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# Personnel Manual

City of Orange Beach, Alabama

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## Introduction

### Overview

This Manual is intended to provide you with information about your employment. Reading and understanding each and every provision in this Manual is a necessary part of your employment. Many of the words used in this Manual have special meanings. The Definitions section is located at the end of this Manual.

A single Manual cannot cover all aspects of employment. There may be occasions when the application of particular guidelines is not appropriate. Managers always have the discretion to handle specific situations in a manner that best serves the interests of the City.

Besides this Manual, each department may have additional rules and procedures. You are expected to maintain a copy of all current departmental policies and revisions as they occur.

Your employment with the City of Orange Beach is a voluntary one and is subject to termination by you or the City of Orange Beach at will, with or without cause, and with or without notice, at any time. Nothing in these policies shall be interpreted to be in conflict with or to eliminate or modify in any way the employment at will status of the City of Orange Beach employees.

This policy of employment at will may not be modified by any officer or employee and shall not be modified in any publication or document.

These personnel policies are not intended to be a contract of employment or a legal document. The City of Orange Beach maintains the right to amend this Manual and policy at its discretion.

This Manual and the terms used herein will be interpreted and enforced consistently with all relevant federal and state statutes including the Fair Labor Standards Act, Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act and the Age Discrimination in Employment Act.

## Chapter 1: Job Assignments

### **How vacancies are filled and jobs classified.**

#### **Equal Employment Opportunity**

The City selects employees on the bases of merit, qualification and ability without regard to race, sex, age, religion, or any other basis prohibited by federal, state or local law.

Equal employment opportunities extend to each and every position in all departments and include all personnel matters such as hiring of new employees, promotions, demotions, transfers, reassignments, layoffs, benefits, rates of pay, discipline and termination.

#### **Americans With Disabilities Act (ADA) Policy**

It is the City's policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions and privileges of employment. As required by law, the City reasonably accommodates qualified individuals with disabilities. It is the policy of the City to comply with all federal, state and local laws concerning the employment of persons with disabilities.

The City will reasonably accommodate qualified individuals with disabilities so they can perform the essential functions of the job in question. If you need a reasonable accommodation to perform your job, see the Human Resources Director.

## **I-9 Immigration Reform Policy**

The City complies with the Immigration Reform and Control Act of 1986 by employing only United States citizens and non-citizens who are authorized to work in the United States. All employees are asked on their first day of employment to provide original documents verifying their right to work in the United States and to sign a verification form required by federal law (INS Form I-9). If an individual cannot verify his or her right to work within three (3) days of hire, the City must terminate his or her employment. Contact the Human Resources Director with questions or concerns at 251-981-6979.

## **Hiring**

1. Character and Ability. All applicants for employment must be of good moral character and able to perform the functions of the positions for which they have applied.

2. Qualifications. Any employee may apply for a vacancy for which he or she is qualified in Unclassified, Classified, or Part-Time service, regardless of the employee's current Classification. All applicants will be evaluated based upon job-related qualifications, as set forth in the Pay Plan/Job Listing.

3. Procedure. Job announcements must be posted. The Human Resources Director will receive job applications, verify qualifications, and schedule interviews and/or testing as may be required. All selections will be tentative subject to a pre-employment drug screening and physical examination in accordance with the Americans with Disabilities Act (ADA).

4. Determination of Pay Level. Pay will be determined in accordance with the Pay Plan/Job Listing.

5. Probationary Period. All new hires and employees who are assigned to a different job, will serve a probationary period of twelve (12) months.

## **Classifications**

When employees are hired, they are assigned a job that is listed in the Pay Plan/Job Listing. A complete list of job classifications may be found in the Definitions section at the end of this Manual.

Jobs are also classified as either exempt (not entitled to overtime) or non-exempt (entitled to overtime), as required by the Fair Labor Standards Act (FLSA):

1. Exempt employees are paid a salary and earn overtime when the City Council declares an emergency. Overtime stops when the declaration of emergency is terminated.

2. Non-exempt employees are paid hourly and are eligible for overtime. Non-exempt employees are entitled to overtime for excessive hours worked in accordance with the FLSA. See Chapter 2 for additional information on how overtime is calculated and paid.

## Chapter 2: Compensation

### **Keeping time and getting paid.**

It is the policy and practice of the City to accurately compensate employees and to comply with all applicable state and federal laws. To make sure you are paid properly for all time worked and that deductions are accurate, you must record correctly all work time and review your pay stub promptly to identify and report any inconsistencies.

### **Work Schedule**

Business hours are established by the City Council. The regular work week for all employees begins at midnight on Friday and runs for seven (7) consecutive twenty-four (24) hour periods.

The City expects every employee to be regular and punctual in attendance. This means being in the office and ready to work at the starting time each day. Absenteeism and tardiness place a burden on both co-workers and the City.

When you are unable to work due to illness or an accident, promptly notify your immediate supervisor at least fifteen (15) minutes before the scheduled start time unless an emergency prevents timely notification.

In the event your immediate supervisor is unavailable, you must speak with a Manager. Leaving a message with another staff member or on voicemail is not acceptable. If you fail to report to work without proper notification of your status, it will

be assumed after three (3) consecutive days of absence that you have resigned and you will be removed from the payroll.

No employee may leave an assigned work area without approval from a Manager. If you become ill at work or must leave the office for some other reason before the end of the workday, be sure to inform your supervisor of the situation. You will be compensated for authorized absences according to the provisions described in this Manual.

### **Frequency and Amount of Pay**

Managers establish the rate of pay for new employees according to the Pay Plan/Job Listing. Entry level pay is generally the minimum, but may be adjusted upward or downward. Employees will be paid bi-weekly.

The pay period begins on Friday night at midnight and runs for fourteen (14) consecutive days.

All pay earned during the pay period will be paid to the employee on the Friday following the end of the pay period. If this day is a holiday, then payday will be the last workday before the holiday.

### **Time Records**

All time that an employee is to be paid for will be accounted for on a time and attendance report in accordance with procedures established by the City Finance Director.

1. Managers are responsible for insuring the accuracy of reports for each employee.
2. The time and attendance report will show the employee's work schedule, the hours worked and any absences during the pay period.
3. Altering, falsifying, tampering with time records, or recording time on another employee's time report, will result in disciplinary action.

### **Non-exempt Employees**

If you are classified as a non-exempt employee, you must maintain a record of the total hours you work each day. These hours must be accurately recorded. Each employee must verify that the reported hours worked are complete and accurate, including signing his or her time sheet. Do not report time or turn in a time sheet if it is not accurate. You should not work any hours that are not authorized by your supervisor. Do not start work early, finish work late, work during a meal break or perform any other extra or overtime work unless you are authorized to do so and that time is recorded on your time sheet. Employees are prohibited from performing any "off the clock" work. "Off the clock" work means work you may perform but fail to report on your time sheet. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including discharge.

It is a violation of the City's policy for any employee to falsify a time sheet, or to alter another employee's time sheet. It is also a serious violation of City policy for any employee or Manager to instruct another employee to incorrectly or falsely report hours worked or alter another employee's time sheet to under or over report hours worked. If

any Manager or employee instructs you to (1) incorrectly or falsely under or over report your hours worked, or (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, you should report it immediately to the Human Resources Director at 251-981-6979.

### **Exempt Employees**

If you are classified as an exempt employee, you will receive a salary that is intended to compensate you for all hours you may work for the City. This salary will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform.

### **Pay Increases**

Pay increases will be awarded to employees only when authorized by the City Council on the terms and conditions set by the Council.

### **Former Employees**

The level of pay for a person who has prior service with the City will be established in the same manner as the pay is established for new employees.

## **Reassignments**

When an employee is reassigned to another job, the employee's pay will be established by the City Administrator, according to the following guidelines:

1. Transfers. When an employee is transferred to another position in the same pay grade, the employee's rate of pay will not change.
2. Promotions. When an employee is promoted, the employee's pay will be established at the entry level of the grade of the new position but not less than five (5%) percent above the employee's previous pay.
3. Demotions. When an employee is demoted to a different position, the employee's pay will be reduced a minimum of five (5%) percent below the pay received prior to demotion. Under no circumstances will a demoted employee's pay exceed the maximum level of pay or be less than the minimum level of pay authorized for the new position.
4. Reassignment during probationary period. If a promoted employee is reassigned to his or her previous position or a comparable position prior to completing the required probationary period, pay will be returned to the grade and rate it was prior to promotion. However, the employee's pay will be increased or decreased to reflect any general adjustments applied to other employees in the same pay grade.

## **Temporary Assignments**

1. A temporary assignment will not exceed eleven (11) consecutive months.
2. If an employee is temporarily assigned to a position that is equal or lower in pay grade than his or her regular position, the employee's pay will not change.

3. If the employee is temporarily assigned to a position with a higher pay grade than his or her regular position, the pay will not change until the first day of the next pay period.

4. The employee's pay will be adjusted to at least the entry level of pay for the position being filled. Such increase in pay will be at least five (5%) percent higher than the employee's pay prior to the temporary assignment.

### **Call In Pay**

Managers have the discretion to require employees to work outside their normal work schedules, even without pre-arrangement. Exempt employees are not eligible to receive call in pay. Non-exempt employees may receive call in pay as follows: If the employee works less than two (2) hours, the employee will be paid for two (2) hours for the first two (2) call ins. After that, only actual time spent working will be considered within each twenty-four (24) hour period. Travel time spent reporting to a call in will be considered as work time.

### **Military Leave Pay**

The City complies with the Uniform Services Employment and Reemployment Rights Act of 1994 (USERRA) and applicable Alabama laws pertaining to military leave. As laws or as interpretations change, military leave benefits for City employees may change accordingly.

No attempt is made in this Manual to cover all possible situations and circumstances that may arise when an employee is ordered to active duty. Therefore,

as military leave situations arise, the employee should consult with the Human Resources Director for current and complete details regarding military leave rights. See Chapter 3 for more information.

### **Special Duty / Assignment Pay**

Employees who are temporarily assigned duties which are over and above those encompassed by their regular position description may receive a five (5%) percent pay premium over and above their pay grade with approval of the City Administrator. If the premium would cause the employee's pay to exceed the maximum range for his or her pay grade, then approval is required by the City Council. The premium pay ceases when the employee's special duty assignment ends.

### **Overtime**

1. Only non-exempt employees will be paid for overtime in accordance with the FLSA.
2. The rate of overtime pay is one and one-half times (1-1/2) the employee's hourly rate in accordance with the Fair Labor Standards Act (FLSA).
3. The rate of overtime pay for extended shift, public safety employees whose work periods are established by departmental rule will comply with the FLSA.
4. The hours paid employees for holidays are not used to calculate overtime. Only the time actually worked on a holiday will be counted toward overtime computation in a workweek.

5. ALL overtime must be approved in advance by the employee's supervisor.

Failure to work scheduled overtime will result in disciplinary action.

### **Holiday Pay**

1. Full-time employees are paid for holidays. Part-time and temporary employees are not.

2. When a holiday falls on a Saturday, Friday will be observed as the holiday. When the holiday falls on Sunday, the following Monday will be observed.

3. When Christmas Eve falls on a Friday, Thursday and Friday will be observed as consecutive holidays. When Christmas Eve falls on Sunday, Monday and Tuesday will be observed as the consecutive holidays.

4. If an eligible employee is required to work on a scheduled holiday, the employee shall be paid for the hours worked plus eight (8) hours of holiday pay.

5. Employees who are scheduled to work must have worked the day immediately preceding and the day following the holiday, or have been on approved leave with pay.

6. If an eligible employee is on approved sick or annual leave on a holiday, such time will be paid as a holiday and not charged as sick or annual leave.

### **To Report Concerns or Obtain More Information**

If you have questions about deductions from your pay, immediately contact the Human Resources Director. If you believe you have been subject to any improper deductions or your pay does not accurately reflect your hours worked, you should

immediately report the matter to your supervisor. If your supervisor is unavailable or if you believe it would be inappropriate to contact that person (or if you have not received a prompt and fully acceptable reply from that person), you should immediately contact the Human Resources Director at 251-981-6979.

Every report will be fully investigated and corrective action will be taken where appropriate. In addition, the City will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the City's investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy will result in disciplinary action, up to and including discharge.

## Chapter 3: Benefits

### **Insurance, retirement and other programs.**

Eligible employees are provided a wide range of benefits. Some of the City's programs are regulated by law. Others depend on the employee's Classification. A summary of benefits is provided below. If you have any questions, please contact the Human Resources Director.

### **Annual Leave**

Only full-time employees earn annual leave. The amount depends upon the employee's years of service and is calculated as follows:

1. Annual leave is accrued each pay period and will be posted as earned.

Probationary employees also accrue leave, but it may not be used until the probationary period is successfully completed.

2. Annual leave is based on years of service measured from the employee's anniversary date:

Service Years	Accrued Leave
0-5 Years	80 Hours Per Year
Over 5-10 Years	120 Hours Per Year
Over 10 Years	160 Hours Per Year

3. An eligible employee will not earn any annual leave credit for any period in which he or she is in an unpaid status for more than five (5) work days during the pay period.

4. An employee may accumulate up to one hundred eighty (180) credit hours of annual leave.

5. A request for annual leave should be made by an employee as far In advance as possible using the form provided by the Finance Department.

6. Requests for annual leave are approved by the Department Head based on the staffing needs of the City. Failure to obtain advance approval may result in an absence being treated as unauthorized leave.

7. Employees who are assigned to twenty-four (24) hour shifts will be docked sixteen (16) hours for taking a full twenty-four (24) hour shift of annual leave; otherwise, the employee will be docked hour for hour up to the sixteen (16) hour limit.

8. When a holiday coincides with the time that an employee is on annual leave, the day will be credited as a paid holiday and not charged as an annual leave day.

9. Annual leave may not be taken when an employee is receiving workers' compensation.

10. Upon separation from employment an employee will be paid for all earned, unused annual leave. Separated employees are not entitled to payment for sick leave.

### **Sick Leave**

Full-time employees earn one hundred and four (104) hours of paid sick leave each year. There is no limit on the amount of sick leave that may be accumulated; however, employees are not paid for unused sick leave when separated from employment.

1. Employees accrue sick leave at the rate of four (4) hours per pay period. No credit is given to any employee who is in an unpaid status for more than five (5) workdays during any pay period.
2. Probationary employees may use only thirty-two (32) hours of accumulated sick leave during their probationary period.
3. Sick leave must be requested from and approved by the Manager. Failure to timely notify the Manager that sick leave is needed may be cause for denying sick leave.
  - (a) Employees denied sick leave will be charged with annual leave or placed in an unpaid status.
  - (b) Managers may also require the employee to submit a physician's medical report stating that the employee has been incapacitated for work, and the date the employee will be able to return to work.
4. Sick leave may be used when the employee is unable to work due to personal illness or injury incurred off-duty; when his or her presence may endanger the health of co-workers; for keeping a healthcare professional appointment; or, for the serious illness or death of a member of the employee's immediately family. Immediate family means the employee's spouse, children, parent or other dependents.
5. Employees who are assigned to twenty-four (24) hour shifts will be docked sixteen (16) hours for taking a full twenty-four (24) hour shift of sick leave; otherwise, the employee will be docked hour for hour up to the sixteen (16) hour limit.

6. If a holiday falls on a day that an employee is on sick leave, the employee will receive regular holiday pay and the absence will not be charged against the employee's accrued sick leave.

7. Sick leave may not be taken when an employee is receiving workers' compensation.

### **Tuition Reimbursement / Supplemental Training**

1. The City Council may, from time to time, establish policies allowing employees to be reimbursed for some or all of the costs of tuition for higher education. Contact Human Resources for information.

2. The City encourages and supports employees who wish to improve their job skills with professional education programs, seminars, workshops and conferences. The City may cover all or part of tuition, registration fees, travel and the like. All supplemental training must be approved in advance by the Department Head and the City Administrator.

(a) Only full-time employees are eligible for supplemental training.

(b) The program must either improve the employee's ability to perform his or her present job, or help prepare the employee for a job with the City that will demand a higher level of responsibility and skill.

(c) The maximum annual amount that any one employee may receive for college reimbursement shall be Five Thousand (\$5,000) Dollars per calendar year.

## **Family and Medical Leave**

The Family and Medical Leave Act (FMLA) gives eligible employees unpaid leave for a period of up to twelve (12) work weeks for any of the reasons listed below. Should you anticipate the need for such leave, you should contact the Human Resources Director to discuss your rights and responsibilities. Failure to comply with the City policies regarding FMLA may result in the denial of FMLA. Under such circumstances, the request for leave will be at the discretion of the Department Head in accordance with other applicable leave policies.

1. Eligibility. In order to qualify for FMLA benefits, an employee must have been employed by the City for at least twelve (12) months and worked at least one thousand two hundred and fifty (1,250) hours in those twelve (12) months. In the event of an FMLA qualifying event, the City is responsible for designating leave as FMLA and providing notice to the employee of such designation. If the employee has FMLA available and the reason for the leave qualifies under the FMLA, the employee must use paid leave in conjunction with unpaid FMLA. Under those circumstances, the absence will be charged against the employee's FMLA balance and the employee's paid leave balance concurrently.

2. Qualifying Events. FMLA qualifying events include:

(a) The birth of a child of the employee and the employee's need to care for the child (limited to twelve (12) months after birth);

(b) the placement of a child for adoption or foster care (limited to twelve (12) months after placement or adoption);

(c) the employee's need to take care of a child under age eighteen (18) or over age eighteen (18) if incapable of self-care because of a mental or physical disability;

(d) spouse or parent with a serious health condition;

(e) the employee's own serious health condition that makes the employee unable to do his or her job.

3. A serious health condition is an illness, injury, impairment or physical or mental condition that involves:

(a) any period of incapacity requiring absence from work, school or other regular daily activity of more than three (3) calendar days that also involves continuing treatment by a healthcare provider;

(b) continuing treatment by a healthcare provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three (3) calendar days;

(c) prenatal care or certain multiple medical treatments such as dialysis or chemotherapy.

4. Spouses. A married couple, both employed by the City, who meet the eligibility requirements are each permitted to take twelve (12) workweeks collectively or independently as specified by law.

5. Notice. When the necessity for leave is foreseeable, the employee must give the City at least thirty (30) days advance notice. If the need for leave is not foreseeable, the employee needs to give the City such notice as soon as is practicable.

Requests for FMLA leave forms will be provided by the Human Resources Director upon request.

6. Application. Employees requesting family leave for their own illness or the serious health condition of a child, spouse or parent, are required to submit a healthcare provider's certification verifying the need for family leave to provide care, its beginning and expected ending dates, and estimated duration. All forms and certifications must be submitted to the Human Resources Director.

7. Approval. Final approval of the FMLA leave request is contingent upon the Human Resource Director's confirmation of eligibility and receipt of a completed certification from the healthcare provider.

8. Duration. Generally, FMLA leave will be continuous. However, leave for a serious health condition may be taken on an intermittent or reduced basis if medically necessary. In these circumstances, the employee may, consistent with the FMLA, be transferred to a position better suited to the FMLA leave schedule.

9. Return to Work. In all situations requiring medical certification as described above, the City may require the employee to submit, at the conclusion of the FMLA leave, a fitness for duty statement signed by a healthcare provider familiar with the employee's condition. If the employee's physical condition ultimately renders him or her unable to work, a statement to that effect, signed by a healthcare provider familiar with the employee's condition, will be required.

10. To ensure that an employee's return to work can be properly scheduled, an employee on family leave is requested to provide the City with at least two (2) weeks advance notice to the Human Resources Director of the date the employee intends to

return to work, along with a healthcare provider's verification of the employee's fitness to return to work.

11. Other FMLA Benefits. Eligible employees are also entitled to choose to maintain, while on FMLA leave, any health benefits provided by the City (the employee must pay the City directly his or her share of premiums for any portion of FMLA for which paid leave is not substituted); return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave, unless the employee is unable to perform the essential functions of the job, in which case the employee may be covered by the Americans with Disabilities Act (ADA). Key employees (salaried employees among the highest paid ten (10%) percent of all employees) may not be entitled to restoration if restoring them would cause substantial or grievous economic injury to the City.

### **Hazardous / Inclement Weather**

1. Employees are expected to make a good faith effort to report to work during hazardous and / or inclement weather. An employee who is unable to get to work must notify his or her Manager. The absence may be charged against annual leave, sick leave, or if no accrued leave is available, the employee may be placed on leave without pay.

(a) If the employee is placed on leave without pay, the Manager may allow the employee to make up the missed time within the same workweek.

(b) If weather prevents an employee from performing outside work, the employee may be assigned indoor work.

2. The Mayor may close City offices, suspend activities and authorize employees to arrive late or to depart early, whenever hazardous weather conditions pose a risk to employees. Such time will be reported on attendance reports as paid administrative leave due to hazardous weather.

(a) The Mayor's actions are normally broadcast or communicated over several media channels; however, it is the responsibility of each employee to contact his or her Manager to verify the situation.

(b) Employees needed for essential operations may be required to work.

## **Insurance**

Health, dental and life insurance will be provided to eligible employees and their dependents according to the requirements set forth in such policies which may be revised from time to time by the City Council. Contact the Human Resources Director at 251-981-6979 for more information.

## **COBRA Benefits**

The City complies with the Consolidated Omnibus Budget Reconciliation Act of 1985, P.L. 99 272, and later amendments, otherwise known as COBRA. Covered employees and their dependents who lose insurance coverage for any of the following reasons are eligible to continue their coverage through COBRA: termination of the covered employee's employment, reduction in the covered employee's working hours, divorce or legal separation, death of the employee, eligibility for Medicare or loss of

dependent child status under the insurance plan. All administrative rules and processes as well as changes in plan benefits and premiums apply to those on continuation coverage.

In the event of divorce or legal separation, or the loss of dependent child status under the plan, a covered employee or dependent must notify the Human Resources Director within sixty (60) days to maintain the right to continue coverage. At that time, Human Resources will provide enrollment materials to the employee or covered dependent within fourteen (14) days of that notification.

The covered employee or dependent has sixty (60) days to elect continuation of coverage from either the date that coverage would ordinarily have ended under the plan by reason of a qualifying event or the date of notification, whichever comes later. Election of continuation of coverage is established by completing and returning enrollment materials to the Human Resources Director.

COBRA premiums will be billed by the applicable insurance provider, and the first premium will be due within forty-five (45) days of the date of election. Subsequent premiums must be received within the terms set forth by the provider. Failure to make timely payments will result in termination of coverage without notice.

COBRA continuation coverage will end for any of the following reasons: The City discontinues its insurance plan, the premium payment is not made in a timely fashion and the person who elected continuation of coverage becomes covered under another insurance plan or Medicare. Continuation coverage will end after eighteen (18) months if the qualifying event was termination or reduction in hours, unless the qualified beneficiary is disabled at the time of termination or reduction in hours, in which case

coverage may extend to twenty-nine (29) months. Continuation coverage will otherwise end after thirty-six (36) months.

## **Leave Bank**

The City Council has established a Leave Bank that allows employees to borrow paid leave when they will be out of work for an extended period of time due to a serious illness or injury that does not qualify for workers' compensation payments. The Leave Bank is administered by the Leave Bank Committee in accordance with this policy and Council directives.

1. All non-probationary, full-time employees are eligible to participate in the Leave Bank.
2. Applicants must have exhausted all of their accumulated sick leave and all of their accumulated annual leave.
3. Applicants must submit a statement from their physician certifying the need for the leave, and the employee's estimated return to work date.
4. The Leave Bank Committee shall determine the number of hours that will be loaned. Relevant factors include the applicant's need, the length of illness, years of service, and the availability of days in the Leave Bank.
  - (a) No loan shall exceed twenty-five (25%) percent of the Leave Bank balance.
  - (b) Loans may be granted retroactively to the fifteenth (15<sup>th</sup>) day of the absence.

(c) In the event of a catastrophic illness, the Leave Bank Committee may allow full-time employees to donate sick leave on behalf of any applicant who is less than one (1) year away from retirement.

5. Any annual and sick leave that accrues while an employee is out of work on a Leave Bank loan shall automatically be used to repay the Leave Bank loan until such time as the employee returns to work.

6. Any sick leave that accrues after the employee returns to work shall be used to repay the leave loan at the rate of eight (8) hours per month until the entire debt is paid.

7. An employee separated from employment with an outstanding debt to the Leave Bank must repay that debt in full at the time of separation.

(a) Any unpaid debt will be deducted from the employee's final paycheck (using the employee's then current pay rate).

(b) If the payroll deduction is insufficient to satisfy the employee's debt, then the City may pursue collection actions. All proceeds from such actions shall be used to replace the number of hours borrowed.

8. Any complaint related to the administration of the Leave Bank must first be presented in writing to the Leave Bank Committee. If the problem is not resolved at the committee level, then a written complaint may be filed with the City Council. The City Council is the final authority in all matters pertaining to complaints about the Leave Bank.

## **Leave Without Pay**

Managers may authorize leave without pay for good cause and when the leave will not adversely affect operations. An employee who is granted leave without pay will be placed in a non-pay status and the Manager will notify Human Resources and Payroll of this change in status.

1. The employee may be required to return to work before the leave expires. Failure to report for duty when requested will be deemed a resignation and the employee will be separated from service.

2. Upon expiration of leave, the employee will be reinstated to the same or similar position he or she held at the time the leave was granted. The employee will receive the same level of pay he or she was paid prior to leave without pay. If entitled, the employee will receive any general pay adjustments provided to other employees during his or her absence.

3. City paid benefits (annual leave, sick leave, insurance premiums, etc.) will not be provided for any pay period in which the employee has been placed in a leave without pay status for more than five (5) working days per pay period. If the leave is qualified under the FMLA, insurance benefits will continue but not the accrual of sick and annual leave.

4. An employee who is on leave without pay for more than five (5) working days in a pay period must reimburse the City for the costs of any benefit paid on the employee's behalf during such pay period.

(a) Any accrued, unused annual and/or sick leave an employee has at the time he or she is placed in a leave without pay status will be restored upon his or her return to work.

(b) If the employee does not return to work, all accrued leave will be forfeited.

### **Military Leave**

Military leave will be authorized in accordance with applicable federal and state laws and as set forth below:

1. Full-time employees who are active members of the State Armed Forces or a reserve component of the Armed Forces of the United States will be entitled to military leave of absence as provided below from their respective duties on all days they are engaged in the field or coastal defense or other training, or on other service ordered under the provisions of the National Defense Act, or of the federal laws governing the United States Reserves.

2. Limitation. No employee granted such leave of absence will be paid for more than one hundred sixty-eight (168) hours per calendar year. For employees who are assigned to twenty-four (24) hour shifts, only sixteen (16) hours of each twenty-four (24) hour shift will be counted toward the one hundred sixty-eight (168) hour calendar year limit. Eligible employees called by the Governor to duty in the active service of the State after the initial one hundred sixty-eight (168) hours has been used will be granted up to one hundred sixty-eight (168) additional working hours at any one time.

3. Except as provided for in 1 and 2 above, eligible employees on duty with the uniformed services of the United States (as those terms are defined by USERRA) will be placed on unpaid military leave status for all days engaged in such service. Affected employees are not required to use annual leave in lieu of paid or unpaid military leave; however, they may elect to use accrued annual leave.

4. Procedure. An eligible employee who wishes to be granted military leave must timely submit a copy of their military orders or other documentation necessary to support the request to the Human Resources Director. Such request should be submitted as soon as the employee becomes aware of projected dates of service.

### **Retirement**

The City participates in the State retirement system. The Retirement System of Alabama (RSA) sets the amount that must be paid by the employee and the amount that must be paid by the City. For more information, contact the Human Resources Director at 251-981-6979.

### **Social Security**

The employee and the City will contribute to the Social Security Administration at the rate applicable for each pay period.

## **Workers' Compensation Insurance**

This insurance covers injuries or illnesses arising out of and occurring at work and is provided at no cost to the employee. Depending on legal requirements, workers' compensation insurance may also provide for lost time.

1. All job related injuries or illnesses must be reported immediately by an employee to his or her Manager.
2. The Human Resources Director and the Manager will prepare a First Report of Injury. The First Report of Injury must be submitted within three (3) days of the incident.
3. Failure to submit the proper report may result in a loss or delay of benefits. In non-emergency situations, the employee may be referred to a physician for an independent medical examination at the City's expense.
4. The employee will receive up to twenty-four (24) hours administrative pay following a work-related accident. After that, no employee will receive compensation from the City while receiving workers' compensation benefits.
5. Employees returning to work after a job related injury or illness must submit a healthcare provider's verification of their fitness to return to work. Annual, holiday and sick days accrue during the period in which the employee receives workers' compensation benefits.

## Chapter 4: Code of Conduct

### **Expectations, policies and rules.**

City employees shall demonstrate the highest standards of integrity, truthfulness, honesty and responsibility in all of their duties, tasks and orders. Employees who fail to meet these standards will be subject to disciplinary action, including dismissal. The expectations, policies and rules contained in this Chapter illustrate the minimum standard of conduct for all employees.

### **Compliance with Law**

City employees are subject to and shall comply with all of the policies in this Manual and all federal, state and local laws, including Alabama's Code of Ethics for Public Employees, *Alabama Code* section 36-25-1, *et seq.* (1975).

### **Confidential Information**

City employees shall respect and protect privileged and confidential information which, in the course of their official duties they may have access to, and they shall never use privileged or confidential information for personal gain or interest. Failure to comply with the City's policy on confidential information may result in disciplinary action.

### **Dress and Grooming**

Employees are required to present a professional business image suitable to their position. All employees should be dressed and groomed appropriately. If

provided, City uniforms must be worn during working hours. All clothing, including City uniforms, should be in good condition, not torn, ragged or extremely faded. Shirts must be buttoned appropriately.

1. Employees may not wear: blue jean shorts or other cut-off shorts; distracting, revealing or tight clothing, including very short skirts, shorts, or dresses; or printed shirts with profanity and/or offensive slogans or images.
2. Hair should be combed and facial hair should be neatly trimmed.
3. Makeup, scents, hairstyles and jewelry should not be extreme or eccentric and should contribute to a professional business image.
4. Acceptable hair, mustache and beard length will be job specific based on safety requirements and job responsibilities and will be established by individual departments.
5. Employees may be sent home without pay to correct violations of the dress and grooming policy.

### **Drug Free Workplace**

The City has adopted a Drug Free Workplace Policy, a copy of which is provided to and acknowledged by all employees. Testing is administered pre-employment, random, post accident and on a reasonable suspicion. Employees may be required to take drug/alcohol tests when exhibiting unusual behavior patterns such as slurred speech, frequent drowsiness, constant irritability, inability to concentrate or complete tasks, unusual jumpiness and frequent absences during a workday. Such examinations will be scheduled at reasonable times and intervals and at the City's expense.

## **Duty to Report Traffic Accidents and Offenses**

Employees shall promptly report any traffic accident, boating accident, citation, ticket, arrest, or charge occurring or received while operating City vehicles or vessels or while operating other equipment in the line and scope of employment.

1. If the accident involves the custodial arrest of the employee, driving or operating a vehicle or vessel under the influence, reckless driving, an accident with injury to any person, or otherwise involves an incident that may indicate it is unsafe for the employee to continue operating the vehicle or vessel, the employee shall immediately cease operating the vehicle or vessel and shall contact his or her Manager for instructions or assistance.

2. As soon as reasonably possible, and in any event no later than when the employee next reports to duty, all employees shall report to both their Manager and the Human Resources Director, each of the following events, regardless of whether the incident concerns driving a City vehicle, driving a vehicle in the line and scope of employment, or operating a City vessel:

(a) Receipt of any charge, arrest or indictment for driving under the influence (DUI), boating under the influence (BUI) or any felony traffic offense.

(b) Any adverse action taken by the Alabama Department of Public Safety or any other governmental agency in regard to the employee's driver's license or privilege, boating operator's license, including without limitation, any suspension, revocation, or cancellation of the license or privilege.

(c) Any action or advice by any physician or other healthcare provider indicating that it would be unsafe for the employee to operate a vehicle or vessel.

## **Harassment**

1. The City is committed to providing a work environment free of racial, sexual, or any other unlawful harassment. Harassing conduct will not be tolerated. All employees are expected to treat other employees, vendors and citizens in a fair and non-discriminatory manner. Failure to do so will result in disciplinary action.

2. Sexual harassment is any unwelcome sexual advance, request for sexual favors, and any other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; (2) when submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile or offensive work environment.

3. Sexually harassing conduct may include, but is not limited to:

- (a) Sexual touching, advances or propositions;
- (b) Verbal abuse of a sexual nature;
- (c) Graphic or suggestive comments about an individual's dress or body;
- (d) Sexually provocative comments;
- (e) Sexually degrading words to describe an individual; and

(f) The display in the workplace of sexually suggestive objects or images.

4. Managers are responsible for maintaining a workplace that is free of sexual harassment. Employees have a duty to report sexual harassment.

(a) If an employee feels he or she is being sexually harassed, then the employee should tell the person that his or her actions are wrong and that the employee will not tolerate the conduct.

(b) If the conduct does not stop, the employee has a duty to report the problem to his or her supervisor. If the employee does not feel the matter can be discussed with his or her supervisor, then the employee should contact their Manager or the Human Resources Director.

5. It is the employee's responsibility to bring harassment to the City's attention so the necessary steps can be taken to correct the problem. The City cannot help resolve a problem unless the employee gives notice. If circumstances prevent the employee from providing immediate notice, then all steps should be taken by the employee to notify the appropriate person, as identified below, no later than five (5) days after the occurrence.

7. Complaints of harassment should be documented by the Human Resources Director. All complaints, including verbal, will be addressed and investigated. The City will investigate the claim in a prompt, impartial and as confidential a manner as possible.

8. Individuals who are found guilty of harassment or otherwise in violation of this policy shall be subject to discipline. Likewise, any employee who is found to have

engaged in false or reckless allegations of sexual or other harassment will be subject to disciplinary action.

9. The City will not tolerate retaliation of any kind. Anyone found committing retaliation will be disciplined up to and including termination.

## **Prohibited Conduct**

The following list contains examples of conduct that will result in immediate discipline:

1. Falsifying public records, including payroll, attendance and other personnel records.
2. Failing to report to work.
3. Taking property belonging to the City, fellow employees, volunteers or visitors without permission.
4. Fighting on City property at any time.
5. Insubordination.
6. Unauthorized entry into City buildings during non-scheduled work hours.
7. Abuse or deliberate destruction or damage to City equipment or property.
8. Sleeping on the job.
9. Carrying weapons of any kind of City premises and/or during work hours, unless carrying a weapon is a function of job duties or allowed by law.
10. Violation of established safety and fire regulations.
11. Chronic, excessive unscheduled absences.
12. Chronic tardiness.

13. Unauthorized absence from work area and/or roaming or loitering on the premises during scheduled work hours.
14. Failing to perform duties, inefficiency or substandard performance.
15. Disorderly conduct or use of abusive and/or obscene language on City premises.
16. Conviction of a crime or disorderly conduct offense.
17. Violation of City ordinances or policies.
18. Conduct unbecoming a public employee.

### **Outside Employment**

City employment takes precedence over all other jobs. All outside employment must be approved in advance by the Department Head. Requests shall be made on the form provided by Human Resources and returned to Human Resources.

1. An employee may be denied permission to hold an outside job for any reason, including:
  - (a) the outside work activity may reduce the employee's work efficiency;
  - (b) the employee would be working for a person or business entity that holds an adversarial interest to the City or that does a significant amount of business with the City such as major contractors and suppliers; or
  - (c) the employee would be engaged in the preparation of work as a consultant, professional, contractor, or subcontractor for an outside employer whose work would be submitted to a City department for review, approval or inspection.

2. If an employee's outside work interferes with his or her City job, the employee may be asked to reduce or terminate the outside employment in order to remain employed by the City.

3. An employee's job performance will be measured by the same performance standards and will be subject to the City's scheduling demands, regardless of any existing outside work requirements. Under no circumstances may an employee promote or carry on outside employment during work hours.

4. No employee may use any City equipment or resources for personal use.

### **Technology and Communications Policy**

City owned devices (cell phones, tablets, laptops, computers, etc.) may not be used for personal business.

1. No software or games should be loaded on devices without prior approval of a Manager.

2. Electronic mail (e-mail) is provided to approved employees to facilitate information about City business and should not be used for personal communication.

3. Users will be assigned an authorized account and password. The account and password are confidential and users shall not share the account password with anyone. Accounts and passwords may be terminated at any time for any reason.

4. Employees do not have a personal privacy right in any aspect of the City's computer or e-mail systems. The confidentiality of e-mails cannot be assured. Therefore, employees must exercise caution in using e-mail to communicate confidential or sensitive matters.

5. Employees may not use e-mail or the internet for unlawful activities, commercial purposes or personal financial gain. Responsible use of e-mail and internet requires at a minimum that employees not:

(a) interfere with the normal and proper operation of the network or the interest or otherwise adversely affect the ability of others to use equipment or services;

(b) conduct themselves in ways that are harmful or deliberately offensive to others;

(c) use the network for any illegal purpose;

(d) change computer files that do not belong to the user;

(e) create, transfer or otherwise use any text, image, movie or sound recording that contains pornography, obscenity or language that offends or tends to degrade others;

(f) use social medial unless authorized.

6. E-mail or internet privileges may be restricted or revoked for improper use, including:

(a) any activity prohibited by law;

(b) using profanity, vulgarities, obscenities, or other language which tends to be offensive or tends to degrade others;

(c) viewing, storing or transferring obscene, sexually explicit or pornographic materials;

(d) transferring, utilizing or storing materials in violation of copyright laws or license agreements;

(e) intentionally infringing upon the intellectual property rights of others in computer programs or electronic information, including plagiarism and/or unauthorized use or reproduction; and

(f) trespassing in another user's folders, work or files.

7. Employees are fully responsible for their use of the internet, e-mail and social media at all times. Any inappropriate activities will be considered to be the actions of the employee and may subject the employee to discipline.

### **Phone Usage**

The City provides phones to employees to increase efficiency in doing business. There are important things to consider when using City phones. Please adhere to the following guidelines, based on the type of call you are making or receiving:

1. Business phone calls. Much of our business is conducted over the phone, making our telephone techniques extremely important. A friendly but businesslike telephone manner should always be projected. When you are away from your work area, make a habit of forwarding your calls to the appropriate extension.

2. Personal phone calls. We recognize that periodically personal phone calls must be made or received during business hours. Such calls should be held at a minimum so they do not interfere with workflow.

3. Personal cellphone calls. In order to provide an optimum work environment, employees are expected to have cellphones turned off during work hours. Ringing cellphones are a distraction to co-workers and can interfere with productivity. Cellphones should only be used during breaks, lunches and outside of the office.

Flexibility will be provided in circumstances demanding immediate or emergency attention.

4. Voicemail. City telephones are also equipped with voicemail. Voicemail was installed to help maintain our high quality of service and to increase efficiency throughout the office. Voicemail will be an option to the caller, the call will not be put directly through to voicemail. It is recommended that employee greetings be changed daily. Contact Human Resources with questions about the phone policies.

### **Public Records**

The City Clerk is the official record keeper of the City's public documents. No public record may be disseminated to any person without proper authority of the City Clerk.

### **Solicitations and Distributions of Literature**

In the interest of maintaining a proper business environment and preventing interference with work and inconvenience to others, employees may not distribute literature or printed materials of any kind, sell merchandise, solicit financial contributions, or solicit for any other cause during working time.

Employees who are not on working time (e.g., those on lunch hour or breaks) may not solicit employees who are on working time for any cause or distribute literature of any kind to them.

This policy also prohibits solicitations via City e-mail and other telephonic communication systems. Furthermore, employees may not distribute literature or

printed material of any kind in working areas at any time. Non-employees are likewise prohibited from distributing material or soliciting employees on City premises at any time.

### **Smoke Free Work Environment**

The City is a smoke-free environment. Smoking, chewing, use of e-cigarettes, pipes or other tobacco and nicotine products is not permitted at any time in City work areas or vehicles.

If smoking is allowed outside of the building, smokers should be considerate of colleagues and members of the public. Smokers should help to maintain a clean entryway by depositing cigarettes in appropriate containers and staying at least ten (10) feet away from doors so that smoke does not blow into the building.

Employees who smoke or chew must observe the same guidelines as non-smokers for the frequency and length of break periods.

This policy applies equally to all employees and visitors.

### **Social Media Policy**

This policy covers use of various social media platforms and programs, including but not limited to blogs, Twitter, LinkedIn, Facebook, MySpace, product or service review sites like CitySearch, Yelp, etc.

We understand that some employees may maintain social media sites or profiles or may contribute posts to the sites or profiles of other people businesses or groups. It is important to understand that posts, images, tweets, messages and e-mail can be

resent around the world. Even if you take precautions to restrict access to your site, posts, or profile, it is possible that someone, perhaps even someone who is permitted to view the site, can copy it and use it in a way you did not intend. To protect the City's interests, we expect that employees who maintain or contribute to social media sites will abide by the following guidelines, as well as practice common sense:

1. The City's equipment, including computers, internet access, and electronic and digital systems and storage, are not to be used for employee's personal social media. Working time should not be spent updating or creating personal social media posts, sites and spaces.

2. When posting (which includes but not is limited to blog posts, comments, wall posts, status updates, modification of profiles, or tweeting) about your work at home on your own time, you must abide at all times with all legal and ethical requirements, as well as the City's policies regarding non-harassment and other matters including those governing the confidentiality of the City's information.

3. You may not disclose confidential or other inside information about the City or its employees that you learn in the course of your employment.

4. You may not use any materials belonging to the City, including our promotional and marketing materials, without the written permission of the City Administrator.

5. You should assume that people, including co-workers, supervisors and their family members are reading your postings.

6. Be respectful. You may not make discriminatory, defamatory, libelous or slanderous comments when discussing the City, its officers, your supervisors or co-workers.

7. The City may address as a disciplinary issue any language that you post in a blog or on a social media site that reflects negatively on your work ethic or your level of commitment to the City.

8. Nothing in this policy is intended to prohibit, nor should it be interpreted as prohibiting, employees from engaging in communications with other City employees concerning working conditions or issues.

9. The City strives to provide the best service and work environment possible. We welcome your concerns and suggestions for improvement. You should bring these to the Human Resources Director.

10. Violations of this policy may result in discipline up to and including termination of employment.

### **Visitors in the Workplace**

Only authorized visitors are allowed in the workplace. Restricting unauthorized visitors helps maintain safety standards, protects against theft, ensures security of equipment, protects confidential information, safeguards employee welfare and avoids potential distractions and disturbances. Visitors may be asked to sign in and provide photo identification when requested.

## **Use of City Vehicles or Vessels**

The City has adopted a Safety Manual that includes a section on Vehicle and Vessel Use, a copy of which is provided to and acknowledged by all employees. No employee may operate any City vehicle or vessel without authorization and proper licensing. The Human Resources Director will conduct a background/insurance check prior to the issuance of authorization.

1. No passengers are allowed except those who are necessary to conduct City business.
2. Employees shall at all times obey all traffic laws and rules of the road and waterways, including use of safety belts, use of cellular telephones, adherence to speed limits, following signs and signals, stopping at stop signs, etc.
3. All emergency vehicles or vessels responding to any emergency call, or in pursuit of a suspected violator, shall obey all state, federal and local rules. Employees shall at all times exercise reasonable care for the rights and safety of others and adhere to all departmental policies relating to the operation of equipment.

## **Suspension of Driving / Operating Privileges**

1. Employees shall be suspended from operating vehicles or vessels in the line and scope of employment under the following circumstances:
  - (a) The employee has been taken into the custody of law enforcement officers for a traffic or operator's offense while the employee was driving a City vehicle or operating a City vessel or driving in the line and scope of employment. In such

cases, the suspension shall continue until the employee's eligibility is determined in accordance with this policy.

(b) The Alabama Department of Public Safety or any other federal or state agency has taken any adverse action in regard to the employee's driver's or operator's license that would make it unlawful for the employee to operate the type of vehicle or vessel the employee is assigned on the job, including without limitation any suspension, revocation, or cancellation of such license or operating / driving privileges. In such cases, the suspension shall continue until the adverse action against the employee's driver's or operator's license or privilege ceases.

(c) Any action or advice by any physician or other healthcare provider indicating that it would be unsafe for the employee to operate a vehicle or vessel. In such cases, the suspension shall continue until either the same healthcare provider certifies in writing that it is no longer unsafe for the employee to operate a vehicle or vessel, or until a healthcare provider approved by the City certifies in writing that it is safe for the employee to operate a vehicle or vessel.

(d) Any other circumstance arising that indicates it may be unsafe for the employee to continue operating a vehicle or vessel. In such cases, the suspension shall continue until it is safe for the employee to resume operating a vehicle or vessel.

2. Managers shall as soon as practicable take immediate action to inform such an employee that he or she shall not operate a City vehicle or vessel or otherwise operate a vehicle or vessel in the line and scope of employment, pending an investigation into the incident or resolution of the event in question. Managers shall then promptly notify the Human Resources Director who will initiate any necessary

investigation and/or take appropriate disciplinary action. The supervisor will secure any City vehicle or vessel involved and the employee in question will not be allowed to operate the vehicle or vessel.

3. Employees shall be permanently prohibited from operating City equipment or operating any City vehicle or vessel in the line and scope of employment upon:

- (a) conviction of any felony traffic offense;
- (b) conviction for any driving under the influence (DUI) or boating under the influence (BUI) offense occurring while driving a City vehicle or operating a City vessel or driving in the line and scope of employment;
- (c) two or more convictions for driving under the influence (DUI) or boating under the influence (BUI) within the previous five (5) years.

4. Managers may regulate the driving and operating privileges of any employee at anytime to protect the employee or the public, including without limitation:

- (a) suspending an employee's authority to operate a vehicle or vessel in the line and scope of employment indefinitely or for a time certain;
- (b) limiting the geographic area, time, or circumstances under which an employee may operate a vehicle or vessel;
- (c) imposing conditions on an employee's authority to operate a vehicle or vessel;
- (d) allowing an employee to operate a vehicle or vessel with periodic review; and
- (e) any other measures, including disciplinary action.

## Travel Policy

Travel for City related business must be approved in advance by the Manager and City Administrator. Claims for reimbursement or payment for travel expenses should be submitted no later than one (1) week after completion of the travel.

1. Travel must be by the most direct route possible, and any person traveling by an indirect route will be responsible for any extra expenses incurred. All travel should be as conservative as circumstances permit.

(a) Travelers should make use of City vehicles whenever possible. However, City vehicles should be used only for official business.

(b) When transportation is by City vehicle, all operating expenses such as gas, oil, and repair bills are allowable. In the use of personally owned vehicles, all operating expenses such as gas, oil and repairs are included in the authorized mileage allowance.

(c) If a City vehicle is not available and a personal vehicle is used, the traveler shall be reimbursed at the current federal per mile rate.

(d) Only mileage while on official business is reimbursable.

(e) If the destination is at such a distance as to necessitate air, bus, train or boat travel, the rental of an automobile is allowable. The insurance on the rental is also an allowable expense.

2. Reimbursement for lodging expenses will also be made. If a room is shared with someone other than an authorized City traveler, any additional cost associated for that person is not reimbursable.

3. Reimbursement for meals will also be made. If a meal ticket is in excess of twenty (\$20) dollars, a detail of the charges must accompany the charge ticket. Only authorized City traveler meals are eligible for reimbursement without special approval from the City Administrator. Tips for service will not exceed twenty (20%) percent of the cost of the meal.

4. Expenditures for entertainment including, but not limited to, golf tournaments, theatre tickets, local attraction admission tickets, pay per view television, laundry, valet service, alcoholic beverages, etc. are personal charges and are not allowed.

5. Registration fees for approved conferences, conventions, seminars, meetings, etc. will be allowed including the cost of official banquets and/or luncheons. No separate claim for the corresponding meal will be allowed when a banquet or luncheon is claimed.

6. Tolls, parking charges and luggage storage expenses are allowed expenses.

7. A non-exempt employee who travels on City business by way of public transportation (e.g., airplane, bus, train, boat, etc.) for one (1) day will not be paid for time spent in traveling from his or her home to the public transportation but will be paid for all other travel time (except time spent for meals while traveling).

8. Non-exempt employees who drive overnight are considered working all the time they are driving. Where such employees travel overnight on business (for more than one (1) day), they will be paid for time spent in traveling, except for time spent for meals, during their normal working hours on their non-working days, such as

Saturday, Sunday and holidays, as well as on their regular working days. Travel time as a passenger on an airplane, train, boat, bus or automobile outside of regular working hours is not considered work time. If an employee drives a car without being offered public transportation, then this travel time is considered working time. (A City vehicle is not considered public transportation).

9. A City Travel Expense Form is available from the Finance Department and must be used for all reporting of travel expenses. Receipts are required. Each employee must file a separate claim for reimbursement.

## Chapter 5: Job Performance

### Performance Evaluations and Discipline

#### Formal Evaluations

Performance evaluations are intended to provide a tool for both management and the employee to discuss the employee's work performance. Each employee will be evaluated in writing at least annually on the form provided by Human Resources.

Supervisors shall document specific courses of action that may or should be taken by the employee to achieve or exceed the expected level of performance. Additional evaluations will be made until performance improves to a satisfactory level.

1. Classified and part-time employees will be evaluated by their supervisor or the Department Head on an annual basis on or near the anniversary of their date of hire. The first formal performance evaluation will take place at the end of the first twelve (12) months of employment.
2. Department Heads will be evaluated by the City Administrator.
3. Probationary employees will be evaluated by the Manager periodically during the probationary period.

#### Discipline

Poor job performance or failure to abide by the Code of Conduct in Chapter 4 will result in discipline. The Manager may impose one or more of the actions specified in this section. The Manager may begin at any step and/or certain steps may be repeated or bypassed. Should the Manager determine that administrative leave, demotion or

dismissal is necessary, the Manager should consult the Human Resources Director and obtain prior approval from the City Administrator.

1. Counseling. Should a Manager believe that an employee is not conforming to the City's policies and rules, is not following specific instructions, has acted improperly or has poor job performance, the Manager will first privately discuss the matter with the employee. A memo outlining what was discussed with the employee shall be forwarded to the Human Resources Director for placement in the employee's personnel file.

2. Written reprimand. When a Manager determines that informal counseling is not working, the Manager may issue a written reprimand. The reprimand should state the consequences (i.e., administrative leave, demotion, or dismissal) that may occur if the employee fails to correct the problem, or if there is a reoccurrence.

(a) The reprimand shall advise the employee of the nature of the problem and how it may be corrected. The timeframe for compliance shall also be included.

(b) The employee should be asked to acknowledge receipt of the written reprimand and afforded the opportunity to include additional comments. If the employee refuses to sign the written reprimand, or add additional comments, that fact should be noted on the reprimand.

(c) A copy of the written reprimand must be forwarded to the Human Resources Director for the employee's personnel file.

(d) The employee may file a grievance of the written reprimand pursuant to Chapter 6.

3. Administrative leave. A Manager may place an employee on administrative leave for up to twenty-four (24) work hours for misconduct or unsatisfactory job performance with or without pay. Whenever administrative leave beyond twenty-four (24) hours is recommended, the Manager will consult with the City Administrator. If the City Administrator approves the proposed administrative leave:

(a) The employee shall be given written notice of the administrative leave and an explanation. Periods of administrative leave may not exceed thirty (30) calendar days. A copy of the notice shall be provided to the Human Resources Director for the employee's personnel file.

(b) The employee may file a grievance of the proposed disciplinary action pursuant to Chapter 6.

4. Demotion. An employee may be demoted or reassigned as a result of a misconduct, unsatisfactory job performance, or for the good of the City. If a vacant position does not exist for demotion or reassignment, the employee may be dismissed. An employee may file a grievance of a demotion pursuant to Chapter 6.

5. Dismissal. A Manager may, with the approval of the City Administrator, dismiss an employee.

(a) The employee shall be given notice of the dismissal and the reasons for the dismissal.

(b) A copy of the notice of dismissal shall be transmitted to the Human Resources Director for the employee's personnel file.

(c) The employee may file a grievance of the dismissal pursuant to Chapter 6.

## Chapter 6: Dispute Resolution

### **Grievances and Appeals.**

Employees should call matters of concern to the attention of their Manager. Managers should document efforts to resolve issues brought to their attention.

### **Grievances**

Grievances are for serious issues. Employees may file a written grievance for written reprimands, administrative leaves, demotions, dismissals, or claims of retaliation for making a grievance. The grievance system may not be used for the following purposes:

1. to resolve personal differences between/among employees;
2. to appeal pay reductions which are part of a general plan to reduce salaries and wages, when such reductions are pro-rated to all employees;
3. to appeal non-selection for a position when the procedures in Chapter 1 have been followed; and
4. to appeal the content of City ordinances, resolutions or other legally binding matters.

### **How to File a Grievance**

If an eligible employee's grievance has not been resolved informally through a discussion with the Manager, the employee may submit a written grievance.

1. All grievances must be in writing and submitted to the Human Resources Director within five (5) working days of learning of the circumstances that are the basis of the grievance.

2. The grievance should contain the following minimum information:

(a) A statement identifying all policies, rules or procedures that the employee feels have been misapplied or violated, and the date and description of such misapplication or violation.

(b) A summary of previous discussions with Managers and their decisions or response, if any.

(c) The specific remedy sought.

(d) The names of all persons who have knowledge of the facts involved.

3. The Human Resources Director will investigate and review the facts as presented and may meet with the employee or any other person who has information relevant to the investigation. The Human Resources Director may engage any independent third-party to assist in the investigation.

4. Upon completion of the investigation, the Human Resources Director will prepare findings and recommendations in the form of a decision that will be provided in writing to the employee, the Manager and the City Administrator.

5. The decision of the Human Resources Director shall be final unless an appeal is filed within five (5) working days of the decision.

6. A grievance may be withdrawn at any time.

## **Appeals**

Any employee or Manager who is not satisfied with the decision of the Human Resources Director may file an appeal with the Mayor within three (3) working days of receiving notice of the decision. The appeal should set forth all reasons why it is believed the decision is in error.

1. If a hearing is requested, the employee will be given notice of the hearing and the employee's appeal will be heard by the Mayor.

2. At the hearing, the employee may present witnesses, be represented by an attorney of his choosing and at his or her own cost, and testify on his or her own behalf.

3. The Mayor will make a written determination either upholding the decision, reversing the decision, or making some other determination. The Mayor's decision is final.

## Chapter 7: Separation

### **Resignations, reductions in force, death, retirement or dismissal.**

#### **Processing Separations**

Separations will be designated as one of the following types: (1) resignation, (2) reduction in force "RIF", (3) death, (4) retirement, or (5) dismissal. At the time of separation or prior to payment of any final compensation:

1. All records, assets and other items of City property in the employee's custody will be returned to City control.
2. Confirmation that all City property has been returned to the City will be made by the Manager before any final payment is made to the employee.
3. Any indebtedness owed the City by the employee will be withheld from the employee's final compensation.
4. At separation, each employee will be informed by the Human Resources Director of any benefits for which he or she may be entitled.

#### **Resignation**

1. Employees may resign by giving written notice to their Department Head. Notice should be given as far in advance as possible.
2. A resignation may be withdrawn at anytime prior to the effective date of the resignation if approved by the Department Head and the City Administrator. If approved, the employee will suffer no loss of service, benefits or pay. If the request is denied, the employee will be separated on the effective date of the resignation.

3. Any unauthorized absence from work for a period of three (3) consecutive working days may be considered as an abandonment of the position and treated as a resignation.

### **Reduction in Force “RIF”**

Any employee may be laid off as part of a RIF. RIF actions may be approved as part of a general cost reduction program or when particular positions are no longer needed. The City Council sets the guidelines that will be used to identify the positions that will be eliminated and the individuals that will be laid off.

1. Consideration for Reassignment. When an employee is scheduled to be laid off in a RIF, he or she may be considered for reassignment to any vacant position of equal or lower grade in full or part-time service for which the employee is qualified.

2. Notification of Effective Date. Employees will be notified of layoff in writing at least ten (10) calendar days prior to the effective date of the layoff.

### **Death**

Separation is effective as of the date of death. All compensation due the employee as of that date will be paid to 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.

## **Retirement**

Whenever an employee meets the eligibility requirements set forth in the City's retirement program, the employee may elect to retire and receive benefits earned under the provisions of the retirement program. An employee who wishes to retire should notify the Human Resources Director in writing at least sixty (60) days prior to the requested effective date. An employee with a disability separation who is eligible for retirement will be entitled to retire and receive retirement benefits in accordance with the City's retirement program.

## **Dismissal**

Any employee may be dismissed for any reason including but not limited to a disciplinary action and unacceptable job performance.

## Chapter 8: Employment Information

### **Employment verification and job references.**

The Human Resources Director will provide employment verification of an employee's job title and dates of employment when requested in writing by the employee. No other information will be provided.

### **References**

Third-party requests for information about an employee separated from service shall be submitted to the Human Resources Director. The only information that will be provided is the employee's last job title and dates of employment.

1. All requests for references shall be accompanied by a duly executed release exonerating the City and its employees from any liability for providing the information requested.

2. No employee, including Managers, may provide employment references or any information regarding job performance, the reason for separation, or any confidential or private information related to a current or former employee.

### **Updating Personal Information**

1. Employees shall promptly notify their Manager of any changes in personal data such as mailing address, telephone numbers, e-mail addresses, number and names of dependents, and emergency contacts on the form provided by Human Resources.

2. Managers shall report all personal, educational accomplishments and other status reports that are provided to them by their employees to Human Resources.

### **Access to Personnel Files**

The Human Resources Director maintains the official personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance evaluations, salary history, and other employment information.

1. Personnel files are the property of the City and access to the information contained therein is restricted. Generally, only an employee and an employee's Managers are allowed to view personnel files. Employees may be given a copy of their own personnel file.

2. The City reserves the right, in order to protect confidentiality, to redact information and material available for review.

3. No other person will be provided a copy of any personnel file except upon presentation of a lawfully issued subpoena.

## Definitions

As used in this Manual, unless the context otherwise requires, the following words shall have the meanings set forth below:

### **Anniversary Date**

An employee's anniversary date is the date the employee was hired for a full-time position and will not change. The purpose of the employee anniversary date is to establish a point from which all employee personnel decisions using years of service can be based, such as eligibility for benefits and other areas related to an employee's years of service. If an individual is separated and subsequently re-employed, the new hire date will be established as the anniversary date.

### **Classifications**

1. Full-time Classified Employees work in those positions that have a regular work schedule of forty (40) hours or more each workweek.

(a) If the employee is later employed in Unclassified service, that employee's Classified service time will count as continuous years of service with the City so long as there is no more than a thirty (30) calendar day break in service.

(b) Classified Employees are eligible to participate in all employee benefits, including group health insurance plans, retirement, annual leave, sick leave and holiday pay.

2. Full-time Unclassified Employees work in those positions that are appointed by the City Council. Full-time Unclassified Employees are entitled to the

same benefits and their service time is calculated in the same manner as Full-time Classified Employees.

3. Part-time Employees work in positions that will normally require less than twenty (20) hours in a workweek. Part-time Employees are not guaranteed a schedule and may not work every week.

(a) If a Part-time Employee is later employed in a Classified or Unclassified position, his or her part-time service will not count as continuous years of service with the City.

(b) Part-time Employees are not eligible for employee benefits programs, except as required by law.

4. Temporary Employees are those individuals who are employed to perform special or emergency functions, temporary work, or to be substitutes or replacements for Classified, Unclassified, or Part-Time Employees who are on approved leave.

(a) Employment in temporary service shall not exceed nine (9) consecutive months.

(b) If a Temporary Employee is appointed or hired to fill a Classified or Unclassified position, his or her employment in temporary service will not count as continuous years of service with the City.

(c) Temporary Employees may not be transferred directly to Unclassified, Classified or Part-time positions, however they may apply for any vacancies.

(d) Temporary Employees are not eligible for employee benefits programs except as provided by law or these policies.

5. Probationary Employees are those in their first twelve (12) months of employment. This probationary period is an integral part of the training and evaluation process for each new employee and will be utilized for observing the employee's work, for making any performance or conduct assessments, and for recommending any changes or improvements to performance. Every individual seeking a position in Classified or Unclassified service must satisfactorily complete a probationary period.

(a) Probationary Employees are eligible for those benefits that are required by law. They may also be eligible for other employee benefits subject to the terms and conditions of each benefits program. Probationary Employees should contact the Human Resources Director for more information about eligibility.

(b) The performance of a Probationary Employee will periodically be evaluated during the probationary period.

(c) During the probationary period, the Department Head, at his or her discretion, may dismiss or reassign any Probationary Employee. The employee will be notified.

6. Trainees are individuals who are hired or promoted to a position in a higher classification but who do not yet meet all of the established requirements of the higher Classified position.

(a) Trainees will receive a level of pay that is five (5%) percent below the minimum rate for that position.

(b) Trainees will continue to receive the lower rate of pay as long as he or she is in training.

(c) Trainee status will count toward the probationary period.

(d) Trainee status shall not exceed one (1) year.

(e) Upon the Trainee becoming fully qualified for that position, the Manager will certify to the City Administrator that the Trainee is fully qualified to assume and perform all responsibilities and duties of that position.

(f) Upon approval of the City Administrator, the Trainee's designation will be changed to Classified and his or her rate of pay adjusted to reflect such change.

### **Temporary Assignments**

Any employee may, at the discretion of the City Administrator, be placed on temporary assignment in another position for such purposes as training, accomplishing special projects, filling temporary vacancies, or other reasons.

### **Conduct Unbecoming a Public Employee**

Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably upon their department. Conduct Unbecoming a Public Employee is conduct, whether on or off the job, that:

(a) adversely affects the employee's ability to continue to perform his or her current job;

(b) adversely affects the morale, operations, or efficiency of City departments;

(c) may adversely affect, lower, or destroy public respect and confidence or bring discredit upon any department, officer or employee; or

(d) brings their department or any officer or employee into disrepute or brings discredit upon their department or any officer or employee.

## **Equipment**

Equipment is any property owned or controlled by the City such as computers, phones, vehicles, and vessels.

## **Holidays**

The City Council approves the holiday schedule: paid holidays include:

New Year's Day

Martin Luther King, Jr.'s Birthday

Mardi Gras Day (Fat Tuesday)

Good Friday

Memorial Day

Independence Day

Labor Day

Veterans' Day

Thanksgiving Day and the Friday after

Christmas Eve and Christmas Day

## **Insubordination**

Insubordination means failing or refusing to carry out a directive from a Manager and/or disrespectful behavior toward a Manager.

**Manager**

Manager means, the Mayor, City Administrator, Department Head or Supervisor of any employee as described in the City's organizational chart and as the context may require.

**Pay Plan/Job Listing**

Pay Plan/Job Listing means the list of positions that have been adopted by the City Council and the salary ranges for those positions.

**Weapon**

Any firearm, bowie knife (blade exceeds 1.5") or similar instrument which, under the circumstances, is capable of causing death or serious injury.