in such a way that prevents completion of the test; or adulterates or dilutes the specimen; or who is otherwise in violation of this policy, is subject to disciplinary action up to and including immediate termination.
- c) An employee who refuses to submit to or cooperate with a blood, saliva, hair, breath or urine test after an accident forfeits his or her right to recover Workers' Compensation benefits under Alabama Code § 25-5-51 and is subject to disciplinary action up to and including termination.
- d) An employee who is terminated for refusing to submit to a screening or testing procedure, for testing positive in a confirmed lab test for either drugs or alcohol, or for other violation of this drug and alcohol policy, forfeits his or her unemployment benefits under Alabama Code § 25-4-78.
- e) An employee subject to discipline or termination for the violation of this policy shall have the same rights of appeal as set forth for any other violation of City policy.

## **8.0 UNEMPLOYMENT COMPENSATION**

Under Section 25-4-78, et seq., as amended, of the Code of Alabama (1975), Unemployment Compensation, provides that no unemployment compensation will be paid to an employee dismissed after testing positive for drugs or alcohol, refusing to submit to a test for drugs or alcohol, or knowingly altering or adulterating any test sample. Section 25-4-78 reads in part:

“A confirmed positive drug test that is conducted and evaluated according to standards set forth for the conduct and evaluation of such tests by the U.S. Department of Transportation in 49 C.F.R. Part 40 or standards shown by the employer to be otherwise reliable shall be a conclusive presumption of impairment by illegal drugs. No unemployment compensation benefits shall be allowed to an employee having a confirmed positive drug test if the employee had been warned that such a positive test could result in dismissal pursuant to a reasonable drug policy.... Further, no unemployment compensation benefits shall be allowed if the employee refuses to submit to or cooperate with a blood or urine test as set forth above, or if the employee knowingly alters or adulterates the blood or urine specimen.”

“An individual shall be disqualified for total or partial unemployment ...if he was discharged or removed from his work for ...the use of illegal drugs after previous warning or for the refusal to submit to or cooperate with a blood or urine test after previous warning ...‘warning’ shall mean that the employee has been advised in writing of the provisions of the employer’s drug policy and that either testing positive pursuant to the standards referenced above or the refusal to submit to or cooperate with a blood or urine test as set out in the above referenced standards could result in termination of employment. This written notification as herein described shall constitute a ‘warning’...” Alabama Code § 25-4-78(3) (Supp. 1996).

## **9.0 WORKERS’ COMPENSATION**

Under Alabama Law, Section 25-5-51, et seq., of the Code of Alabama (1975), workers who are injured at the workplace or in the course of employment may be tested for drugs and alcohol and, if positive, may not be paid benefits under the Alabama Workers’ Compensation Law if the injury is a result of an accident caused by drug and/or alcohol impairment. Section 25-5-51 reads in part:

“A positive drug test conducted and evaluated pursuant to standards adopted for drug testing by the U.S. Department of Transportation (DOT) in 49 C.F.R. Part 40 shall be a conclusive presumption of impairment resulting from the use of illegal drugs. No compensation shall be allowed if the employee refuses to submit to or cooperate with a blood or urine test as set forth above after the accident after being warned in writing by the employer that such refusal would forfeit the employee’s right to recover benefits under this Chapter.”

## **10.0 INFORMATION DISTRIBUTION**

To assist the City in providing a safe and healthy workplace, a resource file of information on various means of employee assistance in the community, including but not limited to drug and alcohol abuse programs, is maintained by the Human Resources Manager. This information will be distributed to employees for their confidential use.

## **11.0 DRUG AND ALCOHOL SCREENING AND TESTING CONDITIONS:**

11.1 **Pre-Employment Testing** - As a condition of employment, pre-employment testing may be required of all applicants seeking employment after they receive a conditional offer of employment. If an applicant tests positive for the use of illegal substances, consideration for employment will be withdrawn. If the applicant fails or refuses to appear and produce valid samples for drug and alcohol testing, the conditional offer of employment shall be withdrawn. The applicant has five days to contest or explain a confirmed positive test after written notification of such result from the City.

11.2 **Reasonable Suspicion** - Reasonable Suspicion Testing will be required when there is reasonable suspicion to believe that an employee is using or has used drugs or alcohol in violation of City policy. Testing will be based upon specific objectives and articulated facts and reasonable inferences as identified on the "Reasonable Suspicion Report Form." Such facts and inferences may be based upon, but not limited to, the following:

1. **Observation:** Direct observation of substance abuse or of the physical symptoms or manifestations of being impaired due to substance use.
2. **Abnormal Conduct:** Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
3. **Report:** A report of substance use provided by a reliable and credible source.
4. **Evidence of Tampering:** Evidence that an individual has tampered with any substance use test during his or her employment with the current employer.
5. **Evidence of Use:** Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the premises of

the employer or while operating the employer's vehicle, machinery, or equipment.

Reasonable Suspicion Report: The supervisor requesting testing shall complete and sign a reasonable suspicion report form that explains in detail the circumstances and evidence warranting testing, at the time testing is requested, if feasible, but within 24 hours of testing in any event. The supervisor should have the corroboration of another supervisor, when possible, before the employee is requested to be tested. In the absence of another supervisor, another employee may be requested to witness the observation and the "Reasonable Suspicion Report Form."

Transport to Testing: If use is suspected, the employee will be transported to the collection site for testing. Under no circumstance shall the employee be permitted to drive if the employee appears to be impaired, disoriented, or confused.

11.3 **Post Accident Screening/Testing** - Employees will be screened or tested after any work-related injury or accident where:

1. an employee is injured beyond the need for simple first-aid treatment, or
2. City vehicles or property are damaged (in excess of \$200 estimated), or
3. an employee has caused or contributed to an on-the-job injury which results in loss of work time, or
4. an injury that is a workers' compensation injury, or
5. there is reasonable suspicion of drug or alcohol use.

Any test or screen for alcohol/drug usage shall be completed within one (1) hour of a work-related incident, or as soon as possible thereafter. Laboratory drug testing shall be conducted within 24 hours, of the accident resulting from a positive oral drug and alcohol test or screen, or as soon as possible thereafter. A positive confirmed laboratory drug test following an on-the-job accident is evidence of "willful misconduct" under this policy and disqualifies the employee from receipt of workers' compensation benefits.

11.3a **Post Accident Oral Drug and Alcohol Testing** - This Supplement to the City of Wetumpka's DRUG-FREE WORKPLACE SECTION 205-11.3 of the City's

Policies and Procedures Manual is intended to approve and adopt a policy related to Oral Drug & Alcohol testing procedures for post-accident testing and is in addition to, and not intended to abrogate, any existing drug and alcohol policies. Prior to laboratory testing being conducted as to post-accident drug and alcohol testing which may be required under existing policies, the City of Wetumpka, through and upon approval of the applicable department head/supervisor and in consultation with the Risk Management Coordinator, or the Human Resources Director if the Risk Management Coordinator is unavailable, may elect to utilize drug/alcohol oral screen tests for screening purposes and thereafter direct laboratory testing if there exists positive results of drug/alcohol oral screening test or, otherwise forego the direction of laboratory testing following a negative result from the drug/alcohol oral screen test. The Human Resource Director and Risk Management Coordinator are authorized to formulate and implement forms and procedural guidelines regarding the oral drug/alcohol testing.

1. Personnel of the City's Public Works Department, Police Department and Fire Department personnel shall be immediately trained in said oral testing procedures such that the oral testing may begin immediately after completion of the same.
2. This Supplement is in addition to existing drug and alcohol policies of the City and is not intended to replace, revoke or otherwise modify existing policies and procedures unless specifically set out in this Supplement.

11.4 **Random Screening and Testing of Safety-Sensitive Functions** - Random testing may be conducted without notice on a quarterly basis on all employees who occupy Safety Sensitive Positions.

## **12.0 SPECIMENS**

If sent to a laboratory for testing, per a positive oral drug and alcohol test result, specimens will be collected in a manner that will afford the individual privacy, yet be reasonably calculated to prevent substitution or adulteration of the specimen. The employee/applicant shall observe the collector prepare the chain of custody control form and the specimen for shipment.

**13.0 LABORATORY**

If sent to a laboratory for testing, per a positive oral drug and alcohol test, a licensed and approved laboratory will analyze all specimens. All initial tests having a positive result shall be confirmed. The laboratory will forward the results of all tests to the proper licensed and approved laboratory and to the City. The MRO will attempt to contact the donor within 72-hours of notification to ascertain if there is a medical reason for a positive result. If the MRO cannot contact the donor within 72-hours, the test will be reported to the employer as positive. The facility currently providing the testing, either on the City property or on its site is Bradley Screening. This Company may send out samples to an additional site if a positive is determined. The third site could be any of five locations across the United States.

**14.0 EMPLOYEE REQUEST**

The employee/applicant may request another analysis of the original specimen at his or her own expense. If a medical reason caused a positive test result and would not affect the employee's ability to perform his or her duties, the MRO will report the test to the employer as a negative. The employee has five days to contest or explain a confirmed positive test after written notification of such result from the City.

**15.0 EVIDENTIAL BREATH TESTING**

Evidential breath testing devices (EBTs) on the National Traffic Highway Safety Administration Conforming Products List will normally be used to determine BrAC. When using EBTs the Department of Transportation (DOT) 49 Code of Federal Regulation (CFR) Part 40 procedures shall be followed in administering and documenting the BrAC test.

**16.0 EDUCATION**

All employees shall at least annually receive or be required to take one hour of education which will include at a minimum the following subjects:

- A) An explanation of the disease model of addiction.
- B) The effects and dangers of commonly abused substances in the workplace.
- C) The City's policy and procedures regarding substance use.

This education may be conducted in house or be taken on-line via the AMIC website and certification or confirmation that the employee has taken the one hour required shall be placed in the employee's personnel file.

**17.0 CONFIDENTIALITY**

All information, interviews, reports, statements, memoranda, and test results, written or otherwise, received through the City substance use testing program shall be held as confidential communications by the City, MROs, laboratories, drug and alcohol rehabilitation programs, employee assistance programs, and their respective agents. Because the City is implementing this policy for public safety reasons unrelated to law enforcement, the City will not normally volunteer information relating to drug tests performed pursuant to this policy to law enforcement officers. Notwithstanding the foregoing, such information may be used or received in evidence, obtained in discovery, or disclosed in any civil, administrative, or disciplinary proceeding.

**18.0 RELEASE OF INFORMATION**

Release of such information under any other circumstance shall be solely pursuant to a written consent form signed voluntarily by the individual that was tested, unless the release is compelled by an agency of the state or a court of competent jurisdiction or unless deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding.

**19.0 INVESTIGATIONS AND SEARCHES**

Where there is reasonable cause to suspect an employee has violated this policy, the City reserves the right for a Department Head or Program Director to inspect lockers, work areas, desks, cabinets, purses, bags, briefcases, tool boxes, or other belongings, on the City's property or at locations where work-related activities are being conducted, without prior notice. Where there is reasonable cause to suspect an employee has violated this policy, his/her City vehicles may be search without prior notice as well. "Cause to suspect" shall be solely in the judgment and discretion of the City. The City may release any illegal, or controlled drugs, or paraphernalia to law enforcement authorities in accordance with appropriate procedures.

**1.0 EMPLOYEE CATEGORIES**

In general, employees will be categorized as follows:

- a) A full-time employee is an individual who works a normal forty (40) hour workweek and whose job is designed to continue during the time the responsibilities and tasks of the job are needed for the safe and efficient operation of the City and sufficient funds are available to support the job. Subject to the approval of the Council, such jobs may be created, retained, or deleted by the Mayor as necessary to accomplish the mission and purpose of the City. A full-time employee may be classified as either exempt or non-exempt.
- b) A part-time employee is an individual who works thirty-two (32) hours a week or less and whose job is designed to continue during the time the responsibilities and tasks of the job are needed for the safe and efficient operation of the City and sufficient funds are available to support the job. Subject to the approval of the Council, such jobs may be created, retained, or deleted by the Mayor as necessary to accomplish the mission and purpose of the City.
- c) A temporary employee generally is an individual who is hired either full-time or part-time for a specified, limited period not to exceed 365 days, and whose job is designed to meet peak workloads, to perform special projects, to fill prolonged absences of full-time or part-time employees, and/or to satisfy other temporary or seasonal requirements. Jobs in this category continue during the time the responsibilities and tasks of the job are needed for the safe and efficient operation of the City and sufficient funds are available to support the jobs. Jobs in this category include jobs filled by individuals who are employed through a temporary service agency. Temporary employees may be terminated from employment with the City for any reason, at any time, without the right of appeal. The time an employee is employed as a temporary employee will not count as continuous years of service with the City, if the individual is later employed in a full-time or part-time job. A temporary employee may be classified as exempt or nonexempt.
- d) A nonexempt employee generally is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act ("FLSA") and typically is paid either on an hourly or salary basis.
- e) An exempt employee is exempt from the provisions of the FLSA and is not entitled to overtime payments. Exempt employees typically are paid on a salary basis and include administrative, executive, and professional employees, as defined by the FLSA.

- f) Other: As needed, other flexible staffing classifications or arrangements may be added.

## **2.0 PAY CLASSIFICATION**

- a) All full-time and part-time jobs will be assigned a pay-grade in the pay classification plan (see PAY ADMINISTRATION, Section 302.).
- b) All temporary jobs will be assigned pay based on the prevailing rates in the relevant job market.

## **3.0 BENEFITS**

- a) Full-time employees generally are eligible to participate in the full range of the City provided benefits, including (but not limited to) health insurance, retirement, annual leave, and sick leave (See EMPLOYEE BENEFITS, Section 501).
- b) Part-time employees are generally eligible for retirement benefits only.
- c) Temporary employees will not receive employee benefits, except as those required by law (See EMPLOYEE BENEFITS, Section 501).

## **4.0 PROBATIONARY PERIOD**

Individuals appointed to full-time and part-time jobs will be required to satisfactorily complete a probationary period (See PROBATIONARY PERIOD, Section 211.).

## **5.0 CONTINUOUS EMPLOYMENT**

Full-time and part-time employees who have successfully completed their probationary period may, subject to the provisions of the City's policies and procedures, remain in his/her job so long as there is a need for the job, the job is funded, his/her performance meets the City's requirements, and/or his/her conduct meets the City's standards.

**1.0 JOB REQUISITIONING PROCEDURES**

A Department Head or Program Director who needs to fill a job opening or who wants to add a new job, shall submit his/her request to the Mayor for the authorization to fill the position. If the Mayor determines that it is in the best interest of the city to proceed with the recruitment of an individual to fill the vacant position, the Department Head/Program Director shall complete and forward a request to the Human Resources Manager. If it is a new position, the Human Resources Manager, in coordination with the Department Head/Program Director will prepare a job description and determine the proper classification and pay range for the position. Funding for any new position must be approved by Council action prior to initiating any recruitment actions. If it is an existing position, then the Human Resources Manager will initiate the recruiting actions appropriate for the position.

**2.0 EMPLOYEE CONSIDERATION**

The City normally will try to fill job openings above entry level by transferring or promoting from within the City, if qualified internal applicants are available. In addition, consideration may be given to any known qualified individuals who are on layoff status before recruiting applicants from outside the organization.

**3.0 METHODS OF RECRUITMENT**

- a) The following methods may be utilized to recruit applicants for a vacancy with the City.
1. Internal Recruitment. Competition for the job is limited to candidates within the City who meet the announced minimum qualifications for the position.
  2. Open Recruitment. Competition for the position is open to all applicants who meet the announced minimum qualifications for the position.
  3. Internal-Open Recruitment. Competition for the position is open to all applicants within or without the City who meet the announced minimum qualifications for the position.

b) The Human Resources Manager in consultation with the Mayor will in each case determine whether Internal, Open, or Internal-Open recruitment will serve the best interests of the City. In determining the method of recruitment, the following may be considered:

1. The number of expected vacancies for the position.
2. The availability of qualified applicants in lower-level jobs.
3. The availability of qualified applicants in the external labor market.
4. Any of the factors the Mayor and the Human Resources Manager consider relevant.

#### **4.0 JOB ANNOUCEMENTS**

##### **4.1 Internal Recruitment**

- a) If candidates within the City are to be considered for job openings, the Human Resources Manager will post a job opening announcement at designated locations in the organization that are readily accessible for viewing by all employees of the City. However, the Mayor, at his/her discretion may elect to fill job openings without posting a job announcement.
- b) If a job opening announcement is posted, then it will be posted for a period of five (5) working days unless a different posting period is authorized by the Mayor. The job opening announcement shall contain the following information:

- |                              |                           |
|------------------------------|---------------------------|
| a) Date and Time of Posting. | d) Type of Appointment    |
| b) Date and Time of Removal. | e) Job Summary            |
| c) Department and Shift      | f) Minimum Qualifications |

4.2 **Open Recruitment** – If candidates from outside the City are to be considered for job openings, the Human Resources Manager, in consultation with the Mayor, will use the recruitment methods and sources it considers appropriate to fill the position.

4.3 **Open-Internal Recruiting** - If candidates from both inside and outside the City are to be considered for job openings, the Human Resources Manager will follow the guidelines outlined in paragraphs 4.1 and 4.2 above.

## 5.0 **JOB APPLICATIONS**

5.1 **Internal Recruitment** - Any employee of the City will be eligible to apply for a vacancy except for employees who:

- a) Have received a written warning during the previous twelve (12) months;
- b) Have been placed on disciplinary suspension during the previous twenty-four (24) months;
- c) Have below standard job performance ratings on his/her last appraisal;
- d) Are currently performing at below standard levels; or
- e) Have other conduct, attendance, or performance shortcomings.

To receive consideration for a vacancy, an employee must submit an application to the Human Resources Manager by the close of the announcement period listed on the vacancy announcement.

5.2 **Open Recruitment:** Individuals interested in the position will be required to complete, sign, and submit an employment application form and other related materials as may be required in order to be considered for hiring for the position. To receive consideration for the position, applications must be submitted to the Human Resources Manager by the close of the announcement period.

5.3 **Internal - Open Recruitment** - Individuals interested in the position will be required to complete and submit a bid form and/or an application form and other related materials as required in order to be considered for the position. To receive consideration for the position, bid forms and/or applications must be submitted to the Human Resources Manager by the close of the announcement period.

5.4 **Fraudulent Applications** - Any person who falsifies or conceals information on an application form or who has fraudulently secured appointment to a position will be rejected for employment and/or may be dismissed from employment if already employed.

5.5 **Character and Ability** - All applicants for employment with the City must be of good moral character, physically, mentally able and mentally capable of performing the duties of the positions for which he/she has applied, with or without reasonable accommodation.

5.6 **Age Requirements** - Generally, the minimum age for employment for all positions will be eighteen (18) years of age. Some positions may be subject to the requirement that an applicant be at least twenty-one (21) years of age to qualify.

However, in certain temporary and/or part-time positions, the minimum age, as allowed by law, may be sixteen (16) years of age or fourteen (14) to fifteen (15) years of age if they have a work permit. Age requirements as established by law will be observed at all times.

## **6.0 APPLICANT SCREENING**

- a) At the close of the announcement period, the Human Resources Manager and the department head will review the applications, position bid forms, employee records (if applicable), and other material submitted by each applicant to determine if the applicant meets the minimum qualifications for the position.
- b) Internal employees who are candidates for transfer or promotion will normally be screened on the basis of attendance and work records, performance appraisals, and job-related qualifications including in some instance's aptitude or achievement tests. Seniority will be considered if two or more candidates are judged to be equally qualified.
- c) For certain positions, additional steps may be required to evaluate an applicant's qualifications for the position. These additional steps may include, but are not limited to: (i) supplemental application forms, (ii) work sample test, and (iii) ability test. These additional steps, as appropriate, will be arranged in the order listed. Each applicant will be measured at each step, and failure to achieve a passing score will eliminate that applicant from further consideration. No test will be administered that has not been validated to cover only those skills required to adequately fulfill the position posted.
- d) Applicants who meet the minimum qualifications and are otherwise eligible for employment will be eligible for selection for the position and will be subject to a structured interview targeted at key areas of the position to determine the fit of the candidate for the position.

**7.0 NEPOTISM**

Subject to the City's nepotism policy, a member of an employee's immediate family may be considered for employment if the applicant possesses all the qualifications for employment. However, the family member may not be hired to work in the same department as another family member after the effective date of this policy. (see NEPOTISM, Section 214.1).

**8.0 CONTINUED RECRUITMENT**

Prior to proceeding with the selection of an applicant for a job vacancy, the Mayor shall review the eligible applicants and determine if it is in the best interest of the City to proceed with selection or to continue recruiting activities. If the decision is made by the Mayor to proceed with selection, the qualifications of the applicants will be further evaluated in accordance with the selection procedures (see SELECTION, Section 208.). If the decision is made by the Mayor to continue the recruitment of qualified applicants, the appropriate steps in the recruiting procedures will be repeated until sufficient qualified applicants are located.

**1.0 GENERAL PROVISIONS**

Selections for employment will be based on the knowledge, skills and abilities determined to be required for the position without regard to age, sex, national origin, religion, color, race, military veteran status, political affiliation, or disability (except where such factor may constitute a bona fide occupational qualification).

**2.0 EMPLOYEE CONSIDERATION**

Eligible employees of the City will be given the first consideration to fill vacancies. Promotion or transfer to a vacant position will be based on an employee's: (i) quality of past performance, (ii) potential as determined by interview and/or examination procedures, and (iii) seniority.

**3.0 SELECTION INTERVIEWS**

- a. The Department Head or Program Director or his/her designees may hold selection interviews with applicants who are considered to be qualified for consideration for the job opening to determine the best applicant for the position. The Department Head or Program Director has the responsibility to determine whether the applicant has the technical qualifications for the vacant position and meets the other job-related criteria necessary to perform the job.
- b. Following the selection interviews, the Department Head or Program Director shall decide which applicant, if any, to hire for the position, but such hiring decision must first be reviewed by the Human Resources Manager and approved by the Mayor.
- c. If the Department Head or Program Director, following the selection interviews, does not recommend hiring any candidate, he/she may request that additional applicants be recruited for the position.
- d. In no case shall a candidate be extended an employment offer unless the candidate has been cleared for employment by the Human Resources Manager and the employment offer has been approved by the Mayor in writing.
- e.

#### **4.0 EMPLOYMENT OFFERS**

After approval by the Mayor of the candidate selected, the Human Resources Manager shall notify the applicant in writing of his/her "conditional" selection contingent upon the individual meeting the following requirements before he/she starts work:

- a) report of successful completion of a medical examination, when required (See Medical Procedures; Section 209.);
- b) successful passage of a pre-employment drug test (see Drug-Free Work Place, Section 205.);
- c) the individual successfully undergoing a criminal background investigation, when required;
- d) the individual successfully demonstrating through a driving record check that he/she will be accepted by the City's insurance carrier under preferred rates, when driving is required because of his/her job duties;
- e) the individual successfully being issued a bond, when required because of his/her job duties;
- f) the individual successfully meeting any standards or certifications as required by law; and
- g) the individual successfully meeting any other job-related requirements established at the time of the offer.

Once the candidate has been cleared for hire by the Human Resources Manager, the employment selection form will be submitted to the Mayor for approval and signature. The Human Resources Manager shall ensure that the required payroll forms are completed and will coordinate a new hire orientation and start date with the department head.

#### **5.0 STARTING TO WORK**

With the approval of the Mayor, the individual selected to fill the position may start to work prior to his/her meeting the requirements listed in paragraph 4.0 above. However, the individual will be informed in writing by the Human Resources Manager that continuation of employment will be contingent upon the individual meeting the requirements in a reasonable time period. If the individual does not satisfy the established requirements within a reasonable time period, he/she may be separated from employment with the City.

**6.0 ORIENTATION**

An orientation session should be held with all newly hired employees for the purpose of introducing the new employees to the organization, their co-workers, and their job. The Human Resources Manager will develop the orientation program for all new employees (See ORIENTATION AND TRAINING; Section 210.)

**8.0 STARTING PAY.**

The starting pay for all newly hired, promoted, or transferred employees will be established in accordance with the City's compensation guidelines (See PAY ADMINISTRATION; Section 302.).

**9.0 PROBATIONARY PERIOD**

Newly hired, promoted, or transferred employees will be subject to the provisions of the probationary policy and procedures in their new-positions (See PROBATIONARY PERIOD, Section 211.).

**1.0 CONDITION OF EMPLOYMENT**

Applicants selected to fill jobs with the City may be required, as a condition of employment, to take a medical examination to establish their fitness to perform the jobs for which they have applied without endangering the health and safety of themselves and others. If it is determined that an examination is appropriate for a particular job, all applicants for the job to which a conditional offer of employment has been made shall be examined (see SELECTION, Section 208, paragraph 4.0.).

**a. JOB RELATED EXAMINATIONS**

Employees may be required to have a medical examination on occasion when the examination is job-related and consistent with business necessity. For example, a medical examination may be required when an employee is exposed to toxic or unhealthful conditions, request an accommodation for a disability, or has questionable ability to perform current job duties or the duties of the job for which the employee is being considered. To the extent that any medical information is acquired from or about an applicant or employee, such information shall be maintained in a confidential separate file, and access to the file shall be on a need-to-know basis.

**b. PAY FOR MEDICAL EXAMS**

The City will pay for medical examinations that the City requires and will designate an approved physician or licensed medical facility to perform the examination. Records of medical examinations paid for by the City are the property of the City, will be treated as confidential, and will be kept in separate medical files. However, records of specific examinations, if required by law or regulation, will be made available to the employee, persons designated or authorized by the employee, public agencies, relevant insurance companies, or the employee's doctor.

**2.0 CONFIRMATION OF ILLNESS OR INJURY**

The City reserves the right to require acceptable confirmation of the nature and extent of any illness or injury that required an employee to be absent from scheduled work. The City, at its expense, may also require a second and, if necessary, a third medical opinion

regarding an employee's absence because of an illness or injury.

**3.0 RETURN TO WORK**

Employees returning to work from an absence caused by health problems shall provide a doctor's certification of their ability to perform their regular work satisfactorily without endangering themselves or their fellow employees.

**4.0 WORK RELATED INJURY**

Employees who suffer a work-related injury in any manner or degree must report the injury immediately to their immediate supervisor who shall report it to the applicable Department Head or Program Director. The Department Head or Program Director will arrange referral for examination, treatment, and documentation of the incident as necessary (see EMPLOYEE SAFETY, Section 801, paragraph 7.0.)

**5.0 DRUG AND ALCOHOL**

The City shall require job applicants and current employees to take a test to determine the presence of drugs, narcotics, or alcohol (see DRUG-FREE WORK PLACE, Section 205.).

## ORIENTATION & TRAINING 210-1

### **1.0 ORIENTATION**

The smooth integration of new hires into the City's work environment is important for reducing performance problems and turnover. Therefore, an orientation session will be held with all new employees for the purpose of introducing the new employees to the organization, their co-workers, and their job.

1.1 **Human Resources Manager Responsibilities** - The Human Resources Manager will be responsible for developing the orientation program for all new employees. The orientation will include:

- A. Review of terms and conditions of employment;
- B. Issuance and review of the employee handbook;
- C. Completion of appropriate forms and records; and
- D. Question and answer session.

1.2 **Department head and Program Director responsibilities** - The first day an employee is on the job, the department head, program director and/or supervisors will be responsible for:

- A. Introducing employee to coworkers;
- B. Conducting a tour of the department;
- C. Reviewing the job description;
- D. Explaining methods, procedures and equipment pertaining to the job; and
- E. If necessary, assigning a co-worker to serve as a sponsor to facilitate the new employee's transition and to mentor the employee.

### **2.0 TRAINING AND DEVELOPMENT**

The purpose of skills training is for employees to acquire knowledge and skills needed for performance in the job to which they are assigned. The Human Resources Manager will conduct periodic training needs assessments (TNA). Based on the TNA and funds available, the Human Resources Manager will identify target jobs and determine requirements for training. Training programs will be conducted by staff or outside sources or a combination of both based on the funds available and the nature of the training. The effectiveness of training programs will be evaluated by trainees at the time of training using

forms provided by the Human Resources Manager. Supervisors are responsible for recommending employees for training and development programs that the supervisor believes will benefit the employee and the City as a whole.

2.1 **Training Expenses.** Travel, meals, and lodging expenses will be reimbursed for all employee training including off-site certification classes and other training required by the City (see TRAVEL, Section 802.).

2.2 **Pay for Training.** Employee attendance at lectures, meetings, and training programs will be considered hours worked, and therefore will be compensated time, if attendance is approved and/or required by the City (see PAY ADMINISTRATION, Section 302.).

2.3 **Employee Initiated Training.** All full-time and part-time employees who work twenty (20) hours or more a week will be eligible to attend programs for professional improvement and development. A training course may be eligible, if in the opinion of the department head and the Mayor, it will either improve the employee's ability to perform his/her present job or help prepare the employee for a job with the City that will demand a higher level of responsibility and/or skills. The City may pay the cost of tuition, registration fees, and books, laboratory fees, travel, meals, and lodging away from home, upon recommendation of the department head and approval of the Mayor.

### **3.0 DEVELOPMENT**

The purpose of development training will be for employees to acquire the knowledge and skills needed for future assignments resulting from promotions, transfers, job redesign, etc.

#### **3.1 Employee Initiated Training**

- (a) Employees may engage in various forms of training and development activities including those which may be related to their work. Such self-development efforts will be encouraged and accommodated where possible.
  
- (b) The City makes no commitment to financially support or to grant time-off for this type of training. Employees may submit requests for such support through supervisory channels. Determinations will be made on a case-by-case basis.

## PROBATIONARY PERIOD 211-1

### **1.0 PROBATIONARY PERIOD – NEWLY HIRED EMPLOYEES**

All newly hired full-time and part-time employees will be placed in a probationary status until he/she has successfully completed a probationary period. This probationary period is considered an integral part of the training and evaluation process for each new employee and will be utilized to closely observe the individual's work, and for separating a new employee whose performance does not meet required standards. At any time during this probationary period, the employee may be terminated from employment for any reason without the right of appeal. At the end of the probationary period, the employee may be terminated, continued on probation, or granted permanent status.

1.1 **Duration** - Normally, the duration of the probationary period for a newly hired employee will be twelve (12) months. If necessary, the duration of the probationary period may be extended up to three (3) additional months for inadequate job performance, extended absences from work, any misconduct and/or any violation of rules and policies outlined within this policies and procedures manual or within the department. All extensions of a probationary period will be coordinated with the Human Resources Manager.

1.2 **Separation** – A department head at any time during the probationary period may recommend the separation of a newly hired employee who is on probationary status. The department head shall coordinate his/her intent to separate the probationary status employee with the Human Resources Manager. The Human Resources Manager will ensure that all separation actions are accomplished in accordance with these policies and procedures and that all personnel records are completed as required. The individual will be notified in writing of his/her separation.

1.3 **Appeals**. A newly hired employee in probationary status will not be eligible to file an appeal for a separation or for any disciplinary action taken against him/her.

### **2.0 PROBATIONARY PERIOD FOLLOWING TRANSFER OR PROMOTION**

a) Because the transfer or promotion to a different job requires an employee to demonstrate different job skills or assume additional responsibilities, employees who are transferred or promoted as the result of internal recruitment will be required to serve

a probationary period. During this probationary period, the employee's performance will be evaluated by the employing department as if he/she were a new employee.

b) Employees who are transferred or reassigned by an action of the Mayor will not be required to serve a new probationary period.

2.1 **Duration** - Normally, the duration of the probationary period for an employee who has been transferred or promoted to a new job will be six (6) months. If necessary, the duration of the probationary period may be extended up to three (3) additional months for inadequate job performance, extended absences from work, any misconduct and/or any violation of rules and policies as outlined within this policies and procedures manual or within the department. All extensions will be coordinated with the Human Resources Manager.

2.2. **Demotion/Separation a Promoted Employee** - An employee who does not meet the standards of performance in his/her new position may be returned to his/her original job (demoted), if a vacancy exists, or may be separated from the City. The department head will coordinate with the Mayor and the Human Resources Manager his/her intent to demote or separate the probationary status employee. The Human Resources Manager will ensure that all demotion actions are accomplished in accordance with the City's policies and procedures and that all personnel records are completed as required. An employee who is demoted shall have the option of returning to the position held prior to the demotion, if the position is still vacant. If the position is filled, the Mayor shall determine the manner in which the employee may, if possible, be retained.

2.3 **Appeals** - A probationary status employee will not be eligible to file an appeal for a separation, demotion, or for any disciplinary action taken against him/her.

**1.0 GENERAL PROVISIONS**

The Mayor is responsible for establishing the hours that offices and departments will be open for business and/or staffed. Normally, such hours of operations will be between 8:00 a.m. and 4:30 p.m., Monday through Friday. However, some departments may be required to operate continuously twenty-four (24) hours a day, seven (7) days a week and other departments may be required to work expanded hours to provide needed services for the citizens of the City. Subject to the guidelines set-forth in this section, department heads are responsible for scheduling employees and informing employees of their hours of work, including meal periods.

**2.0 WORKWEEK**

A workweek will be established for every non-exempt full-time, part-time, and temporary employee, in accordance with the provisions of the FLSA. Normally, the regular workweek for employees will begin on Thursday morning at 12:01 AM and will end the following Wednesday night at 12:00 midnight. However, a department head or program director may, with concurrence of the Mayor, establish a different work period for some (or all) of his/her employees as long as it is consistent with the requirements of the FLSA and these guidelines.

**3.0 WORK SCHEDULES**

Department heads or program directors will assign employees in their departments to the work schedules necessary to meet the operational needs of their departments or areas of responsibility. This assignment will include the scheduling of those employees necessary to perform approved stand-by duty when needed.

3.1. **Full-Time Employee Schedules** - Normally, full-time employees will be scheduled to work forty (40) hours during their workweeks. In so far as is practical, such work will be scheduled during the regular office hours of the City. However, department heads may, with concurrence of the Mayor, schedule his/her employees to work different schedules when needed for the effective operation of the department.

3.2. **Part-Time Employee Schedules** - The hours that part-time employees work in their regularly scheduled workweek will be established by their department head based upon the hours funded in the budget and approved by the Mayor. Normally, part-time employees will be scheduled to work less than thirty-two (32) hours in their workweek. However, when circumstances warrant, a part-time employee may be scheduled to work more than this number of hours, if required to meet temporary needs in the department.

3.3. **Temporary Employee Schedules** - The hours to be worked during a work week by a temporary employee will be established by his department head based upon the hours funded in the budget and approved by the Mayor.

#### **4.0 OVERTIME**

4.1 **Non-Exempt Employees** – Employees are not permitted to work overtime without the prior approval of their supervisor or department head. Any work that exceeds a non-exempt employee's normal scheduled workday must be approved by the employee's supervisor prior to the work being accomplished in accordance with procedures established by the employee's department head or supervisor. No employee may order himself/herself into work outside his/her normal work schedule. However, situations such as emergency work, which is covered by department rules and regulations, are considered to have prior approval so long as the department's rules and regulations are followed. For the purposes of overtime compensation, a non-exempt employee will be entitled to overtime pay for all hours worked in excess of forty (40) hours during a workweek that qualify as overtime in accordance with the FLSA and the City's policies and procedures (See PAY ADMINISTRATION, Section, 302.).

4.2 **Exempt Employees** - Exempt employees are not assigned to a regular work schedule since they are not paid by the hour. However, they are expected to work the typical workday as established in their department. When exempt employees work outside their normal workday or attend meetings, such as the City meetings, etc., or perform other work, it is considered part of their job. Exempt employees will not receive overtime pay regardless of the number of hours they work during a work week. However, routine absences for sickness, annual leave, etc., will be charged as leave in accordance with the

City's leave guidelines so long as such action is in accordance with the provisions of the FLSA.

## **5.0 RESPONSIBILITIES**

5.1 **Department head and/or Supervisors** - Department heads, program directors and/or supervisors should notify employees of their starting and ending times. Employees are expected to be engaged in carrying out their duties during all scheduled work time and should be ready to begin working at their scheduled starting time.

5.2 **Employees** – Employees are responsible for reporting to work promptly and for working the hours that they are scheduled to work; or, to request leave from such work in accordance with established departmental procedures. All employees will specifically:

- a) report punctually for all regular and/or special work assignments (see ATTENDANCE AND PUNCTUALITY, Section 401.); and
- b) notify their supervisor, in accordance with department rules and regulations prior to an expected absence. The failure to notify the City properly of any absence may be grounds for disciplinary action.

## PERFORMANCE APPRAISAL 213-1

### **1.0 PURPOSE**

The purpose of the Employee Performance Appraisal will be primarily to inform employees of how well they are performing their work and how they can improve their work performance. Performance Appraisals will be used administratively: (i) as a factor in determining the order of lay-offs, when Reductions-in-Force are required; (ii) to determine if an employee's performance meets job standards established for his/her job and whether he/she should continue to serve in his/her job; (iii) as a basis for training, promotion, demotion, transfer or separation; and (iv) for such other purposes as set forth in these policies and procedures. Additionally, the performance appraisals will be used to: (i) counsel employees, (ii) provide feedback, (iii) identify training needs, and (iv) provide information that will assist an employee in improving his/her performance when necessary. The performance criteria to be used in employee appraisals will be job-related and will be structured so as to provide supervisors and employees sufficient information to objectively measure an employee's performance level in his/her job and to provide information necessary for improving employee performance. The procedures discussed below are only guidelines. The City may, in its sole discretion, modify or revoke the procedures discussed below in whole or in part at any time. Therefore, these procedures are not a promise or contract, express or implied, and the City retains the right to determine whether and how they will be applied, depending on the circumstances.

### **2.0 PROCEDURES.**

- a) **Performance Period** - Normally, employees will have a performance appraisal annually or on the anniversary date of employment. The appraisal will be a face-to-face meeting with each employee supervised. It is set aside as a time for active dialogue by both parties. Ideally, but not mandatorily, performance appraisals should be done on a quarterly basis so that the employee understands if he/she is meeting the expectations or falling above or below expectations. In addition, a department head or program director, with the Mayor's approval, has the authority to postpone the performance appraisal of an employee up to one year from the date the employee returns to work

when the employee has been on leave (including workers' compensation leave) for six (6) months or more since his/her last performance appraisal.

- b) **Additional Appraisals** - Additional appraisals may be conducted as needed when an employee's performance indicates unacceptable, or less than satisfactory performance.
- c) **Unacceptable Performance** - Unacceptable performance appraisals may result in the demotion or separation of an employee as may be warranted by the circumstances.
- d) **Probationary Employees** - Probationary status employees will be evaluated at the end of the first six (6) months of employment and every six (6) months thereafter while the employee is on probationary status. (See PROBATIONARY PERIOD; Section 211.).
- e) **Appraisal Forms** - Appraisal forms will be completed in accordance with the guidelines developed by the Human Resources Manager. Ideally, but not mandatorily, department heads and program directors will conduct quarterly performance appraisals with each employee. This establishes a firm baseline and keeps management apprised of changes in the employee's performance before it becomes an issue.
- f) **Conferencing** - After completing the appraisal form, the evaluator will hold a conference with the employee to explain and discuss all ratings, answer the employee's questions, and establish expectations for the following year. It also allows for exchange and interface of both parties so that the employee being supervised can alert the supervisor if needs are being met to meet the standards of the job. Should the situation warrant, the department head or program director may request to review an employee's appraisal prior to the supervisor conducting the appraisal conference with the employee.
- g) **Employee Signing of Performance Appraisal** - The employee will be asked to sign the performance appraisal form and other performance related documents. This signature will indicate that a conference was held, not that the employee agrees with the ratings. The completed appraisal form will be forwarded to the department head or program director for his/her review and approval if he/she is not the evaluating supervisor and then forwarded to the Human Resources Manager for filing in the employee's file.
- h) **Disputed Ratings** - If an employee disagrees with statement(s) in a performance

appraisal or disagrees with his/her performance rating, the employee may submit, within five (5) working days following the conference, a written statement that shall be attached to the appraisal form disputing his/her ratings. The appraisal form and the employee written statement of dispute shall be forwarded to the Human Resources Manager for filing in the employee's file.

- i) **Performance Appraisal Confidentiality** - Employee performance appraisal results are considered confidential employee information and will be safeguarded in accordance with the guidelines of these policies and procedures (see PERSONNEL RECORDS; Section 804.).

Subject to the following conditions, a member of an employee's immediate family will be considered for employment with the City if the applicant possesses all the qualifications for employment

- a) No individual will be employed by the City in a full-time or part-time job, if he/she would be subject to direct administrative or supervisory control by a member of his/her immediate family. For this purpose, immediate family will be interpreted to include an individual's spouse, parent, child, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, and the like relationship of the individual's spouse. Individuals who are employed in such situations at the time of adoption of this provision will be exempted from its restriction.
- b) In the event that such situation would be created because two (2) employees elect to be married, one or both employees may transfer to any non-conflicting comparable vacant position if he/she is qualified and such transfer is approved by the Mayor. If such transfer is not possible, or is not approved, one of the employees will be required to resign. If one of the employees does not resign, the Mayor will initiate action to dismiss one of them from employment with the City.

## *OUTSIDE EMPLOYEMENT 215-1*

Employees are allowed to engage in outside employment or hold other jobs, subject to the following restrictions:

- a) No employee will be authorized to engage in outside employment that may conflict with the City's demands on his/her availability for work, that interferes with his/her proper and effective job performance with the City, that results in conflict of interest, or that may subject the City or any of its departments to public criticism or embarrassment or that may otherwise reflect unfavorably upon the City.
- b) No employee of the City will be authorized to engage in outside employment, during such time as the employee is utilizing sick leave or is receiving workers' compensation benefits, even if such outside employment was previously authorized.

## SEPARATIONS FROM EMPLOYMENT 216-1

### **1.0 GENERAL PROVISIONS.**

All separations of employees from positions with the City will be designated as one of the following types:

1. Resignation,
2. Job Abandonment,
3. Reduction-in-force (RIF),
4. Inability to perform job duties,
5. Death,
6. Retirement,
7. Loss of or Failure to Qualify for Licensure, Insurance, or Certification Necessary to Perform the Essential Functions of a Job, or
8. Dismissal.

### **2.0 RESIGNATIONS**

- a) Full-time and part-time employees may voluntarily resign their positions by submitting a letter of resignation to their department heads. The letter will state the reason(s) and the effective date for the resignation. Employees should submit their notifications as far in advance as possible but no later than fourteen (14) calendar days prior to the effective date of the resignation.
- b) An employee may request that his/her resignation be withdrawn up to the effective date of his/her resignation. Such request for withdrawal of resignation will be submitted in writing to the employee's department head. If the department head or program director and the Mayor approve the withdrawal request, the department head or program director will notify the employee in writing and furnish a copy of said notice to the Human Resources Manager. When the withdrawal of a resignation is approved, the employee will suffer no loss of benefits, entitlements, or pay. If the department head denies the request, he/she will notify the individual of his/her denial in writing and the employee will be separated on the effective date of the resignation.

### **3.0 JOB ABANDONMENT**

An employee who has unauthorized and unjustified absences from work for a period of three (3) or more consecutive working days will be considered to have abandoned his/her job and to have voluntarily resigned from his/her job.

### **4.0 REDUCTION IN FORCE (RIF)**

Any employee may be separated by being laid off through a RIF action. RIF actions will be approved by the Council as part of a general City-wide cost reduction program or when a particular position is no longer needed.

4.1 **General Guidelines** - when a RIF action is approved, the Mayor will establish, in coordination with the Council, guidelines to be used in identifying those employees to be laid off. The guidelines will include the following criteria:

- a) The critical nature of each position and the relationship of each position to the overall provisions of the City services;
- b) Positions which are to be included in the RIF;
- c) Which categories of service and/or employee status to be included in the RIF.

Normally, separations will be made in the following order:

- 1. temporary service employees;
  - 2. probationary status employees in the part-time jobs;
  - 3. probationary status employees in full-time jobs;
  - 4. part-time employees; and
  - 5. full-time employees.
- d) Normally such individuals will be selected based upon; (i) the level of performance of each employee in the RIF positions and (ii) the length of service of each employee in such positions.

4.2 **Reassignments** - When a full-time employee is scheduled to be laid off, he/she will be considered for reassignment to any vacant position of equal or lower grade and/or pay that exists for which he/she is qualified.

4.3 **Notification**. - Employees will be notified in writing of their layoff by the Mayor at least seven (7) calendar days prior to the effective date of their layoff. Temporary employees will be given as much written notice as possible. A copy of the RIF notice will be placed in the employees' personnel files maintained by the Human Resources Manager.

4.4 **Re-employment List** - The names of employees who are laid off will be placed on a re-employment list maintained by the Human Resources Manager in the order of their length of service. For a period of one (1) year from the effective date of their layoff, such individuals will be considered for subsequent vacancies of the same or lower grade in positions for which they qualify.

4.5 **Reassignment of Duties** - The duties that were performed by a laid off employee may be assigned to other employees.

## 5.0 **Inability to preform job duties**

Any employee may be separate from employment if he/she suffers from a physical or mental disability which prevents him/her from performing the essential functions of his/her current job, even with reasonable accommodation as provided by ADA,

5.1 **Effective Date of Separation** – normally, a disability separation, except when the disability is a work-related impairment and the employee is receiving worker's compensation benefits, will become effective only after an employee's accrued leaves with pay have been exhausted and any disability leave without pay, if granted, has expired. Except as provided in the Worker's Compensation paragraph below, separation will occur no later than one (1) year after the employee's impairment, if he/she is not capable of returning to work and performing the duties of his/her job by that time.

5.2 **Worker's Compensation Disability** - If the impairment is the result of a job-related condition and the employee is receiving worker's compensation benefits, he/she may be placed in a non-pay status for up to one (1) year before being separated if the medical prognosis indicates there is a possibility that he/she may recover sufficiently to return to work. However, if the medical prognosis indicates that the employee will not be able to perform the duties of his/her job within a year of his/her impairment, he/she may be separated immediately. An exception may occur to re-employ, if the employee has recovered duly to be considered for a different position one year from the injury.

5.3 **Initiation of Separation Action** – A separation action may be initiated by either the employee or the employee's department head. In all cases, the separation will be supported

by medical evidence provided by a physician. The City may require a second opinion by a physician of its choice, if deemed necessary.

5.4 **Retirement Option** - An employee who is eligible for retirement will be entitled to apply for retirement benefits in accordance with the retirement program with the Retirement Systems of Alabama.

**6.0 DEATH**

Separation is effective as of the date of death. Any compensation due the employee as of that date will be paid to the individual designated by the employee or the estate of the employee, except for such sums that must be paid by law. Any indebtedness owed to the City will be withheld from the employee's final compensation.

**7.0 RETIREMENT**

Whenever an employee meets the eligibility requirements established by the Retirement Systems of Alabama, he/she may elect to retire from the City.

**8.0 FAILURE TO QUALIFY FOR OR LOSS OF LICENSE, INSURANCE, CERTIFICATION, OR OTHER NECESSARY REQUIREMENT**

– Any employee who is unable to perform the essential functions of his/her job because of loss of or failure to qualify for necessary license, insurance, certification or other necessary requirement shall be separated from employment until such license or requirement is re-obtained. The license or requirement should be reacquired within a reasonable length of time, as determined by the Mayor, or the employee will be dismissed. Because significant variations in circumstances may exist, the City reserves the right to treat each case on an individual basis without creating a binding precedent for other cases which may arise in the future.

**9.0 DISMISSAL**

Dismissals are involuntary terminations initiated by the Mayor or department head. Any employee may be dismissed from employment with the City for: (i) unacceptable job performance, (ii) violation(s) of the City's rules and standards, and (iii) the good of the City. Upon dismissal, a General Appointment employee shall be informed in writing of his/her right to appeal (see APPEALS, Section 702.).

**10.0 SEPARATION OF TEMPORARY SERVICE EMPLOYEES**

Temporary service employees may be separated at any time at the discretion of the department head or Mayor. When it is necessary to separate a temporary service employee, the department head will notify the employee in writing. A copy of the notification with effective date will be provided the Human Resources Manager.

**11.0 PROCESSING SEPARATIONS FROM EMPLOYMENT**

The Human Resources Manager in coordination with the employee's department head is responsible for ensuring that all separation actions are completed in accordance with the following guidelines:

11.1 **Return of City Property** - At the time of separation, or prior to payment of any final compensation, excepting minimum wage of entitlement, all records, assets, and other items of the City property in the employee's custody must be returned to City control. Certification to this effect will be made by the individual and his/her department head before final separation is completed. A copy of such certification will be provided by the department head to the Human Resources Manager.

11.2 **Final Compensation** - A separated employee will receive payment for all compensation that he/she is due. Final payment will be made at the end of the pay period in which he/she is separated or within a reasonable period, if additional time is needed to process the individual's final entitlement. Any indebtedness due the City will be withheld from the employee's final compensation, excepting minimum wage of entitlement.

11.3 **Retirement Withdrawal** - An employee who has been covered under the Retirement Systems of Alabama during his/her employment and is separated prior to being eligible to receive retirement benefits may make application through the Human Resources Manager for the return of his/her contributions to the retirement system. Retirement contribution withdrawal checks are produced by the Retirement Systems of Alabama and not by the City.

**SECTION 300**

**PAY PRACTICES**

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# *JOB EVALUATION, JOB CLASSIFICATION, & PAY PLAN 301-1*

## **1.0 GENERAL PROVISIONS**

Job descriptions, job classifications and the corresponding pay plans, along with the administration guidelines contained herein, will be used to ensure that the pay of each employee is established and maintained fairly and equitably.

## **2.0 RESPONSIBILITIES**

The Human Resources Manager is responsible for developing, maintaining and administering the job evaluation program which includes the preparation of job descriptions, job classification, and pay plans covering all employees.

## **3.0 JOB DESCRIPTIONS**

The Human Resources Manager will, in coordination with the department heads, program directors and the Mayor, prepare a job description for each job in accordance with the job analysis and documentation procedures included paragraph 4.0 below. The job description will identify those representative tasks and duties, along with the knowledge, skills, and abilities that are required to properly perform the job. The job description and other supporting job analysis information shall be used to assign each job a class title and to evaluate and assign each job to a pay grade in the appropriate schedule of the classification plan.

## **4.0 JOB ANALYSIS AND DOCUMENTATION**

All full-time and part-time jobs will be analyzed as follows:

- a) The Human Resources Manager or representative will go on-site and hold interviews with experienced job incumbents and supervisors.
- b) Jobs will be broken down into work behaviors (or major responsibilities) weighted by percentage in order of importance as determined by the Department Head.
- c) For each work behavior, the HRM, in cooperation with the Department Head, Program Director or Supervisor, will develop a task list. Each task list will be rated based on criticality.
- d) The work behaviors and task lists will be reviewed and approved through supervisory channels.
- e) The HRM in conjunction with the Department Head or Program Director will establish

worker requirements in terms of knowledge, skill, and ability (KSAs), experience, education, other credentials and special requirements. Each requirement will be linked to one or more tasks. Each requirement will be rated based on whether it is necessary on day one, or is desirable and can be trained on the job, or will be learned in a brief orientation period.

- f) The requirements will be reviewed and approved through supervisory channels.
- g) The results of the job analysis will be documented.
- h) From the job analysis, multipurpose job descriptions will be prepared in a standard format.

## **5.0 JOB CLASSIFICATION AND PAY PLAN**

All full-time and part-time jobs will be assigned a pay grade and classification based on their relative worth as determined by the job evaluation. Each grade or classification has a pay range assigned to it and provides for a spread from a minimum to a maximum rate of pay. Employee compensation within any grade and classification is based on factors such as merit, experience, individual productivity, length of service, and external market factors (See PAY ADMINISTRATION, Section 302.)

5.1. **Deviations Not Authorized** - Deviations will not be made from the pay grade assigned to a job in the approved classification plan. If warranted, a particular job, an entire schedule of the classification plan, or the entire classification plan may be reevaluated and changed as warranted with Council approval.

5.2 **Additions/Re-evaluations** - When a new/revised job description is prepared, the Human Resources Manager will ensure the job is evaluated/re-evaluated and a recommended pay grade assignment is submitted to the Mayor for approval. If this is for a new position it shall be submitted to the Council for approval of funding. Upon approval, the appropriate schedule of the classification plan will be updated by the Human Resources Manager.

## **6.0 REVIEWS AND UPDATES**

The job descriptions, job classification, and pay plan(s) will be maintained and updated as necessary. On a periodic basis, the Human Resources Manager will review all job descriptions to assure that they accurately reflect current conditions and will conduct studies

of key jobs to determine the market pay of similar jobs in the relative labor market; such reviews and studies will be conducted in response to market pressures or at least every five (5) years. The Human Resources Manager will, in coordination with department heads and program directors, recommend needed changes to the Mayor for review and approval and submitted to the Council, if required.

**GENERAL PROVISIONS**

The pay administration guidelines contained herein will be used to ensure that the pay of each employee is established and maintained fairly and equitably. However, all compensation decisions will take into consideration the City's overall financial condition and competitive position.

**2.0. RESPONSIBILITIES**

The Human Resources Manager and department heads are responsible for the day-to-day administration of the City's compensation program. The Human Resources Manager will, in coordination with department heads, periodically evaluate the effectiveness of the City's compensation program and recommend needed changes to the Mayor for review and submission to the Council for approval.

**3.0 ESTABLISHMENT OF PAY RATES**

**3.1. Starting Pay**

- a) Pay for newly employed full-time and part-time employees will be established at the minimum rate of pay (step 1) of the pay grade to which their job is assigned unless otherwise approved by the Mayor. However, jobs that are classified in Pay Scale 110, 111, and 112 are exempt from this restriction and the starting salary for those positions may be based on the individual's documented job-related qualifications, education and expertise, as determined by the Mayor or appointing authority.
- b) Normally, the pay for temporary employees will be based on the classification and pay plans for full-time and part-time employees, if temporary employees are hired for a job that is assigned to a schedule of the classification plan. If the job is not assigned to a schedule in the classification plan, the employee's rate of pay will be based upon the content of the job he/she will perform. All rates of pay established for temporary employees shall be approved by the Mayor.

- 3.2. **Starting Pay for Former Employee** – Former employees who are rehired by the City after a separation of service may have their starting pay established the

same as any other newly hired employee in accordance with paragraph 3.1 above.

3.3. **Pay Rate for Employee Returning to Work After a Leave of Absence** - An employee who is returning to work after a leave of absence without pay will have his/her pay established at the same relative position in the pay range for his/her job that it was in the pay range of the employee's job prior to the employee's leave of absence.

3.4 Pay **Upon Transfer, Promotion, Demotion, or Temporary Assignment** - When an employee is transferred, promoted, demoted, or placed in a temporary assignment, the rate of pay in the new position will be established as follows:

- a) **Transfers** - When an employee is reassigned to a new job and such reassignment is considered a transfer, his/her pay level will remain the same as before he/she was reassigned.
- b) **Promotions** - Normally, when an employee is promoted to a new job, his/her pay level will be established at the minimum rate of pay for the pay grade of his/her new job or at such pay step that will allow him/her to receive an amount at least equal to the pay received under the previous job. If the employee is subsequently returned to his/her old job, or a comparable job, prior to completing the required probationary period, his/her pay will be returned to the pay level that it was prior to the promotion. However, the employee's reestablished pay level will include any pay adjustments that the employee would have received, if he/she had not been promoted.
- c) **Demotions** - Normally, when an employee is reassigned to a new job and such reassignment is considered a demotion, the employee's pay level will be established at the same relative position in the pay range of the employee's new job that it was in the employee's previous job's pay range. Such level will be at least one pay step below the employee's previous pay level. However, under no circumstances will a demoted employee's pay be less than the minimum nor more than the maximum level of pay for the pay grade of the employee's new job.

d) **Temporary Assignments** - When an employee is temporarily assigned to a position of a higher pay grade than that of his/her regular job, his/her pay will remain the same if such assignment does not exceed thirty (30) consecutive work days. If the employee remains in the temporary assignment for more than thirty (30) consecutive work days, the employee's pay will be adjusted to at least the entry-level pay of the pay grade of the temporary job for the remainder of such assignment. However, the employee's adjusted pay will be at least one step above his/her regular pay. Upon termination of the temporary assignment, the employee's pay will revert to his/her regular pay. If an employee is temporarily assigned to a position that has a lower pay range than the employee's regular pay grade, the employee's pay will remain the same as before the temporary assignment.

3.5 **Approval of Pay Adjustments** - All pay adjustments made as a result of an employee's transfer, promotion, demotion, or temporary assignment shall be approved by the Mayor, based upon the recommendation of the Human Resources Manager and the employee's department head.

3.6 **Cost of Living Adjustments** – Commencing on January 4<sup>th</sup> 2021 the effective date of this policy. When the Mayor and City Council approve an across-the-board increase, all steps within the pay range for each pay level of pay plan will be adjusted to reflect the approved increase. A cost-of-living adjustment shall be given with the recommendation of the Mayor and the approval of the council and if the city funds allow, every three (3) years. Such increase will be awarded each eligible employee.

#### **4.0 EMPLOYEE PAY**

##### **4.1. Salaried Employees**

a) All exempt employees and such non-exempt employees who are designated as salaried upon an average of eighty (80) hours of work per pay period. The employees will be paid a salary each pay period. Normally, such salary will be determined by the hourly rate as established by the appropriate pay plan, its corresponding classification plan schedule, and the hours that are normally

worked during the pay period.

- b) Exempt salaried employees will not be entitled to overtime compensation for any hours that they work. Non-exempt salaried employees will be entitled to overtime pay in accordance with paragraph 5.1 below.

4.2. **Hourly Employees**

- a) All employees who are not designated as salaried employees in accordance with paragraph 4.1 above will be designated as hourly employees. Hourly employees will be paid only for those hours they work per pay period and their pay will be based on the hourly rate of pay for their job, as established by the appropriate pay plan and its corresponding classification plan schedule.
- b) Hourly employees are non-exempt employees and will be entitled to overtime pay in accordance with paragraph 5.1 below.

**5.0 OVERTIME PAY**

5.1. **Non-Exempt Employees** – All employees who are assigned to jobs that are designated as non-exempt from the overtime provisions of the FLSA will be entitled to overtime pay for all hours worked in excess of forty (40) hours during their workweek that qualify as overtime in accordance with the FLSA and these policies and procedures. Such overtime entitlement will be computed at one and one-half (1.5) of the employee's hourly rate of pay or at one and one-half (1.5) of the overtime hours worked if compensatory time is provided. The provisions of the FLSA will be used in determining what time qualifies as hours worked in establishing a non-exempt employee's entitlement to overtime pay.

5.2. **Exempt Employees**

- a) Exempt employees are excluded from the overtime provisions of the FLSA and will not be paid overtime pay regardless of the number of hours they work during a workweek. However, during certain events such as hurricanes, ice storms, or other similar events, if Exempt employees are required to work an excessive number of hours, the Council may elect to compensate Exempt employees for some or all of the excessive hours worked. Each event will be treated on a case-by-case basis without creating a precedent for other similar

events which may arise.

- b) The determination of whether an employee is exempt from the overtime provisions of the FLSA will be determined by the Human Resources Manager, in coordination with the department heads, in accordance with the provisions of the FLSA.
- c) Although Exempt employees will not be paid overtime, they may be allowed to take a reasonable amount of time off when their duties permit and the time off is approved by their department head, without having their pay reduced or the time charged against their accrued leaves. However, routine absences for sickness, annual leave, etc., will be charged as leave in accordance with the leave guidelines outlined herein so long as such action is in accordance with the provisions of the FLSA.

#### **6.0 PAY INCREASES**

Full-time and part-time employees may be considered for cost of living pay increases as the Council shall determine and approve. Irregular pay adjustments may be made with proper justification and with the approval of the Mayor. However, in all cases, pay increase decisions will take into consideration the City's overall financial condition and competitive position. All pay actions will be reviewed by the Human Resources Manager to ensure that employees in equal jobs are paid at the same rate unless differences are due to seniority, performance, or other factors which are not based on sex, race, or other prohibited classifications. If the Council approves an across the board pay increase for employees, the pay ranges in each City pay plan will be adjusted to reflect the across-the-board increase. All full-time and part-time employees will be eligible to receive across the board increases even if they are currently receiving pay beyond the maximum amount of pay authorized for their pay grade.

#### **7.0 COMPENSATORY TIME IN LIEU OF OVERTIME COMPENSATION**

Compensatory time in lieu of overtime pay may be provided to a non-exempt employee so long as the following requirements are met:

- a) Approval to grant compensatory time in lieu of overtime pay has the prior

approval of the Mayor.

- b) A written agreement has been reached between the City and the employee in which the employee voluntarily agrees to receive compensatory time off in lieu of overtime pay. For this agreement to be effective, the employee must knowingly and voluntarily agree to the arrangement prior to the performance of any work which might qualify as overtime. This agreement may provide for any combination of compensatory time and overtime payment in cash (e.g., one-hour compensatory time credit plus one-half the employee's regular hourly rate in cash for each overtime hour) as long as the FLSA's principle of "time-and-one-half" is maintained.
- c) The time will not cause the employee's accrued compensatory time to exceed forty (40) hours or one hundred (100) hours for police officers. Once a non-exempt employee reaches the maximum accrued compensatory time (40 hours), or (100) hours if a police officer, the employee will not accrue additional hours but will be paid overtime compensation as required by the latest regulations of the U.S. Department of Labor, Wage and Hour Division in cash for any further overtime hours worked. Accrued compensatory time, not exceed the specific hour limits of this section, may be carried forward from year to year. The agreement between the City and the employee may set a lower maximum for accrual of compensatory time hours.
- d) An employee who has accrued compensatory leave will be permitted to use his/her compensatory leave within a reasonable period after the request, if the employee's absence would not unduly disrupt the operations of the employee's department.
- e) An employee who has accrued compensatory leave will, upon his/her separation from the City, be paid for such leave at a rate of compensation not less than the employee's average rate of pay received during the last three years of his/her employment or at the final rate of pay the employee received, whichever is higher.

## **8.0 CALL-OUT PAY.**

Every employee is expected to respond to any request from his/her supervisor, even without pre-arrangement, to work in the event of an emergency. Any non-exempt employee, who is required to report to work during non-scheduled hours, will be considered to be in a call-out status. Exempt employees who are called-out will not be paid for any such hours.

8.1 **Pay Entitlement** - An employee who is in a call-out status will be compensated during the call-out in accordance with the following guidelines:

- (a) If the length of time the employee works is less than two (2) hours, the employee will be compensated for two (2) hours;
- (b) If the length of time the employee works is more than two (2) hours, the employee will be compensated for all hours worked;
- (c) If the employee is called-out prior to the starting time of the employee's regularly scheduled work day and continues working through the starting time, the employee will be compensated for all time worked and will not receive call-out pay;
- (d) If the employee continues working through his/her normally scheduled quitting time, the employee will be compensated for all time worked and will not receive call-out pay.

8.2. **Regular Rate of Pay** - Call-out pay will be paid to an eligible employee at the employee's regular rate of pay. Overtime pay will be paid only if the actual time worked causes the employee's total time for the workweek to qualify for overtime in accordance with the provisions of the FLSA and these policies and procedures.

## **9.0 MILITARY LEAVE PAY.**

9.1 **Short-Term Military Leave** – In accordance with the Code of Alabama 1975 Title 31-2-13, eligible employees who are placed on short-term military leave will receive the standard pay they would have received if they had reported to work and were not on military leave. However, no employee will be paid for more than twenty-one (21) working days or 168 hours during any calendar year, except that an employee may be paid for an additional twenty-one (21) working days or 168 hours when called by the Governor to duty in the active service of the state (see MILITARY LEAVE; Section 407, paragraph 2.0.).

9.2 **Call-To Active Duty** – (see MILITARY LEAVE; Section 407).

**10.0 PAY PROCEDURES.**

Employees will be paid by check or direct deposit on a regular basis and in a manner so that the amount, method, and timing of wage payments comply with all applicable laws or regulations. Employee compensation will be based upon a bi-weekly pay period. The City will calculate the compensation an employee is due for each two (2) weeks (fourteen (14) calendar days) in the pay period. The City will issue each employee who is entitled to pay during the pay period a payroll check on the Friday of the week following the end of the pay period or earlier depending on the City's Holiday schedule.

10.1. **Pay Will Not Be Advanced** – The City will not advance pay to any employee. Each pay day, employees will be paid what they have earned during the preceding pay period.

10.2. **Withholdings** - Withholdings from an employee's pay will be made only for authorized withholdings as established by the Mayor and/or law.

**SECTION 400**

**PAY PRACTICES**

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## ATTENDANCE & PUNCTUALITY 401-1

### **GENERAL PROVISIONS**

Employees are required to report to work punctually, to work all scheduled hours, and to work any required overtime. Excessive tardiness and poor attendance disrupt work flow and customer service and will not be tolerated.

### **2.0 RESPONSIBILITIES**

2.1 **Department head and/or Supervisors** - Department heads and/or supervisors should notify employees within their departments of starting and ending times. Employees are expected to be engaged in carrying out their duties during all scheduled work time and should be ready to begin working at their scheduled starting time.

2.2 **Employees** – Employees are responsible for reporting to work promptly, for working the hours that they are scheduled to work, and/or for requesting leave from such work in accordance with the procedures set-forth in this policies and procedures manual and in accordance with established departmental procedures. Employees shall notify their supervisor, in accordance with department rules and regulations, as far in advance as possible whenever they are unable to report to work, know they will be late, or must leave early. The failure of an employee to notify his/her department head properly of any absence may result in loss of compensation during the absence and may be grounds for disciplinary action.

### **3.0 UNEXCUSED ABSENCES, EXCESSIVE ABSENCES, AND TARDINESS**

Employees may be disciplined, to include dismissal, for unexcused absences, excessive absences, or tardiness (See EMPLOYEE CONDUCT AND BEHAVIOR, Section 601.). An absence is considered to be unexcused if the employee has not followed proper departmental notification procedures. Generally, an employee who has unexcused absences or who is tardy (i.e., beyond ten (10) minutes of starting) more than three (3) times in a three-month period will be subject to disciplinary action up to and including dismissal (See EMPLOYEE CONDUCT AND BEHAVIOR, Section 601.). Employees who are

absent from work for three consecutive days without giving proper notice will be considered to have voluntarily quit (See SEPERATIONS; Section 216.).

**4.0 ATTENDANCE AND LEAVE RECORDS.**

- a) Department heads are responsible for ensuring that their employees work all hours that they are scheduled to work and for accurately completing and maintaining attendance and leave reports for employees within their department. A departmental attendance report (payroll pre-list and/or time cards) will be submitted by each department in accordance with procedures established by the accounting department.
- b) Attendance and leave records will be maintained for all employees. The purpose of such records is to ensure that each employee's attendance or absence from scheduled work is properly documented. An employee's attendance and leave record will be made available to the employee for inspection upon the employee's request.

**ELIGIBILITY**

- a) Full-time employees are eligible for paid holiday leave. Part-time and Temporary employees will not be eligible to receive paid holiday leave.
- b) Employees who are required to work on an observed holiday will be granted a work day of leave. The employee's department head will designate the workday that will be observed as a holiday.

**2.0 HOLIDAY PAY**

- a) In order to receive pay for an observed holiday, a full-time employee must be present at work or on approved leave the work day before and after the holiday, unless excused by his/her supervisor, or on a scheduled day off.
- b) Employees not at work because of a workers' compensation on the job injury or off the payroll on the day before and/or after a holiday will not be eligible for holiday pay.
- c) No employee will be authorized to receive holiday pay while the employee is suspended with or without pay.

**3.0 HOLIDAY PAY IN LIEU OF ANNUAL AND SICK LEAVE PAY**

If an authorized paid holiday occurs while an eligible employee is on approved annual or sick leave, such time off will be charged as holiday time and will not be charged against the employee's annual or sick leave.

**4.0 HOLIDAY PAY ACCURAL**

Police Department staff who work on an authorized holiday may accrue up to sixty (60) hours of holiday pay which may be used in the same manner as their annual leave. Full time employees of the Fire Department who work on authorized holidays may accrue up to ninety-six (96) hours of holiday pay which may be used in the same manner as their annual leave.

**5.0 APPROVED CITY HOLIDAYS**

The following holiday are approved per counsel on July 1<sup>st</sup>, 2013.

- 1. New Year's Day Holiday
- 2. Dr. Martin Luther King Jr. Birthday

3. President's Day
4. Confederate Memorial Day
5. Memorial Day
6. Independence Day
7. Labor Day
8. Columbus Day
9. Veteran's Day
10. Thanksgiving Day
11. Friday after Thanksgiving
12. Christmas Eve
13. Christmas

**When a holiday falls on a Saturday or Sunday personnel policy defines date. Any additional City holiday will be established by resolution adopted by City Council prior to January 1<sup>st</sup> of the succeeding year.**

**LEAVE YEAR**

Each employee's leave year will run for twelve consecutive months from his/her original date of employment with the City as a full-time or part-time employee.

**2.0 LEAVE SCHEDULE**

- a) Full-time employees will earn paid annual leave according to the following schedule:
  - a. After one (1) year of service: forty (40) hours per year
  - b. After two (2) years of service: eighty (80) hours per year
  - c. After six (6) years of service: One hundred and twenty (120) hours per year
  - d. After eleven (11) years of service: 160 hours per year
- b) Part-time & Temporary Employees are not eligible to earn or receive paid annual leave.
- c) For purposes of determining the number of days of leave earned, the years of employment must be consecutive.
- d) Earned annual leave will be credited to an employee's account after the final paychecks for the month have been processed.

**3.0 ANNUAL LEAVE ACCRUAL**

- a) Annual leave as earned in paragraph 2.0 above will not be credited to an employee's leave account until the employee has completed one (1) year of service. If the employee does not complete one (1) year of service, no leave will be credited to the employee's account.
- b) Full-time employees may accrue up to 320 hours (40 days) of annual leave. It is the intent of the City that employees take their annual leave during their leave year. Authorized leave (annual, sick, short-term military, administrative, etc.) and holidays will count as time worked for annual leave accrual purposes.
- c) Employees who are off the City's payroll due to suspension, a workers' compensation injury, leave-of-absence, active-duty military leave, FMLA leave, or other reason, will not accrue annual leave during the time they are off the City's payroll. When an employee goes off the City's payroll, his/her annual leave accrual will be prorated

according to the number of hours the employee worked including authorized leave and holidays.

#### **4.0 USE OF ANNUAL LEAVE**

- a) Employees will be eligible to take annual leave after completing one (1) year of consecutive employment with the City.
- b) Annual leave will not be authorized in less than one (1) hour increments of time.
- c) The use of annual leave will be approved and granted at the discretion of an employee's supervisor or acting supervisor.
- d) Annual leave shall be approved in advance, except in unusual circumstances, in accordance with guidelines established by the employee's department head.
- e) The failure of an employee to have his/her annual leave approved in advance in accordance with guidelines established by the employee's department head may result in his/her absence being treated as unexcused leave and disciplinary action may be taken.
- f) A department head may, with approval of the Mayor, require employees in his/her department to take their leaves at the same time, or a specific time, when it is necessary for the effective operation of his/her department.
- g) After using forty (40) hours of annual leave, an employee may sell back up to eighty (80) hours of accrued annual leave to the City. However, if the employee has been suspended then he/she may not sell back any accrued annual leave until ninety (90) days after the suspension period is over.

#### **5.0 HOLIDAY DURING ANNUAL LEAVE**

If a City authorized holiday occurs during an employee's annual leave, the day will be charged as a paid holiday and not as an annual leave day if the employee is entitled to holiday pay (See HOLIDAYS, Section 402.).

#### **6.0 ADVANCE OF ANNUAL LEAVE**

Annual leave will not be advanced to any employee. It must be earned before it is taken.

**7.0 PAY UPON SEPARATION**

Upon separation from service, an employee will be paid for any annual leave that has been credited to the employee's leave account that the employee has not taken.

**GENERAL PROVISIONS**

Sick leave is a benefit provided to employees to ensure that eligible employees who are unable to work due to illness or injury (not an on-the-job injury) do not feel compelled to do so for financial reasons or to allow an employee to keep an appointment with medical personnel without suffering a financial hardship. If sick leave is granted to keep a medical appointment and the employee is released in time to return to work, the employee is expected to return to work.

**2.0 USE OF SICK LEAVE**

Full-time employees will be eligible to use sick leave after completing one (1) month of service with the City. Sick leave will not be authorized in less than one (1) hour increments of time unless otherwise approved by the department head. Sick leave with pay will be granted to an eligible employee for the following reasons:

- a) when an employee is unable to work due to personal illness, injury incurred off-duty, or his/her presence may endanger the health of fellow workers; or
- b) keeping an appointment, either for the employee or for the employee's immediate family (see meaning of immediate family in the paragraph (c) below), with a doctor, dentist, chiropractor, optometrist or other recognized medical practitioner; or
- c) illness, or incapacitation, of a member of the employee's immediate family (for the purpose of this section immediate family means spouse, children, grand-children, step-children, parents, grand-parents, parents-in-law, brother, sister); or
- d) any impairment related to pregnancy, miscarriage and/or actual confinement. An employee who requests time away from work for maternity and childbirth purposes will be treated equally to other employees with other types of disability or sickness who request sick leave; or
- e) bereavement due to the death of a member of the employee's immediate or extended family including husband, wife, son, daughter, stepchild, father, mother, stepparent, sister, brother, grandfather, grandmother, father-in-law, mother-in-law, sister-in-law, and brother-in-law. Sick leave usage is limited to no more than three (3) days used within one week of the death of the family member. Upon the approval of the department head, three days of

bereavement leave may be saved for use on the day before, the day of, or the day after the funeral, if the funeral does not take place within the five (5) days following the death of the family member.

### **3.0 SICK LEAVE ACCRUAL**

- a) Full-time employees will earn one (1) day or eight (8) hours of sick leave for each month they are employed by the City.
- b) Temporary and Part-time employees will not be eligible to earn sick leave.
- c) Earned sick leave will be credited to the employee's account twice a month.

### **4.0 ACCUMULATION OF SICK LEAVE**

- a) Employees hired after March 20, 2017, shall be allowed to accumulate ninety- *six* (96) hours a year of sick leave, or eight (8) hours a month. Hours shall not be carried over yearly. Employees hired prior to March 20, 2017 may accumulate and carry forward sick leave without limitation (i.e., there is no cap on the number of hours of sick leave that an employee may accumulate and carry forward).
- b) Employees must work at least ninety (90) percent of their normally *scheduled* time each month before they receive the monthly sick leave accrual. Authorized leave (annual, sick, short-term military, administrative, etc.) and holidays will count as time worked for sick leave accrual purposes.
- c) Employees, who are off the City's payroll due to suspension, a workers' compensation injury, leave-of-absence, active-duty military leave, FMLA leave, or other reason, will not accrue sick leave during the time they are off the City's payroll. When an employee goes off the City's payroll, his/her sick leave accrual will be prorated to the nearest quarter day according to the number of days the employee worked during the month including authorized leave and holidays.
- d) Employees should seek to maintain a reserve of forty (40) sick hours at all times.

### **5.0 SICK LEAVE REQUESTS**

- a) To be granted sick leave, an employee must notify his/her supervisor of his/her inability to report to work within two (2) hours of the employee's usual reporting time, unless there are mitigating circumstances.

- b) Should the lack of reporting sick become consistent, the employee will be faced with failure to comply with the City rules and regulations and the disciplinary process.

**6.0 MEDICAL REPORT**

- a) For a period of absence in excess of three (3) or more consecutive working days, or anytime at the request of the employee's department head, the Human Resources Manager, or the Mayor, an employee may be required to submit a medical report from a licensed physician certifying that the employee has been incapacitated for work for the period of absence and when it is anticipated that the employee will again be physically able to perform his/her duties.
- b) An employee who is returning to work after a sickness or injury may also be required to undergo a medical examination to determine whether or not the employee is able to perform the work of his/her job (see MEDICAL PROCEDURES; Section 209.). Such examination, when required, will be conducted by a physician or physicians as designated by the Human Resources Manager and will be paid by the City.

**7.0 MISUSE, EXCESSIVE USE, OR ABUSIVE USE OF SICK LEAVE**

- a) Any abusive, excessive, unjustified, or fraudulent use of sick leave may result in loss of pay, the leave charged as annual leave, and/or in disciplinary action, to include dismissal, when appropriate.
- b) Paid sick leave will not be used by an employee for annual leave or other similar purposes.

**8.0 HOLIDAY DURING SICK LEAVE**

When a City authorized paid holiday occurs during the period an employee is on approved sick leave, the employee will receive his/her regular holiday pay, if entitled to holiday pay, and that day will not be charged against his/her sick leave (See HOLIDAYS; Section 402, paragraph 2.0.).

**9.0 SICK LEAVE COORDINATION WITH WORKERS' COMPENSATION**

When an employee is absent due to a job-related injury or illness, the employee's absence will be coordinated with his/her accrued sick leave (see WORKERS' COMPENSATION, Section 503.).

**10.0 SICK LEAVE PAYMENT UPON SEPARATION**

Upon separation from service with the City, an employee will not normally receive payment for his/her unused sick leave except as follows. However, Employees who retire from the City may apply their accrued sick leave balance to retirement service credit, consistent with the provisions of the Retirement Systems of Alabama and state law.

**11.0 SICK LEAVE USE PRIOR TO RETIREMENT**

No payment for sick leave will be made immediately prior to retirement to allow early retirement by the number of accumulated sick days.

**12.0 RE-EMPLOYMENT**

If an individual is rehired to a position that is eligible to earn sick leave, any previous sick leave balance that was forfeited at separation will not be credited to his/her leave account.

**13.0 DONATION OF SICK LEAVE**

Whenever a full-time employee has an extended period of illness, or a terminal illness, as documented by a physician's statement, and the employee has exhausted all of his/her accumulated leaves with pay, the Mayor may declare an employee sick leave emergency for the purpose of allowing other employees to donate sick leave to the employee. The sick leave emergency will be administered in accordance with the following guidelines:

- a) When an employee sick leave emergency is declared by the Mayor, any employee may donate up to forty (40) hours, of his/her accumulated sick leave hours (in eight (8) hour increments) to the employee with the emergency.
- b) The donated sick leave shall be credited on an hour for hour basis unless the donating employee's salary range is lower than that of the donee in which case the amount of sick leave credited to the donee shall be based on the value of the sick leave as determined by the salary amount of the donor as prorated against the cost of the sick leave (salary equivalent) of the donee.
- c) To make a sick leave donation, the donating employee must complete a Sick Leave Donation Request Form and submit the completed form to his/her department head for approval. Upon approval, the department head will forward the completed forms to the Human Resources Manager for processing.

- d) Each Sick Leave Donation Request Form will be processed in the order they are received by the Human Resources Manager.

## ADMINISTRATIVE LEAVE 405-1

### **General Provisions**

Full-time employees will be granted administrative leave with pay, provided his/her absence is on a normally scheduled workday, for Civil/Legal duty and Hazardous weather as outlined below.

#### **2.0 Civil/Legal Duty**

Paid leave will be granted for jury duty, for court attendance as witnesses in cases which do not involve the employee's own personal litigation, for voting, and while performing emergency civilian duty in connection with national defense. Employees pursuing their own personal litigation will be required to take annual leave.

#### **3.0 Hazardous Weather**

Paid leave will be granted when the Mayor considers it necessary, for the safety of the City employees, to authorize closure of the City offices and activities and/or a late arrival time or early departure time for hazardous weather conditions. When a hazardous weather situation occurs, employees who are needed to perform essential City operations may be required to work. Such employees will be notified by their supervisors, when their attendance for work is required. A Department Head, with the approval of the Mayor, may, at his/her discretion, change the work schedule to best serve the City and its employees during times of inclement weather. When directed by the Department Head not to report to work or to leave early, employees shall be paid for their regular scheduled hours. However, if the employee is given the option of leaving early or of not reporting at the regular scheduled time, and the employee chooses not to work his/her regular schedule hours, then the employee shall not be paid for the hours missed.

**GENERAL PROVISIONS**

In accordance with the Family and Medical Leave Act (FMLA) of 1993, the City will provide up to twelve (12) weeks of unpaid leave per twelve (12) month period to "eligible" employees for certain family and medical reasons for one or more of the following situations and conditions:

- 1) To care for a child after birth, adoption, or due to adoption of a child or placement of foster child with the employee;
- 2) To care for an employee's spouse, child or parent of the employee if such spouse, child, or parent has a serious health condition; or
- 3) To care for the employees', own serious health condition that makes the employee unable to perform the functions of his/her position.

**2.0 ELIGIBILITY**

An employee who has worked a minimum of twelve (12) months, and who has worked at least 1,250 hours during the twelve (12) months prior to requesting leave, will be eligible for FMLA leave. If an employee is eligible, he/she will be allowed up to twelve (12) weeks of "unpaid leave" within a twelve (12) month period for the reasons set-forth above. The City may grant six weeks "unpaid" medical leave for the birth or adoption of a child prior to satisfying the eligibility requirements listed above. If while on "unpaid" medical leave for childbirth or adoption, the employee meets the twelve-month requirement, any time spent on such leave shall be counted toward the twelve-week family medical leave benefit period. In the event that leave is granted during the probationary period, the probationary period will be extended by the length of the leave period.

**3.0 LENGTH OF MEDICAL LEAVE**

FMLA provides up to 12 weeks of leave in a given 12-month period. The City uses the "rolling" 12-month period for purposes of determining the eligibility for FMLA leave. For purposes of determining the amount of leave available to an employee under FMLA, the 12 months preceding the requested leave will be considered. An employee will be entitled to FMLA leave only to the extent that he or she has not already used 12 weeks of FMLA leave in the year preceding the requested leave. FMLA leave is generally unpaid. If an

employee desires to receive pay during a period of FMLA leave, the employee must request use of annual, sick, or compensatory leave, which will run concurrently with the period of FMLA leave.

**4.0 EMPLOYEE BENEFITS DURING FML**

Employees who are on FML are not entitled to the accrual of any employee benefits (annual leave or sick leave), holiday pay, retirement service credit, or other employment benefits during that portion of leave taken as leave without pay. However, continued participation in the City's health insurance plan is allowed provided the employee continues to pay his/her portion of any premiums at the time those premiums are usually paid.

**5.0 NOTICE REQUIREMENTS**

An employee must provide at least thirty (30) days written notice to his/her department head requesting FML unless the need for said leave is unforeseeable, in which case leave notice should be given to the department head as soon as possible. A request for FML shall include a statement of the anticipated date upon which the employee plans to return to work. The affected department head may require medical documentation to support the employee's request if the request is based upon the serious health condition of the employee or of a family member. Periodic re-documentation may be required. Pregnant employees requesting family and medical leave should submit a statement from the attending physician indicating the expected delivery date and the date up to which the employee may continue to work without injury to the employee's health.

**6.0 RETURN TO WORK**

An employee returning to normal duty after the FML period shall be restored to his/her former position or an equivalent position with equivalent pay, benefits, and other employment terms. The City may require appropriate medical documentation certifying the employee's fitness for work. Failure to return to work upon expiration of FMLA leave is cause for immediate separation from employment.

**7.0 INDIVIDUAL CASE BASIS**

Because significant variations in circumstances may exist, the City reserves the right to treat each request, including the FML period, on an individual basis without creating a binding precedent for other requests which may arise in the future.

**1.0 GENERAL PROVISIONS**

The City will comply with all aspects of the Uniformed Services Employment and Reemployment Rights Act of 1994, herein after referred to as USERRA. The City will not discriminate against any employee or job applicant with regard to hiring, retention, promotion or any benefit of employment because of past, present, or future application for or membership in the uniformed services. USERRA applies to both voluntary and involuntary military service. In order to be eligible for uniformed leave, an employee shall, as soon as practicable, give advanced written or verbal notice to his/her immediate supervisor, department head, or the Mayor, unless such notice is precluded by military necessity or circumstances under which the giving of notice is otherwise impracticable or unreasonable.

**2.0 SHORT-TERM MILITARY LEAVE**

Employees who are an active member of the Alabama National Guard, naval militia, or the Alabama state guard organized in lieu of the national guard, or of any other reserve component of the armed forces of the United States, shall be entitled to a military leave-of-absence from their respective duties on all days that they shall be engaged in field or coast defense, or other training, or other service ordered under the provisions of the National Defense Act, or the federal laws governing the United States reserves without loss of pay, service time, seniority, annual leave, sick leave, or all other applicable benefits.

**2.1 Compensation while on Short-Term Military Leave**

- a) In accordance with the Code of Alabama 1975 Title 31-2-13, no such person granted such a short-term leave of absence with pay shall be paid for more than 168 working hours per calendar year. However, such persons shall be entitled, in addition to the above, to be paid for an additional 168 working hours at any one time while called by the Governor to duty in the active service of the state (see PAY ADMINISTRATION, Section 302, Paragraph 10.1.).
- b) No employee will be required to use paid annual leave or personal leave for military duty, but has the option of applying paid annual or compensatory leave

if the employee would otherwise be on unpaid leave.

2.2 Benefits while on Short-Term Military Leave - All applicable benefits shall continue as if the employee were continuously employed.

### **3.0 CALL TO ACTIVE-DUTY LEAVE**

Employees who serve in an active-duty deployment with the Armed Forces of the United States, will be granted a leave-of-absence for a period of up to five years in accordance with USERRA.

3.1 Compensation while on Leave - The City will provide such compensation, if any, as may be required by USERRA and/or the Code of Alabama at the time of such deployment.

#### 3.2 Benefits while on Active-Duty Leave

- a) No employee will be required to use paid annual leave for military duty, but employees who do elect to schedule their vacations to coincide with military duty will receive their full regular vacation pay in addition to any pay from the military.
- b) Time spent on active military duty will be credited to all employees toward meeting the length of service requirements for annual leave accrual rates. However, employees do not accrue paid annual leave or paid sick leave while in an unpaid leave status. Such benefits are based on actual work performed and not seniority.
- c) Time spent on active military duty will be credited to all employees toward meeting the length of service requirements for eligibility for retirement benefits. However, both employer and employee contributions are suspended during military service because the employee is in a non-pay status. When the employee returns from military leave, the employee has a finite period of time to purchase the military service, and City is required to also provide the employer's contributions in that event.
- d) Under certain circumstances medical insurance benefits may continue to be provided through the City. The employee should see the Human Resources

Manager to obtain a full explanation.

3.3 Re-Employment: In accordance with USERRA, upon release from service in the uniformed services an employee shall be reinstated in the following order of priority:

- a) Military Service Lasting 90 Days or Less:
  - (1) Reemployment in the job the employee would have held had the employee remained continuously employed with the City, so long as the employee is qualified for the job or can become qualified after reasonable efforts by the City.
  - (2) In the employee's pre-service position so long as the employee is qualified for the job or could become qualified after reasonable efforts by the City;  
or
  - (3) In any other position which is the nearest approximation of the job the employee would have held and for which the employee is qualified, with full seniority.
- b) Military Service Lasting 91 Days or More:
  - (1) In the job the employee would have held had the employee remained continuously employed, or a position of equivalent seniority, status, and pay, so long as the employee is qualified for the job, or can become qualified after reasonable efforts by the City;
  - (2) In the employee's pre-service position so long as the employee is qualified for the job or could become qualified after reasonable efforts by the City;  
or
  - (3) In any other position, which is the nearest approximation of the job the employee would have held and for which the employee is qualified, with full seniority.
- c) In accordance with USERRA, upon release from military service, the employee shall be re-employed by the City in the same or comparable position with no change in grade or salary provided that reinstatement is not impossible or

unreasonable based on the employer's present circumstances. A reduction-in-force that would have included the person would be an example of a change in employer's circumstances.

d) A returning employee will also receive any cost-of-living raise implemented during his/her military leave of absence.

e) To be eligible for re-employment, the employee must meet the following eligibility requirements:

1. The employee must make application for reemployment to the City within 14 days following active-duty military service of 31 to 180 days.
2. The employee must make application for re-employment to the City within 90 days after completion of active-duty military service of 181 or more days.
3. The employee must be physically and mentally capable of performing the essential functions of the position with or without reasonable accommodation.
4. The application deadline for re-employment may be extended for up to two years for persons who are hospitalized or recovering due to a disability incurred or aggravated during military service.

3.4 Seniority upon Return to Work - Re-employed service members will be entitled to the seniority and all rights and benefits based on seniority that they would have attained with reasonable certainty had they remained continuously employed. This provision will also apply to any seniority-based privileges for shift assignments, work assignments, or other working conditions which have been established by any City department.

3.5 Replacements for Military Leaves - Any individual hired to perform the duties of an employee on military leave will be hired as a temporary employee and will be required to sign a letter of understanding that he/she will be subject to lay-off when the employee on leave returns to work.

**1.0 GENERAL PROVISIONS**

Full-time employees, at the discretion of the Mayor and as approved by the Council, may be granted a leave-of-absence without pay for a period not to exceed one (1) year. The following guidelines apply to approval of any such leave of absence.

- a) The leave will be for a justifiable reason;
- b) The leave will not cause an undue hardship on the City;
- c) The employee understands that he/she may be required to return to work before his/her leave expires; and
- d) The employee understands that his/her failure to report for duty promptly when requested or at the end of his/her leave may be considered a resignation and the employee may be separated from employment with the City.

**2.0 BENEFITS WHILE ON LEAVE OF ABSENCE**

Employees who are granted a leave-of-absence will not accrue annual leave, sick leave, retirement service credit, receive holiday pay, or other employment benefits for any period in which they are not listed on the City's payroll. Accrued sick leave days for which an employee is entitled to before he/she is placed on leave without pay status will be frozen and made available to the employee upon his/her return to work. If the employee elects to maintain City-provided health insurance during a leave-of-absence, the employee will be responsible for the entire health insurance premium when payment of such premiums is usually made. If the employee does not return to work upon completion of his/her leave-of-absence, he/she will forfeit any frozen sick leave days. Prior to the inception of a leave-of-absence, earned annual leave and compensatory leave balances must be exhausted, unless specifically approved by the Mayor.

**2.0 INDIVIDUAL CASE BASIS**

Because significant variations in circumstances may exist, the City reserves the right to treat each request for a leave-of-absence on an individual basis without creating a binding precedent for other requests which may arise in the future.

### **3.0** **TEMPORARY REPLACEMENT**

During the employee's approved leave-of-absence, his/her position may be filled by a temporary employee, temporary promotion, or temporary reassignment of any employee. At the expiration of the leave-of-absence, at the Mayor's discretion, the employee may be reinstated to the position he/she vacated if the position still exists, or to another position of an equal or lower grade for which the employee is qualified.

## COMPENSATORY LEAVE 409-1

If an employee has accrued compensatory time, he/she may request the use such accrued compensatory time. The use of compensatory leave will be approved at the discretion of the employee's supervisory personnel in accordance with guidelines to be developed by the employee's department head. Compensatory leave must be approved in advance of each absence, except in unusual circumstances. The failure of an employee to have his/her compensatory leave approved in advance may result in his/her absence being treated as unauthorized leave and disciplinary action may be taken. Compensatory leave will not be authorized in less than one (1) hour increments of time. Notwithstanding the provisions of this section, no employee shall be granted compensatory leave while said employee is suspended without pay, or off the City's payroll due to a workers' compensation injury. An employee who separates from the City shall be paid for any accrued Compensatory time in accordance with the latest regulations of the U.S. Department of Labor, Wage and Hour Division (see PAY ADMINISTRATION, Section 302, paragraph 7.0.).

**SECTION 500**

**EMPLOYEE BENEFITS**

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## EMPLOYEES BENEFITS 501-1

### **1.0 GENERAL INFORMATION.**

In addition to paid leave (annual leave, sick leave, bereavement leave, etc.), the City provides for its employees, other monetary benefits that are considered part of the City's compensation package. Such benefits are described in the following paragraphs of this section. Where a benefit is provided in accordance with law and/or a group insurance policy (contract), the provisions of such law and/or policy (contract) will govern, if a conflict should exist between the information provided herein and such law and/or policies. If additional and/or specific information is needed concerning a City benefit, employees should contact the Human Resources Manager.

### **2.0 RETIREMENT SYSTEMS OF ALABAMA**

The City provides to all eligible employees a retirement benefit that is managed by the Retirement Systems of Alabama. This is a dual contributory system where both the City and the employee make contributions to the employee's retirement account. Participation in this retirement system is mandatory if an individual is employed in a position that is eligible for coverage and is employed in a non-temporary capacity on at least a one-half time basis earning at least the federal minimum rate.

### **3.0 HEALTH INSURANCE.**

- a) The City provides eligible employees health insurance coverage. Coverage and benefits for eligible employees shall be subject to the provisions and requirements of the City's health insurance plan as stated in the specific policy providing such coverage and benefits. Employees who need specific information covering the employer group insurance should review their employee insurance handbook(s) and/or contact the Human Resources Manager.
- b) Generally, new employees are covered active-duty the first (1<sup>st</sup>) day of second (2<sup>nd</sup>) month following the date of employment. New eligible employees may be covered by the City's group health plan by completing a written application for such coverage within thirty-one (31) days of their employment with the City. If an employee does not apply for

coverage within this time period and later wishes to apply for coverage, his/her coverage will not become effective until the carrier gives its written consent for such coverage.

- c) An eligible employee may select either single coverage for himself/herself or family coverage to include his/her eligible dependents. The City will pay the cost for single coverage and one-half the cost for family coverage.
- d) Benefits paid under the employee health insurance plan will be coordinated with any other health insurance plan the employee may come under in accordance with the terms of the policy.
- e) Any employee covered by the employee health insurance plan may at separation be eligible to purchase coverage for himself/herself and/or his/her dependents in accordance with the terms of the policy and federal law. For further details, contact the Human Resources Manager.
- f) Except as otherwise provided, any eligible employee, at the time of retirement, may elect to purchase health insurance coverage for himself/herself and dependents under the City's health insurance plan. The City will pay one-half of the premiums for single coverage until the retired employee reaches the age of 65. All other payment of premiums for individual and/or dependent coverage hereunder shall be the financial responsibility of the retired employee and such premium payment shall be made to the City on or before the first day of each month, payable one (1) month's premium in advance. An eligible employee as used herein shall mean:
  - 1. Any employee with at least ten (10) years of creditable service who has attained age sixty (60) at the time of withdrawal from the service.
  - 2. An employee with twenty-five (25) years or more creditable service at the time of withdrawal from service.
- g) Under certain circumstances an employee may be eligible to continue his and/or his dependents coverage(s) under the health insurance plan, after separation from the City. An employee who is being separated from the City should contact the Human Resources Manager to determine if the employee will be eligible for continuation and the associated costs.

**4.0 DENTAL AND VISION COVERAGE**

The City offers employees the opportunity to purchase dental and vision coverage under the City of Wetumpka Benefit Plan, Plan No. 98-1. For information on this Plan the employee should contact the Human Resources Manager.

**5.0 SOCIAL SECURITY**

The City participates in Social Security, which provides retirement, disability, death, survivor and health insurance benefits (Medicare). Employees contribute a proportion of their earnings through payroll deduction and the City contributes in accordance with current laws and regulations. Employees may contact the Human Resources Manager for general information; however, for information concerning eligibility and amount of benefits, employees should contact their local Social Security Office.

**6.0 VOLUNTARY TAX DEFERRED PLANS.**

The City provides Retirement System of Alabama programs in which employees may participate. For further details, contact the Human Resources Manager.

**7.0 UNEMPLOYMENT BENEFITS:** Unemployment benefits shall be provided to employees who are laid off through no fault of their own in accordance with state and federal regulations. Employees desiring to file a claim must contact their local unemployment office.

## WORKERS' COMPENSATION 503-1

### 1.0 GENERAL

An employee who is disabled due to a work-related injury or disease may be entitled to receive worker's compensation benefits in accordance with Code of Alabama 1975 Section 25-5. When an employee is injured on the job, the Supervisor in coordination with the Department Head will see that medical treatment, as required, is provided by the City approved doctors and medical facilities.

### 2.0 INJURY REPORT

Any employee who is injured in any manner or degree while on duty shall immediately notify his/her supervisor of such injury. A report of all on-the-job injuries (Employer's First Report of Injury Form) must be completed by the injured employee's department and submitted to the Human Resources Manager within twenty-four (24) hours following such injury (or the next business day). Mandatory drug testing will be completed (see Alabama Law, Section 5-5-1, et seq., of the Code of Alabama (1975)).

### 3.0 ADMINISTRATIVE RESPONSIBILITIES

The Human Resources Manager is responsible for administration of the worker's compensation program for the City and for preparing and issuing to department heads guidelines for effective administration of the program in their department.

### 4.0 USE OF ANNUAL/SICK LEAVE

The employee may elect to use annual leave, holiday leave (if applicable), compensatory leave, and/or sick leave to be paid for the first three days of being out of work for a work-related accident or occupational disease. If the employee so elects, the employee must first agree in writing to reimburse the City for any workers' compensation benefits (other than medical treatment) the employee may eventually receive for the first three days of disability. If such reimbursement occurs, the equivalent amount of leave will be re-credited to the appropriate accrued leave account(s).

### 5.0 BENEFITS WHILE ON NON-PAY STATUS

An employee on non-pay status because of a job-related injury or illness will not earn annual leave or sick leave and will not be eligible to receive holiday pay. An employee will remain eligible for some City provided benefits so long as such eligibility is consistent with requirements specified within this policies and procedures manual and/or in the benefit insurance contract and, where required, the employee pays his/her portion due for any such benefit each month.

6.0 **PAYMENTS**

The pay that an employee receives while in a worker's compensation status will be paid by the City's insurance carrier in accordance with the provisions of state law.

7.0 **SEPARATION**

If circumstances warrant, an employee may be separated (see SEPARATIONS, Section 216.).

8.0 **ADDITIONAL INFORMATION**

Additional information may be obtained from the Human Resources Manager.

## **SECTION 600**

### **STANDARDS OF CONDUCT AND DISCIPLINE**

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## EMPLOYEE CONDUCT 601-1

### **1.0 GENERAL PROVISIONS**

Employees of the City are expected at all times to conduct themselves in a positive, professional, courteous, and helpful manner while adhering to high standards of honesty, integrity, productivity, and workmanship. Appropriate employee conduct includes, but is not limited to:

- a) Treating all customers, visitors, and coworkers in a courteous manner (see CUSTOMER RELATIONS, Section 603.);
- b) Refraining from behavior or conduct that is offensive or undesirable, or which is contrary to the City's best interests (see NON-DISCRIMINATION AND ANTI-HARASSMENT, Section 201; SEXUAL HARASSMENT, Section 202, and WORKPLACE VIOLENCE, Section 203.);
- c) Reporting to management suspicious, unethical, or illegal conduct by coworkers, customers, or suppliers (see CONFLICTS OF INTEREST, Section 604.);
- d) Reporting to management any threatening or potentially violent behavior by coworkers (see WORKPLACE VIOLENCE, Section 203.)
- e) Cooperating with City investigations.
- f) Complying with all City safety and security regulations (see EMPLOYEE SAFETY Section 801.);
- g) Wearing clothing appropriate for the work being performed (see EMPLOYEE SAFETY, Section 801; and PERSONAL APPEARANCE AND HYGIENE, Section 602.);
- h) Performing assigned tasks efficiently and in accordance with established quality standards;
- i) Reporting to work punctually as scheduled and being at the proper work station, ready for work, as the assigned starting time (see ATTENDANCE AND PUNCTUALITY, Section 401.);
- j) Giving proper advance notice whenever unable to work or report to work on time (see ATTENDANCE AND PUNCTUALITY, Section 401);

### **2.0 PROHIBITED CONDUCT**

Below are examples of conduct that is prohibited by the City and individuals engaged in such conduct will be subject to disciplinary action up to and including dismissal. The conduct that is prohibited is divided into two categories to provide general guidance to supervisors (disciplining individual) in the determination of the employee conduct that is prohibited and

the appropriate disciplinary action that is recommended for a specific infraction. However, the examples of impermissible conduct described below and the recommended disciplinary actions are not intended to be an all-inclusive list nor automatic. Supervisors are expected to treat individual situations according to the circumstances and facts involved. At management's discretion, any violation of the City's rules, policies or procedures, or any conduct considered inappropriate or unsatisfactory, may subject the employee to disciplinary action.

2.1 Category One - This category of misconduct defines instances of unacceptable conduct which are very serious and which normally constitute grounds for suspension or dismissal upon the first occurrence of such conduct unless mitigating and/or extenuating circumstances render lesser discipline more appropriate. (See DISCIPLINARY PROCEDURES, Section 606.): Examples of Category One misconduct include, but are not limited to, the following:

- 1) Serious Leave Offenses – unexcused absences from workplace for three (3) or more days in a three (3) month period, excessive tardiness, or fraudulent or abusive use of sick leave.
- 2) Abuse of Position – using one's position with the City to penalize or discriminate against a customer or member of the public; using one's position with the City for personal gain or to promote a matter of personal interest which is unrelated to the duties and responsibilities assigned to him/her by the City; or otherwise using one's position with the City to influence someone to act for the benefit or detriment of another in a manner that is outside of the scope and duty of his/her employment .
- 3) Conviction - conviction of a felony or other crime or misdemeanor involving moral turpitude, or conviction during employment of a misdemeanor which affects the employee's character and/or his/her effectiveness on the job.
- 4) Conduct Unbecoming an Employee - conduct unbecoming an employee, while on or off duty, which tends to bring discredit upon the City and its employees, or which otherwise threatens order, safety, or health.
- 5) Refusal to Work Overtime – failure to respond to any requirement to work outside the normal scheduled work day when directed by a supervisor with no mitigating circumstances.

- 6) Insubordination - acts of insubordination, including refusal to obey legitimate orders, or delay or failure to carry out assigned work, or disrespect, insolence, or like behavior.
- 7) Violation of Drug and Alcohol Policy - violation of any provision of the City's Drug Free Work Place and Substance abuse policy, including, but not limited to, possession and/or use of alcohol, un-prescribed drugs, or similar intoxicants while on City property or on the job (other than such possession as may be required of law enforcement personnel in the line of duty); or reporting to work while under the influence of alcohol, un-prescribed drugs, or similar intoxicants; refusal of employee to submit to or cooperate with a blood, breath, hair, or urine test as set forth in said policy; knowingly altering a blood or urine specimen; or having a confirmed positive drug test (see DRUG FREE WORKPLACE, section 205.).
- 8) Driving a City Vehicle Under the Influence - operation of a City vehicle or motorized equipment while under the influence of intoxicants such as alcohol, un-prescribed drugs, and/or prescribed drugs, which induce an unsafe mental and/or physical state.
- 9) Flagrant Safety Violations – violation of safety rules and practices where injuries, should they occur, could endanger the life or health of an employee or others, could result in lost time, or be partially incapacitating. Includes the failure to wear assigned safety equipment or failing to abide by safety rules and policies.
- 10) Theft or Abuse of Property - theft, destruction, careless or negligent use, or willful damage of the City's property or property of others.
- 11) Refusal to Cooperate - refusal to fully and truthfully answer questions of a supervisor or other designated individual during any inquiry, interrogation, hearing, or court proceeding.
- 12) Unwelcome Sexual Advances – unwelcome sexual advances by a supervisor (see SEXUAL-HARASSMENT, section 202.).
- 13) Coercion – attempting to coerce an employee to provide sexual favors in exchange for job benefits (see SEXUAL-HARASSMENT, section 202.).
- 14) Harassment - harassment of other employees and/or members of the public, based on an employee's race, color, sex, religion, national origin, age, physical or mental disability or veteran status. Harassment also includes but is not limited to, slurs, jokes, written material or verbal, graphic or physical conduct of a sexual nature. (See NON-DISCRIMINATION AND ANTI-HARASSMENT, Section 201.)

- 15) Abusive Conduct - abusive personal conduct or language toward the public or fellow employees, or abusive public criticism of a superior or City official (See WORKPLACE VIOLENCE, Section 203.).
- 16) Threatening Behavior - Threatening, intimidating, coercing or otherwise interfering with other employees in the execution of their duties (See WORKPLACE VIOLENCE, Section 203.).
- 17) Firearm/Weapon Possession - unauthorized possession and/or use of firearms, or other weapons including knives and explosives or other dangerous materials on/in City property.
- 18) Refusal of Medical Exam - refusal to be examined by a City authorized, fully licensed physician when so directed by the department head or Mayor (see MEDICAL PROCEDURES, Section 209.).
- 19) Falsification - falsification of employment applications, records and/or personal misrepresentation of statements given to a supervisor, an official, the public, or any duly authorized City committee. Falsifying or altering any City record or report such as expense accounts, absence reports, shipping and receiving records.
- 20) Fraud in Personnel Matter - fraudulent misrepresentation or omission in securing a job or promotion.
- 21) Unauthorized Release of Information - unauthorized release of privileged or confidential information.
- 22) Unauthorized Use of Property - unauthorized use, misappropriation, destruction, theft, or conversion of City property.
- 23) Bribes or Rewards - acceptance of any consideration of value or gratuity which was given to improperly influence the employee in the performance of his duties.
- 24) Conflicts of Interest - conduct or actions determined to be a conflict of interest or ethics violation as defined by state law and/or City, rules, regulations, or procedures (see CONFLICTS OF INTEREST, section 604.).
- 25) Dishonesty - dishonesty as related to an individual's job duties and/or profession, or use of one's official position for personal advantages.
- 26) Fighting - fighting on City property or while on duty, except when the employee is a victim of an unwarranted assault.
- 27) Restriction of Work Output and/or Defective Work - deliberate restrictions of production, output and/or concealment of defective work.

- 28) Serious Rule Violation - serious violation of City administrative regulations, department rules, lawful orders or directions made or given by a supervisor.
- 29) Horseplay - dangerous horseplay on the job.
- 30) Repeated Violations of Category Two misconduct - repeated violation of Category Two misconduct.
- 31) Other Conduct – for any other reason to be deemed in the best interest of the City and consistent in seriousness with these examples of misconduct that meets the intent of the definition of Category One misconduct.

2.2 Category Two - This category of misconduct defines instances of unacceptable conduct by an employee, which while serious, do not normally merit suspension without pay or dismissal upon the first occurrence of such misconduct; and which normally may be addressed by lesser degrees of discipline. However, past disciplinary actions will be taken into account when a continuing record of misconduct or multiple warnings show a pattern of nonconformance to rules and regulations. Normally, disciplinary action for Category Two misconduct will include the full range of progressive disciplinary measures (See DISCIPLINARY PROCEDURES, Section 606.). However, nothing herein should be interpreted as preventing more severe action (written warning, suspension without pay or dismissal) being taken on the first offense when circumstances warrant. Examples of Category Two misconduct include, but are not limited to, the following:

- 1) Absenteeism or Tardiness - irregular attendance, unauthorized absenteeism, and/or tardiness (not at his/her assigned work station at the beginning of the first hour of the employee's work day);
- 2) Abuse of Property - improper use and/or care of City property;
- 3) Court Judgments - willful and/or repeated failure to honor court judgments;
- 4) Housekeeping - contributing to poor housekeeping or unsanitary conditions.
- 5) Inadequate or Ineffective Performance of Assigned Work - failure to adequately and/or effectively perform assigned duties and/or tasks;
- 6) Inefficiency - excessive inefficiency to include waste, loafing, leaving the work area without permission, and defective workmanship;
- 7) Improper Notification of Absence - failure to give proper notice of an absence;
- 8) Political Activities - political activities during working time;

- 9) Safety Violations - violation of normal safety practices where injuries, should they occur, would be minor in nature. Failure to report a work-related accident or injury and accident proneness or failure to attend safety classes when directed.
- 10) Sleeping - sleeping on the job, except when authorized by department or /City rules.
- 11) Unauthorized Solicitation - unauthorized solicitation(s) (memberships, subscriptions, contributions, petitions, etc.) while on duty;
- 12) Unauthorized Outside Activities - engaging in unauthorized outside activities while on duty.
- 13) Work Interference - interfering with the work of others to include offensive personal habits, which interfere with efficient operations;
- 14) Other Conduct - similar conduct that meets the intent of this definition of Category Two misconduct;

### **3.0 NOT ALL INCLUSIVE**

The examples of impermissible conduct described in the categories above are not intended to be an all-inclusive list of reasons for which an employee may be disciplined or dismissed. At management's discretion, any violation of the City's policies or any conduct considered inappropriate or unsatisfactory may subject the employee to disciplinary action. Questions about this policy should be directed to the Human Resources Manager.

### **4.0 INTERNET AND ELECTRONIC COMMUNICATION DEVICES**

There is no reasonable expectation of privacy afforded to employees when they are using City owned or provided computers, cell phones, radios or other electronic devices. Such devices are to be used strictly for the purpose of communicating as required by the employee's job or in communicating the City's interest as approved by the Mayor. City owned computers and electronic devices shall not be used for communication with or posting on any social media sites unless specifically authorized by the Mayor.

### **5.0 USE OF SOCIAL MEDIA**

Employees are prohibited from using any social media or posting on any social network in a manner that would hamper or interfere with City's ability to carry out its duties and responsibilities as a municipality or otherwise violate any other policies of the City. However, this policy does not prohibit any language or actions by an employee that are protected under the laws of the United States of America or the State of Alabama.

**6.0 INDIVIDUAL CASE BASIS**

The City recognizes the fact that each situation differs in many respects from others that may be similar in some ways. Thus, the City retains the right to treat each incident of misconduct on an individual basis without creating a precedent for other cases which may arise in the future as to a particular employee or groups of employees and to determine the appropriate discipline in every matter on a case-by-case basis.

**7.0 DEPARTMENT HEAD, PROGRAM DIRECTOR & SUPERVISOR RESPONSIBILITIES**

Department heads, Program Directors and supervisors are responsible for making employees aware of the City's standards for work performance and conduct. When an employee fails to meet these standards, the department head, program director or supervisor is responsible for initiating the appropriate disciplinary actions (see DISCIPLINARY PROCEDURES, Section 606.).

## *Smoke and Vape Free Workplace 601-1A*

**Definitions:** Smoking refers to the use of traditional tobacco products  
Vaping refers to the use of any electronic nicotine delivery systems or electronic smoking devices.

To protect and enhance indoor air quality and contribute to the health and well-being of all employees and visitors, the City of Wetumpka shall be entirely smoke and vape free in all buildings and vehicles.

Smoking and vaping are prohibited in all enclosed areas owned by the City of Wetumpka, without exception. This includes but not limited to; work areas, conference and meeting rooms, elevators, hallways, stairs, restrooms or any employer owned or leased vehicles.

Smoking and/or vaping may be done at least twenty-five feet from any city owned building. Smokers or vaping must be stopped prior to entering any building. It is the responsibility of smokers/vapers to dispose of cigarettes, cigar butts, or any smoking/vaping litter.

To date, e-cigarettes and similar devices are not regulated by the U.S. Food and Drug Administration (FDA) and are not approved as cessation aids. The FDA has, however, concluded that e-cigarettes pose health risks and contain detectable levels of carcinogens and toxic chemicals. At this time, e-cigarettes are not considered a safe alternative to smoking, and no scientific evidence has shown they help smokers quit.

The City of Wetumpka recognizes smoking is addictive. Smokers interested in assistance with quitting should contact the Human Resources office for information regarding cessation through the Local Government Health Insurance plan.

## PERSONAL APPEARANCE & HYGIENE 602-1

### **1.0 GENERAL**

Employees are expected at all times to present a professional, business-like image. All employees are expected to dress appropriately for work. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted.

Since it is impossible to describe all standards for personal appearance and hygiene, the personnel appearance and hygiene standards below are not intended to be exhaustive but to include some of the more clear-cut examples.

### **2.0 STANDARDS**

- a) Office workers and any employees who have regular contact with the public must comply with the following personal appearance standards:
  1. Employees are expected to dress in a manner that is normally acceptable in similar business establishments. Employees should not wear suggestive attire, athletic clothing, shorts, T-shirts, novelty buttons, and similar items of casual attire that do not present a businesslike appearance.
  2. Hair should be clean, combed, and neatly trimmed or arranged. Shaggy, unkempt hair is not permissible regardless of length.
  3. Sideburns, moustaches, and beards should be neatly trimmed.
  4. Tattoos and body piercings (other than earrings) should not be visible.
- b) Certain employees may be required to meet special dress, grooming, and hygiene standards, such as wearing uniforms, depending on the nature of their job.
- c) The City, at its discretion, may allow employees to dress in a more casual fashion than is normally required. On these occasions, employees are still expected to present a neat appearance and are not permitted to wear ripped or disheveled clothing, athletic wear, or similarly inappropriate clothing.
- d) Any employee who does not meet the standards of the City Personal Appearance and Hygiene Policy will be required to take corrective action, which may include leaving the job.

**1.0 GENERAL**

The customers and citizens of the City provide the source of the City's income and each employee's job security. To promote excellent relations with our customers and citizens all employees must represent the City in a positive manner and make customers and citizens feel appreciated when dealing with the organization. Employees with customer contact are expected to be familiar with all the City's services, rules, and regulations. Employees are encouraged to report recurring customer-related problems to their supervisor and to make suggestions for changes in City policies and procedures to solve problems.

**2.0 CUSTOMER AND/OR CITIZEN COMPLAINTS**

Employees should be prepared to listen carefully to customer and citizen complaints and to deal with customers and citizens in a helpful, professional manner. If a controversy arises, the employee should explain the City's policies and procedures respectfully and clearly. Customers who become unreasonable, abusive, or harassing should be referred to the employee's supervisor if the employee cannot resolve the problem. If a citizen desires to make a written or formal complaint he/she should be referred to the Department Head or the Human Resources Manager.

**3.0 TELEPHONE ETIQUETTE**

Employees should be polite and thoughtful when using the telephone. A positive telephone contact with a customer can enhance goodwill, while a negative experience can destroy a valuable relationship. The following procedures should be observed whenever possible:

- a) When answering the telephone, use a pleasant tone of voice, give the name of the department, and identify yourself;
- b) If the person with whom the callers wishes to speak is on another line, ask if the caller wants to be put on hold or to leave a message;
- c) If the caller has been placed on hold, carefully monitor the hold time and offer to have the call returned if the person called is not available within a reasonable period; and
- d) When a caller leaves a name, number, or message, make sure it is recorded correctly and given promptly to the appropriate individual.

## CONFLICTS OF INTEREST 604-1

### **1.0 GENERAL**

Since it is impossible to describe all of the situations that may give cause for or give the appearance of a conflict interest, the prohibitions below are not intended to be exhaustive but to include some of the more clear-cut examples.

### **2.0 PROHIBITIONS**

a) Employees of the City are expected to maintain the highest ethical standards. To avoid misunderstandings and conflicts of interest which could arise, the following standards shall be adhered to by employees of the City:

1. No employee shall solicit or accept any gifts, favors, or service that might reasonably tend to improperly influence or that may be perceived to improperly influence the employee in the execution of his/her official duty;
2. No employee shall use or attempt to use, his/her position with the City to secure special privileges or exemptions for himself/herself or others;
3. No employee of the City may use his/her position to contract, or to influence contracting, with any business for personal gain or to benefit friends, relatives, or associates;
4. No employee shall disclose confidential information gained by reason of his/her official position with the City nor shall he/she otherwise use such information for his/her personal gain or benefit; or
5. No employee shall be involved in a non-City activity ("moonlight") which: conflicts with, or limits, the City's demands on the employee with respect to adversely on the City;

b) When further guidance is needed, employees should consult with their department head, the Human Resources Manager, City Clerk and/or the Mayor. Violations of any part of the City's Code of Ethics will be grounds for disciplinary action.

1. his/her availability for work or his/her performance on the job; or reflects

## *CONFIDENTIALITY OF INFORMATION 605-1*

### **1.0 EMPLOYEE RESPONSIBILITY**

Employees shall not disclose confidential information gained through the course of their employment and shall have the responsibility to avoid unnecessary disclosure of non-confidential internal information about the City, its employees, its customers, and its suppliers. These employee responsibilities to safeguard confidential information and internal City affairs is not intended to impede normal business communications or relationships. Any requests for records that are available to the public, except for police reports, shall be handed by the City Clerk in accordance with applicable state law. All police reports or other documents maintained by the police department shall be requested from the Chief of Police and shall be processed in accordance with the Open Records Act and other applicable law.

### **2.0 MEDIA INQUIRIES**

All media inquiries and other inquiries of a general nature should be referred to the Mayor or his designee. In addition, all press releases, publications, speeches, or other official declarations must be approved in advance by the Mayor. All questions about employee references or other information concerning current or former employees should be referred to the Human Resources Manager.

**1.0 GENERAL**

Employees are subject to disciplinary action for unacceptable conduct or job performance, violations of established rules and regulations, and/or for the good of the City. Under normal circumstances, the City endorses a policy of progressive discipline in which disciplinary actions are increased gradually for each successive instance of employee misconduct. However, depending on the seriousness of the offense, the disciplining individual may enter the progressive disciplinary process at any step, including dismissal. The City retains the right to administer discipline in any manner it sees fit and nothing should be interpreted as preventing more severe action being taken on the first offense when circumstances warrant. The disciplinary actions taken will not be fixed but will be based upon good judgment, fair treatment, and the circumstances involved in each incident. Nothing in these discipline procedures modifies the status of employees or in any way restricts the City's right to bypass the disciplinary procedure suggested.

**2.0 DISCIPLINING INDIVIDUAL**

Supervisors are responsible for administering disciplinary actions. However, if an individual who is designated to take disciplinary action fails to take action for an obvious act of misconduct, violation of City rules, regulations, or departmental standards, the department head, program director or Mayor may take disciplinary action against the employee.

**3.0 FACTORS TO BE CONSIDERED**

Numerous factors should be considered in determining the appropriate level of discipline to be assessed. Some of the factors include, but are not limited to, the employee's length of service, time intervals between offenses including unrelated offenses, effectiveness of prior disciplinary actions, overall work performance, job attitude as demonstrated by behaviors and actions, and willingness to improve. A repetition of the same or other offenses indicates that more severe disciplinary measures should be administered. Disciplinary action should reflect the totality of the situation, past violations, and service to the City.

**4.0 EMPLOYEES NOT COVERED**

Probationary employees, temporary employees and other unclassified employees are not covered by this progressive disciplinary policy, and serve at the will of the City. They may be disciplined, suspended, demoted, or terminated at any time, with or without cause. Such discipline, suspension, demotion, termination or failure to successfully complete a probationary period shall not be subject to any grievance, arbitration, or pre-or-post termination procedure. Similarly, newly promoted employees who have failed to successfully complete a probationary period are not eligible for any grievance, arbitration, pre-or-post termination procedure (See PROBATIONARY PERIOD, Section 211.).

However, any law enforcement officers, as defined under Alabama Code Section 11-43-231, shall be afforded the same due process as classified employees as it relates to disciplinary action and rights of appeal, in accordance with Alabama Code Section 11-43-230 and Attorney General Opinion 2002-064.

**5.0 TYPES OF DISCIPLINE**

In general, if an employee is not meeting City standards of conduct, behavior, or performance, disciplining individuals have the following alternatives for disciplinary action when disciplining an employee: **5.0 TYPES OF DISCIPLINE**

In general, if an employee is not meeting City standards of conduct, behavior, or performance, disciplining individuals have the following alternatives for disciplinary action when disciplining an employee:

**6.0 INDIVIDUAL CASE BASIS**

The City recognizes the fact that each situation differs in many respects from others that may be similar in some ways. Thus, the City retains the right to treat each incident of.

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The City recognizes the fact that each situation differs in many respects from others that may be similar in some ways. Thus, the City retains the right to treat each incident of misconduct and discipline on an individual basis without creating a precedent for other

cases which may arise in the future as to a particular employee or groups of employees and to determine the appropriate discipline in every matter on a case-by-case basis.

**7.0 DISCIPLINARY ACTION FOR CATEGORY ONE OFFENSES**

Normally, in cases involving serious misconduct such as violation of a Category One Offense (see EMPLOYEE CONDUCT, Section 601, paragraph 2.1.), or any time the supervisor determines it is necessary, such as a major breach of policy or violation of law, the disciplinary action for the first occurrence will be dismissal from the City. Typically, in such cases, the supervisor should suspend the employee immediately with pay and an investigation of the incidents leading up to the suspension should be conducted to determine if any further action, such as dismissal, should be taken. A lesser disciplinary action may be taken for a Category One Offense or other breach of a policy when mitigating and/or extenuating circumstances so warrant.

**PROGRESSIVE SCHEDULE FOR DISCIPLINARY ACTIONS FOR MINOR VIOLATIONS  
CATEGORY ONE –**

1<sup>nd</sup> – Informal discussion, employee counseling

2<sup>nd</sup> – Written Warning

3<sup>rd</sup> – Letter of Reprimand

4<sup>th</sup> Suspension up to 5 days

5<sup>th</sup> Suspension up to 20 days

6<sup>th</sup> Termination

**8.0 DISCIPLINARY ACTION FOR CATEGORY TWO OFFENSES**

Normally, disciplinary actions for Category Two Offenses (see EMPLOYEE CONDUCT, Section 601, paragraph 2.2.) will be administered using the full range of progressive disciplinary measures. However, the City retains the right to administer discipline in any manner it sees fit and nothing should be interpreted as preventing more severe action being taken on the first offense when circumstances warrant. The progressive disciplinary procedures described below may also be applied to an employee who is experiencing a series of unrelated problems involving job performance or behavior. The normal application of progressive discipline should be:

## PROGRESSIVE SCHEDULE FOR DISCIPLINARY ACTIONS FOR MINOR VIOLATIONS

### CATEGORY TWO –

1<sup>st</sup> – Letter of Reprimand

2<sup>nd</sup> – Suspension up to 5 days

3<sup>rd</sup> Suspension up to 20 days

4<sup>th</sup> Suspension 21 + days

5<sup>th</sup> Termination

### **9.0 GUIDELINES FOR COUNSELING**

- a) When Given. Counseling is a discussion with an employee concerning unacceptable conduct that has occurred or that might occur should the employee persist in whatever course of action he/she is taking. Normally counseling should be used for unacceptable conduct by an employee that does not warrant more serious disciplinary action.
- b) Procedures: When counseling an employee, the disciplining individual should meet with the employee to discuss the matter and to inform the employee of the nature of the problem and the action necessary to correct it. The disciplining individual should prepare a memorandum for his/her own record indicating that the counseling session has taken place. A counseling session does not entitle an employee to the right to file a grievance or request an appeal hearing.

### **10.0 GUIDELINES FOR WRITTEN REPRIMANDS**

- a) When Given: A written reprimand is a documented record summarizing a discussion with an employee concerning a violation of employee conduct, departmental rule, or unsatisfactory work performance problem. A written reprimand may be used for employee misconduct that does not warrant more serious disciplinary action or is needed for formal recognition of an issue when counseling has not produced the desired result.
- b) Procedures: A written reprimand shall include the reasons for the reprimand and shall inform the employee that further unacceptable conduct may result in more severe disciplinary action such as suspension without pay, demotion, or dismissal. The written

reprimand shall be signed by both the employee and the disciplining individual. If the employee refuses to sign the record, such refusal shall be witnessed and noted on the record by a second management employee in addition to the disciplining individual. A copy will be provided the employee and a copy will be provided to the Human Resources Manager for inclusion in the employee's personnel file. The receipt of a written reprimand does not entitle an employee to the right to file a grievance or request an appeal hearing.

- c) Disputed Reprimand: If an employee disagrees with statement(s) in a written reprimand, the employee may submit, within five (5) working days following the receipt of the written reprimand, a written statement disputing the reasons for the reprimand. The employee's written statement of dispute shall be forwarded to the Human Resources Administrator for filing in the employee's file.
- d) No Additional Discipline: If an employee receives no additional written reprimands of any nature during the twelve (12) months following the receipt of a written reprimand he/she will not be disciplined further by the fact of reference to the past warning(s). However, the City may still consider all past disciplinary actions in evaluating the employee's performance. (See PERFORMANCE APPRAISAL, SECTION 213.)

**11.0 GUIDELINES FOR SUSPENSIONS WITHOUT PAY FOR A PERIOD OF FIVE (5) WORKING DAYS OR LESS**

- a) When Given - A suspension without pay for up to five (5) working days is appropriate where previous disciplinary action has not resulted in the expected improvement or where an employee commits a single serious violation of conduct, rules, or regulations. Normally, a suspension without pay will be taken only after prior disciplinary action(s) have failed to bring about an improvement in the employee's conduct on the job and a written warning has been given, or for a Category One Offense (See EMPLOYEE CONDUCT, SECTION 601, paragraph 2.1.). However, a suspension without pay action may be taken at any time when the disciplining individual feels the facts and circumstances warrant such action. All suspensions shall be approved by the Mayor.
- b) Notification: The disciplining individual will notify the employee in writing that he/she

is being suspended without pay. The written notification shall include the reasons for the suspension, the duration of the suspension, and inform the employee that further unacceptable conduct may result in more severe disciplinary action. A copy of this notice shall be provided to the employee, the employee's department head, and the Human Resources Manager for inclusion in the employee's personnel file. No employee shall be authorized to take annual leave, paid sick leave, and/or holiday leave while on suspension without pay. An employee suspended without pay for a period of five (5) scheduled working days or less is not entitled to file a grievance or request an appeal hearing.

**12.0 GUIDELINES FOR SUSPENSIONS WITHOUT PAY FOR A PERIOD EXCEEDING FIVE (5) SCHEDULED WORKING DAYS**

- a) When Given: A suspension without pay for a period exceeding (five) 5 scheduled working days is appropriate where previous disciplinary action has not resulted in the expected improvement or where an employee commits a single serious violation of conduct, rule, or regulations. Normally, a suspension without pay will be taken only after prior disciplinary action(s) have failed to bring about an improvement in the employee's conduct on the job and a second written warning has been given, for a Category One Offense. (SEE EMPLOYEE CONDUCT, Section 601, paragraph 2.1.). However, a suspension without pay action may be taken at any time when the disciplining individual feels the facts and the circumstances warrant such action. A suspension without pay action for a period of exceeding five (5) scheduled working days shall not be taken by a disciplining individual without the concurrence of the employee's department head and the Mayor.
- b) Notification: The disciplining individual will notify the employee in writing that he/she is considering a suspension without pay action. The written notification shall include the reasons for suspension, and shall inform the employee of his/her right to appeal the proposed disciplinary action in accordance with the City's appeal procedures (see APPEALS, Section 702.). A copy of this notice shall be provided to the Human Resources Manager for review and inclusion in the employee's personnel file. In cases where the employee's presence poses a danger to persons or to the orderly operation of the department, the employee may

be suspended with pay pending completion of the appeals process (see SUSPENSION WITH PAY, paragraph 15 below.

- c) **Discipline Made Effective:** A suspension without pay action exceeding five (5) scheduled working days will become effective only after the employee to be suspended has been presented with the reasons for such suspension, specifically stated, and has waived or exhausted his/her appeal rights.

### **13.0 GUIDELINES FOR A DEMOTION**

- a) **When Given:** A demotion is appropriate where previous disciplinary action has not been effective or where an employee commits a single serious violation of conduct, rules, or regulations, or where the employee exhibits a pattern of substandard work, or as an alternative to dismissal. No demotion action shall be taken by a disciplining individual without concurrence of the employee's department head and the Mayor.
- b) **Procedures:** The disciplining individual will notify the employee in writing that he/she is considering a demotion action. The written notification shall include the reasons for the demotion and shall inform the employee of his/her right to appeal the proposed disciplinary action in accordance with the City's appeal procedures. (See APPEALS, SECTION 702.). A copy of this shall be provided to the Human Resources Manager for inclusion in the employee's personnel file. In cases where the employee's presence poses a danger to persons or to the orderly operation of the department, the employee may be suspended with pay pending completion of the appeals process (see SUSPENSION WITH PAY, paragraph 15 below.).

### **14.0 GUIDELINES FOR DISMISSAL**

- a) **When Given:** Dismissal is the termination of employment, usually following a course of intermediate disciplinary steps, but in certain instances, the immediate result of a serious breach of conduct. An employee may be dismissed when such action is determined by the disciplining individual to be justified. Normally, dismissal will be taken only after prior disciplinary action(s) have failed to bring about an improvement in the employee's conduct on the job and a written warning has been given, or for a Category One Offense (see EMPLOYEE CONDUCT, Section 601, paragraph 2.1.). However, a

dismissal action may be taken at any time when the disciplining individual feels the facts and circumstances warrant such action. No dismissal action shall be taken by a disciplining individual without the concurrence of the employee's department head and the Mayor.

- b) Procedures: The disciplining individual will notify the employee in writing that he/she is considering a dismissal action. The written notification shall include the reasons for the proposed dismissal action and shall inform the employee of his/her right to appeal the proposed disciplinary action in accordance with the City's appeal procedures. (See APPEALS, SECTION 702). A copy of the notice shall be provided to the Human Resources Manager for inclusion in the employee's personnel file. In cases where the employee's presence poses a danger to persons or to the orderly operation of the department, the employee may be suspended with pay pending completion of the investigation.
- c) Discipline Made Effective: A dismissal action will be effective only after the employee to be dismissed has been presented with the reasons for such dismissal, specifically stated, and has waived or exhausted his/her appeal rights.

## **15.0 SUSPENSION WITH PAY**

In the event of a violent action, or an intolerable offense on the part of an employee, (e.g., fighting, destruction of City property, gross insubordination, etc.), or in cases where an employee's presence poses a danger to persons or to the orderly operation of the department, an employee may be suspended with pay pending investigation of the incident to determine if any further disciplinary action should be taken. Additionally, an employee may be suspended with pay pending completion of an appeals process. The employee shall be notified in writing of his/her suspension with pay and the reasons for the suspension.

**SECTION 700**

**GRIEVANCE PROCEDURES AND APPEALS DUE PROCESS**

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<b>Appeals</b>	<b>702 - 1</b>

## GRIEVANCE PROCEDURES 701-1

### **1.0 GENERAL**

The intent of these grievance procedures is to provide a standard process for speedy investigation and resolution of employee grievances. Any full-time classified service employee who is aggrieved as a result of the interpretation and application of the rules and regulations contained in this policies and procedures manual, and any applicant or employee who has been subjected to any alleged discriminatory action that is prohibited by federal law, shall have the right to utilize these grievance procedures hereinafter set forth. Nothing should be interpreted herein to prevent any eligible employee from presenting his/her grievance free from fear, interference, restraint, discrimination, coercion, or reprisal.

### **2.0 DEFINITION OF DISPUTE AND/OR GREVIENCE**

An appropriate grievance is defined as an employee's depressed dissatisfaction concerning any interpretation or application of a work-related policy by management, supervisors and other employees. Examples of such matters that may be considered appropriate grievances under this policy include:

- a) A belief that City policies, practices, rules, regulations, or procedures have been applied inconsistently or improperly to an employee;
- b) Treatment considered unfair by an employee, such as coercion, reprisal, harassment (including sexual harassment), or intimidation;
- c) Alleged discrimination because of race, color, sex, age, religion, national origin, marital status, or disability, and
- d) Improper or unfair administration of employee benefits such as scheduling vacations, holidays, etc.

### **3.0 INTENT OF DISPUTE RESOLUTION AND GREVIENCE PROCEDURES**

The City's Grievance Procedures are not intended for and will not be used for the following purposes:

- a) to resolve personal differences between/among employees;

- b) to contest the City's pay plan or classification schedule(s), or to contest City-wide pay reductions which are part of a general plan to reduce salaries and wages, when such reductions are pro-rated to all employees;
- c) to resolve complaints of alleged violations under the Americans with Disabilities Act (reference section 9.4 for ADA Grievance Procedure);
- d) to contest the content or validity of an act of the Mayor or Council, or
- e) to contest verbal warnings, written reprimands, suspensions with or without pay of five (5) days or less; or
- f) to appeal disciplinary actions involving suspension without pay for a period of exceeding five (5) scheduled working days, demotion, or dismissal. Such appeals are covered in the appeals section of this manual. (See APPEALS, SECTION 702).

#### **4.0 EMPLOYEES ELIGIBLE TO FILE A GRIEVANCE**

Employees are eligible to file a grievance as follows:

- a) All full-time and part-time classified employees are eligible to SUBMIT grievances.
- b) All employees, regardless of service category or status, may file a grievance, when such grievance is based upon a claim of discrimination or harassment due to race, color, religion, sex, age, veteran's status, disability or national origin.
- c) Normally probationary, temporary employees, and other unclassified are not eligible to submit a grievance under this policy, except as noted in paragraph (b) above.

#### **5.0 GOOD FAITH TIMELY PRESENTATIONS**

Employees should notify their supervisor in a timely fashion of any grievance considered appropriate for addressing under the Grievance Policy. Grievances must be submitted in good faith and within the time period established in paragraph 8.0 below. Failure to submit a grievance within the required time period shall bar consideration of the grievance. If an employee willfully files a false grievance, he/she may be subject to disciplinary action, to include dismissal when appropriate.

#### **6.0 WITHDRAWAL**

An employee may withdraw his/her grievance at any step in the grievance process.

**7.0 RETALIATION FOR DISPUTES, GRIEVANCES, OR APPEALS PROHIBITED**

Employees should feel free to use the City's grievance process. Therefore, no employee or official of the City shall discriminate against, coerce, interfere, or take reprisal against any employee, witness, representative, or appellant in the presentation or adjudication of any grievance brought in good faith. Allegations of any violation of these protective rights may be processed as a separate grievance under the City's grievance procedures or submitted directly in writing to the Mayor. Individuals found to have violated an employee's protected rights will be subject to disciplinary action to include dismissal where appropriate.

**8.0 PROCEDURES FOR THE RESOLUTION OF GRIEVANCES:**

Employee grievances should be addressed and resolve informally when possible between the employee and his/her supervisor, to include his/her department head and the Mayor. The grievance resolution procedure has a maximum of three (3) steps, but grievances may be resolved at any step in the process. Grievances may be escalated by the employee until he/she is satisfied, does not file a timely grievance, or exhausts the right to escalate a grievance under this policy. A decision becomes binding on all parties whenever an employee does not file a timely grievance or the escalation thereof, or when a decision is made in the final step and the right to escalate a grievance no longer exists.

**9.0 DISPUTE AND GRIEVANCE RESOLUTION STEPS:**

Employees who feel that they have an appropriate grievance should proceed as follows:

A. Step One: The employee must, within five (5) days of the incident, submit in writing his/her grievance to his/her immediate supervisor. The employee's written grievance must state all of the pertinent facts on which it is based, when and where they occurred, and the policy, rules, or regulation involved. This written grievance will be the basis for all future discussions and appeals. If the grievance involves the supervisor, then the employee may immediately proceed to Step-Two. The supervisor, if authorized, should investigate the grievance, attempt to resolve it, and give a written response to the employee within seven (7) calendar days following his/her receipt of the written grievance; or refer it to his/her department head. A copy of the immediate supervisor's response shall also be provided to the Human Resources Manager for inclusion in the employee's file.

- B. Step Two: If the employee considers the grievance still unresolved, he/she may submit the grievance to his/her department head in writing within five (5) working days of his/her receipt of the supervisor's written response or within five (5) working days of the incident, if the grievance involves the supervisor. If the grievance involves the department head, then the employee must immediately proceed to Step-Three. The department head, shall within seven (7) calendar days of his/her receipt of the grievance, confer with the employee, the immediate supervisor, and any other members of management considered appropriate; investigate the issues; and communicate a decision in writing to all parties involved. A copy of the department head's response shall also be provided to the Human Resources Manager for inclusion in the employee's personnel file.
- C. Step Three: If the employee considers the grievance still unresolved, he/she may submit the grievance to the Mayor in writing within five (5) working days of his/her receipt of the department head's written response or within five (5) working days of the incident, if the grievance involves the department head. The Mayor shall, within ten (10) calendar days after his/her receipt of the grievance, investigate the issues; and communicate a decision to all parties involved. A copy of the Mayor's decision will also be provided to the Human Resources Manager for inclusion in the employee's file. The decision of the Mayor regarding the grievance shall be final.

**10.0 ADA/SECTION 504 GRIEVANCE PROCEDURE:**

Allegations of any violation of the Americans with Disabilities Act or Section 504 of the Rehabilitation Act of 1973 shall be processed pursuant to the following procedure:

1. The City will appoint a Hearing Officer to conduct a grievance hearing pertaining to written request and/or complaints involving the Americans with Disabilities Act or Section 504 of the Rehabilitation Act of 1973.
2. The City's ADA/504 Coordinator will handle the coordination of any ADA/504 grievance hearings with the appointed Grievance Hearing Officer and all other parties involved.
3. An individual who wishes to file an ADA or Section 504 grievance must submit their comments in writing to the attention of the City's ADA/504 Coordinator.

4. The ADA/504 Coordinator will investigate and document the facts surrounding the written request. The ADA/504 Coordinator will forward this information to the Mayor for consideration. Should it be deemed necessary, the Mayor may arrange for an appeal hearing to be held as soon as possible.
5. In coordination with the Hearing Officer, the ADA/504 Coordinator will send a notice of grievance hearing containing date, time, place, issue(s) alleged, and a witness list to all parties involved and the Hearing Officer.
6. The Hearing Officer will then conduct the grievance hearing allowing each party involved time to state their comments. Each party involved in the grievance hearing is allowed to bring a representative of their choice.
7. The Hearing Officer will give an explanation in writing within seven (7) calendar days of the grievance hearing. The Hearing Officer's decision will be final.

**1.0 GENERAL**

An eligible employee has the right to appeal his/her dismissal, demotion, or suspension without pay that exceeds five (5) working days to the Mayor.

**2.0 ELIGIBILITY**

Only full-time and part-time classified service employees are eligible to file an appeal. Probationary employees, temporary employees and other unclassified employees are not eligible to file an appeal for disciplinary action, suspension, or dismissal actions.

**3.0 LIMITS ON APPEAL RIGHTS**

Employees are not entitled to appeal the following disciplinary actions:

- a) A counseling session;
- b) A written reprimand; or
- c) A suspension without pay of five (5) scheduled working days or less.

**4.0 APPEALS STEPS**

- a) An employee desiring to appeal his/her termination, demotion, or suspension without pay exceeding five (5) working days, shall within three (3) working days after the receipt of final notice thereof, provide to the Human Resources Manager a written notice requesting an Appeals Hearing before the Mayor. If no written request for appeal is received within said three (3) day period then the disciplinary action taken against the employee shall be final.
- b) Appeals may be in any reasonable format, including letter format, but they must be written and must include the following information:
  - 1. The name, address, and telephone number of the person filing the appeal;
  - 2. A description of the action taken and its effective date;
  - 3. A concise statement of the reasons why the employee believes the action taken is wrong; and
  - 4. The signature of the employee or his/her representative.

- b. Upon receipt of the request for an Appeals Hearing, the Human Resources Manager will notify the Mayor of the employee's request for an Appeals Hearing.

**5.0 APPEALS HEARING**

- a) The Mayor will conduct a hearing and notify the employee of the date, time and place for the hearing. The hearing will be scheduled within ten (10) calendar days of the date of the receipt of the request for the Appeals Hearing.
- b) The Appeals Hearing shall be for the purpose of determining whether the disciplinary action taken against the employee was in accordance with the City's personnel policies and procedures.
- c) The hearing of the employee's appeal shall be conducted as an informal hearing.
- d) The employee shall have the right to appear at said hearing and be heard in person or by his/her representative or attorney.
- e) The Mayor will review the basis for the disciplinary action and may interview other individuals as he deems necessary. The employee and his/her representative may address the Mayor and present their position on the disciplinary action.
- f) Within three (3) business days, the Mayor shall render a decision on the appeal and provide a written summary of his findings and his decision to the employee.
- g) If the decision on appeal results in a termination of employment, then the employee shall have seven (7) days from the date of receipt of the Mayor's decision to file a request for a post-termination hearing in writing with the Human Resources Manager.
- h) Upon receipt of the request for post-termination hearing the Human Resources Manager shall immediately notify the Mayor of the request.
- i) The Mayor shall then appoint a three-member Appeal board to hold the post-termination hearing for the purpose of determining whether the employee was terminated in accordance with the City's personnel policies and procedures.
- j) The members appointed to the Appeal board may consist of two employees and/or department heads and one person who is not a city employee.
- k) The post-termination hearing shall be held within thirty (30) days of the date that the request is filed by the employee.

- l) The Board shall not be bound to technical rules of evidence but shall diligently seek all of the information and evidence bearing on the merits of the case. The City's attorney shall be present at all appeal hearings.
- m) The employee shall have the right to appear at said hearing and be heard in person or by his/her representative or attorney.
- n) The Board shall deliver to the Human Resources Manager a written decision of the Board within ten (10) calendar days of the conclusion of the appeal hearing.
- o) The Human Resources Manager shall immediately cause a copy of the same to be delivered to the employee, the Mayor and the department head.
- p) The decision of the Appeal Board will be final and binding on all parties, and the Mayor shall implement the Appeal Board's findings and decision through the appropriate department head.

**6.0 RETALIATION FOR APPEAL PROHIBITED.**

Employees should feel free to use the City's appeals process. Therefore, no employee or official of the City will discriminate against, coerce, interfere, or take reprisal against any employee, witness, representative, or appellant in the presentation or adjudication of any appeal action brought in good faith. Individuals found to have violated an employee's protected rights will be subject to disciplinary action to include dismissal where appropriate.

**SECTION 800**

**MISCELLANEOUS**

<b><u>Table of Contents</u></b>	<b><u>Section</u></b>
<b>Travel</b>	<b>802-1</b>
<b>Personnel Records</b>	<b>804-1</b>
<b>Communication Services, Equipment &amp;</b>	<b>805-1</b>

**1.0 GENERAL PROVISIONS**

From time-to-time, employees will travel on the City related business. All travel must be approved by an employee's supervisor in advance of the travel. Travel arrangements should be coordinated with the employee's supervisor or department head and made in accordance with procedures established by the Mayor.

**2.0 EXPENSES PAYMENT AND REIMBURSEMENT**

Employee expenses for approved travel will be paid or reimbursed when properly documented by the employee and approved by his/her supervisor. Examples of expenses that are normally paid or reimbursed included transportation, meals, lodging, parking and limited incidental expenses. Employees who know or anticipate that they will have a special request for travel expense reimbursement should ask for approval from their supervisor before incurring the expense. Any travel expense considered unreasonable under the circumstances will not be paid or reimbursed and will be the employee's responsibility. Employees may be issued a City credit card for the payment of business-related travel expenses. City credit cards are the City property, and their use must be properly documented and approved.

**3.0 TRAVEL TIME**

Time spent by nonexempt employees traveling away from home on the City business during "normal" working hours, either on a scheduled or nonscheduled work days, is considered time worked for pay purposes. (see HOURS OF WORK, Section 212.). The provisions of the Fair Labor Standards Act will be used in determining which travel qualifies as hours worked in establishing a nonexempt employee's entitlement to overtime pay.

**6.0 REIMBURSEMENT FOR USE OF PERSONAL VEHICLE**

Employees who use their personal vehicles for approved business purposes will receive a mileage allowance equal to the Internal Revenue Service optional mileage allowance for the use. This allowance is to compensate for the cost of gasoline, oil, depreciation, and insurance.

**1.0 PURPOSE OF PERSONNEL RECORDS**

The purpose of personnel records is to maintain information that is required to support employee personnel actions. The City will attempt to maintain only the personnel information that is necessary to accomplish the goals of the City's Personnel Policies and Procedures or as otherwise required by federal, state, or law local.

**2.0 MAINTENANCE OF PERSONNEL RECORDS**

2.1 **Human Resources Responsibilities** - The Human Resources and City Clerk is responsible for overseeing recordkeeping for all personnel information and will specify what information should be collected and how it should be stored and secured. The City will maintain personnel records for each employee. Records of former employees will be maintained in an inactive status for five (5) years after the employee leaves the City.

2.2 **Employee Responsibilities** - Employees are responsible for keeping their personnel records up to date and should notify the Human Resources in writing of any changes in at least the following:

- a) Name;
- b) Address;
- c) Telephone Number;
- d) Marital Status (for benefits and tax withholding purposes only);
- e) Address and contact information of dependents and spouse or former spouse (for insurance purposes only);
- f) Beneficiary designations for insurance, disability and retirement; and
- g) Persons to be notified in an emergency.

**3.0 INSPECTION OF RECORDS**

The Human Resources Manager and the City Clerk are responsible for controlling the access to the confidential information maintained in employee personnel records. Access to personnel records will be based on the following guidelines:

- a) Employees may inspect their own personnel records and may copy, but not remove, documents in the file. Inspections by employees must be requested in writing to the Human Resources and will be scheduled at a mutually convenient time. All inspections must be conducted in the presence of a designated member of the Human Resources Manager.
- b) An employee may not review the personnel records of other employees unless he/she is the hiring or interviewing authority over the employee.
- c) The City Council setting as the Appeals Committee that is hearing an employee appeal may have access to personnel records as is necessary to properly review all the facts as they pertain to the employee's appeal. (see APPEALS, Section 701.).

The Human Resources Manager will not allow any original personnel records to be removed from the Human Resources office unless they are hand carried by the Human Resources Manager personnel. Employees must come to the Human Resources Manager to review personnel files. The Human Resources Manager will maintain a record of all individuals who have accessed an employee's personnel file.

**4.0 MATERIAL INCLUDED**

Personnel records will contain only information concerning an individual that is relevant and necessary for use in making judgments in personnel actions or as otherwise required by state or federal law.

**5.0 THIRD PARTY INFORMATION:**

Employees should refer all requests for personnel information concerning applicants, employees, and past employees to the Human Resources Manager. The Human Resources Manager normally will release personnel information only in writing and only after obtaining written consent of the individual involved. Exceptions may be made to cooperate with legal, safety, and medical officials who need specified employee information. In addition, exceptions may be made to release limited general information such as employment dates and position held.

**6.0 PRIVILEGED INFORMATION.**

Authorized City employees who deal, by virtue of their position, with certain sensitive personnel records and other privileged information of importance about other employees or the general public must not use this privilege for their own advantage or provide this information to anyone. Each employee is charged with the responsibility of ensuring that information released or made available to others is to promote orderly and efficient business operations. Violations of this paragraph will be grounds for disciplinary action, up to and including dismissal.

**7.0 MEDICAL RECORDS**

To the extent that any medical information is acquired from or about an applicant or employee, such information shall be maintained in a confidential separate file, and access to the file shall be on a need-to-know basis.

## COMMUNICATIONS SERVICES, EQUIPMENT & DEVICES 805-1

### **1.0 GENERAL**

- a. For the purposes of this policy, communications services, equipment and devices shall include, mail, electronic mail ("e-mail"), instant messaging, courier services, facsimiles, telephone systems, two-way radio systems, personal computers, computer networks, Internet connections, on-line services, Intranets, computer software, computer files, telex systems, video equipment and tapes, tape recorders and recordings, pagers, cellular telephones, voice mail, bulletin boards, and any other means of communication that may become available in the future.
- b. Improper use of the City's communications services, equipment and devices or any other violations of this policy will result in disciplinary action, up to and including dismissal. Improper use includes any misuse as described in this policy, and misuse that would result in violations of other City policies, as well as any harassing, offensive, demeaning, insulting, defaming, intimidating, sexually suggestive, or otherwise inappropriate written, recorded, or electronically retrieved or transmitted communication (including Web sites).
- c. Department Heads are responsible for instructing employees on the proper use of the communications services, equipment and devices used by the City for both internal and external business communications.

### **2.0 PROPERTY OF THE CITY**

All City provided communication services, equipment and devices, including the messages transmitted or stored by them, are the sole property of the City. Therefore, employees have no right to privacy in communications utilizing any communication services, equipment and devices supplied by the City. Accordingly, the City reserves the right to monitor, record and access employee communications and files anytime without notice to an employee to determine if there have been breaches of security, violations of City policy, or misuse by an employee. All such reviews shall be prior approved by the Mayor or his or her designee.

### **3.0 USE OF CITY-SUPPLIED COMMUNICATION SERVICES, EQUIPMENT AND DEVICES**

- a. Communication services, equipment and devices provided by the City are intended for and expected to be used for City business only. Incidental personal use is allowed, provided the personal use does not result in cost being incurred by the City. Any additional cost incurred by the City will be subject to reimbursement by the employee.
- b. On-line services, intranets, and the Internet may be accessed only by employees specifically authorized by the City. Employees' on-line use should be limited to work-related activities. Employees should not duplicate or download from the Internet or from an e-mail any software or other materials (such as documents, photographs, music, and video files) that are copyrighted, patented, trademarked, or otherwise identified as intellectual property without the express permission from the owner of the material.
- c. Any abuse in the use of any communication services, equipment and devices which indicates inordinate or unnecessary use of these devices will be considered neglect of duty and disciplinary action, up to and including dismissal may be taken. The employee may also be responsible for any cost to the City as a result of the inordinate or unnecessary use of any City-supplied communication services, equipment or devices.

### **4.0 USE OF EMPLOYEE-OWNED ELECTRONIC COMMUNICATION DEVICES**

- a. For the purposes of this paragraph, employee-owned electronic communication devices shall include cellular telephones, pagers, instant messengers, and any other similar devices.
- b. The use of employee-owned communication devices during working hours can not only interfere with employee productivity, but also can be distracting to others. Therefore, the use of employee-owned communication devices during working hours is prohibited unless specifically approved by an employee's Department Head. If approved, employees are expected to exercise discretion when using employee-owned communication devices. Therefore, employees should, in as

much as is possible, make personal calls during breaks and lunch periods and to ensure that friends and family members are aware of the City's policy.

- c. Employee-owned communication devices are not to be carried on the job without specific permission from the employee's department head of the need to carry such a device.
- d. The City will not be liable for the loss of a personal communication device brought into the workplace or on a worksite.

**5.0 PERSONAL CORRESPONDENCE**

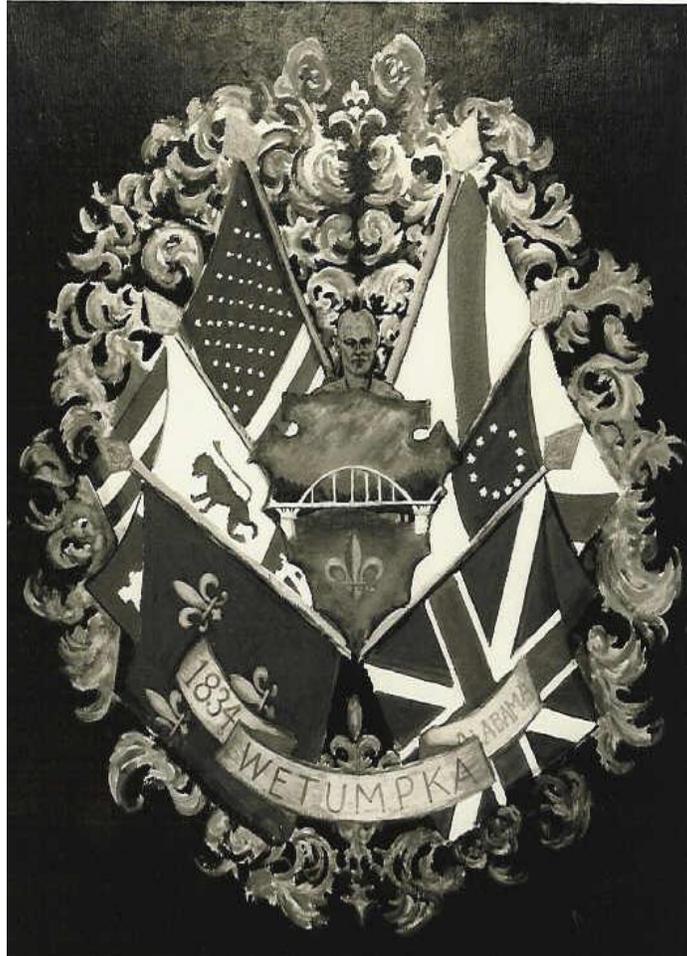
Employees should ensure that no personal correspondence appears to be an official communication of the City since employees may be perceived as representatives of the City and, therefore, create liability for the City. All outgoing messages, whether by mail, facsimile, e-mail, Internet, or Intranet transmission, or any other means, should be accurate, appropriate, and work related. Employees shall not use the City's stationary or postage for personal letters.

**SECTION 900**

**Employee Agreement**

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# *Personnel Vehicle Use Policies*



## **City of Wetumpka**

**Jerry Willis  
Mayor  
Effective May 2015**



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## VEHICLE USE POLICIES 901-1

### **1. OVERVIEW**

This Vehicle Use Policy sets forth the policies and guidelines to be followed at all times in the management and use of all City of Wetumpka vehicles.

As a public employer entrusted with the responsibility of administering public funds, the City of Wetumpka must ensure that all City vehicles are utilized in a cost-effective and responsible manner for the sole purpose of providing services to the citizens of the City of Wetumpka. All City of Wetumpka employees entrusted with the management and use of City of Wetumpka vehicles are required to comply with this policy, in addition to all applicable federal, state, and local laws and any department-specific policies and procedures implemented related to the maintenance and use of City vehicles.

### **2. PURPOSE**

The objective of this policy is to support the City's goals as it relates to fleet utilization and management of City vehicles; to ensure that all City vehicles are used for purposes appropriate to City of Wetumpka business; inform all employees of the City of Wetumpka about the applicability of regulations and policies related to vehicles; ensure that vehicles are used in compliance with these regulations and policies; and provide appropriate guidance concerning rights and responsibilities to employees with respect to the proper use of vehicles.

### **3. SCOPE**

This Policy applies to all vehicle operators and vehicles owned or managed by the City of Wetumpka.

### **4. DEFINITIONS**

For purposes of this policy, the following terms are defined as follows:

- a. Vehicle shall be any specialized vehicle or any vehicle required to perform the daily core function of an employee's job for at least 70% of the employee's work week.
- b. Mission Critical Vehicle shall be any specialized vehicle or any vehicle required to perform the daily core function of an employee's job for at least 70% of the employee's work week.
- c. Non-Mission Critical Vehicle shall be any vehicle not meeting the definition of a mission critical vehicle and utilized solely for convenience.
- d. Specialized Vehicle shall include any vehicle singular in purpose and limited quantity as needed to fulfil the specific task for which it was built, including but not limited to marked law enforcement and emergency vehicles, large service trucks, dump trucks, utility trucks, and fire suppression vehicles.
- e. Take Home Vehicle shall be any vehicle authorized to be driven home overnight on a regularly assigned basis by the Mayor, and employees designated as first responders for emergency incidents.

- f. Underutilized Vehicle shall be any Class 1 weight category (i.e., cars, light trucks, vans) not driven at least 700 miles per month to conduct city business.

**5. ANNUAL SUSTAINABILITY FLEET MANAGEMENT REVIEW/RECALL**

The Public Works Department shall be responsible for performing an annual fiscal year analysis to determine the costs, composition, usage, and utilization of the City's fleet and make a recommendation to the Mayor and Council on how to continue the City's efforts to reduce costs associated with the fleet and fuel usage.

The City of Wetumpka shall continue to ensure that its vehicle fleet is sized appropriately for its operational needs; non-mission critical vehicles are streamlined and reduced.

**6. QUALIFICATIONS OF VEHICLE OPERATORS**

Only employees are eligible to operate vehicles owned or operated by the City of Wetumpka. Any exceptions must be approved by the Mayor or designee in writing.

All employees shall possess a valid State of Alabama Driver license at all times during the operation of any vehicle owned or operated by the City of Wetumpka. Employees required to operate or drive commercial motor vehicles during the scope of their employment shall also possess a valid Commercial Driver license at all times during the operation of any commercial motor vehicle.

Any employee whose driver license is revoked or suspended shall immediately discontinue the operation of any vehicle owned or operated by the City of Wetumpka and immediately notify their supervisor within 24 hours of the occurrence.

The City of Wetumpka shall retain the right to require driver training and examination of all vehicle operators.

**7. ASSIGNMENT OF CITY VEHICLES**

Each Department Head shall be responsible for determining the number and type of vehicles required to fulfill their department's duties and responsibilities and shall coordinate with the Mayor in purchasing vehicles.

City vehicles shall be assigned to the employee who shall use or who shall have operational control of the vehicle on a permanent or temporary basis. All employees shall be provided with a copy of the City of Wetumpka Vehicle Use Policy and must acknowledge receipt of the Policy by executing the acknowledgement attached. The executed acknowledgement shall be kept in the employee's personnel file. An employee who fails or refuses to execute the Policy acknowledgment and/or any departmental forms in connection with the assignment of any vehicle shall be precluded from operating City vehicles.

**8. OPERATOR RESPONSIBILITY**

All employees shall be responsible for using City of Wetumpka vehicles exclusively for City business and are expected to exercise reasonable care in the operation and safekeeping

of vehicles at all times. Employees are personally responsible for adhering to all city policies, local, state, and federal laws, guidelines and regulations while operating city vehicles.

**9. GENERAL MAINTENANCE**

Each department assigned city vehicles shall ensure that all vehicles in its custody are maintained in good working condition by conducting routine inspections and remaining in compliance with established preventative maintenance, testing and certification schedules.

Vehicles operators shall not begin operation of a vehicle until an inspection is performed.

A daily pre-trip inspection shall include, at a minimum:

- an inspection of the vehicle body
- tires
- lights
- horn
- brakes
- windshield and windshield washers
- mirrors
- seatbelts
- fuel level
- emergency equipment
- fluids to include oil, transmission, power steering and brake

All vehicles shall be kept clean on the inside and outside.

**10. SEAT BELTS - It's the Law in Alabama**

ALL drivers and passengers MUST wear at all times safety restraints in any City of Wetumpka Vehicle. This includes back seat passengers.

When circumstances arise and require an employee or passenger ride in the bed of City of Wetumpka vehicle, they MUST be seated on the bed of the vehicle. This does not include wheel well, bed railing, tool box or any other object that is not the bed of the vehicle.

Employees who allow passengers to ride on wheel well, bed railings, tool box or any other object that is not the bed of the vehicle shall be reprimanded from **Section 601-3 subsection 9**

**11. WIRELESS TELECOMMUNICATIONS EQUIPMENT - It's the Law in Alabama**

No vehicle operator shall use hand held wireless telecommunications device while driving or operating a City of Wetumpka vehicle.

In the event a vehicle operator needs to make or receive a business-related call or transmission while driving, they should locate a lawfully designated area to park and make or receive the call or transmission while the vehicle is safely parked and non-operational.

The use of a hands-free speaking device such as a speakerphone or earpiece which does not require the vehicle operator to manually hold the device is permissible.

## **12. FUEL CONSERVATION**

All vehicle operators shall operate City of Wetumpka vehicles in a manner that will ensure maximum fuel savings, including but not limited to compliance with the following fuel conservations tips:

- Eliminate unnecessary trips.
- Plan all travel routes in advance.
- Remove excess weight from vehicles prior to operation.
- Operate vehicles at moderate speeds within the speed limit.
- There shall be NO unnecessary idling of vehicles. All vehicles should be turned off when parked unless it is necessary to leave the vehicle running to operate essential attachments or components related to the primary use of the vehicle. Letting the vehicle idle so as not to heat up is not an essential function of the vehicle.
- Inflate tires properly.
- Schedule preventative maintenance.

## **13. FUELING OF CITY VEHICLES**

The Public Works Director shall be responsible for issuing fuel keys for vehicles assigned to the respective departments.

All vehicles requiring fuel for operation shall be assigned a dedicated fuel key. Fuel keys cannot be utilized to fuel any other vehicle or shared with any other vehicle for fueling purposes. Under no circumstances shall a fuel key be utilized to fuel a personal vehicle.

All fuel keys shall be assigned in writing. If a fuel key and or gate key is lost or damaged employee shall be charged a replacement fee of \$10.00.

## **14. TRAFFIC VIOLATIONS**

All employees are responsible for adhering to all applicable local, state, and federal laws governing the operation of all City of Wetumpka motor vehicles.

All employees are required to report and provide a copy of all traffic and parking citations received during the operation of any City vehicle to their immediate supervisor no later than the business day following the issuance of the citation.

Any employee who receives a traffic or parking citation while operating a city vehicle is personally responsible for the payment of any fines associated with the citation within the time provided by the law.

Failure to timely pay traffic or parking citations issued to an employee while operating a city vehicle shall serve as grounds for disciplinary action up to and including termination of employment.

In the event it is determined that an employee has failed to timely make a payment associated with a citation wherein the City of Wetumpka is named as the responsible party, the Human Resource Manager and Finance Director shall be authorized to recover and satisfy the outstanding fine via payroll deduction.

**15. PRIVATE USE OF CITY VEHICLES**

The use of any City of Wetumpka vehicle for any purpose other than the city's business is prohibited.

No passengers shall be transported in a City of Wetumpka vehicle except when transportation of passengers is necessary for the conduct of city business. All employees shall be subject to disciplinary actions, up to and including dismissal for failure to conform to this Policy.

**16. OVERNIGHT USE (TAKE HOME) OF CITY VEHICLES**

No employee shall be authorized to drive City of Wetumpka vehicles home overnight on a regularly assigned basis except for the Mayor, Chief of Police, and Fire Chief, and employees designated as first responders for emergency incidents.

No vehicle shall be assigned to an employee to drive home overnight until approved by the Mayor or designee in writing.

The Chief of Police is also authorized to select sworn officers of the Wetumpka Police Department who reside within the ten (10) mile radius of the Police Department, to drive city owned marked or unmarked patrol vehicles home overnight on a regularly assigned basis in furtherance of public safety visibility and in conformance with the departmental standard operating procedures.

In the event an employee assigned and authorized to drive a vehicle home overnight is on leave encompassing more than three business days, the assigned vehicle shall not be driven home overnight during the extended leave period and must be parked at a secure City of Wetumpka location until the employees return from leave.

**17. END OF SHIFT PARKING OF ASSIGNED CITY VEHICLES**

All city vehicles assigned for on-duty use shall be parked at a secure City of Wetumpka parking location and locked at the end of each daily shift; vehicles shall be cleaned of any debris and all personal items shall be removed.

The City of Wetumpka is not liable for the loss or damage of any item not belonging to the city.

**18. CITY VEHICLE ACCIDENTS**

In the event that a vehicle operator is involved in a motor vehicle accident or collision, regardless of the location, or damage, shall IMMEDIATELY:

- Call 911 if medical attention is necessary.
- All vehicle accidents must have a police report completed.

- Follow law enforcement directives regarding the movement of the motor vehicle involved in the accident or collision.
- Take additional measures necessary to prevent further accident or injuries.
- Contact immediate supervisor/safety officer, providing all pertinent information, such as location, nature of accident, names of employees involved, and extent of injuries and damage.
- While on scene obtain the names, addresses and phone numbers of all involved parties and witnesses, as well as the names and badge numbers of any law enforcement officers.
- Make NO COMMENT or statement to anyone as to personal liability or City liability, direct all inquiries to the City Clerk at 334/567-5147.

All supervisors or safety officers notified of the occurrence of a motor vehicle accident or collision shall ensure that all required documentation, police accident reports, photographs of all property damage, including infrastructure such as hydrants, light poles, traffic control devices, etc., are completed and submitted.

**19. DRUG/ALCOHOL TESTING**

In the event that a vehicle operator is involved in a motor vehicle accident or collision, all supervisors and safety officers shall be notified of the occurrence. Any and all employees involved in a vehicle collision of any kind shall be given an alcohol/drug analysis as soon as possible following the actual occurrence of an accident or collision. This analysis may be taken via hair or urine.

Any employee, who operates a City of Wetumpka vehicle in a careless or negligent manner, including violating traffic laws, either willfully or through negligence, shall be disciplined progressively in conformance with the Personnel Policy manual up to and including dismissal.

**20. TOBACCO/VAPOR USEAGE**

The City of Wetumpka is committed in providing a safe, clean fleet for its employees. In order to better deliver on this commitment, all City of Wetumpka vehicles are tobacco free, including chewing tobacco, cigarettes, cigars, and vapor products.

Smoking may be permitted in designated outdoor areas and in accordance with state and local laws.

All vehicle occupants must refrain from tobacco and/or vapor product use in any City of Wetumpka vehicle at all times. Failure to comply with this policy will result in disciplinary action that may lead up to and include termination.

# **Acceptable Driving Record**

## **I. PURPOSE AND SCOPE**

The purpose of this document is to provide procedures to determine whether an applicant's or employee's driving record qualifies to operate a motor vehicle while conducting city business or as a requirement of their job description.

## **II. APPLICABILITY**

This procedure applies to applicants and employees of the City of Wetumpka, equipped to operate a motor vehicle (city owned or personal) while conducting city business or as a requirement of their job description.

## **III. PROCEDURES**

An applicant/employee must possess a "valid" Alabama driver license when required to operate motor vehicles while conducting city business or as a requirement of their job description. A "valid" driver license shall mean an operator license, E or Commercial Driver License A, B, C, or D, whichever is required to meet the minimum qualifications of their job.

### **Acceptable Driving Record for Applicants**

During the conditional offer of employment with city, an applicant who is required to operate a motor vehicle while conducting city business or as a requirement of their job description will be subject to a driver's license record check.

The Human Resource Manager will obtain from the Alabama Law Enforcement Agency (or from another state, when applicable) the applicant's current driving record. If the driver license record check indicates information that is unacceptable as indicated in these procedures, the conditional offer of employment will be rescinded.

An un-acceptable driving record may lead to the withdrawal of the conditional offer of employment, and immediate separation of employment should the employee have started working prior to their driving record check being received and reviewed by the city.

### **Acceptable Driving Record for Current Employees**

Those City of Wetumpka employees who are required to operate motor vehicles while conducting city business or who are required by their job description to maintain a valid Alabama driver license, must inform their direct supervisor immediately if their valid Alabama driver license is denied, expired, suspended or revoked.

All City of Wetumpka employees must inform their direct supervisor immediately if ticketed for a moving violation by a law enforcement agency while operating a motor vehicle while conducting city business.

The City of Wetumpka conducts periodic checks of employee driving records for those employees who are required to operate motor vehicles while conducting city business or as a requirement of their job description.

Corrective action up to and including termination of employment may result if an employee does not maintain a valid driver license and their position requires them to drive on city business or requires possession of a valid Alabama driver license.

Employees shall be advised of the contents of this procedure and be required to acknowledge receipt and understanding of this procedure. This acknowledgement shall be placed in the personnel record.

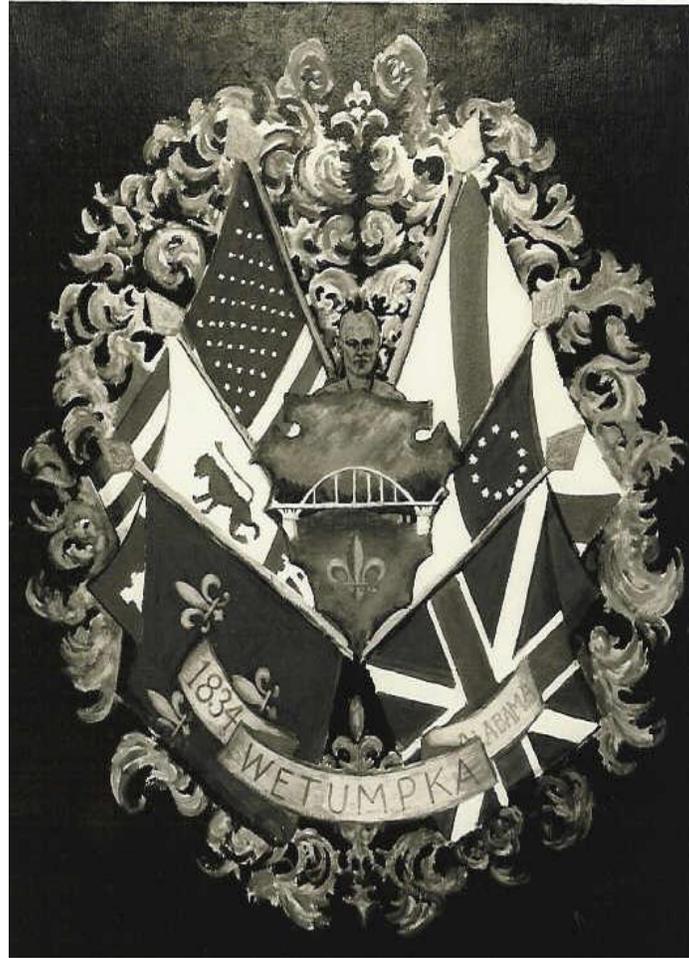
An acceptable driving record is defined as the following (the points below represent Alabama Traffic Violation Points; violations from other states may be weighed differently according to that particular state and will be analyzed on a case-by-case basis):

- Less than six (6) points in a twelve (12) month period.
- Less than nine (9) points in an eighteen (18) month period.
- Less than twelve (12) points in a thirty-six (36) month period.
- No violations or convictions that indicate the valid Alabama driver license is/was denied, expired, suspended or revoked during the five (5) years prior to the conditional offer date of hire.
- No indicators of a history as a habitual violator of traffic laws during the five (5) years prior to the conditional offer date of hire.

### **Alabama Point System**

Speeding 1-25 mph over speed limit	2
Speeding 26 or more mph over speed limit	5
Reckless driving/reckless endangerment	6
Failure to yield right of way	5
Passing stopped school bus	5
Wrong side of road/illegal passing	4
Following too closely	3
Disregarding stop sign, traffic light, etc.	3
All other moving violations	2
Admin per se	6
Fail to obey construction zone markers/flags/restricted lane	3
Conviction involving DUI without revocation of driver license	6

# *Personnel Safety Policies*



## **City of Wetumpka**

**Jerry Willis  
Mayor  
Effective March 2015**



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Section 9.	Record Keeping Procedures

## *SAFETY POLICY STATEMENT*

The City of Wetumpka is very conscious of the safety and welfare of its employees and that of the general public. As an employer, the City recognizes its obligation to ensure the safest possible workplace for its employees. As a governmental entity, it recognizes its responsibility to provide a safe environment for the public it serves.

The purpose of the City's Safety Policies and Procedures Manual is to provide a system for the prevention of occupational injuries and illnesses and to set minimum safety requirements for city employees.

The City will actively be involved with employees in maintaining an effective safety program and to meet the following goals:

- Provide leadership and guidance to the City's workforce.
- Provide proper training of employees.
- Develop proper procedures for City operations and enforce them.
- Minimize the severity of injuries through prompt and adequate medical care.
- Review work practices and conditions of the work environment and public safety.
- Maintain accurate records that document these goals.

Safe practices must be a part of all City operations, and employee cooperation regarding safety practices and compliance with safety regulations will be considered a condition of employment.

## *RESPONSIBILITY*

### 2.1 DEPARTMENT HEADS AND SUPERVISORS

- a. Ensure that facilities, tools, equipment, and vehicles meet or exceed established safety standards
- b. Establish and ensure the usage of policies, procedures and safe work practices for department tasks and locations.
- c. Establish safety training requirements for department employees based on their tasks and work location and ensure compliance.
- d. Review workplace inspections and direct appropriate corrective action to provide a safe workplace environment.
- e. Establish accident investigation procedures for department employees and review accident investigation reports and department injury trends.
- f. Encourage employee involvement in safety hazard recognition.
- g. Identify unsafe work conditions and unsafe practices and take corrective action.

### 2.2 ALL EMPLOYEES

- a. Abide by the Safety Policies and Procedures Manual and departmental work practices established for specific job assignments.
- b. Report occupational injuries, illnesses, and accident immediately to supervisor and follow instructions for receiving first aid and/or medical attention. Participate in accident investigations as requested.
- c. Participate in safety training and suggest improvements in training requirements to their supervisor.
- d. Identify unsafe work conditions or practices, correct hazards as appropriate, and notify supervisor.

### SAFETY COMMITTEE

A safety committee has been established to recommend improvements to workplace safety procedures and to identify corrective measures to eliminate or mitigate safety and health hazards.

#### 3.1 RESPONSIBILITIES

- Assist in evaluating the effectiveness of procedures used to provide a safe work environment.
- Assist in reviewing and updating safety regulations based on accident investigations, safety inspections, and reports of unsafe work conditions or practices.
- Assist in evaluating employee accident and illness safety program.
- Assist in monitoring workplace safety education and training to ensure its effectiveness.
- Assist in the safety incentive program to regulate if any incentive shall be given to those that have had an accident.

#### 3.2 COMMITTEE MEMBERS

Committee members will consist but is not limited to the following:

- City Clerk
- Assistant City Clerk
- Fire Chief
- Police Chief
- Public Works Director
- Departmental Peer
- Safety Coordinators

#### 3.3 MEETINGS

Meeting will be held yearly or more often if necessary, and minutes shall be maintained and made available to all employees.

## SAFETY AWARD

Eligibility – to be eligible employee must be on City payroll as of:

- a. 1<sup>st</sup> Monday after the 1<sup>st</sup> pay period in December for the 1<sup>st</sup> quarter.
- b. April 1<sup>st</sup> for the 2<sup>nd</sup> quarter
- c. July 1<sup>st</sup> for the 3<sup>rd</sup> quarter
- d. October 1<sup>st</sup> for the 4<sup>th</sup> quarter ending 1<sup>st</sup> payroll in December

To help ensure safety awareness, the City of Wetumpka offers its employees a Safety Award. The award given as follows:

- Full time employee with no safety issues shall be awarded \$300.00 to be paid on the first Pay Period in December.
- Part time employee with no safety issues shall be awarded \$150.00 to be paid on the first Pay Period in December.
- If an accident and/or incident caused by an employee costs the city over \$500.00 the employee shall forfeit 100% of the safety award.
- If an accident and/or incident caused by an employee cost the city less than \$500.00 the employee shall forfeit 50% of the safety award.
- If it is found a total cost for three or more accidents and/or incidents caused by the same employee is over \$500.00 the employee shall forfeit 100% of the safety award.
- The Safety Committee shall consider all safety awards by these guidelines and the Personnel Policy and Procedures Manual during scheduled meetings on an individual case basis.
- Employees who are off the City's payroll due to suspension, a workers' compensation injury, leave-of-absence, active-duty military leave, FMLA leave, or other reason, will not receive bonus for the quarter employee was out.

## SAFETY TRAINING

### 4.1 GENERAL

The City will provide all safety training prescribed by regulatory requirements to ensure that all employees understand the hazards to which they may be exposed and how to prevent harm to themselves and others. Employees are expected to participate and cooperate fully in training programs and to accept and follow established safety and health precautions.

Each department will specify and provide safety training that is tailored to each employee's task and job location. To the extent possible, safety training should be integrated into general job training.

Each employee shall receive a copy of this manual and sign a statement that they have read, understand, and will abide by the procedures included in it.

#### 4.2 JOB-SPECIFIC SAFETY TRAINING

- Supervisors or his/her representative will provide initial training for employees on how to safely perform assigned tasks.
- Supervisors or his/her representative will provide additional training as necessary to improve employee knowledge of safety regulations and procedures.
- Supervisors or his/her representative will observe employees performing their tasks and provide remedial instruction to correct any training deficiencies.
- Employees will be retrained periodically on safety rules, policies, and procedures and informed of any changes to the Safety Policies and Procedures Manual.

### *SAFETY RULES AND PROCEDURES*

The general safety rules listed below will apply to all employees. Mandatory compliance with these rules and all other safety responsibilities is appreciated and expected.

#### 5.1 GENERAL SAFETY RULES

1. Seek medical attention, if necessary, for any accidents resulting in an injury. All accidents must be reported to your supervisor as soon as possible.
2. Report unsafe conditions, procedures and practices to your supervisor immediately.
3. Possession of firearms in city vehicles or buildings is prohibited unless part of the employee's job description, or approval by the Mayor.
4. The use or possession of alcohol, illegal drugs, or other controlled substances on the job is prohibited.
5. The use of tobacco products is prohibited in all City buildings and vehicles.
6. Each employee is responsible for good housekeeping. Keep your work area in a clean, uncluttered state. Do not walk by a situation of poor housekeeping if it can be easily corrected or needs immediate attention, such as spills on floors, etc.
7. Obey all warning tags, and signs. They are there because hazards exist.
8. No employee should take chances on the job which could endanger their personal safety and health or the safety and health of co-workers or others.
9. Do not operate machinery or use tools you are not qualified or trained to use.
10. Do not enter hazardous areas unless you are authorized to enter and have appropriate protective equipment.
11. Use all personal protective equipment and devices required and provided.
12. If an established job procedure must be deviated from, supervisory approval must be obtained and an alternative, temporary job procedure must be agreed upon. This alternative job procedure must not create any new or additional hazards or unnecessarily expose employees to hazards.
13. Become familiar with and conduct your work activities in accordance with these general safety rules and other specific safe operating procedures which are applicable.
14. Refrain from fighting, horseplay, or distracting fellow workers.
15. Follow proper lifting procedures at all times.
16. Wearing of safety restraints when riding/driving a City vehicle is mandatory if so equipped.
17. Know the location of fire/safety exits and evacuation procedures.
18. Participate in all safety training.

19. When operating a City vehicle or equipment, drivers must operate/drive safely and prudently.
20. When using a cell phone in a City vehicle, pull over and stop on the side of the road or utilize a hands-free device.
21. Above all, be ALERT and RESPONSIBLE! Your safety and health depend on it.

## 5.2 GENERAL OFFICE SAFETY RULES

1. Close drawers and doors immediately after use.
2. Open only one file cabinet drawer at a time.
3. Put heavy files in the bottom drawers of file cabinets.
4. Keep file, desk, and table drawers closed when not in use.
5. Use the handle when closing doors, drawers, and files.
6. Never use a chair, desk, or other office furniture for a step stool or ladder.
7. Do not attempt any electrical repairs.
8. Store sharp objects, such as pens, pencils, letter openers, or scissors in drawers or with the points down in a container.
9. Do not tilt the chair you are sitting in on its back legs.
10. Use a cord cover or tape the cord down when running electrical or other cords across aisles, between desks, or across entrances or exits.
11. Do not connect multiple electrical devices into a single outlet.
12. Keep doors in hallways fully open or fully closed.
13. Use a staple remover, not your fingers, for removing staples.

## 5.3 OFFICE ERGONOMICS

Ergonomic injuries include tendonitis, carpal tunnel syndrome, lower back pain and other disorders that involve pain and damage to muscles, tendons and nerves in the back, neck, shoulders, elbows, wrists, and hands. These musculoskeletal problems are referred to as cumulative trauma disorders (CTD) or repetitive motion injuries.

You can help prevent CTD's by avoiding awkward body positions:

- Adjust your workstation before you begin working.
- Maintain the natural curve in your back while sitting, standing and lifting.
- Keep your wrist straight as much as possible while typing or doing other repetitive tasks.
- Take breaks from repetitive motion tasks by switching periodically to other tasks.
- Use the right tools for the job, especially when they are used often or for long periods of time.

If you spend a lot of time at a computer workstation:

- Position the keyboard so that the wrists are kept straight – use a wrist rest if necessary.
- Sit with your back in a neutral posture, maintaining the natural curve, with feet on the floor and thighs parallel to the floor.
- Position the screen just below eye level and about 18-24” away to prevent neck and shoulder strain.
- Change positions, stretch and take “mini-breaks” periodically.

## 5.4 LIFTING

1. Plan the move before lifting; remove obstruction from your pathway.
2. Test the weight of the load before lifting by pushing it along its resting surface. Seek assistance with the lift when necessary.
3. Position your feet 6 to 12 inches apart with one foot slightly in front of the other.
4. Face the load.
5. Bend at the knees not at the back, keep back straight.
6. Get a firm grip on the object and use handles when present.
7. Hold objects as close to your body as possible.
8. Perform lifting movements smoothly and gradually; do not jerk the load.
9. If you must change direction while lifting or carrying the load, pivot your feet and turn your entire body. Do not twist at the waist.
10. Set objects down in the same manner as you picked them up. But in reverse.
11. Do not lift an object from the floor to a level higher than your waist in one motion. Set the load down on a stable surface and then adjust your grip before listing it.

## 5.5 WORKING IN EXPREME WEATHER CONDITIONS

The climate may be severe and conditions may change rapidly. Hot weather and exposure to the sun present the potential for heat stress and sunburn. Employees are expected to monitor weather and be prepared to protect themselves against its effect.

### 5.5.1 Hot Weather Guidelines

- a. Dress for conditions – lightweight, light-colored loose clothing is best. Wear a hat with a wide brim if you are out in the sun.
- b. Use sunscreen.
- c. Reflected sun is even more potent than direct exposure. Be particularly careful of sun exposure on cloudy days and near water, concrete, or sand.
- d. Eat a well-balanced diet, but try to stay away from hot or heavy foods. Do not take salt tablets or other salt supplements without a doctor's recommendation.
- e. Drink plenty of fluids. Do not wait until you're thirsty. The best fluid replacement is water. Avoid alcohol and caffeine.

### 5.5.2 Cold Weather Guidelines

- a. Dress for the conditions in layers of loose, dry clothing. Cotton or wool clothing with a waterproof layer over it is very effective.
- b. Change clothing right away if you get wet.
- c. Cover your head and face. You can lose up to 40% of your body heat if you do not wear a hat.
- d. Wear shoes and gloves designed for cold weather. Do not handle anything with bare hands, especially if it is made of metal.
- e. Keep moving when you are in the cold.
- f. Return to a warm vehicle or take regular breaks in warm areas frequently.

## 5.6 GENERAL MACHINE SAFETY

- a. Replace the guards before starting machines, or after making adjustments or repairs to the machine.
- b. Do not remove, alter or bypass any safety guards or devices when operating any piece of equipment or machinery.
- c. Do not wear loose clothing or jewelry around moving machinery.
- d. Long hair must be contained under a hat or hair net, regardless of gender.
- e. Read and obey safety warning posted on or near any machinery.
- f. Do not try to stop a work piece as it goes through any machine. If the machine becomes jammed, unplug it before clearing the jam.
- g. Do not use metal working equipment such as grinders, sanders or beveling machines if they do not have safety guards.
- h. Clamp work when using saws or cutting tools.

## 5.7 ELECTRIC POWERED TOOLS

1. Do not use power equipment or tools on which you have not been trained.
2. Keep power cords away from the path of drills, saws, and grinders.
3. Do not use cords that have splices, exposed wires, or cracked or frayed ends.
4. Do not carry plugged in equipment or tools with you finger on the switch.
5. Do not carry equipment or tools by the cord.
6. Disconnect the tool from the outlet by pulling on the plug, not the cord.
7. Turn the tool off before plugging or unplugging it.
8. Do not leave tools that are on unattended.
9. Do not handle or operate electrical tools when your hands are wet or when you are standing on wet floors.
10. Do not operate spark inducing tools such as drills, saws, or grinders near containers labeled “flammable” or in an explosive atmosphere.
11. Do not use extension cords or other three-pronged power cords that have a missing prong.
12. Do not remove the ground prong from electrical cords.
13. Do not use adapter such as a cheater plug that eliminates the ground.
14. Do not stand in water or on wet surfaces when operating a power hand tool or portable electrical appliance.
15. Do not use a power hand tool while wearing wet cotton gloves or wet leaver gloves.
16. Never operate electrical equipment barefooted. Wear rubber-soled or insulated work boots.
17. Do not operate a power hand tool or portable appliance that has a frayed, worn, cut, improperly spliced or damaged power cord.
18. Do not operate a power hand tool or portable appliance if a prong from the three-pronged power plug is missing or has been removed.
19. Do not operate a power hand tool or portable appliance that has a two-pronged adapter or a two-conductor extension cord.
20. Do not operate a power hand tool or portable appliance while holding a part of the metal casing or while holding the extension cord in your hand. Hold all portable power tools by the plastic hand grips or other nonconductive areas designed for gripping purposes.

## 5.8 LADDERS AND STEP LADDERS

Read and follow the manufacturer's instruction label affixed to the ladder if you are unsure how to use the ladder.

1. Do not use ladders that have loose rungs, cracked or split side rails, missing rubber foot pads, or are otherwise visibly damaged.
2. Keep ladder rungs clean and free of grease. Remove buildup of material such as dirt or mud.
3. Do not use metal ladder on rooftops or within 50 feet of electrical power lines.
4. Allow only one person on a ladder at a time.
5. Face the ladder when climbing up or down.
6. Maintain a three-point contact by keeping both hands and one foot or both feet and one hand on the ladder at all times when climbing up or down.
7. When performing work from a ladder, face the ladder and do not lean backward or sideways from the ladder.
8. Do not stand on the top two rungs of any ladder.
9. Do not stand on a ladder that wobbles, or that leans to the left or right.
10. When using a straight ladder, extend the top of the ladder at least 3 feet above the edge of the landing.
11. Do not move a rolling ladder while someone is on it.
12. Do not place ladders on barrels, boxes, loose bricks, pails, concrete blocks or other unstable bases.
13. Do not carry items in your hands while climbing up or down a ladder.
14. Do not try to "walk" a ladder by rocking it. Climb down the ladder, and then move it.
15. Do not use a ladder as a horizontal platform.

## 5.9 PERSONAL PROTECTIVE CLOTHING & EQUIPMENT

Personal protective clothing and equipment (PPE) plays an important role in protecting workers from hazards on the job. PPE is required in particular locations and for certain tasks, based on safety regulations and good safety practice. Examples of PPE include, but are not limited to:

- safety shoes
- fall protection harnesses
- protective headgear
- safety glasses
- goggles
- face shields
- welding glasses
- protective clothing
- high-visibility clothing
- hearing protection
- welding clothing
- gloves
- rubber boots

The City provides Personal Protective Equipment if PPE is required for certain tasks or in certain locations. Check with your supervisor to learn what equipment is required and/or provided in your

area. Departments will specify and issue all required safety equipment to employees except in some cases where the PPE must be fitted to the employee, such as safety shoes or prescription safety glasses.

Even where specific PPE is required, certain types of clothing may not be appropriate for some jobs or work locations. For example; sandals, high-heeled shoes, and athletic-type shoes may not be suitable for some types of jobs. Some non-PPE clothing and equipment may be provided by the department, but generally it is the employee's responsibility to be dressed properly for work.

Employee responsibilities:

1. Always use PPE when and where it is required.
2. Inspect PPE prior to each use.
3. Never use defective or damaged PPE.
4. Keep PPE in a clean and sanitary condition.
5. Follow the correct methods of putting on, taking off and adjusting PPE.
6. Properly care for, maintain and dispose of PPE.

#### 5.10 BLOODBORNE PATHOGENS

Hepatitis B Virus (HBV) and Human Immunodeficiency Virus (HIV), are the two most prominent blood borne pathogens. Although these diseases are most commonly transmitted by sexual contact or sharing infected hypodermic needles, occupational exposure usually occurs by:

- Accidental puncture with an infected needle
- Getting infected blood or other potentially infectious materials on your skin, especially if your skin has open sores, nicks or cuts.
- Getting infected blood or other potentially infectious materials in the mucous membranes of your eyes, nose or mouth.

In addition to blood, potentially infectious material includes semen, vaginal secretions and certain other body fluids.

Many City employees, including law enforcement personnel, firefighters, solid waste workers, and individuals who perform janitorial functions, have the potential for blood borne pathogen exposure.

The following precautions are useful in avoiding exposure to blood borne pathogens:

1. Do not eat, drink or use tobacco products around blood or other potentially infectious materials.
2. Do not perform janitorial, emergency rescue or other jobs where there is risk of exposure to blood borne pathogens unless you have been trained to do so.
3. Follow department requirements concerning exposure to BBP, including use of personal protective equipment such as nitrile or other impervious gloves.
4. Minimize the risk of puncture by a discarded hypodermic needle:
  - do not reach into trash containers or attempt to compact trash by pressing with hands or feet.

- watch for needles in parks, rest rooms, storm sewers, sanitary water system, police vehicles and other places where they may be discarded.
  - do not pick up a needle with bare hands – wear gloves or use tongs.
5. Avoid direct contact with blood or other potentially infectious materials:
    - use tongs or wear gloves to pick up condoms, sanitary napkins and other items which may be contaminated with body fluids
    - use an approved disinfectant to destroy BBP virus before cleaning a potentially infected area.
  6. Clean up your own blood if possible after a minor injury; dispose of small quantities of cleanup materials in a toilet.
  7. Cover all wounds with waterproof bandages; replace the bandage as necessary.
  8. Minimize contact with injured persons if you are not trained in emergency medical response.
  9. Wash with soap and water immediately:
    - after removing gloves and other personal protective equipment.
    - after exposure to potentially infectious materials.
    - after cleaning or decontamination of BBP.
    - after using the bathroom.
    - before eating.
  10. Report all exposure incident to your supervisor immediately.
  11. Follow department procedures for dealing with potentially infectious materials.

## *ACCIDENT/INCIDENT REPORTING*

Employee occupational injuries and illnesses are covered by Workers' Compensation Insurance provided by Millennium Risk Managers. Workers' Compensation covers medical and rehabilitation expenses, partial income replacement if the employee is out of work more than 4 days or 32 working hours, and benefits to the surviving family in case of death. It is a no-fault system, providing exclusive remedy for on-the-job injuries or illnesses regardless blame, except in certain situations, such as employees:

- willfully hurting themselves.
- acting in premeditated way to cause injury.
- starting a fight with a co-worker.
- intentionally violating safety rules; and
- becoming intoxicated or impaired by drug/alcohol use.

**If you are injured on the job or have a work-related illness, report it to your supervisor right away and get proper medical treatment.** You may be denied benefits if you wait too long to report an injury, because it may be difficult to establish the case of the injury. Cooperate with the City, medical professionals, and insurance claims personnel in order to ensure that you receive your full Workers' Compensation benefits.

### 6.1 REPORTING REQUIREMENTS

Report on the job injuries to your supervisor/employer as soon as possible, whether or not you receive medical treatment. The Accident Report Form is to be completed as soon as practicable.

The Workers' Compensation carrier will be notified of the injury and will complete the initial paperwork through the Triage Hotline at 1-855-660-5200. The City's Workers' Compensation carrier and claims processor is the:

Millennium Risk Manager  
P.O. Box 43769  
Birmingham, Alabama 35243

This is where physicians need to address their claims questions. Claim numbers will be the employee's social security number.

## 6.2 OTHER ACCIDENT/INCIDENT

Report to your supervisor all vehicle accidents, city property damage and incidents involving citizens injury and/or property damage. You will need to fill out an incident Report. Attach pictures, statements, sketches and other support data as appropriate. Report only factual information – do not speculate.

City employees and officials have a duty to protect the City from unjust accusations and lawsuits. Do not admit liability in any way. This is a matter for the police, the City Attorney, our insurance carrier and others to determine. Refer questions from citizens to the supervisor.

## *SAFETY INSPECTIONS AND AUDITS*

### 7.1 PURPOSE

Inspection of work areas and audits of safety programs are tools that can be used to identify problems and hazards before these conditions result in accidents or injuries. Audits also help to identify the effectiveness of safety compliance and a safe workplace.

### 7.2 RESPONSIBILITIES

#### A. DEPARTMENT HEADS

1. Design and schedule audit and inspection procedures for all work areas, processes and procedures.
2. Conduct routine audits and inspections.
3. Ensure employees understand the various safety programs and policies.

#### B. SUPERVISORS

1. Conduct informal daily safety inspections and ensure all unsafe conditions are corrected.
2. Conduct annual inspections and ensure all unsafe conditions are corrected.

### 7.3 CORRECTIONS

All safety deficiencies found during audits and inspections should be corrected as soon as possible. Documentations of corrections should be made on the audit or inspections sheet. Conditions that present hazards are to be corrected or controlled immediately.

#### 7.4 TYPES OF INSPECTIONS

- A. **Daily walk-through:** This is an undocumented inspection that is made daily to ensure the facility and equipment is in safe conditions for employees. All noted unsafe areas are placed in a safe condition prior to employees working in the area.
- B. **Focused Annual Safety Inspection:** Each year a formal inspection of a Department or an area within a Department will be conducted.
  - 1. Attendees should include:
    - a. Department head/designee
    - b. Supervisor
  - 2. Using an Inspection/Audit report, problem areas and deficiencies will be recorded and recommendations for correction will be provided to the City Clerk and/or Mayor.
- C. **Equipment Inspections are conducted to ensure specific safety equipment is in good working order and will function when needed. Examples and frequencies are:**
  - a. Emergency Generator Test – Monthly
  - b. Fire Extinguisher Inspections (by contractor) – Annually
  - c. Safety Equipment Inventories – Annually

#### 7.5 RECORDS

Records of audits and inspections will be maintained in accordance with the requirements of the specific programs.

#### 7.6 CONDUCTING SAFETY AUDITS

- a. **Review of Safety Inspections and Safety Audit Checklist:**  
Identify any areas that have demonstrated safety deficiencies.
- b. **Review of Safety Manual Procedures:**  
Review accident investigations, submitted suggestions or complaints and identify any programs or elements that may need correction.
- c. **Recommendations:**  
Develop recommended actions for each deficient condition.
- d. **Corrective Actions:**  
Set priorities based on level of hazard and document corrective actions. Records of completed corrective actions should be reviewed and filed for use during the next audit.

### *PREVENTATIVE MAINTENANCE*

#### 8.1 OBJECTIVE

To maintain equipment and facilities in such a manner to prevent injury to employees, down time to equipment, and property damage.

## 8.2 SCOPE

- Each department shall designate personnel responsible to facilitate an appropriate preventative maintenance schedule
- Appropriate preventive maintenance documentation shall be maintained
- The maintenance department shall perform an evaluation on any equipment that malfunctions or is involved in an incident or injury.
- Findings of the referenced evaluation shall be submitted to the Safety Coordinator in writing.
- If the evaluation determines the equipment contributed to the event, the equipment shall be locked out of service until appropriate repairs are completed. Completed work will be signed off by person performing the repairs.

## RECORD KEEPING PROCEDURES

The safety coordinator will control and maintain all employee accident and injury records. Records are maintained according to the requirements of the General Records Schedule for the State and Local Government Agencies established by the State of Alabama. The records may but are not limited to:

- Log of Work-Related Injuries and Illnesses
- Accident Investigation Reports
- Workers' Compensation Notice of Injury Reports

SECTION 1000  
Forms

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EMPLOYEE POLICY & PROCEDURES AGREEMENT 1000

I, \_\_\_\_\_, an employee of the City of Wetumpka has received a copy of the Wetumpka Personnel Policies and Procedures Manual, Safety Manual, and Vehicle Use Manual on this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. I realize that I am fully responsible for knowledge of its contents and must abide by its standards. I understand that as an employee I act as a representative of the City of Wetumpka and must do so in the most professional manner at all times.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date of Signatures

\_\_\_\_\_  
Printed Name of Witness

\_\_\_\_\_  
Signature of Witness