

Manual for Supervisors and Employees

**Policy Clarifications
are placed in the
FRONT
of this manual**

These Clarifications have been approved and signed by the mayor.

CLARIFICATION I

November 18, 2005

TO: Department Heads Mayor Irons' Approval _____
Payroll Sections Date _____

FROM: Sandra Sockwell

SUBJECT: Sick Leave Clarification

In administering the Sick Leave policy recently adopted in the new *Manual*, Mayor Irons' clarification is that "may" is to be interpreted "will" in the following excerpt from page 22: "(f) The employee's supervisor has the responsibility and authority to recommend approval or disapproval of all sick leave requests and may require an employee on sick leave for twenty-four (24) consecutive regularly scheduled work hours or forty-eight (48) regularly scheduled work hours in a calendar year to provide a physician's excuse. Employees not providing proper documentation may be disciplined."

Note from Personnel Director: For the first infraction, the employee should be charged with annual leave or leave without pay if there is no annual leave accrued. Disciplinary action that may be invoked after repeated violations include written reprimand, suspension, or termination.

Personnel Director
/lmt

CLARIFICATION II

November 30, 2005

TO: Department Heads Mayor Irons Approval _____
Payroll Sections Date _____

FROM: Sandra Sockwell

SUBJECT: On-Call Pay Clarification (p. 43)

- 1) Definition of “on-call”: Employees are considered “on-call” when they have been notified by their supervisors that they are considered to be on call, whether by their positions or particular circumstances in their department. These employees are expected to be ready and available to work at a moment’s notice; they cannot go out of town or participate in activities that would make them unfit or unavailable for duty. Furthermore, other employees who are called in due to an emergency in their departments or who are called out as “emergency personnel” will also be due the on-call rate.
- 2) If an employee receives multiple call outs in less than two hours, he/she is paid “on call” pay for two hours. If he/she works more than two hours, involving multiple call outs within two hours, he/she gets regular overtime pay for those hours worked in excess of two. If the time between call outs is greater than two hours, the employee is eligible for another two hours of “on call” pay.
- 3) If an employee is called out less than 2 hours before his/her regular reporting time, he/she receives “on call” pay for two hours; regular pay starts at the beginning of his/her regular reporting time.
- 4) Employees who work before their regular shifts or over the end of their regular shifts or on any pre-arranged or scheduled work before or after their regular shifts have not been called out, and they are merely extending their work day, so that work time is paid at the regular applicable overtime rate.
- 5) Employees who work overtime on Sundays or Holidays are paid at a double time rate.

6) Employees are responsible for reporting when they are called out to their proper dispatch section for verification. They are also responsible for calling dispatch to report they are “clear” when finished with a call-out. Dispatch will report these “in” and “out” times to the respective departments. Employees are responsible for reporting OT appropriately to their supervisors for approval.

6) Exempt employees may, under unusual emergency situations and with the Mayor’s approval, be paid overtime. These situations will be rare and should be approved in advance whenever possible.

7) Supervisors are charged with administering their departmental overtime judiciously and are responsible for time being turned in properly.

Personnel Director

/lmt

CLARIFICATION III

February 7, 2006

TO: Department Heads

FROM: Sandra Sockwell

SUBJECT: Personnel Policies/Procedures Clarifications

There are four issues in this edition of Personnel Policy Clarifications: 1) Sick Leave, 2) Grievance Procedure, 3) On-Call Policy, and 4) Out-of-Classification Compensation Policy.

1. Sick Leave _____ (initials)

p. 22 (f)B... Arequire an employee on unexcused sick leave for more than twenty-four consecutive, regularly scheduled work hours or more than forty-eight (48) unexcused, regularly scheduled work hours in a calendar year to provide a physician=s excuse....@

Please note that the **underlined words are additions**. The interpretation of the policy in this way will be more centrally consistent across utilities & other departmental lines.

2. Grievance Procedure _____ (initials)

pp. 14-15. If a grievance has crossed departmental lines, the two department heads should meet to resolve the issue. If it cannot be resolved, then they can request the Mayor become involved. If the complaint is against the department head and cannot be resolved with the employee, then that employee would have the opportunity to meet with the Mayor.

3. On-Call Policy _____ (initials)

The clarification issued on November 30, 2005, item number five simplifies the situation for departments, particularly those that work 24/7, so that practice will be simpler than taking into consideration the multiple exceptions contained in the last three (3) sentences of the original policy (p. 43).

The question arose about two similar situations: if a firefighter is asked to work over a second consecutive shift because the department is short, he should be paid the same rate for working over as another employee who might have to be Acalled in,@ as both are working as if they had

been called in; it is not a regularly scheduled shift for either. This is different from the current practice, but appears to be the interpretation based on the initial clarification. It does not appear to be covered by the #4 of the clarification, as working a separate, full shift is not the same as Aextending their regular shifts.@ **No action needed, but accounting sections should be aware of the situation lined out above, as that is not the current pay practice.**

4. Out-of-Classification Compensation Policy _____ (initials)

This policy was drafted as a suggestion by Dan Barger.

An employee assigned the total duties and responsibilities of an incumbent position of a higher grade for any specified period of at least one full day, who is not getting credit for such assignment within the individual=s job description, may be eligible for out-of-classification compensation (OCC). The eligible employee must possess *all* required skills and job knowledge of the assumed position and assume the *total* duties and responsibilities of the absent employee=s position, not merely covering some of the duties or sitting in. The employee receiving out-of-classification compensation will have *abandoned* their routine duties and position in order to assume the higher graded position. The employee should be completely, physically relocated to that position, which indicates that it is an absolute necessity that someone be placed on that job in the person=s absence. OCC will not be given for less than one full day.

Department Heads should anticipate routine needs and have provided potential OCC employees with the proper training to assume the increased roles. Out-of-Classification Compensation is not appropriate during such training. Normally, the City has required an apprenticeship of fifteen shifts for training. An employee who has not been properly trained, or who does not possess the required skills or job knowledge, cannot fully assume the open position and is not eligible for OCC. In addition to preparing an employee, Department Heads should also have included in their annual budgets amounts sufficient to cover routine OCC needs.

Department Head level of OCC must be approved in writing by the Mayor, preferably before the work occurs whenever possible.

Personnel Director

/lmt

cc: Accounting Sections

CLARIFICATION IV

March 23, 2006

TO: Department Heads

FROM: Sandra Sockwell

SUBJECT: Personnel Policies/Procedures Clarifications IV

There are three (3) issues in this edition of Personnel Policy Clarifications:

- 1) Minimum Number of Hours for Out-of-Classification Compensation (OCC),
- 2) Effective Date for Paying Double Time on Sundays and Holidays, and
- 3) Definition of "Unexcused" Absence for Sick Leave.

1) Minimum Number of Hours for Out-of-Classification Compensation (OCC) _____

The last sentence of the first paragraph of the Out-of-Classification Compensation (OCC) Policy, included in Clarification III, Item #4 (dated February 7, 2006), is hereby changed to read: "OCC will not be given for less than **four (4) hours' work.**" It originally read, "OCC will not be given for less than one full day." Using the four-hour minimum will be more consistent with policies and practices already in place in various departments around the City.

2) Effective Date for Paying Double Time on Sundays and Holidays _____

Mayor Irons has indicated that the effective date for paying double time for **all overtime** worked on Sundays and Holidays (Item #5 on Clarification II) will be **March 17, 2006**, as that is the date the Mayor signed Clarification II.

3) Definition of "Unexcused" Absence for Sick Leave _____

"**Unexcused**" sick leave is merely **an absence that is not accompanied by a physician's excuse.** (Reference Clarification III, Item #1)

Personnel Director

/lmt



CITY OF FLORENCE, ALABAMA

Department of Personnel and Insurance
Sandra M. Sockwell, Personnel Director/Insurance Manager

February 18, 2008

To: Department Heads
From: Mayor Irons *BI*
Subject: Personnel Policies/Procedures Clarification V

With respect to job openings posted internally only, Sections I and J of Chapter IV of the *City of Florence Manual for Supervisors and Employees* will be interpreted as follows:

The Personnel Director will screen all applications submitted by current City employees to determine which candidates satisfy the minimum qualification requirements of the posted position. The Personnel Director will segregate the applications of the candidates that do not meet the minimum qualifications from the applications of the candidates that do. The Personnel Director will attach a note to the application of each candidate that does not meet the minimum qualifications explaining why the candidate does not meet the minimum qualifications. All of the job applications then will be forwarded to the Department Head, and all applicants will be interviewed by the Department Head or his or her designee.

/lmt



CITY OF FLORENCE, ALABAMA

Department of Personnel and Insurance
Sandra M. Sockwell, Personnel Director/Insurance Manager

April 11, 2008

To: Department Heads

From: Mayor Irons
Ben Maharrey, Safety Director/Insurance Manager
Sandra Sockwell, Personnel Director/Benefits Manager

Subject: Clarification VI – Loss of Driver's License

When City employees who must drive and maintain a current driver's license lose their licenses, they must notify the Personnel Department at the earliest practicable time in order to protect the City from liability issues. See also the City Manual, pages 17-18, 6 (a) (10) for further information.

If employees are required to drive in their job duties and their licenses are suspended, no matter what the reason for the suspension, there will be an automatic 5 days added to the suspension period for failure to notify the City (3 shifts for Fire Department). The employee will be suspended for *the full period* during which his/her driver's license was suspended, not just at the point the suspension is discovered and until the license is reinstated.

In other words, if the license suspension period is 60 days, then the employee will be suspended for 60 days plus five additional days (or 3 shifts for Fire Department) for failure to disclose. Otherwise, if an employee is suspended only at the point when the City becomes aware of the suspension, there would be little incentive for a driving employee to immediately divulge the suspension and unfair to those employees who do report suspension in a timely manner.

The employee must make arrangements with his/her payroll section for paying full premiums for health insurance and other payroll deductions during or following the suspension period.

/lmt


B. Irons


S. Sockwell


B. Maharrey

Clarification VII Manual for Supervisors and Employees

Memo To: All City Department Heads

Copy To: Mayor Irons

From: Dan Barger, Acting Human Resources Director

Date: May 25, 2010

Subject: Clarification VII - Personnel Action Request Approvals

Effective with this notice, the final required approval on Personnel Action Request Forms (PAR) will be as follows:

Mayor

- * Death
- * Demotion
- * Hire
- * Lay Off
- * Promotion
- * Reassignment
- * Reclassification
- * Reinstatement
- * Retirement
- * Sick Leave Extension
- * Suspension
- * Termination
- * Transfer

Human Resources Director

- * Address Change
- * End of Probation Period
- * FMLA
- * FMLA - Return to Work
- * Leave W/O Pay
- * LWOP - Return to Work
- * Leave W/Pay
- * LTD Application / Status Change
- * LTD Approval Notification
- * Military Leave
- * Military - Return to Work
- * Name Change
- * Step Increase

OK
Bulworn
5/24/10

CITY OF FLORENCE
MANUAL FOR SUPERVISORS AND EMPLOYEES

PREFACE

The policies and procedures outlined in this Manual for Supervisors and Employees govern the administration of matters affecting personnel employed by the City of Florence.

The policies set forth in this Manual are intended to standardize recurring personnel actions throughout the City of Florence. It will serve as a readily available reference for the appropriate action in given situations, and it will provide general guidance upon which logical decisions can be developed for handling personnel actions that are not specifically delineated. However, this document is not all-inclusive; therefore, judgment must be applied in those cases where applicable policies and procedures are not specifically delineated. The provisions of this Manual are applicable to all City of Florence employees/positions. The fire and police officers are subject to the requirements of this Manual except those that are in conflict with the Civil Service Act or the Civil Service Rules and Regulations. The utilities employees are subject to the requirements of this Manual unless they conflict with any terms and conditions of employment or employment practices that are contained in a “working agreement” with certain utilities employees who are covered under such working agreement. In case of conflict, the terms of the “working agreement” will prevail over this Manual, provided such terms effectuate the policies of the City. The election and removal from office of the City Clerk and the City Treasurer or the City Clerk-Treasurer, as the case may be, will be in accordance with state law instead of the provisions of this Manual.

The intent of this Manual is to ensure fair and equitable treatment of similarly situated employees regarding work assignments, pay, promotions, and disciplinary action and to maintain a good working relationship between the employees and management. The desired result is to have a well-trained, highly motivated, and productive work force to provide the best possible services to the citizens of Florence and to enable employees to derive satisfaction from their work.

This Manual and the policies contained herein represent employment practices of the City of Florence. It is intended to provide employees with information about many of the present policies and benefits of the City. Each employee should read, understand, and comply with all provisions in the Manual.

No manual can anticipate every circumstance or question about policy. The policies and benefits described in this Manual may be modified or revised (including but not limited to supplementing or rescinding any portion of the Manual) at any time, at the City’s sole discretion.

This Manual is intended to serve merely as a guideline and does not represent and should not be construed as an employment contract or any aspect of an employment contract between any City employee and the City or a promise of employment by the employer. Furthermore, no oral communications or representations by any City officer or employee should be deemed to represent an employment contract or any aspect of an employment contract. All employees of

the City are employed for an indefinite period (with the employment being at all times an at-will employment) and may be terminated at any time at the discretion of the City.

Department Heads and Regular Employees of the City may be suspended without pay, demoted, or dismissed by the City for the causes set forth in this Manual or any other valid reason but only after the Department Head or Regular Employee has had the opportunity to avail himself or herself of the appropriate due process procedures set forth in this Manual. Introductory Employees, Part-time Employees, Temporary Employees, and Co-op Employees are “at-will” employees and may be suspended without pay, demoted, or dismissed at any time at the discretion of the City.

Problems arising in the interpretation and implementation of the policies and procedures set forth in this Manual should be addressed to the Personnel Director. This Manual supersedes and replaces entirely all previously published manuals and handbooks concerning the employment related policies and procedures of the City of Florence. The establishment of this Manual is not intended to reduce and shall not be construed by any person, court, agency, or administrative body as having the effect of reducing any element of accrued compensation, benefits, or time off with pay earned by any City employee.

The Personnel Director, with the approval of the Mayor, may publish letters of Policy and Procedures Interpretation/Clarification. These letters will further elaborate upon matters covered in the Manual for Supervisors and Employees and/or record any personnel decision that may set a precedent. These letters will be distributed to all departments and should be filed with the appropriate section of the Manual.

I. DEFINITIONS

The following capitalized words and phrases shall be given the following respective meanings as used in this Manual:

“City” - The municipal government of the City of Florence, Alabama.

“Co-op Employee” - Any student employed with the City as part of an approved work-study program offered by an accredited institution of higher learning.

“Department Head” - Any person who fills one or more of the following positions with the City of Florence or any such other position as the Florence City Council may designate as a department head position: Chief Accountant/Treasurer, Director of Animal Control, Director of Arts and Museums, City Attorney, Building Official, City Clerk, City Engineer, Fire Chief, Director of Parks and Recreation, Personnel Director/Insurance Manager, Planning Director, Police Chief, Purchasing and Public Grants Administrator, Manager of Sanitation and Landfill Operations, Manager of Street Operations, Urban Forester/Horticulturist, Controller of Utilities, Manager of Electricity Department, Manager of Gas Department, Manager of Water and Wastewater Department, Manager of Information Systems and Meter Reading.

“Introductory Employee” - Any employee of the City of Florence serving an Introductory Period as set forth in the “Introductory Period” Section of this Manual.

“Manual” - The *City of Florence Manual for Supervisors and Employees*.

“Part-time Employee” - Any employee of the City who is hired to work less than a full work week as defined by law on a regular basis.

“Regular Employee” - A full-time employee of the City hired to fill a position for an indefinite period who has satisfactorily completed the Introductory Period as set forth in the “Introductory Period” Section of this Manual.

“Regular Employment Position” - Any position with the City to be filled by a Regular Employee or an Introductory Employee.

“Temporary Employee” - Any employee of the City hired to work a full-time schedule for a limited period of time rather than an indefinite period of time.

II. EQUAL EMPLOYMENT OPPORTUNITY POLICY

All employees of the City of Florence have the right to be treated on the basis of their own skills, abilities, and merits. To that end, the City will implement its employment policies without regard to race, color, sex, national or ethnic origin, creed, religion, age, citizenship, veteran status, or disability. This policy applies to all aspects of the employment relationship, including all terms, conditions, and privileges of employment.

III. CONDITIONS OF EMPLOYMENT

A. The City expects strict accountability from its employees in the performance of work. Except as provided in this Manual, no employee may receive compensation from the City except in payment for services rendered.

B. The City will develop and maintain a description of each job position in the City's service that sets forth tasks and duties assigned to or associated with the job position.

C. The City adheres to all applicable federal and state regulations concerning wages, hours, facilities, hazardous working conditions, and other conditions of employment.

D. All City employees will be given copies of their job descriptions prior to beginning work for the City. Should an employee's job change in a manner that eliminates any job function on the job description or adds duties that are not listed on the job description, that employee should notify his/her supervisor of such change.

E. No individual will be hired by the City if this individual would be subject to direct supervisory control by a member of the individual's immediate family. Immediate family shall be interpreted to include father, mother, sister, brother, husband, wife, children, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, step-mother, step-father, step-children, step-brother, step-sister, aunt, uncle, niece, nephew, and/or guardian. Individuals employed before adoption of these policies and procedures shall be exempted from this provision, unless they assume an immediate family relationship after these policies are enacted. If any displacement or transfer is required for compliance with this policy, the subordinate employee may be subject to displacement or transfer.

F. It is the policy of the City to comply with all state and local health and safety regulations and to provide a work environment as free as practicable from recognized hazards. The City strongly believes in the principle that safety is good business, not only from the point of preventing human pain and suffering, but also in improved efficiency and productivity. As a condition of employment with the City, all employees of the City are expected to comply with all rules and standards of conduct concerning maintaining a safe workplace in order to protect City employees and citizens from harm. Providing a safe working environment will help avoid injuries at the workplace and help protect the City and City employees from potential liability.

IV. HIRING AND PROMOTIONS

A. The City may fill vacant Regular Employment Positions by promotion of City employees who meet required qualifications and have demonstrated potential before recruiting from outside sources. City employees will be notified of current and potential vacancies through the office of the Personnel Director.

B. Vacancies in Department Head positions shall be filled in accordance with state law and/or applicable City ordinances instead of the provisions of this Manual.

C. Vacancies in positions in the Police Department and Fire Department, including Police Chief and Fire Chief, shall be filled in accordance with the Civil Service Act and the Rules and Regulations of the Civil Service Board of Florence, Alabama, instead of the provisions of this Manual.

D. The election and removal from office of the City Clerk and the City Treasurer or the City Clerk-Treasurer, as the case may be, will be in accordance with state law instead of the provisions of this Manual.

E. Job positions will be filled with eligible applicants deemed by the City to be the most qualified.

F. In filling Regular Employment Positions, first consideration will be given to qualified City employees. Promotion to vacant positions will be based on:

1. Quality of past performance;
2. Potential, as determined by interview and/or examination procedures; and
3. All other factors the City may deem relevant to the selection process.

G. When a Regular Employment Position is available, first consideration will be given to current employees of the City. "First consideration" is not and should not be considered as a promise or guarantee that a vacancy will be filled from the ranks of our current employees. All hiring, transfer, and promotion decisions will be based on the ability, skill, experience, and character of the applicants, whether a current employee or a new applicant for hire.

The Personnel Director shall advertise the opening to current employees by:

1. Posting a list of available openings on the employee bulletin boards in the various City Departments; and
2. Maintaining a list of available openings in the Personnel Office to respond to personal, telephone, or e-mail inquiries.

The postings shall include, or be accompanied by, the current job description for the position and shall state the period of time that applications from current employees will be accepted, which

period shall not be less than one (1) week or more than four (4) weeks (unless a longer period is approved by the Personnel Director).

The Personnel Director shall make blank applications available to current employees on request during the posting period. The process for screening applicants, interviewing, and selecting an applicant for the position will be the same as the procedures set forth in Paragraphs "I" and "J" below.

H. If no current employee of the City applies for or is found suitable by the Department Head for a vacant Regular Employment Position, the Personnel Director may advertise the vacancy to the general public by any or all of the following methods:

1. Posting a list of available entry level openings on the public bulletin board in the Municipal Building;
2. Maintaining a list of available entry level openings in the Personnel Office to respond to personal, telephone, or e-mail inquiries;
3. Advertising the position in a newspaper of general publication in the Florence area;
4. Advertising the position in a trade publication circulated in Alabama, the Southeast, or the nation as a whole, as appropriate;
5. Listing any available entry level opening with the Alabama Department of Industrial Relations; and
6. Using any other means appropriate in the given situation.

The posting or advertisement shall state (i) the period of time that applications will be accepted, which shall be determined by the Mayor in consultation with the Personnel Director and Department Head, but which in no event shall be less than fourteen (14) days, (ii) the minimum qualification requirements, and (iii) the pay scale for the vacant position.

I. Applicants for a vacant position will be required to complete an application that requests information regarding personal background, education, skills, and experience. The application shall include an authorization allowing the City to conduct a background check regarding the applicant's education, employment history, criminal arrest and conviction record, civil litigation history, credit history, and driving record. Applicants may also attach a resume or other documentation with the application.

The Personnel Director will screen all applications to determine those that best objectively satisfy the minimum qualification requirements set forth in the relevant job description. The Personnel Director shall forward the applications of the best objectively qualified applicants to the Department Head. The applicants shall not be ranked by the Personnel Director.

J. The Department Head shall review the applications submitted by the Personnel Director and notify the applicants of the date and time of their interview. The Department Head

shall develop standard, job-related interview questions that will be asked to all applicants that are interviewed in addition to appropriate follow-up questions. Unless they have been approved by the Personnel Director for prior interviews, these standard interview questions must be submitted to the Personnel Director for approval prior to any scheduled interview. The Department Head shall conduct all interviews or shall designate one or more supervisory employees to conduct all interviews. If employees other than the Department Head conduct the interviews, then they shall submit any notes taken during the interview, a written recommendation regarding the top applicants, and a written statement explaining their recommendations to the Department Head for consideration.

The Department Head shall have final decision-making authority over the selection of the best suited applicant for the position and shall notify the Personnel Director of his or her decision. The Personnel Director shall then obtain a background check on the applicant selected by the Department Head and verify the information provided in his or her application. Falsification of any information requested on the application may immediately disqualify the applicant. If the background check disqualifies the applicant, then the Department Head shall select another applicant who was interviewed, and the Personnel Director shall follow the background check procedures with respect to the new selectee. Any recommendation for a position must be approved by the Mayor after receiving notice of a satisfactory background check from the Personnel Director.

If, after interviews are completed, the Department Head considers none of the applicants interviewed suitable for the position, he or she may request additional applications, if there are any, from the Personnel Director. If no suitable applicant is found, then the Personnel Director may advertise/post the position again at the request of the Department Head.

K. Any applicant selected to fill the position for which he or she applied will be required to pass a screen for alcohol and controlled substances in accordance with the City's Alcohol and Controlled Substance Policy and satisfactorily complete a medical examination by a physician of the City's choosing prior to a firm offer of employment, transfer or promotion being made.

For the medical examination, the physician will be provided with the relevant job description and the essential physical and mental functions of the position in order to determine if the applicant is capable of performing the position in question. In conjunction with this, the physician will inquire concerning past injuries, impairments and pre-existing medical or physical impairments. Misrepresentations as to pre-existing physical or mental impairments may void any entitlement to workers' compensation benefits should an employee sustain a work-related injury in employment and may result in disciplinary action. If the examining physician finds that the applicant, with or without reasonable accommodations, is capable of performing the essential functions of the position without significant risk of harm to himself or herself or others, the applicant will be awarded the position. However, if the examining physician finds that the applicant, with or without reasonable accommodations, cannot perform the essential functions of the position without significant risk of harm to himself or herself or others, the applicant will be deemed unqualified for the position and the conditional offer of employment will be withdrawn.

L. The Personnel Director shall be responsible for collecting and maintaining all (i) applications, (ii) tests and test results of Civil Service applicants, (iii) interview notes, (iv) recommendations, (v) documents relating to background checks, (vi) drug and alcohol screen reports, (vii) medical examination results, and (viii) any other documents relating to the filling of vacancies with the City for a period of at least five (5) years.

V. INTRODUCTORY PERIOD

A. Every new or current employee hired to fill a Regular Employment Position, whether new, lateral, promotional, or demotional, will serve an introductory period of 180 days. The introductory period will be regarded as an integral part of the training and evaluation process and will be utilized for observing an Introductory Employee's work and for separating any Introductory Employee whose performance does not meet required performance standards. Any dismissal of a newly hired Introductory Employee during the introductory period shall be at the sole discretion of the Department Head and shall not be subject to the due process requirements set forth in this Manual. A Regular Employee who is promoted to or transfers to a new position and is in his/her introductory period may be demoted or transferred back to his/her previously held position or a position similar to his/her previously held position by the Department Head if there is a vacancy for such position. This action shall not be subject to the due process requirements set forth in this Manual. A Regular Employee who is promoted to or transfers to a new position and is in his/her introductory period may be suspended without pay or dismissed only after he/she has had the opportunity to avail himself/herself of the due process procedures set forth in this Manual.

B. An Introductory Employee will not become a Regular Employee until a certification has been made by the employee's Department Head that the employee's service has been satisfactory. Conversion from Introductory Employee to Regular Employee of the City shall be based upon:

1. satisfactory performance of work;
2. personal conduct compatible with trust inherent in public service;
3. necessity for performance of the work; and
4. availability of funds.

C. An Introductory Employee's performance shall be evaluated at least two times during the introductory period. The first rating shall come no later than the end of the first 90 day period and the second rating no later than the completion of 179 days. If an Introductory Employee's performance is deemed unsatisfactory after the completion of 179 days, then such Introductory Employee will be dismissed.

D. A Department Head may dismiss a newly hired Introductory Employee at the department's sole discretion. The Department Head will inform the Personnel Director of the City of the intent to dismiss an Introductory Employee so the appropriate records may be completed in a timely manner. A written notice of dismissal will be furnished to the dismissed Introductory Employee. A copy of the notice of dismissal will be sent to the Personnel Office by the department issuing the notice.

E. Lengthy absences during the introductory period are discouraged and shall be granted only in justifiable situations.

F. Transfers or promotions from one department to another will not be considered during an employee's first six (6) months of employment or first six (6) months in a new position unless approved by the Mayor and the Department Head. The Mayor may delay the departure of any employee to a new position if it is in the best interest of the City.

G. All persons hired to fill Department Head positions with the City must serve an introductory period pursuant to the terms set forth in this "Introductory Period" Section, except the Mayor shall have the authority and obligation to carry out the duties assigned to Department Heads in Paragraphs A through F of this "Introductory Period" Section with respect to Departments Heads serving their introductory periods.

VI. DISCIPLINARY ACTION

A. The primary purpose of the disciplinary process for the City is to improve performance and behavior of all employees. The City hopes and expects to maintain good working relationships with all employees. However, occasions may arise when the performance, conduct, or actions of an employee require that some form of corrective discipline be administered. Types of possible disciplinary action include, but are not limited to, verbal reprimands, written reprimands, administrative leave, suspension without pay, demotion and dismissal. Any suspension without pay, demotion, or dismissal of a Department Head or Regular Employee may be implemented only after the Regular Employee or Department Head has had the opportunity to avail himself or herself of the appropriate due process procedures set forth in this Manual.

B. Discipline for misconduct may or may not entail progressive discipline. The City specifically reserves the right to impose dismissal, demotion, or suspension based upon the underlying circumstances of the misconduct and/or the individual employee's work and disciplinary history. Any dismissal, demotion, or suspension without pay of a Regular Employee or Department Head is subject to the Regular Employee's or Department Head's opportunity to avail himself or herself of the appropriate due process procedures set forth in this Manual.

C. Supervisory personnel will strive for high standards of performance in their various departments and will fairly and impartially implement disciplinary measures when necessary. Employees who do not perform satisfactorily or who cannot meet employment standards or fail to comply with rules established by the City will be subject to discipline.

D. Except for oral reprimands, the Department Head shall ensure in all disciplinary actions that the employee is provided in writing:

1. The reason(s) for discipline;
2. The disciplinary action to be taken; and
3. The date, time, and place of such action.

All written disciplinary notices will be approved and signed by the Department Head.

E. With respect to all Department Heads, except for oral reprimands, the Mayor shall ensure in all disciplinary actions that the Department Head is provided in writing:

1. The reason(s) for discipline;
2. The disciplinary action to be taken; and
3. The date, time, and place of such action.

All written disciplinary notices to Department Heads will be approved and signed by the Mayor. A copy will be forwarded to the Personnel Director for inclusion in the Department Head's personnel record.

F. Procedures for disciplinary actions.

1. All disciplinary actions will be recorded and filed in the employee's personnel file.

2. A Regular Employee or Department Head is entitled to a due process hearing, if requested in writing by the Regular Employee or Department Head, in every case in which the Regular Employee or Department Head is subject to suspension without pay, demotion, or dismissal. The due process hearing gives the Regular Employee or Department Head the opportunity to be heard and present information concerning the acts that led to the suspension without pay, demotion, or dismissal.

3. Introductory Employees, Temporary Employees, Part-time Employees, and Co-op Employees who are suspended without pay, demoted, or dismissed do not have the right to a due process hearing.

4. The suspension without pay, demotion, or dismissal of a Regular Employee or Department Head will be handled through the appropriate due process procedures set forth in this Manual.

5. The Mayor, Department Heads, and supervisors shall not discuss any disciplinary action except in the context of the procedures for such matters set forth in this Manual.

VII. GRIEVANCE PROCEDURES

A. The grievance procedures permit an employee access to those individuals who make management decisions and also provide a standard process for the investigation and resolution of employee complaints. All City Employees may discuss matters relating to their employment with their immediate supervisors. Supervisory personnel will make reasonable efforts to achieve satisfactory resolutions of problems. Furthermore, employment actions involving suspension without pay, demotion, or dismissal will not be addressed through the grievance procedures.

B. General Provisions

1. No employee will be penalized for filing a grievance unless the employee knowingly makes false statements in the grievance.

2. If an employee has a complaint, the employee should first discuss the complaint with the employee's immediate supervisor to try to resolve the problem informally.

3. At each step of the grievance process, the Department Head of the employee filing the grievance shall submit copies of all documents used in the process to the employee and the Personnel Director.

C. Grievance Procedures

1. Step One

(a) Within five (5) working days after the employee knows, or should have known, of the act or omission giving rise to the employee's alleged grievance, the employee shall present the grievance in writing and discuss it with the employee's immediate supervisor.

(b) The grievance shall state the nature of the complaint, the names of all persons involved in the incident, and all persons who have knowledge of the circumstances of the incident and shall be signed by the employee.

(c) The supervisor shall investigate the incident and provide the employee with a written response to the grievance within ten (10) working days of receiving the grievance.

2. Step Two

(a) Within ten (10) working days from receipt of the supervisor's response, the employee may appeal the response to his/her Department Head.

(b) The Department Head shall investigate the incident and furnish the employee with a written response to the grievance within ten (10) working days of receiving such appeal.

3. If an employee's immediate supervisor is a Department Head, or if an employee's grievance involves more than one City department, then the employee should skip Step One and initiate the grievance at Step Two.

4. The time limits established in these grievance procedures may be extended only by written consent of the parties involved. Failure of the grieving party to adhere to the time limits herein shall render the grievance null and void. Failure of the City to adhere to the time limits established herein shall entitle the employee to move the grievance to the next appropriate Step. The response at Step Two is final and ends the grievance process.

VIII. SEPARATIONS

A. General Provisions

All separations, including separations from positions caused by demotions and temporary separations caused by suspensions without pay, of Department Heads and Regular Employees from positions with the City shall be designated as one of the following types:

1. Resignation
2. Reduction in force
3. Disability
4. Death
5. Retirement
6. Dismissal, demotion, or suspension without pay

B. Types of separation

1. Resignation

(a) Any employee may resign by submitting in writing the reason(s) and the effective date for the resignation. Notification should be given as far in advance as possible, but at least two (2) weeks prior to the effective date of the resignation. Failure to comply with this requirement may be cause for denying the individual future employment with the City.

(b) Unauthorized absence from work for a period of three (3) consecutive working days will be considered by the Department Head as a voluntary resignation of any employee.

(c) The Mayor or Department Heads, as the case may be, shall forward all notices of resignation to the Personnel Director.

2. Reduction in force (RIF)

(a) When it becomes necessary to reduce the working force, the Mayor shall, in coordination with the Department Heads, determine the scope and nature of the RIF. Department Heads shall be responsible for implementing the RIF within their departments in accordance with the established scope and nature of the RIF. Police and Fire Departments will implement any RIF in accordance with Civil Service Act and the Civil Service Rules and Regulations.

(b) Criteria to be used by Department Heads in RIF decisions shall include i) budget concerns; ii) avoidance of duplication of skills, work or services, iii) any

documents in an employee's personnel file relating to job performance and/or disciplinary actions and iv) if all other factors are equal, length of service with the City.

(c) When a Regular Employee or Department Head is scheduled to be laid off, the Regular Employee or Department Head may be offered a demotion to a lower grade job position if he or she is qualified for the lower grade job position and a suitable vacancy exists.

(d) All employees shall be notified in writing by the Mayor or their Department Heads, as the case may be, of their layoffs at least fourteen (14) calendar days prior to the effective date of the layoffs. A copy of this notification shall be furnished to the Personnel Director.

(e) Regular Employees and Department Heads who are laid off will have recall rights for one (1) year from the effective date of the layoff. Regular Employees and Department Heads will sign statements that they are aware of the requirement to submit in writing to the Personnel Director every ninety (90) days, statements as to their availability to and interest in work with the City.

(f) The duties that were performed by any laid-off employee may be reassigned to other employees.

3. Disability

(a) Employees may be separated for non-job-related disability when they cannot perform their duties because of extended physical or mental impairment and after the City has determined that no reasonable accommodation can be made to allow the employee to perform the essential functions of his/her job position.

(b) Separation action may be initiated by either the employee or the City. In all cases, it must be supported by medical evidence acceptable to the Personnel Director. The City may require an examination by a licensed physician of its choice.

4. Death

(a) Separation is effective as of the date of death.

(b) All compensation due as of that date shall be paid to the estate of the employee, except for such sums that may be paid as by law to the surviving spouse.

5. Retirement

(a) Whenever employees meet the conditions for retirement set forth in the City of Florence retirement plan, they may elect to retire and receive all benefits earned under the plan.

(b) The notice of retirement may be forwarded to the Personnel Director as far in advance as possible but no later than forty-five (45) days prior to the requested effective date.

6. Dismissal, Demotion, and Suspension Without Pay

(a) Any Department Head or Regular Employee may be dismissed, demoted, or suspended without pay for any of the following reasons:

- (1) Incompetency or insufficiency in the performance of duties.
- (2) Commission of a criminal felony offense or of a misdemeanor involving moral turpitude.
- (3) Violation of any lawful regulation, order, or direction made or given by a supervisor.
- (4) Intoxication or possession of intoxicating beverages while on duty or system presence or possession of an illegal drug or narcotic while on duty (any City employee off duty but working in an on-call status must comply with this regulation). Violation of the City's Alcohol and Controlled Substance Policy.
- (5) Theft, destruction, carelessness, or negligence in the use of the property of the City.
- (6) Abusive personal conduct or language toward the public or toward fellow employees or other conduct unbecoming a City employee.
- (7) Political activities during working time.
- (8) Acceptance of any consideration of value which was given to improperly influence the employee in the performance of his or her duties.
- (9) Falsification of records, including time records, or use of official position for personal advantage.
- (10) Loss of a driver's license and driving privileges by due process of law when the employee's position requires the operation of a motor vehicle in the performance of the employee's duties. In the event the employee's license suspension period does not exceed ninety (90) days, then said employee shall be suspended without pay during the suspension period. In the event the employee's license suspension exceeds ninety (90) days, then said employee shall be dismissed from employment with the City. Any employee who is arrested, indicted, or convicted of a non-work-related drug or alcohol related violation must report this information to the Personnel Director no later than the following work day after such arrest, indictment, or conviction.

(11) Unauthorized possession of a firearm at work in violation of any state or federal law, careless handling of a firearm at work, or the unauthorized discharge of a firearm at work.

(12) Violation of any duly adopted City personnel policy or state/federal law or regulation governing public employment.

(13) Violations or disregard of safety rules and/or regulations.

(14) Insubordination including, but not limited to, failing to follow instructions or failing to perform work as directed by a supervisor.

(15) Inability to perform the essential functions of the job with or without reasonable accommodation.

(16) Tardiness and/or unauthorized absences (including early departure) and/or abuse of leave privileges.

(17) Disclosing confidential City information.

(18) Abuse of telephone or other communication systems for personal use.

(19) Excessively or repeatedly attending to personal affairs during work hours.

(20) Sexual, racial, or other harassment of City employees or other members of the public.

(21) Advocating or threatening revenge based upon a workplace occurrence.

(22) The intentional destruction or threat of destruction of City property or a co-employee's property while at work.

(23) Gambling in violation of Sections 13A-12-20 to 13A-12-27, Code of Alabama 1975, as amended, while on duty.

(b) This list is not exhaustive, and the City reserves the right to impose dismissal, demotion, or suspension without pay for any other legitimate and nondiscriminatory reason that constitutes good cause for disciplinary action, is reasonably specific, is consistent with this Manual, and is not motivated by any non-work-related preference or animus for or against any person.

(c) All suspensions without pay, demotions, and dismissals of Regular Employees and Department Heads will be handled pursuant to the procedures set forth in the "Due Process Procedures for Suspensions Without Pay, Demotions, and Dismissals of Regular

Employees” and “Due Process Procedures for Suspensions Without Pay, Demotions, and Dismissals of Department Heads” sections, respectively, of this Manual.

(d) Introductory Employees, Part-Time Employees, Temporary Employees, and Co-op Employees are not under any circumstances entitled to due process hearings and may be dismissed, demoted, or suspended without pay with or without cause at any time at the discretion of the City.

IX. ATTENDANCE AND LEAVE

A. Attendance and Records

1. An attendance record will be maintained for each employee by the employee's department. This record shall reflect all absences including sick leave, excused absences, and unexcused absences. An employee's attendance record will be made available to the employee for inspection on request. The Department Heads will be responsible for the completion of a weekly or monthly attendance report for all employees within their departments.

2. Any leave taken with prior approval of the City, including, but not limited to, annual, judicial, military, maternity, sick, holiday, bereavement, FMLA, and administrative leave will be considered an excused absence. If an employee is expected at work and does not appear, then the absence will be considered unexcused.

3. All types of leave (other than Holiday leave) must be approved by the supervisor of the employee seeking leave.

4. An employee cannot use annual leave with pay to supplement the employee's income while the employee is on workers' compensation leave. An employee may, however, use sick leave to supplement the employee's income while the employee is on workers' compensation leave.

B. The City of Florence recognizes the following types of leave:

- 1. Sick leave
- 2. Annual leave
- 3. Holiday leave
- 4. Emergency leave
- 5. Bereavement leave
- 6. Leave without pay
- 7. Maternity leave
- 8. Military leave
- 9. Judicial leave
- 10. Administrative leave
- 11. FMLA leave

1. Sick Leave

(a) Sick leave with pay is provided to Regular Employees, Department Heads, and Co-op Employees to provide a measure of protection from their loss of pay due to illnesses, disabling injuries, or time off for physical, dental or optical examinations or treatments.

(b) All Regular Employees, Department Heads, and Co-op Employees are eligible for sick leave with pay. Sick leave accumulates automatically without limit. Accrual continues when an employee is on sick leave or annual leave as long as the employee is on the active payroll. All eligible employees, regardless of length of service, earn sick leave at the rate

of one and one-quarter days per month of employment, except firefighters. Firefighters will accrue one-half shift (1 and ½ days) per month (three calendar days constitute one work shift).

(c) Newly hired Introductory Employees, Part-time Employees, and Temporary Employees are not entitled to sick leave with pay but may be granted time off without pay for the reasons listed below at the discretion of their Department Heads. Regular Employees who are serving an introductory period due to being transferred or promoted to a new position are eligible for sick leave with pay as set forth in this section.

(d) Sick leave may be taken only when the employee is sick or has a medical or dental appointment as outlined below. Use of sick leave is authorized under the following circumstances:

(1) When the employee is incapacitated from performance of duty because of sickness, injury, or pregnancy;

(2) When a member of the immediate family of the employee is afflicted with a contagious disease (subject to quarantine) or when, through exposure to a contagious disease, the employee's presence for duty would jeopardize the health of other employees (a contagious disease, requiring a certificate from the appropriate health authority, is defined as subject to quarantine or requiring isolation of the patient by the health authorities having jurisdiction); and

(3) When medical, dental, or optical examination or treatment is required during duty hours. Employees are encouraged to schedule such visits during off-duty hours or off days, whenever possible.

(e) A Regular Employee, Department Head, or Co-op Employee receiving workers' compensation benefits may, at his/her election, supplement those payments with accrued sick leave benefits. Amounts paid as sick leave will be charged against the Regular Employee's, Department Head's, or Co-op Employee's accrued sick leave benefits.

(f) The employee's supervisor has the responsibility and authority to recommend approval or disapproval of all sick leave requests and may require an employee on sick leave for twenty-four (24) consecutive regularly scheduled work hours or forty-eight (48) regularly scheduled work hours in a calendar year to provide a physician's excuse. Employees not providing proper documentation may be disciplined.

(g) An employee who becomes ill prior to the beginning of his or her scheduled tour of duty is responsible for notifying his/her supervisor or other supervisor designated by the department for this purpose as soon as possible on the first day of absence. Notice should be provided to the supervisor of the impending absence before the start of the workday whenever possible, but no later than thirty (30) minutes after the start of the scheduled shift of the employee. The employee is responsible for providing the supervisor with the information regarding the general nature of the illness and the expected date of return to duty. If an employee is unable to report for duty by the date specified above, that employee must request additional leave by contacting the supervisor. Employees should personally do the notifying of the absence to their supervisors unless they are medically unable to do so.

(h) When attendance records indicate an unusually high absence rate or when there appears to be an abuse of sick leave privileges, disciplinary action may be taken.

(1) Supervisors will verify absences for sick leave.

(2) Department Heads are responsible for enforcing these provisions by reviewing the use of sick leave on a regular monthly basis.

(3) When there is reason to believe that paid sick leave privileges are being abused by a Regular Employee, Department Head, or Co-op Employee, the Regular Employee, Department Head, or Co-op Employee will be notified in writing and will be required to furnish a medical certificate for any further absence for which he or she wishes to charge to sick leave.

(i) Sick leave for medical, dental, or optical treatment must be requested before the absence in non-emergency cases.

(j) Paid sick leave will not normally be advanced to a Regular Employee, Department Head, or Co-op Employee; however, under emergency conditions, a Regular Employee, Department Head, or Co-op Employee may be advanced sick leave not to exceed thirty (30) days. Request for advanced sick leave must be approved by the Mayor.

(k) Under no circumstances will sick leave be converted to annual leave.

(l) If a Regular Employee, Department Head, or Co-op Employee is on sick leave and a death occurs in the immediate family, up to three (3) days of the Regular Employee's, Department Head's, or Co-op Employee's sick leave time will be counted as bereavement leave.

(m) Employees with fifteen (15) years of continuous service at the time of retirement or separation from employment from the City will have twenty percent of their accumulated sick leave balance transferred to a Post Employment Health Plan benefit at their rate of pay at the time of their separations from employment.

(n) The statement of earnings and deductions (paycheck stub or a separate report) lists accumulated sick leave and the amount of sick leave taken for the year to date.

(o) Employees of the City who are on sick leave are not allowed to work for other employers and are not to engage in self-employment endeavors.

(p) An absence of a Regular Employee, Department Head, or Co-op Employee who utilizes sick leave for any illness or injury lasting over two months that is not covered under the State of Alabama Workers' Compensation Act will be reviewed by the Regular Employee's or Co-op Employee's Department Head, or the Mayor when the absence regards a Department Head, who must approve sick leave prior to payment from the Regular Employee's, Department Head's or Co-op Employee's sick leave balance. A written approval

form will be forwarded to the Regular Employee's, Department Head's, or Co-op Employee's payroll section in a timely manner authorizing the payment.

Each case will be examined and appropriate documentation reviewed prior to the approval of paid leave by the Mayor or the Department Head. The Regular Employee, Department Head, or Co-op Employee may be requested to appear before the Department Head or Mayor, as the case may be, for an informal interview to clarify any questions that may arise, or the Regular Employee, Department Head, or Co-op Employee may request to appear before the Department Head or Mayor, as the case may be. The Department Head or Mayor, as the case may be, may request that a Regular Employee, Department Head, or Co-op Employee go to a City-approved physician for an examination in order to assess whether any reasonable accommodations may be possible and appropriate in each situation. The City will pay for this examination.

Regular Employees, Department Heads, or Co-op Employees who are off work and unable to perform their job duties for at least four months and whose prognoses are that they will be unable to perform their job duties, with or without reasonable accommodations, for at least two more months will be encouraged to apply for the City's long-term disability ("LTD") status. No sick leave will be payable past a six-month period without a thorough review by the department and the Personal Director. Long-term disability status is determined by the City's LTD carrier.

If a Regular Employee, Department Head, or Co-op Employee on LTD status later becomes able to return to work (performing the essential job functions of the position with or without reasonable accommodations), the Regular Employee, Department Head, or Co-op Employee may be reinstated to that job or to an equivalent position within two years of the last day worked, provided that a position is available and provided that a City-approved physician certifies the Regular Employee's, Department Head's, or Co-op Employee's capability of performing the essential job functions of the position, with or without reasonable accommodations.

If a person cannot return to work duties under the conditions listed above within the two-year window, the person must reapply for employment with the City and has no re-instatement rights.

2. Annual Leave with Pay

(a) The City will provide its Regular Employees, Department Heads, and Co-op Employees a rest from the work routine, thereby creating a higher degree of personal efficiency and effectiveness. Regular Employees, Department Heads, and Co-op Employees will be granted a minimum of 5 days and a maximum of 21 days of annual leave, depending on years of service and date of hire (leave granted firefighters will be taken in shifts, as appropriate). If a Regular Employee, Department Head, or Co-op Employee is on annual leave with pay and a death occurs in the immediate family, up to three days of his or her annual leave time may be counted as bereavement leave without charge to annual leave. Annual leave with pay is accrued on a monthly basis.

(b) All Regular Employees, Department Heads, and Co-op Employees are eligible for annual leave. Annual leave for all Regular Employees, Department Heads, and Co-op Employees, except firefighters, employed prior to January 1, 1993, will be accrued as follows:

- (1) Through five years' continuous service - fifteen (15) days.
- (2) After five years' continuous service - sixteen (16) days.
- (3) After six years' continuous service - seventeen (17) days.
- (4) After seven years' continuous service - eighteen (18) days.
- (5) After eight years' continuous service - nineteen (19) days.
- (6) After nine years' continuous service - twenty (20) days.
- (7) After ten years' continuous service - twenty-one (21) days (maximum.) (For Electricity Department employees, twenty-six days (26) after fifteen years' continuous service).

(c) Annual leave for all Regular Employees, Department Heads and Co-op Employees, except firefighters, employed after January 1, 1993, will be accrued as follows:

- (1) Date of hire through one year - five (5) days.
- (2) One through five years' continuous service - ten (10) days.
- (3) Six through ten years' continuous service - fifteen (15) days.
- (4) After ten years' continuous service - twenty (20) days maximum.

(d) The amount of annual leave to be carried forward from one year to the subsequent year will not exceed thirty (30) days, except that employees with 15 years of continuous service at age 50 or older will be permitted to carry over up to a maximum of fifty (50) days. Eight hours will constitute one work day.

(e) Regular Employees assigned to the Fire Department employed prior to January 1, 1993, shall accrue annual leave for each twelve-month period as follows:

- (1) One through five years' continuous service - five shifts (15 calendar days).
- (2) Six through ten years' continuous service - six shifts (18 calendar days).
- (3) Eleven through fifteen years' continuous service - seven shifts (21 calendar days).
- (4) Fifteen or more years' continuous service - eight shifts (24 calendar days).

(f) Regular employees assigned to the Fire Department employed after January 1, 1993, shall accrue annual leave for each twelve-month period as follows:

- (1) Date of hire through one year continuous service - two shifts (6 calendar days).
- (2) One through five years' continuous service - three shifts (9 calendar days).
- (3) Six through ten years' continuous service - five shifts (15 calendar days).
- (4) After ten years' continuous service - seven shifts (21 calendar days).

(g) The amount of annual leave to be carried forward from one year to the subsequent year will not exceed 10 working shifts, except firefighters with 15 years of continuous service at age 50 or older will be permitted to carry over up to a maximum of 16 $\frac{2}{3}$ shifts. Twenty-four consecutive hours on duty will constitute one shift (three calendar days).

(h) Annual leave with pay is not available under any circumstances to newly hired Introductory Employees, Part-time Employees, or Temporary Employees. Regular Employees who are serving an introductory period due to being transferred or promoted to a new position are eligible for annual leave with pay as set forth above.

3. Holiday Leave

(a) The City of Florence observes the following ten paid holidays each year: New Year's Day, Martin Luther King's Birthday, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, day after Thanksgiving, Christmas Eve, and Christmas Day.

(b) If an above-named holiday falls on Saturday, the Friday preceding will be observed as a holiday. When an above-named holiday falls on Sunday, the following Monday will be observed as a holiday.

(c) Any Regular Employee or Co-op Employee that qualifies as a "non-exempt employee" under the Fair Labor Standards Act and corresponding regulations required to work on one of these holidays may, upon approval of the Department Head, be granted an alternative holiday to be used within the fiscal year in which it was accrued. Firefighters receive three and one-third ($3 \frac{1}{3}$) shifts or 80 hours per year in lieu of above holidays. Any other holidays of importance to an employee may be observed, but the employee will be charged annual leave or leave without pay. The absence for these holidays is subject to the approval of the employee's supervisor.

(d) The following employees are entitled to approved holidays with pay:

- (1) Regular Employees;
- (2) Department Heads;
- (3) Introductory Employees; and,
- (4) Co-op Employees.

(e) Part-time Employees and Temporary Employees will take approved holidays but are not under any circumstances entitled to be paid for any such holidays.

4. Emergency Leave

(a) The employee must notify his or her supervisor as soon as possible of his or her absence or lateness because of an emergency.

(b) Emergencies, other than personal sickness, will be counted as annual leave or leave without pay. Except for cases of unavoidable circumstances, emergency leave may be classified as an unexcused absence.

5. Bereavement Leave

(a) Regular Employees, Department Heads and Co-op Employees, except firefighters, will be granted three (3) working days of bereavement leave because of the death of a member of the immediate family. Firefighters shall be granted one working shift for bereavement leave. The immediate family is defined as spouse, child, mother, father, grandparents, grandchildren, step-mother, step-father, brother, sister, step-brother, step-sister, step-children, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparents-in-law, step-grandchildren, and guardian.

(b) Any additional time required beyond the authorized bereavement leave will be counted toward annual leave or counted as leave without pay.

(c) If the death occurs during a period of time in which the Regular Employee, Department Head, or Co-op Employee is off on sick or annual leave, bereavement leave will be granted in lieu of the other types of leave currently being taken.

6. Leave Without Pay

(a) Leave without pay is a temporary, non-pay status with such absence from duty granted at the employee's request. The employee must request this absence from duty in writing and must fully justify the request.

(b) The granting of leave without pay is a matter of administrative discretion. Leave without pay will be granted only under extreme circumstances and only when there is a reasonable expectation that the employee will return to duty.

(c) Leave without pay normally will be granted only when all other accrued leave has been exhausted.

(d) The employee's supervisor/Department Head has the prerogative to approve or disapprove leave without pay requests after careful examination of the facts surrounding the request and the workload. The Mayor may approve leave without pay for Department Heads.

(e) During leave without pay, the employee will retain a job or position similar to that which was held before beginning the leave, but not necessarily the same job or position. Any relocation of a returning employee will be recommended by the Department Head and must be approved by the Mayor. However, the employee will not accrue any annual leave, sick leave, holiday leave, bereavement leave, or seniority during a leave without pay. Once an employee is placed in a leave-without-pay status, that employee's life insurance premiums, long-term disability benefits, accidental death and dismemberment benefits, retirement, and health benefits will no longer be paid by the City, but these premiums may be paid by the employee.

7. Maternity Leave

(a) Time off for Regular Employees, Department Heads, and Co-op Employees for pregnancy or related medical conditions shall be treated the same as any other leave attributed to other medical conditions under the City's health or disability insurance, sick leave plan, and Family and Medical Leave Act plan.

(b) The policies and practices of the City involving continuation of benefits for Regular Employees, Department Heads, and Co-op Employees during maternity leave will be the same as for Regular Employees, Department Heads, and Co-op Employees who are absent from work due to sick leave, disability leave, or Family and Medical Leave Act qualifying leave.

(c) Introductory Employees, Part-time Employees, and Temporary Employees may be granted maternity leave without pay by their respective Department Heads.

8. Military Leave

(a) Military leave for all employees will be treated as required by the Code of Alabama 1975, as amended, and by applicable federal laws pertaining to participation in the military.

(b) Employees who are eligible for military leave should notify their supervisors of impending leave thirty (30) days in advance of the anticipated absence from work. When requesting leave, the employee must provide a copy of the employee's orders to his/her supervisor.

9. Judicial Leave

Any Introductory Employee, Regular Employee, Department Head, or Co-op Employee summoned for jury duty or to testify in Court in a matter involving City business will be granted leave with pay for the period of time away from the job in serving such duty. Temporary Employees and Part-time Employees will be granted leave without pay when summoned for jury duty and leave with pay when summoned to testify in Court in a matter involving City business. If an employee is excused or released by the court for any day or a substantial portion of a day, the employee is expected to return to duty. Failure to return to duty when directed may result in disciplinary action. Upon return to duty, employees may be required to present written evidence of attendance at court, showing dates, and, if possible, hours of service.

10. **Administrative Leave.**

There are two types of Administrative Leave:

(1) Leave with pay to conduct City business, such as, but not limited to, training, testing, education or certification for the City or an employee's job related benefit.

(2) Emergency leave with pay pending an investigation of employee conduct or for other reasons approved by the Mayor.

11. **The Family and Medical Leave Act of 1993**

It is the policy of the City not to unlawfully interfere with, restrain, or deny the exercise of any right provided under the Family and Medical Leave Act ("FMLA"). It is not the intent of the City to discharge or discriminate against any person for enforcing the FMLA or opposing practices made unlawful by FMLA; nor is it the City's intent to discharge or discriminate against any person because of involvement in any proceedings under or related to FMLA. A notice approved by the Secretary of Labor explaining employees' rights and responsibilities under FMLA will be prominently posted in a conspicuous place of the work site.

Employees of the City of Florence may be eligible under the FMLA to take up to twelve (12) weeks of unpaid, job-protected leave per year for one or more of the following reasons:

- Due to the birth of a child in order to care for the child;
- Due to the placement of the child with the employee for adoption or foster care;
- To provide either physical or psychological care for a spouse (husband or wife), son or daughter, or parent (but not parent-in-law), who has a serious health condition; or
- Due to the employee's own serious health condition making the employee unable to perform the employee's job.

The total amount of time off for FMLA-qualifying reasons cannot exceed twelve (12) weeks on a rolling year basis. A "serious health condition" is defined as an illness, injury, impairment, or physical or mental condition involving either in-patient care or continuing treatment by a health care provider. Generally, this means the health condition or treatment must be such that it

requires an employee to be absent from work on a recurring basis or for more than a few days for treatment or recovery.

Spouses who are both employed by the City are entitled to a maximum of twelve (12) weeks of leave combined (rather than twelve (12) weeks each) for the birth or placement of a child for adoption or foster care. However, if an employee's child or spouse is seriously ill, both the employee and his or her spouse are each entitled to twelve (12) weeks of leave. Leave may begin prior to birth or placement, as circumstances dictate. Employees must conclude leave for the birth or placement of a child for adoption or foster care within twelve (12) months after the event.

To be eligible for this FMLA-mandated leave of absence, an employee must have been employed by the City for at least one (1) year, and must have worked a minimum of 1,250 hours during the preceding twelve (12) months. Employees have the option of using accumulated but unused sick leave, vacation leave, or annual leave with pay as part of an FMLA-qualifying leave of absence. However, an employee can only use accumulated sick leave for an FMLA-qualifying leave if that leave is directly related to the employee's own serious health condition. When an employee takes unpaid FMLA leave, the employee's pay will be reduced for all full days of unpaid leave taken or for all hours of leave taken or for all hours of leave taken within a single day. If an employee is exempt, reducing pay for partial days off will not impact that exempt status under the Fair Labor Standards Act (FLSA).

The twelve (12) weeks do not necessarily have to be taken together, but may be taken intermittently or in the form of a reduced leave schedule only if medically necessary: (1) to care for a spouse, child, or parent with a serious health condition, or (2) due to the employee's own serious health condition. Medical certification from a health care provider to that effect is required. If an employee chooses to take intermittent leave or a reduced work schedule, the City reserves the right to require the employee to transfer to a temporary alternative job for which the employee is qualified and which accommodates the leave better than the employee's regular job. The temporary alternative position will have equivalent pay and benefits (but not necessarily the same duties).

Should an employee need to request any FMLA-qualifying leave, the employee must give the City at least thirty (30) days' advance notice of the need for leave when it is foreseeable, such as for a birth, placement for adoption or foster care, or planned medical treatment, and must set forth:

- The reasons for the requested leave;
- The anticipated duration of the leave; and
- The anticipated start of the leave.

An employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of the City, subject to the approval of the employee's health care provider. If an employee fails to give thirty (30) days' advance notice for foreseeable leave, and has no reasonable excuse for the delay, the City may deny the taking of FMLA-qualifying leave until at least thirty (30) days after the employee provides notice. Notice is not required in the case of

medical emergencies that start in less than thirty (30) days or if the need for leave is otherwise unforeseeable, but notice must be given as soon as practicable. This 30-day notice requirement does not apply to the extent paid vacation leave or sick leave is substituted for (otherwise) unpaid FMLA-qualifying leaves of absence. In such cases, the policies set forth elsewhere in this manual for those particular types of leave apply. If an employee applies for FMLA-qualifying leave due to the employee's own serious health condition or to care for a seriously ill family member, the City may require the employee to provide a medical certification of the serious health condition from the attending health care provider. The certification must be submitted within fifteen (15) calendar days after the City requests it, or, in the case of unforeseen leave, as soon as reasonably possible under the facts and circumstances. Failure to provide the requested certification to the City in a timely manner can result in a denial of taking of leave until the required certification is provided, or in the case of unforeseeable leave, can delay or result in a denial of the employee's continuation of leave. The certification must state:

- The date the serious health condition began;
- The expected length of the condition;
- The appropriate medical facts regarding the condition;
- If certifying the need to care for a family member, then it must estimate the amount of time needed to care for the relative;
- If for the employee's own condition, then it must state whether or not the employee is able to perform the functions of his/her position; and,
- If for intermittent or reduced leave schedule for planned medical treatment, then it must state date(s) on which such treatment is expected to be given and the duration of such treatments, and state the medical necessity of the leave, or that intermittent leave is necessary to care for the family member.

Copies of a medical certification form are available from the City and shall be used when requesting FMLA-qualifying leave. The City may require, at its discretion and expense, a second medical opinion. If the first and second opinions differ, the City, at its own expense, may require the binding opinion of a third health care provider approved jointly by the employee and the City. During the FMLA leave, the City may require subsequent recertification on a reasonable basis. While on FMLA-qualifying leave, employees are required to report periodically to the City on their status and/or intention to return to work.

During any FMLA-qualifying leave, the City will continue health benefits at the same level and under the same conditions coverage would have been provided if the employee had been actively working. Both the City and the employee will continue to pay their respective portions of the employee's monthly premium. If the leave is unpaid, the employee is responsible for making arrangements to pay the employee's portion of the premium (when applicable) on or before the agreed upon due date. The City will not continue coverage if the employee's premium payment is more than 30 days late. If an employee fails to return to work after the approved FMLA leave, the employee may be required to reimburse the City for its portion of the health insurance premiums paid on the employee's behalf during the leave, unless the failure to return to work

was due to the continuation of the serious health condition or other circumstances beyond the employee's control. However, the City will not recover its share of premiums paid for any period during which paid leave was substituted. No vacation, seniority, or any other benefits based on length of service will accrue while an employee is on (unpaid) FMLA leave. Such benefits will be calculated as of the employee's last paid working day prior to the start of FMLA-qualifying leave.

The City will use a "rolling" twelve (12) month period to determine the amount of FMLA-qualifying leave each employee is eligible to take. Under this method, each employee's twelve (12) month period is measured backward from the date an employee uses any FMLA leave. The Personnel Director will keep all records pertaining to an employee's FMLA leave and qualification for leave.

Employees subject to disciplinary warnings from management will still be under warning after returning to work from an FMLA leave of absence. Any time period that is necessary for the removal of a warning will be suspended during a leave of absence until the employee has returned to work.

X. ALCOHOL AND CONTROLLED SUBSTANCE POLICY

A. Statement of Purpose and Policy

Employees are the City's most valuable resource and their health and safety is therefore a serious concern to the City. It is the policy of the City to prevent substance use and abuse from having an adverse effect on our employees or the safety of our workplace. The City maintains that the work environment is safer and more effective without the presence of illegal drugs and/or alcohol in an employee's system or on City property. Furthermore, employees have a right to work in a drug/alcohol free environment and to work with persons free from the effects of illegal drugs and/or alcohol. Employees who abuse drugs are a danger to themselves, their fellow workers, and the City's assets. The adverse impact of substance abusing employees has been recognized by the federal government. The City has committed to maintain a drug-free workplace. All employees are advised that remaining drug free is a condition of continued employment with the City. The City will comply with the terms of all applicable regulations of the U.S. Department of Transportation and those of the public safety departments and where not limited by regulations or other laws, the City may establish additional requirements. Testing procedures followed by the City for testing pursuant to D.O.T. regulations are available for employee review upon request.

It is the policy of the City that the use, possession, presence in the body, distribution or sale of alcohol, drugs, or any controlled substance, including the abuse or misuse of prescription medications, by any person while on City premises, engaged in City business, or while operating City equipment is strictly prohibited. Over-the-counter drugs and drugs prescribed by a physician for an employee's personal use in quantities not exceeding prescribed dosage requirements are not subject to this policy. Employees using medication prescribed by a physician or using over-the-counter drugs are responsible for being aware of any potential effects such drugs may have on their reactions, judgment, or ability to perform their duties, and, if impairment is possible, they are responsible to report such use in writing to their supervisor and to provide a copy of the possible side effects sheet from the pharmacy to their supervisors prior to reporting to work.

The execution and enforcement of this policy will follow procedures to test employees and job applicants for drug use. Employees suspected of violating this policy, or involved in on-the-job accidents, or safety sensitive employees who are periodically or randomly selected pursuant to these procedures will be required to submit to urine testing as a condition of employment. These procedures are designed not only to detect violations of this policy but to ensure fairness to each individual. All tests will be performed consistent with the Mandatory Guidelines for Federal Workplace Testing as promulgated by the U.S. Department of Health and Human Services and amended from time-to-time. Disciplinary action, including dismissal, will be taken for cause. Every effort will be made to maintain the dignity of all individuals involved.

The unauthorized use of alcoholic beverages on City premises (whether during work hours or not) may lead to the discipline, including dismissal, of the offending employee. An employee who is unfit for duty at his scheduled work hours due to consumption of alcoholic beverages not at the workplace will be subject to discipline, including dismissal.

Employee desks, lockers, brief cases, cabinets and the like are provided to employees for use in City employment. No employee has an expectation of privacy with respect to materials stored in City-provided facilities or which the employee brings onto City workplace premises. The City reserves the right to assign supervisory employees to search desks, cabinets, lockers, brief cases, boxes, bags, City vehicles, personal vehicles brought onto City property and any other property of the City provided for use in conjunction with City employment. Such searches may occur with or without notice at the discretion of the City.

The City retains the sole right to change, amend, or modify any term or provision of this policy at its sole discretion. This policy is effective upon adoption, and will supersede all previous policies and statements relating to alcohol and drugs.

B. Pre-Employment Drug Testing

As a precondition to employment at the City, all job applicants will be required to submit to and pass a drug test based upon analysis of a sample of the applicant's urine. Any and all job offers are made contingent to passing the City's medical review, including the drug test.

C. Employee Drug and Alcohol Testing

Each employee, as a condition of continued employment, is subject to medical or physical examinations or tests, including drug or alcohol testing, for any of the following reasons:

1. If there is a reasonable suspicion that the employee is in violation of this policy. "Reasonable Suspicion" is defined as follows:

- Direct observation of violation of this policy, or a report of a violation of this policy from a reliable and credible source.
- Odor of drugs or alcohol on breath, body or clothing.
- Loss of coordination or motor skills, slurred speech, bloodshot, glassy or dilated eyes.
- Disheveled or unkempt clothing or appearance.
- Disruptive, hostile, threatening, belligerent or unusual behavior.
- Excessive tardiness or absences.

If an employee is sent for testing on the basis of reasonable suspicion, the City will detail in writing the circumstances which formed the basis of the reasonable suspicion. On written request from the employee, the City will provide a copy of the record detailing such circumstances.

Any employee who observes or has reason to believe that a violation of this drug and alcohol policy has occurred must immediately report the facts to his or her supervisor. An employee who fails to report a known violation may be subject to discipline.

2. If an employee holds a safety sensitive position, and has been so notified, the employee may be subject to periodic, unannounced, random testing. "Safety sensitive position" means a position that can immediately impact the safety and well-being of the general public.

3. If an employee, while on City premises, engaged in City business, or operating City equipment, (a) is involved in any accident which results in (i) the death of a human being or (ii) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; (b) is involved in any accident which results in significant property damage; (c) commits a traffic violation; (d) is involved in a traffic accident that requires towing of any vehicle; or (e) commits a violation of a City safety policy (e.g. backing policy).

If it is determined that there is a reasonable suspicion that an employee is under the influence of drugs and/or alcohol, the employee shall be informed of the suspicions. The employee shall immediately be subject to a drug and/or alcohol test. The employee shall not be allowed to work until test results indicating the employee's system is clear of illegal drugs and/or alcohol are received. Should the employee test negative for the presence of any illegal drugs and/or alcohol, the City will compensate the employee for any work time the employee lost while waiting for the test results and the employee will be considered to have been on administrative leave. In the case of an accident as defined above, the employee must be tested as soon as possible after the accident, but in no case later than 32 hours after the accident.

Drugs to be tested for pursuant to D.O.T. regulations currently include marijuana metabolites, cocaine metabolites, opiate metabolites, phencyclidine, and amphetamines. In addition, pursuant to this City drug policy, drugs to be tested for may include, but are not limited to, the above drugs plus barbiturates, benzodiazepines, methadone, methaqualone, and alcohol, or other drugs listed in the Code of Alabama.

The City will screen all or part of samples on the following drug panel:

DRUG	CUT-OFF LIMIT
Amphetamines	1000 NG/ML
Barbiturates	300 NG/ML
Benzoyllecgonine (Cocaine Metabolite)	300 NG/ML
Benzodiazepines	300 NG/ML
Cannabinoids (THC, Marijuana)	50 NG/ML

Methadone	300 NG/ML
Methaqualone	300 NG/ML
(Quaaludes)	
Opiates	300 NG/ML
Phencyclidine	25 NG/ML
(PCP, Angel Dust)	

A positive finding will generate a confirmation through Gas Chromatography/Mass Spectrometry (GC/MS) or an equivalent confirmation technique and the results will be kept confidential. A copy on any positive can be received by the subject employee by submitting his/her request in writing.

An employee who tests positive may be dismissed and/or disciplined as follows:

- An employee who tests positive for an illegal substance/drug may be dismissed immediately.
- Any employee caught tampering with the drug testing procedures will be subject to immediate dismissal.

An employee who tests positive for alcohol will be disciplined as follows:

- An employee with a Blood Alcohol Count (BAC) of .04 or greater may be immediately suspended without pay for 1 week and will be subject to increased testing during the following twelve months, the number and frequency of tests to be determined by a substance abuse professional. Two positive tests of a BAC of .04 or greater in any consecutive twelve-month period may be cause for immediate dismissal.

An employee who tests positive with a BAC between .02 and .04 may not be allowed to work the remainder of that day, will be issued a disciplinary letter of warning, and will be subject to increased testing during the next twelve months. A second positive test of a BAC of between .02 and .04 in any consecutive twelve-month period may result in immediate suspension of 3 days without pay. Three positive tests of a BAC between .02 and .04 in any consecutive twelve-month period may be cause for immediate dismissal.

Employees experiencing problems as a result of substance abuse should contact the City's Personnel Director, their Department Head, or the City's Safety Director for referral for treatment and/or counseling. The Mayor will be advised of employees having substance abuse problems in any safety sensitive positions. This discussion will be kept confidential and will have no influence on appraising an employee's work performance. Work performance alone, not the fact that an employee seeks treatment, is to be the basis of all performance evaluations. At

the City's discretion, an employee may be granted medical leave to undertake either drug or alcohol rehabilitation treatment. Such employee must cooperate fully and will not be permitted to return to work until a satisfactory release from the treatment program is presented to the Personnel Director certifying that the employee is capable of returning to work and has met the requirements of the program to date. An employee who undergoes treatment under this policy will be required to sign and comply with the substance abuse commitment letter. Upon return to work, such employee will be subject to increased testing to verify recovery from substance abuse and failure to take or pass a random test will result in dismissal.

Any employee who is arrested, indicted, or convicted of a non-work-related drug or alcohol-related violation must report this information to the Personnel Director no later than the following work day after such arrest, indictment, or conviction. An employee who is convicted of a work-related drug or alcohol charge, where an independent City investigation finds a violation of this policy, will be subject to discipline, up to and including dismissal. An unpaid leave of absence may be considered depending upon the severity of the situation.

An employee who refuses to submit to a drug or alcohol test when directed will be dismissed.

D. Notification of Test Results and Record Keeping

As provided for, the City's Medical Review Officer shall notify employees of the results of a controlled substance test conducted pursuant to this policy.

An employee must be notified of the periodic, random, or post accident controlled substance test conducted pursuant to this policy, provided the results were positive. The employee must also be advised what drug tested positive.

A Medical Review Officer (MRO) and/or Personnel Director shall be the sole custodian(s) of the test results of all individuals except for employees under DOT regulations or in the public safety departments in accordance with existing policies.

The City shall retain, in the employee's medical file, information that will indicate only the following:

- The employee submitted to a controlled substance test.
- The date of such test.
- The location of such test.
- The identity of the person or entity performing the test.
- Whether the test finding was "positive" or "subnegative".

No person may obtain the individual test results retained by an MRO and no MRO shall release the individual test results of any employee to any person without first obtaining written authorization from the tested employee. However, nothing in this paragraph shall prohibit an

MRO from releasing to the City the test results and information concerning those results for City employees tested.

The City shall not release any such information about any employee, or previous employee, without first obtaining written authorization from the tested employee. However, the City must and shall produce upon demand and permit the appropriate governmental authorities to examine all records relating to the administration and the results of controlled substance /testing performed pursuant to this policy.

XI. WORKPLACE CONDUCT POLICIES

It is the policy of the City that employees be provided a work atmosphere free of harassment, including, but not limited to racial, ethnic, national origin, age, religious, disability, and/or sexual harassment. Every member of management is responsible for the enforcement of this policy and for setting an example with respect to conduct. It is important to realize that a violation of this policy can lead to dismissal from employment, liability for the City, and civil and/or criminal liability for the harassing employee.

Traditionally, sexual harassment claims have been based on the premise that supervisors, or individuals with power over an employee's employment, required sexual favors in return for job rewards. However, the definition of sexual harassment has been expanded, i.e., sexual harassment may exist where an employer tolerates an atmosphere allowing unwelcome flirtations or sexual advances even if this conduct was initially welcomed by the employee, or even initiated by the employee. Sexual harassment may create liability whether it is between a supervisor and an employee or between employees.

Sexual harassment is defined as unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature from or involving an employee's supervisors, peers, subordinates, or any other persons in contact with an employee during the course of the conduct of the employee's business when:

A. Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or

B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or

C. Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

To avoid the risk of creating harm to the reputation and resources of the City, all employees should refrain from the following behavior with other employees of the City: sexual flirtations; advances or propositions; continued or repeated verbal abuse of a sexual nature; graphic or degrading comments about an individual or his or her appearance; the display of sexually suggestive objects or pictures; or any offensive or abusive physical contact. Further, no one should imply or threaten that an applicant's or employee's cooperation of a sexual nature (or refusal thereof) will have any effect on that individual's employment, assignment, compensation, advancement, career development, or any other condition of employment.

All employees need to understand that a violation of this policy may result in immediate dismissal. Employees who believe they are being harassed shall report this conduct as soon as possible to their immediate supervisors or to the Personnel Director if they feel they cannot talk with their supervisors. Employees may be assured that any allegations will be investigated and no employee will suffer retribution for reporting incidents of harassment.

XII. PERFORMANCE EVALUATIONS

Performance evaluations of Regular Employees and Department Heads will be completed by the Regular Employees' and Department Heads' immediate supervisors at least once a year. Each evaluation will rate the Regular Employee or Department Head in various areas of job performance and personal characteristics. Each Regular Employee and Department Head will meet with his or her supervisor to discuss his or her evaluation. At this meeting, the Regular Employee or Department Head will have the opportunity to ask questions or make comments regarding the evaluation. The evaluations serve as a guide as to how the Regular Employee or Department Head is performing compared to what is expected and required in his or her employment and will be considered in making decisions regarding continued employment, raises, transfer, and promotion.

XIII. DUE PROCESS PROCEDURES FOR SUSPENSIONS WITHOUT PAY, DEMOTIONS, AND DISMISSALS OF REGULAR EMPLOYEES

A Regular Employee may be suspended without pay, demoted, or dismissed for the reasons set forth in the “Dismissal, Demotion, and Suspension Without Pay” section of this Manual.

When a Department Head approves the suspension without pay, demotion, or dismissal of a Regular Employee, the Regular Employee will be provided written notice of the suspension without pay, demotion, or dismissal and the reason(s) for such action.

The Regular Employee has a right to a due process hearing conducted by the Mayor before the suspension without pay, demotion, or dismissal becomes effective. The Regular Employee must request a due process hearing in writing from the Mayor within five (5) working days of receiving the written notice of suspension without pay, demotion, or dismissal, or the Regular Employee’s right to such a hearing will be waived. If a due process hearing is properly requested, the Regular Employee will be given the opportunity to answer the charges against him/her orally and/or in writing and may be represented at the hearing by any person of the Regular Employee’s choosing.

Upon receipt of a timely written request of a Regular Employee for a due process hearing, the Mayor, with the assistance of the Personnel Director, will schedule the hearing at the earliest time mutually agreeable to the Regular Employee and the City. When the date of the hearing is determined, the Regular Employee will be notified in writing of the date, time, and location of the hearing.

At the due process hearing, the Mayor will receive written materials and/or testimony from the Regular Employee, the Department Head, and any other relevant parties regarding the charges against the Regular Employee leading to the suspension without pay, demotion, or dismissal. At the conclusion of the hearing, the Mayor will consider the evidence received and notify the Regular Employee in writing within ten (10) working days of the hearing of his decision to (1) affirm the suspension without pay, demotion, or dismissal, (2) impose some lesser discipline than that imposed by the Department Head, or (3) reinstate the Regular Employee with no discipline.

After a Regular Employee is served with notice of his/her suspension without pay, demotion, or dismissal, the Regular Employee may be placed on administrative leave with pay until the Mayor has rendered a final decision with respect to the suspension without pay, demotion, or dismissal in accordance with these due process procedures.

XIV. DUE PROCESS PROCEDURES FOR SUSPENSIONS WITHOUT PAY, DEMOTIONS, AND DISMISSALS OF DEPARTMENT HEADS

A Department Head may be suspended without pay, demoted, or dismissed for the reasons set forth in the “Dismissal, Demotion, and Suspension Without Pay” section of this Manual.

When the Mayor approves the suspension without pay, demotion, or dismissal of a Department Head, the Department Head will be provided written notice of the suspension without pay, demotion, or dismissal and the reason(s) for such action.

The Department Head has a right to a due process hearing conducted by an impartial hearing officer experienced in appeals of employment actions before the suspension without pay, demotion, or dismissal becomes effective. The Department Head must request a due process hearing in writing from the Mayor within five (5) working days of receiving the written notice of suspension without pay, demotion, or dismissal, or the Department Head’s right to such a hearing will be waived. If a due process hearing is properly requested, the Department Head will be given the opportunity to answer the charges against him/her orally and/or in writing and may be represented at the hearing by any person of the Department Head’s choosing.

Upon receipt of a timely filed written request of a Department Head for a due process hearing, the Mayor, with the assistance of the Personnel Director, will schedule the hearing with the impartial hearing officer at the earliest time mutually agreeable to the Department Head and the City. When the date of the hearing is determined, the Department Head will be notified in writing of the date, time, and location of the hearing.

At the due process hearing, the impartial hearing officer will receive written materials and/or testimony from the Department Head, the Mayor, and any other relevant parties regarding the charges against the Department Head leading to the suspension without pay, demotion, or dismissal. At the conclusion of the hearing, the impartial hearing officer will consider the evidence received and notify the Department Head and the Mayor in writing within ten (10) working days of the hearing of his/her decision to (1) affirm the suspension without pay, demotion, or dismissal, (2) impose some lessor discipline than that imposed by the Mayor, or (3) reinstate the Department Head with no discipline.

After a Department Head is served with notice of his/her suspension without pay, demotion, or dismissal, the Department Head may be placed on administrative leave with pay until the impartial hearing officer has rendered a final decision with respect to the suspension without pay, demotion, or dismissal in accordance with these due process procedures.

XV. ON-CALL POLICY

Certain positions with the City require employees who fill such positions to be on-call at certain times to address situations that occur outside of their normal working hours. These hours worked are considered "on-call" hours. Regular Employees who are considered "non-exempt" under the Fair Labor Standards Act will not be compensated for simply being on-call outside of their normal working hours. A Regular Employee who is considered "non-exempt" under the Fair Labor Standards Act who is actually called to work outside of normal working hours and who works two hours or less will be paid for two hours at an hourly rate equal to two (2) times his or her normal hourly wage. Any work performed by the employee after the initial two hours will be compensated at a rate of one and one-half times the employee's normal hourly wage. Any work performed by an employee who is called in to work on a Sunday or a holiday will have all hours worked paid at two (2) times his or her normal hourly wage. The special pay arrangement for on-call hours worked does not include when an employee works a regularly scheduled shift, even if it falls on a weekend or holiday, or when an employee is called in to work a shift for another employee, even if it falls on a weekend or holiday. In such cases, the rules of compensation under the Fair Labor Standards Act will apply.

Department Heads and Regular Employees who are considered "exempt" under the Fair Labor Standards Act are considered to be on-call at all times and will not be compensated for work performed outside of normal business hours under any circumstances.

XVI. CODE OF CONDUCT

The City and its employees must, at all times, comply with all applicable laws and regulations. The City will not condone the activities of employees who achieve results through violation of the law or unethical business dealings. This includes any payments for illegal acts, indirect contributions, rebates, and bribery. The City does not permit any activity that fails to stand the closest possible public scrutiny.

All business conduct should be well above the minimum standards required by law. Accordingly, employees must ensure that their actions cannot be interpreted as being, in any way, in contravention of the laws and regulations governing the City's operations.

Employees uncertain about the application or interpretation of any legal requirements should refer the matter to their superior, who, if necessary, should seek the advice of the legal department.

General Employee Conduct

The City expects its employees to conduct themselves in a businesslike manner. Drinking, gambling, fighting, swearing, and similar unprofessional activities are strictly prohibited while on the job.

Employees must not engage in harassment, or conduct themselves in a way that could be construed as such, for example, by using inappropriate language, keeping or posting inappropriate materials in their area, or accessing inappropriate materials on their computer.

Conflicts of Interest

The City expects that employees will perform their duties conscientiously, honestly, and in accordance with the best interests of the City. Employees, officers, or agents of the City must not use their position or the knowledge gained as a result of their position for private or personal advantage. This conflict of interest prohibition extends to any member of his/her immediate family, defined as spouse, child, parent, or sibling, his/her business partner, or an organization which employs, or is about to employ, any of the above, which has a financial or other interest in the firm selected. Regardless of the circumstances, if employees sense that a course of action they have pursued, are presently pursuing, or are contemplating pursuing may involve them in a conflict of interest with their employer, they should immediately communicate all the facts to their superior.

Outside Activities, Employment, and Directorships

All employees share a serious responsibility for the City's good public relations, especially at the community level. Their readiness to help with religious, charitable, educational, and civic activities brings credit to the City and is encouraged. Employees must, however, avoid acquiring any business interest or participating in any other activity outside the City that would, or would appear to:

- Create an excessive demand upon their time and attention, thus depriving the City of their best efforts on the job.
- Create a conflict of interest, obligation, interest, or distraction that may interfere with the independent exercise of judgment in the City's best interest.

Relationships with Clients and Suppliers

Employees should avoid investing in or acquiring a financial interest for their own accounts in any business organization that has a contractual relationship with the City, or that provides goods or services, or both to the City, if such investment or interest could influence or create the impression of influencing their decisions in the performance of their duties on behalf of the City.

Gifts, Entertainment, and Favors

Employees must not accept entertainment, gifts, or personal favors of more than de minimis value that could, in any way, influence, or appear to influence, business decisions in favor of any person or organization with whom or with which the City has, or is likely to have, business dealings. Similarly, employees must not accept any other preferential treatment under these circumstances because their position with the City might be inclined to, or be perceived to, place them under obligation.

Kickbacks and Secret Commissions

Regarding the City's business activities, employees may not receive payment or compensation of any kind, except as authorized under the City's remuneration policies. In particular, the City strictly prohibits the acceptance of kickbacks and secret commissions from suppliers or others.

City Funds and Other Assets

Employees who have access to City funds in any form must follow the prescribed procedures for recording, handling, and protecting money as detailed in the City's instructional manuals or other explanatory materials, or both. The City imposes strict standards to prevent fraud and dishonesty. If employees become aware of any evidence of fraud and dishonesty, they should immediately advise their superior, the City Attorney, or the Personnel Director so that the City can promptly investigate further.

When an employee's position requires spending City funds or incurring any reimbursable personal expenses, that individual must use good judgment on the City's behalf to ensure that good value is received for every expenditure.

City funds and all other assets of the City are for City purposes. Personal use is limited to de minimis use. This includes the personal use of City assets, such as computers and vehicles.

City Records and Communications

Accurate and reliable records of many kinds are necessary to meet the City's legal and financial obligations and to manage the affairs of the City. The City's books and records must reflect in an accurate and timely manner all business transactions. The employees responsible for accounting and record-keeping must fully disclose and record all assets, liabilities, or both, and must exercise diligence in enforcing these requirements.

Employees must not make or engage in any false record or communication of any kind, whether internal or external, including but not limited to:

- False expense, attendance, production, financial, or similar reports and statements
- False advertising, deceptive marketing practices, or other misleading representations

Dealing With Outside People and Organizations

Employees must take care to separate their personal roles from their City positions when communicating on matters not involving City business. Employees must not use City identification, stationery, supplies, and equipment for personal or political matters.

When communicating publicly on matters that involve City business, employees must not presume to speak for the City on any topic, unless they are certain that the views they express are those of the City, and it is the City's desire that such views be publicly disseminated.

When dealing with anyone outside the City, including public officials, employees must take care not to compromise the integrity or damage the reputation of either the City, or any outside individual business, or government body.

Prompt Communications

In all matters relevant to customers, suppliers, government authorities, the public and others in the City, all employees must make every effort to achieve complete, accurate, and timely communications responding promptly and courteously to all proper requests for information and to all complaints.

Privacy and Confidentiality

When handling financial and personal information about customers or others with whom the City has dealings, observe the following principles:

1. Collect, use, and retain only the personal information necessary for the City's business. Whenever possible, obtain any relevant information directly from the person concerned. Use only reputable and reliable sources to supplement this information.
2. Retain information only for as long as necessary or as required by law. Protect the physical security of this information.
3. Limit internal access to personal information to those with a legitimate business reason for seeking that information. Use only personal information for the purposes

for which it was originally obtained. Obtain the consent of the person concerned before externally disclosing any personal information, unless legal process or contractual obligation provides otherwise.

Penalties and Sanctions

Any person who violates provisions of this Code shall be subject to disciplinary action, including, but not limited to, reduction in salary, reduction in status, reassignment, dismissal, and/or prosecution. All disciplinary actions shall be subject to and governed by the applicable City, state and federal personnel policies in effect at that time.