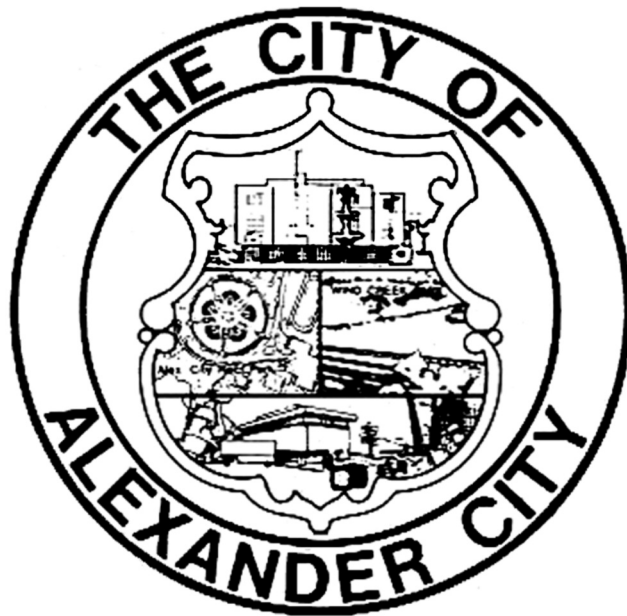


CITY OF ALEXANDER CITY PERSONNEL MANUAL



Revised June 2012



**CITY OF ALEXANDER CITY
PERSONNEL MANUAL**
(Second Revision)

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OCTOBER, 2011



FOREWORD

The policies and procedures contained in this manual cover the guidelines applicable to employment in the City of Alexander City. They are based upon the premise that within city government elected officials, officers, and supervisors have collectively been given the ultimate responsibility to make decisions that affect city operations. The City of Alexander City is an equal opportunity employer.

In exercising their given responsibilities, It is necessary for them to make such decisions as who to hire, promote, demote, discipline, and/or separate; what compensation and benefits should be provided; what services should be provided; what equipment should be purchased, operated, or sold; which employees should be scheduled to work at what tasks and at what times; which departments should perform what functions; how the city should be organized; and whether certain functions should be performed by outside contractors. In making these and other decisions the city will consider the interests and concerns of its employees and citizens, but, the final decision must rest with city elected officials, department heads, and supervisors.

The governing body of the municipal government is the city council. The mayor is the chief executive officer responsible for administration of the city and management of employees. The rights and powers of city management mentioned in these policies and procedures do not list or limit all such powers, and the rights listed together with all other rights, powers, and prerogatives of the city management not specifically ceded in these policies and procedures remain vested exclusively in city management.

The city council bears the responsibility of establishing by resolution the personnel policies of the City of Alexander City and approving guidelines and procedures to implement such policies. The city council has undertaken that responsibility by adopting this policies and procedures manual by which personnel decisions regarding city employees may be made. Any changes here must also be made by resolution. Under these guidelines, the mayor, as chief executive officer of the city, bears the responsibility to assure that the policies and procedures of the city, including departmental rules and regulations necessary to enforce these guidelines, are impartially and equitably administered through department heads and supervisors in the city service.

All city policies and procedures, whether explicit or implied, as established for the city personnel system are intended to be guidelines and not a contract between the city and its employees and should not be viewed as such. They are guidelines prepared by the city to assist elected officials, officers, and supervisors in making day-to-day employee decisions. They are not considered to be all inclusive or perfect; therefore, when a situation arises, where the literal interpretation and application of a particular guideline would create a result that is unacceptable, the city reserves the right to deal with such situation in a manner that is best for the city.

These guidelines are intended to be instructive and not directive in most respects. Deviations from, or omissions of, any particular procedure in the administration of these guidelines which may be considered to result from oversight (or inadvertence) which do not materially affect or abrogate the rights of an employee in the administration of personnel matters should not present course for Invalidations or reversal of any personnel action taken under these guidelines upon review by any board, or court, which may hear appeals of, or civil action based upon, personnel decisions related to city employees.

These guidelines are effective with the date of their adoption by the city council and will remain in effect until changed by the city council. The city reserves the right to unilaterally make changes in either policies or procedures at any time that the city deems it necessary or desirable. Proposed changes will be posted in locations that are accessible to city employees at least seven (7) calendar days prior to being voted on by the city council. Approved changes will become effective upon their approval or at a date to be decided upon by the council.

This foreword is to be considered a preamble to this document and to state the Intent and purpose of the city council in adopting these policies and procedures. It is Intended that this foreword be given the same effect as the policies and procedures which follow. Questions regarding any aspect of the city personnel system should be directed to the city personnel department.

This manual is not and should not be construed as a guaranty of employment or an employment contract between the City and prospective employee or present employee.

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SECTION 1

GENERAL PROVISIONS

1.1 PURPOSE.

It is the intent and purpose of these policies and procedures to establish guidelines for personnel actions within the city which will facilitate the recruitment, selection and retention of qualified employees; the effective and efficient performance of employees in providing services for the citizens of the City of Alexander City; and, the attainment of job satisfaction by employees in their work.

1.2 SCOPE.

The provisions of the City of Alexander City personnel policies and procedures as established herein shall apply to all individuals employed by the city except:

- (a) elected officials;
- (b) members of appointed boards, commissions, and committees;
- (c) attorneys and similar individuals employed in their professional capacity;
- (d) judges of any court;
- (e) Independent contractors under contract with the city; and
- (f) students or interns assigned to the city as part of a curriculum of study in which said student or intern is engaged.

1.3 AMENDMENT OR SUPPLEMENTATION.

The mayor is responsible for the development of such amended or additional policies, procedures, rules, regulation, guidelines, and plans as may be necessary to implement the intent of such city resolution(s) and ordinances passed by the city council. Such amendments and additions must be approved by the city council by majority vote. All proposed changes to this manual will be posted in city offices and work areas at least seven (7) calendar days before they will be considered for adoption by the city council. All changes will become effective upon approval, or at a date to be established by the city council at the time of approval.

1.4 DEPARTMENTAL GUIDELINES.

These provisions are not intended to be inclusive of all the guidelines which may be necessary at an operational level. Therefore, they may be supplemented by departmental procedures, rules or regulations initiated by department heads and approved by the mayor to ensure efficient and effective operations. However, no such departmental procedure, rule, or regulation shall be in conflict with the basic policies and procedures.

1.4.1. Police & Fire Department Policies. The unique employment issues of the police and fire departments require specific and special policies regarding all phases of police and fire department employment. The police and fire departments have been authorized to institute policies and procedures specific to the needs of each department. The employees of the police and fire departments shall also be subject to said policies and procedures in this manual. Any conflicts between the policies and procedures of the police and fire departments and this manual will be resolved by the Mayor.

1.5 PERSONNEL ADMINISTRATION.

The mayor shall be responsible for ensuring compliance with the provisions of the city personnel system, including all personnel policies and procedures, and other personnel plans adopted by the city council. The personnel director is responsible for assisting the mayor, department heads, and supervisors in performing those administrative tasks required by these guidelines.

1.5.1 Department Head Responsibility. Department heads shall have the responsibility for fair



and equitable personnel administration within their respective departments as directed by the mayor and these policies and procedures. This responsibility shall include education and training of employees necessary to ensure that they are knowledgeable of these guidelines and the conditions of their employment and that they adhere to them. Department heads may delegate through departmental procedures, rules, and regulations, responsibility for specific requirements of these policies and procedures so long as such delegation meets the intent of these guidelines.

1.5.2. **Supervisor Responsibility.** City supervisors are responsible for proper support and administration of the city's personnel policies and procedures and department rules, regulations, and procedures and for keeping employees under their direction aware of the requirements of these guidelines.

1.5.3. **Employee Responsibility.** It shall be the responsibility of all employees to acquaint themselves with city personnel policies and procedures and department rules, regulations, and procedures and to comply with them.

1.6 **CONTRACT DISCLAIMER.**

Nothing contained herein will be construed as creating any contract of employment with the city or as restricting the right of the city to:

- (a) refuse or discontinue employment and/or prohibit the future service of any person when it is considered to be in the best interest of the city;
- (b) decrease proportionally the compensation of all employees when required as a city-wide economy measure; or
- (c) use independent contractors for performance of work or rendering of services by the city.

1.6.1. **Continuation of Employment.** Continuation of employment with the city will be contingent upon an employee's job performance, the need for the position and/or the availability of funds for the position. Nothing contained herein shall be construed as preventing the removal of any employee, now or in the future, in the manner prescribed by these policies and procedures.

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

1.7 **EQUAL EMPLOYMENT OPPORTUNITY.**

The city will provide equal employment opportunity to all individuals and will employ applicants on the basis of their job-related qualifications and performance potential without regard to age, sex, religion, race, color, national origin, political affiliation, or disability (except where age, sex, or disability constitute a bona fide occupational qualification).

1.8 MANAGEMENT RIGHTS.

To insure that the City is able to carry out its constitutional and statutory functions and responsibilities, there are certain matters which are solely functions of management, including but not limited to, the right to direct the work force; to select and determine the number and types of employees required; to determine the content of job classifications; to hire, transfer, promote, demote, suspend, discipline, and separate employees; to assign work to employees in accordance with the requirements determined by the city; to establish and change work schedules and assignments; to lay off employees for lack of work; to expand or diminish services; to establish and change methods of operations; to determine and change work locations and the processes and/or materials to be employed; and to take all necessary actions to perform its functions in emergencies or otherwise when deemed in the best interest of the city.

1.9 POLITICAL ACTIVITY PROVISIONS.

City employees are entitled and expected to participate in the political process in the same manner as other citizens of the City of Alexander City and the State of Alabama. The following provisions are established to re-enforce these rights.

1.9.1. **Not to Affect Employment.** No individual will be appointed, promoted, demoted, or dismissed from a city position because of his/her political opinions or affiliations.

1.9.2. **Improper Use of Influence.** No employee of the city will use, or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to affect employment, promotion, increase in pay, or other advantages in employment with the city for the purpose of influencing the vote or political action of any person, or for any other consideration.

1.9.3. **Participation Rights.** No employee of the city will be denied the right to participate in county, city, and state political activities, except as limited by federal or state law.

1.10 SEXUAL HARASSMENT PROVISIONS.

Sexual harassment, either stated or implied, will not be tolerated within the city service.

1.10.1. **Defined.** Sexual harassment is defined as a continuing pattern of unwelcomed sexual advances, request for sexual favors, or physical contact of a sexual nature under any of the following conditions:

- (a) submission to the conduct involves a condition of employment;
- (b) submission or refusal is used, or might be used, as the basis of an employment decision which affects the individual;
- (c) the conduct unreasonably interferes with the individual's job performance or creates a work environment that is intimidating, hostile or offensive.

1.10.2. **Reporting Procedures.** The personnel director is responsible for ensuring all complaints of sexual harassment are thoroughly investigated. The mayor will review every case to ensure that the complaint has been fully and fairly investigated and that appropriate corrective and disciplinary actions

are taken. (See paragraph 8.5 for specific steps.)

1.11 DRUG AND ALCOHOL PROVISIONS.

The welfare and success of the City of Alexander City depend upon the physical and psychological health of its employees. The abuse of drugs and alcohol poses a serious threat to both the city and its employees. It is the responsibility of both the city and the employees to maintain a safe, healthful and efficient drug-free working environment. See Alabama Drug Free Workplace Policy.

1.11.1. Prohibited. The possession, use, or sale of alcohol or unauthorized or illegal drugs on city premises, in city vehicles, or while on city business, is prohibited and will be considered as grounds for separation.

1.11.2. Discipline. Any employee under the influence of drugs or alcohol which impairs judgment, performance, or behavior while on city premises, or while on city business, will be subject to discipline to include termination.

1.11.3 Testing. The city has a number of jobs which present special safety considerations to employees. These include the use of moving machinery, operation of vehicles, handling of chemicals, providing public safety services, and providing public welfare services. The city may require that any employee in a job which involves special safety considerations be tested periodically for the use of drugs. An employee with positive test results may be found disqualified to work in such job.

1.11.4. Pre-Testing. The city has established procedures to test prospective new employees for the use of drugs as part of their pre-employment medical examinations. In such situations positive test results will be considered in employment decisions and may result in a decision that the applicant is medically unqualified for employment.

1.11.5. Reporting Responsibility. Each employee is responsible for promptly reporting to his/her immediate supervisor any use of prescribed medication which may affect the employee's judgment, performance, or behavior.

1.11.6. Enforcement Procedures. The city will establish such procedure as it feels necessary to effectively enforce this policy; This may include a requirement that employees cooperate in personal or facility searches when there is reason to believe drugs or alcohol are present. Refusing to cooperate with any enforcement procedures established by the city may be cause for disciplinary action, including separation.

1.12 INDIVIDUALS WITH DISABILITIES.

The city will comply with the Americans with Disabilities Act of 1990. The city will endeavor to reasonably accommodate the disabilities of individuals who are capable of performing the essential functions of city jobs, unless undue hardship to the city would result.

1.13 GENERAL PROVISIONS RELATED TO EMPLOYEES.



1.13.1. Nepotism. No individual will be employed by the city in the unclassified, classified or part-time service, if the individual would be subject to administrative or supervisory control by a member of his immediate family. For this purpose, immediate family will be interpreted to include an individual's spouse, parent, child, brother, sister, grandparent, grandchild, uncle, aunt, and the like relationship of the individual's spouse. Individuals who are employed in such situations at the time of adoption of this provision will be exempted from its restriction. In the event that such situation would be created because two (2) individuals are currently employed in the same department, and one of them is promoted to a position that creates a situation where he would be subject to administrative or supervisory control by a member of his immediate family, said employees could be exempt by the Mayor if it were in the best interest of the city.

1.13.2. Moonlighting. Employment with the city will be considered by all classified service employees as their primary jobs. Such employees will not commit themselves to second jobs that may conflict with the city's demand on their availability for work or reflect unfavorably upon the city. All anticipated outside employment will be reported by the employee in writing to his department head at least five (5) calendar days prior to beginning such work. A sworn police officer may not take a job which involves security, etc. without written consent of the police chief. Specific Police Department rules and regulations are contained in their departmental manual.

1.13.3. Residence. Residence within the city will not be required unless, in the judgment of the employee's department head, the employee's job specifically requires that the employee live within the city limits. However, all employees shall be expected to be able to carry out the duties and responsibilities of their jobs. This may require that an employee live within a reasonable distance of the employee's work station to meet these responsibilities.

1.13.4. Attire. All employees are expected to dress appropriately for work. The mayor is responsible for setting an appropriate dress standard for the various city departments, to include wearing uniforms if required. In setting this standard the following will be considered:

- (a) the nature of the work;
- (b) safety considerations;
- (c) the nature of the employee's public contact;
- (d) the prevailing practices of other workers in similar jobs;
- (e) the performance of city employees, including consideration of the type of image the city wishes to project; and
- (f) safety equipment must be worn at all times, when on the job.

The standards for women's dress will be, to the extent that it is practical, comparable with that for men. Department Heads may establish departmental dress codes as conditions warrant, subject to Mayoral approval.





1.13.5. Smoking Policy. To maintain a safe and comfortable working environment and to ensure compliance with all city smoking ordinances, employees should become familiar with areas where smoking is either prohibited or permitted. Designated smoking areas are clearly marked. Employees smoking in any non-smoking area may be subject to city disciplinary action and civil penalties. Employees should contact the personnel department if there are any questions about the smoking policy. Complaints about violations of this policy may be filed under the city's grievance procedure described in Section 8 of these policies and procedures.

1.13.6. Employee Rights Protected. The rights of city employees will be protected, so far as possible, in all personnel matters and proceedings. These rights include:

- (a) right to privacy; and
- (b) right to fair and equal treatment.
- (c) right to due process proceedings.

1.14 DEFINITIONS.

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

1.14.1. Appointing Authority. The mayor, city council or other individual, such as department head, and/or his/her designated representative, who is responsible for performing employment actions in his/her area of responsibilities as established in the city personnel system and/or departmental rules.

1.14.2 City. The City of Alexander City, Alabama.

1.14.3 Classified Employee. An employee of the city employed in an on-going position in which the employee is normally scheduled to work at least forty (40) hours per week and who has not been designated by the city council as a part-time employee. A classified employee is primarily distinguished from a part-time or temporary employee in that the employee's appointment, termination, discipline and other such conditions of employment are to be administered pursuant to certain guidelines of these policies and procedures which are inapplicable to the employment conditions of part-time or temporary employees.

1.14.4. Classified Service. That category of service to the city in which classified employees are engaged.

1.14.5. Demotion. The non-temporary assignment of an employee, regardless of the employee's category of service, to a job in the city that is in a lower pay grade than the job the employee was assigned prior to the new assignment.

1.14.6. Department Head. An employee in the classified service of the city charged with the responsibility of managing and administering activities and resources, to include personnel, within a defined and organized department of city government as approved by the city council.

1.14.7. Disability. A physical or mental impairment which substantially limits one or more of a person's major life activities; or a record of such an impairment; or a physical or mental condition that is regarded by the city as being such an impairment. (This definition applies to actions associated with the



Americans with Disabilities Act. Disability, as it relates to other areas such as worker's compensation claims, retirement, and other city provided benefits, will be in accordance with the determinations for that program.)

1.14.8. **Disciplining Individual.** The mayor and department heads are responsible for administering disciplinary actions in the city. However, the mayor and/or department heads may designate, through written department rules and regulations, other individuals who will be authorized to take disciplinary actions in their departments.

1.14.9. **Employee.** A person who regularly occupies a position in the city service and is paid from city controlled funds (other than a temporary employee) or a person who is on authorized leave of absence from the city service and whose position is being held for him pending his return.

1.14.10. **Employee Eligibility List.** A list of eligible employees who have applied for a vacancy in the classified or part-time service.

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

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

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

1.14.14. **Original Appointment.** The appointment to a classified or part-time service position of a person who, except for a person in the temporary service, is not an employee of the City of Alexander City.

1.14.15. **Original Appointment Eligibility List.** A list of applicants who are not city employees who have been determined to be qualified for original appointment to a vacant classified or part-time service position.

1.14.16. **Part-Time Employee.** An employee of the city employed in an on-going position in which the employee is normally scheduled to work less than forty (40) hours per week.

1.14.17. **Part-Time Service.** That category of service to the city in which part-time employees are engaged.

1.14.18. **Probationary Status.** That employment status in which new employees, promoted, demoted, or transferred employees, serve until successfully completing the probationary period.

1.14.19. **Promotion.** The non-temporary assignment of a regular status classified or part-time service employee to a vacancy in the classified or part-time service, as appropriate, that has a higher pay grade.

1.14.20. **Public Safety Employees.** City employees who comprise the Police and Fire Departments including sworn and non sworn personnel.

1.14.21. **Reemployment Eligibility List.** A list of former regular status, classified service employees who have been laid off within the past twelve (12) months and are otherwise eligible for reemployment to comparable vacant positions.

1.14.22. **Referral.** The action undertaken by the personnel department to provide an appointing authority with names of applicants from an appropriate eligibility list.

1.14.23. **Regular Status.** That employment status of employees in the classified or part-time service who have successfully completed their probationary period.

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

1.14.25. **Temporary Service.** That category of service to the city in which temporary employees are engaged.

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

1.14.27. **Unclassified Employee.** An individual employed by the city in a position assigned by law or the city council to the unclassified service. An unclassified employee serves at the pleasure of his appointing authority as described in these policies and procedures.

1.14.28. **Unclassified Service.** That category of service in which unclassified employees are engaged.

1.14.29. **Vacancy.** A position in the city service that has been duly created and funded by the city council, which is not occupied or is occupied by a temporary service employee. Shift preferences are not considered vacancies.

SECTION II
CATEGORIES OF SERVICE
AND EMPLOYMENT STATUS

2.1 CATEGORIES OF SERVICE.

Every individual who is covered by the city personnel system will be assigned to one of the categories of service described below.

2.2 UNCLASSIFIED SERVICE.

The unclassified service will include only those individuals who are approved by the city council to be assigned to such service. It is the intent of this section to create a category of service which is to be distinguished from the classified service and which is more particularly described as follows.

2.2.1. Unclassified Service Positions. The following positions are hereby approved for the unclassified service:

- (a) City Clerk
- (b) Finance Director
- (c) Police Chief
- (d) Fire Chief

2.2.2. Applicability of the Provisions of the City Personnel System. The provisions of the city personnel system will apply to unclassified service employees the same as classified service employees except as herein provided.

2.2.3. Appointment. The appointment of all unclassified service employees will be in accordance with state law and/or these policies and procedures as the case may be. Presently, the council is responsible for the appointment of the Police Chief, Fire Chief, City Clerk and Finance Director.

2.2.4. Service at the Pleasure. An unclassified service employee's employment, including the employment of incumbents in the positions listed above, will be completely at the pleasure of the city council, as otherwise provided by state law (see Code of Alabama 11-43-81), and any related city ordinances/resolutions.

2.2.5. Reappointment to Classified Service. If the individual was a regular status classified service employee at the time of his appointment to an unclassified service position, he may be reappointed as a regular status classified service employee in an available position for which he is qualified upon his separation from the unclassified service, unless he was separated as a result of inadequate job performance or violation of these policies and procedures.

2.2.6. Benefits. Unclassified service employees who are scheduled to work forty (40) hours per week will be eligible to participate in all city provided benefits, including (but not limited to) group insurance, retirement, annual and sick leaves, and holiday pay. Unclassified employees who do not work forty (40) hours per week will not be eligible to participate in any city provided benefits, except as provided

by law. However, they may earn annual leave and sick leave at one-half (50%) of basic rates of full-time employees.

2.3 CLASSIFIED SERVICE.

The classified service will include those individuals who are employed in city positions which are considered to be on-going in nature and in which the incumbents are normally scheduled to work at least a forty (40) hour week (forty-eight (48) hours for fire protection employees who are regularly scheduled to work twenty-four (24) hour shifts).

2.3.1. **Positions Included.** It is intended to include within the classified service all employees in the city service who are paid out of city controlled funds, regardless of the source of the revenues making up such funds, who have not been excepted by these policies and procedures and who have not been assigned to another category of service by the city council.

2.3.2. **Benefits.** Classified service employees will be eligible to participate in all city provided benefits, including (but not limited to) group insurance, retirement, annual and sick leave, and holiday pay.

2.4 PART-TIME SERVICE

The part-time service will include those individuals who are employed in positions which are considered to be on-going in nature but in which the incumbents will normally be scheduled to work less than forty (40) hours per week, (forty-eight (48) hours for extended shift employees who are regularly scheduled to work twenty-four (24) hour shifts). The incumbents of part-time service positions will normally be scheduled to work in each pay period.

2.4.1. **Continuous Service Provision.** Part-time service employment will not count as continuous years of service with the city if a part-time employee is later employed in the classified or unclassified service.

2.4.2. **Benefits.** Part-time service employees normally will not be eligible to participate in city provided benefits, except they may earn annual leave and sick leave credits at one-half (50%) of the basic rates of full-time employees and any other benefits provided by law.

2.4.3. **Exceptions.** Any part-time service employee who, before adoption of these policies and procedures, was earning other city provided benefit(s) will be allowed to continue such benefit(s) as an exception to paragraph 2.4.2.

2.5 TEMPORARY SERVICE.

The temporary service will include those individuals who have been employed by the city, or contracted for through a temporary service company, to perform special functions and/or temporary work that has been authorized and funded by the city council or which is in substitution for or replacement of a classified or part-time service employee on approved leave.

2.5.1. **Length of Temporary Service.** Temporary service employment will not normally exceed

six (6) consecutive months in duration. However, if required, the mayor may approve the extension of the employment period up to an additional six (6) months. Individuals hired for the temporary service may work either a full or part-time work day. Because of their short term status, temporary employees are always considered probationary.

2.5.2. Continuous Service Provisions. Temporary service employment will not count as continuous years of service with the city if a temporary service individual is later employed in the classified or unclassified service.

2.5.3. Transfer Prohibition. Temporary service individuals may be assigned directly to the classified or part-time service at the discretion of the Department Head and Mayor.

2.5.4. Benefits. Temporary service individuals will not be eligible to participate in any city provided employee benefits, except as required by law.

2.6 EMPLOYMENT STATUS.

Each individual employed in a position in the classified or part-time service will be placed in an employment status in accordance with the following provisions.

2.6.1. Probationary Status. Initially, each individual hired as a classified or part-time service employee will be placed in a probationary status until he has successfully completed the city probationary period. A probationary status employee may be terminated at any time during his probationary period without cause or advance notice by his appointing authority without recourse.

2.6.2. Regular Status. Regular status will be afforded every classified or part-time service employee who successfully completes the city probationary period. An employee who has acquired regular status may, subject to the provisions of these policies and procedures, remain in his position so long as there is a need for the position, the position is funded by the city council, his performance meets city requirements, and/or his conduct meets city standards.

2.6.3. Status of Present Employees. Each employee who is presently serving in a classified or part-time service position as defined in these guidelines and who has previously been designated a regular status employee in accordance with the city personnel system is designated a regular status classified or part-time service employee as the case may be. All other employees who are presently serving in classified or part-time service positions, as defined herein, are designated as probationary status employees until they complete the required city probationary service and are designated as regular status classified or part-time service employees in accordance with these policies and procedures.

SECTION III

STAFFING

3.1 GENERAL PROVISIONS.

All vacancies in the city service will be filled in accordance with these guidelines and the guidelines contained in **SECTION IV, EMPLOYEE TRANSFER, PROMOTION, DEMOTION AND TEMPORARY ASSIGNMENT** . Staffing actions will be initiated only for vacant positions that have been authorized and funded by the city council.

3.1.1. Authorized and Funded Positions. At the beginning of each budget year the city council will, in coordination with the mayor, fund all positions that are considered necessary for proper operation of the city. Such funding will include all positions, regardless of category of service, that have been authorized and funded for the budget year. A copy of such authorization list will be provided each department head for his department.

3.1.2. Vacancies in the Classified and Part-Time Service. Vacant positions in the classified and part-time service will be filled by the appointing authority who has been authorized to fill such vacancies through the appointment of qualified applicants who have been referred by the personnel department from an approved eligibility list. Referral of qualified applicants will be from one of the following eligibility lists: (a) employee eligibility list; (b) reemployment eligibility list; or (c) original appointment eligibility list. Each eligibility list will have priority over the other in the order named.

3.1.3. Vacancies in the Temporary Service. Vacancies in the temporary service will be filled by an appointing authority with individuals who meet the job related qualifications for such positions. Such individuals will be selected from lists established by the personnel department in response to announcements of temporary opportunities in the city or from local temporary placement agencies.

3.1.4 Overlap Authorization. Normally, no position will be filled by more than the equivalent of one employee. However, two employees may be placed in the same position where the following requirements are met.

- (a) The overlap is for the purpose of training one employee to take over the duties of another employee; or
- (b) The overlap is for the purpose of performing the duties of an employee who has been placed on leave with or without pay; and
- (c) The overlap is approved by the mayor.

An employee who is placed in an overlap position will be paid in accordance with the guidelines of paragraph 10.7.7. of these policies and procedures.

3.2 GENERAL REQUIREMENTS.

3.2.1. Fraudulent Application. Any person who has fraudulently secured his appointment to a position in the City of Alexander City will be removed and will not thereafter be eligible for consideration

to any position covered by the city personnel system.

3.2.2. Character and Ability. All applicants for city employment must be of good moral character and physically able and mentally capable to perform the duties of the position for which they have applied.

3.2.3. Age Requirements. Generally, the minimum age for employment for all positions in the city service will be eighteen (18) years of age. However, in certain temporary positions the minimum age, as allowed by law, may be sixteen (16) years of age. Age requirements as established by law will be observed at all times.

3.2.4. Employee Consideration for Vacancies. Prior to initiating any action to fill a classified or part-time service vacancy from the re-employment eligibility list or original appointment eligibility list, consideration will be given to qualified regular status classified, unclassified, and part-time services employees who are interested in the vacancy. Such consideration will be given to all eligible qualified employees, regardless of whether they are seeking a transfer, promotion, or demotion. Employee consideration will be in accordance with the guidelines of SECTION IV, EMPLOYEE TRANSFER, PROMOTION, DEMOTION AND TEMPORARY ASSIGNMENT.

3.2.5. Re-employment of Laid-Off Individuals. Prior to initiating any action to fill a classified or part-time service vacancy through an original appointment, consideration will be given to rehiring any former regular status classified or part-time employee who has been laid-off in the past twelve (12) months.

3.3 ELIGIBILITY LISTS.

Eligibility lists will be used by the personnel department to refer names of qualified applicants to an appointing authority for filling a vacancy in the city service. Job related qualifications, experience, and other factors specified or inherent in the approved job description will be considered in the evaluating and ranking of qualified applicants on an eligibility list.

3.3.1. Types of Eligibility Lists. All appointments will be made from one of the following eligibility lists.

- (a) Employee eligibility list.
- (b) Re-employment eligibility list.
- (c) Original appointment eligibility list.

3.3.2. Employee Eligibility List. When a vacancy in the classified or part-time service exists, a vacancy notice will be placed in city buildings and departments for qualified regular status classified and part-time service employees to indicate their interest in the vacancy. The names of all qualified employees who apply will be placed on an employee eligibility list.

3.3.3. Re-employment Eligibility List. Individuals who have been laid-off due to a Reduction-in-Force (RIF) action and who at the time of their RIF were designated as regular status employees in the

classified or part-time service will have their names added to the re-employment eligibility list for a period of twelve (12) months from the date of their separation. These individuals will be contacted by the personnel department in the order of their length of service to determine if they are interested in re-employment in any vacancy in the classified or part-time service for which they are qualified before action is taken to fill the vacancy through an original appointment eligibility list.

3.3.4. Original Appointment Eligibility List. Original appointment eligibility lists will be used to refer names of qualified applicants to an appointing authority for filling vacancies that are not filled from the re-employment eligibility list or the employee eligibility list. The names of all qualified applicants will be placed on the lists based upon their possession of the required and desired qualifications of the job. In a situation where a job has a low turnover rate and/or an original appointment eligibility list has not been established prior to a vacancy, the personnel department will advertise the vacancy and create an eligibility list from the applications received. The personnel director will determine those jobs for which original appointment eligibility lists will be maintained.

3.3.4.1 Criteria for Ranking. Any criteria for testing or examinations to be used in determining an applicant's qualification and subsequent ranking on an eligibility list will be established by the personnel director in coordination with the appointing authority in whose activity the vacancy exists. Such criteria will consider the requirements of the job-related qualifications, job-related experience, and other factors specified or inherent in the approved job description.

3.3.4.2. Duration of Lists. Each eligibility list will remain in effect until the list is no longer effective or until its established expiration date, whichever occurs first. However, no eligibility list will remain in effect longer than one (1) year.

3.3.4.3. Refusal to Examine or Place on List Permitted. The city may refuse to examine or, after examination, place on an eligibility list the name of anyone who is found to lack any of the established job-related requirements for the job for which he is applying, or anyone who has been convicted of any crime involving moral turpitude or any infamous or disgraceful conduct, or anyone who has been dismissed from employment for inadequate job performance or misconduct, or anyone who has intentionally made a false statement of any material fact or attempted to practice any deception or fraud in his application or in his examination.

3.3.4.4. Removal of names from an Eligibility List. A qualified applicant will remain on an established eligibility list until he is appointed to a city position, or until the list expires, whichever occurs first. However, any applicant that cannot be located by the personnel department prior to his name being referred may also be removed from the list.

3.4 REQUISITIONING PROCEDURES.

3.4.1. Funded Classified and Part-Time Service Positions. When a vacancy in a funded classified or part-time service position occurs in a city department, the department head will forward a personnel requisition form to the personnel department. The personnel director, after ensuring that the job description is current and the position is funded, will initiate the required staffing actions in accordance with these guidelines.

3.4.2. Unfunded Classified and Part-Time Service Positions. When a department head recognizes a need for a classified or part-time service position in his department that has not been funded, he will obtain approval for the position from the mayor. Upon approval, the mayor will notify the personnel department. If the position is in a new job that has not been assigned a pay grade in the appropriate schedule of the city classification plan, the personnel director will, in cooperation with the requesting appointing authority, prepare a job description, evaluate the job, and prepare a recommended pay grade. The city's job evaluation plan will be used to evaluate the job. If the position is in an existing job that has been assigned to a pay grade in the city's compensation plan, the personnel director will ensure that the job description and pay grade for the job are current and correct. Upon approval by the city council, the department head will submit a personnel requisition form to the personnel department. The personnel director will initiate the required staffing actions in accordance with these guidelines.

3.4.3. Temporary Service Position. When a vacancy exists in a temporary service position that has been authorized by the mayor and funded by the city council, the department head will submit a requisition request to the personnel department. The request will identify the length of time and the hours that the individual will be scheduled to work. Upon determination by the personnel director that the temporary service position has been funded, the personnel department will initiate action to advertise the temporary position(s). If the position has not been funded or authorized, the department head will take action through the mayor to have it funded and/or authorized by the city council.

3.5 RECRUITING PROCEDURES.

The following guidelines pertain to recruiting actions outside the city service. Normally, recruiting actions outside the city service will be initiated only when a vacancy is not filled from the employment eligibility, or the re-employment eligibility list. However, if there is a need to develop an original appointment

eligibility list for a particular vacancy, all recruiting actions may be accomplished simultaneously as the situation requires.

3.5.1. Responsibility for Recruiting Actions. The personnel department is responsible for all recruiting actions outside the city service and for ensuring that recruiting actions are carried out in accordance with these guidelines.

3.5.2. Vacancy Notices Outside the City Service. All vacancy notices, or advertisements of employment opportunities with the city, will provide a description of the job, necessary qualifications, pay grade, pay range, deadline for applying, and date and time of any qualifying examination. All notices will also contain the statement: "The City of Alexander City is an Equal Opportunity Employer." Vacancies may be advertised through public service radio or television, employment offices, local trade schools, educational institutions, posting at city buildings, state employment offices, or other media as necessary. Normally, vacancy notices, or advertisements of employment opportunities will remain active for at least five (5) working days. However, when requested by the department head and approved by the mayor, this period may be reduced or extended to meet the needs of the department.

3.5.3. Application Forms. All applications will be made on city application forms. Applications will be submitted by the applicant to the city personnel office in accordance with the vacancy notice, or advertisement of employment opportunity instructions. Applications from qualified eligible individuals will be delivered to the department head by the personnel office after the closing date of the vacancy notice. No applications will be accepted by the personnel department unless the city is actively seeking applications.

3.5.4. Testing Requirements. As required, the personnel director, in coordination with the appropriate appointing authority, will establish testing requirements necessary to determine the qualifications of an applicant for a particular job. Such tests and especially written tests will not have an adverse impact on minorities, or other protected groups. Testing of applicants may be accomplished by an appointing authority when approved by the mayor; however, all testing and scoring forms and/or procedures must also be coordinated with the personnel director.

3.5.5. Selection Committee. If requested, the personnel director may convene a selection committee to assist in the evaluation and ranking of each application. Such committee will be made up of knowledgeable individuals from the department in which the vacancy exists and other departments as established by the personnel department. Normally, each applicant will be ranked according to his possession of the job-related qualifications required for the job.

3.6 **SELECTIONS.**

Selections to fill vacancies in the city service, regardless of the service category, will be made in accordance with the following guidelines.

3.6.1. **Appointing Authority.** The appointing authorities designated to fill vacancies in the city service are established as follows:

- (a) **City Council.** The City Council is the appointing authority for vacancies in the unclassified service positions of City Clerk, **Finance Director** Chief of Police, and Fire Chief.
- (b) **Mayor.** The Mayor is the appointing authority for all other department heads/assistants:
- (c) **Department Head.** The department head, or his designated representative(s), as approved by the Mayor, is the appointing authority for all vacancies in the classified, part-time, or temporary service in each department except as provided in (a) and (b) above.

3.6.2. **Selection of Classified and Part-time Service Employees.** Selections to fill vacancies in the classified and part-time services will be made by the appointing authority as established in paragraph 3.6.1. Each selection will be based on the knowledge, skills and abilities determined to be required for the position without regard to age, sex, national origin, religion, color, race, political affiliation, or disability (except where such factor may constitute a bona fide occupational qualification). Reasonable accommodations for disabled individuals, who are otherwise qualified, will be made when practical. Applicants may be rejected and/or refused further consideration, examination or appointment for any of the following reasons:

- (a) Applicant is found to lack any of the minimum qualifications established for the vacancy;
- (b) Failure of an applicant to submit an application according to established procedures or within a prescribed time;
- (c) Failure of an applicant to complete an application according to instructions, or failure to submit required documents or additional information, or failure to submit a legible, comprehensible application;
- (d) Applicant has made a false statement or otherwise practiced deception or fraud in connection with his/her application for employment;
- (e) Applicant has attempted to use, or has used, unauthorized aids, cheated, or otherwise attempted to secure an undue advantage of any examination;
- (f) The application submitted is for a job for which applications are not being accepted at the time;
- (g) Applicant has failed to appear for a scheduled examination;
- (h) Applicant has failed to pass any phase of the examination process;
- (i) Applicant is found to be physically or mentally unable to affectively perform the essential functions of the job for which the individual has applied;
- (j) Applicant has been discharged for just cause or previously resigned from the City of Alexander City under unfavorable circumstances;
- (k) Applicant has been found to have a record of unsatisfactory performance on previous jobs;
- (l) Applicant is currently addicted to or otherwise a current user of narcotics or the excessive use of intoxicating liquors or other substances in a manner which would affect the ability to safely, dependably or effectively perform the duties of the job;
- (m) Applicant has been convicted of a crime or has a record of convictions, the nature of which would affect the individual's suitability for employment in the vacancy;
- (n) Applicant has used or attempted to use bribery to secure an advantage in obtaining

employment.

3.6.2.1. **Employee Consideration.** Initially, eligible employees will be considered for city vacancies in accordance with the guidelines contained in **SECTION IV, EMPLOYEE TRANSFER, PROMOTION, DEMOTION AND TEMPORARY ASSIGNMENT.**

3.6.2.2. **Re-employment.** If an eligible employee is not selected, names will be furnished the appointing authority from the re-employment eligibility list, if there are qualified former employees on such list. The department head will contact the top three individuals who are listed on the re-employment eligibility list to determine if they are interested in the vacancy. The names of the top interested individuals will be referred to the appointing authority for his consideration in filling the vacancy. Upon receipt of the names, the appointing authority will schedule interviews with each individual. If the personnel department cannot locate an individual whose name is on the re-employment eligibility list, the individual will be passed over for consideration. After the interviews, the appointing authority will record the results of each interview on interview forms provided by the personnel department. If the appointing authority selects one of these individuals for the vacancy, he will notify the personnel department of his selection.

3.6.2.3. **Original Appointments.** If an individual is not selected from either the employment eligibility list or re-employment eligibility list, the department head will refer the top three (3) names from the appropriate original appointment eligibility list to the appointing authority for his consideration. Prior to the referral of an applicant's name, the department head will ensure he is still interested in employment with the city. If an individual is no longer interested or cannot be located, his name will be passed over and another name selected.

3.6.2.4. **Inquiries.** Appropriate inquiries of former employers and other references, when required, will be made by the personnel department. If agreeable to an applicant, inquiries may also be made to his present employer.

3.6.2.5. **Interviews.** Interviews will be held by the appointing authority with the individuals whose names have been referred from the original appointment eligibility list for his consideration. If requested by an applicant who has been interviewed by the appointing authority, the appointing authority will notify him in writing of his non-selection. Such notification will be coordinated with the personnel department.

3.6.2.6. **Requests for Referral of Additional Names.** If the appointing authority does not select one of the individuals referred by the personnel department, he may request additional names be provided to him. In such event, justification for his rejection of the individuals will be provided in writing to the personnel department.

3.6.2.7. **Selections by the Appointing Authority are Tentative.** After all interviews have

been completed, the appointing authority will notify the personnel department in writing of the name of the applicant he has selected, complete all interview forms and return them, along with any other material provided for his use during the selection process, to the personnel department. All selections will be tentative, subject to the individual meeting the requirements of paragraph 3.7.2. below. After review by the personnel department to ensure that the selection has been made in accordance with these policies and procedures, the appointing authority will notify the applicant of his selection.

3.6.3. Selection for Temporary Service Positions. Selections to fill positions in the temporary service will be made through a contract with temporary services and approved by the department head.

3.6.3.1. Selections. The appointing authority will notify the personnel department of the individual(s) whom he has selected. The personnel department will take action to place the individual(s) on the city payroll.

3.6.3.2. Equal Opportunity. Necessary actions will be taken by the personnel department to ensure equal opportunity is afforded all groups of people interested in temporary employment with the city.

3.7 EMPLOYMENT OFFERS.

Employment offers for unclassified, classified, and part-time service positions will be made in writing by the appointing authority. A copy of such offers will be provided the personnel department. No individual may consider that an offer has been made to him until he has been so notified.

3.7.1. Equal Opportunity. Offers will be made only after the personnel director has reviewed the selection process and determined that it has met the intent of the staffing guidelines contained herein, and the requirements of paragraph 3.7.2. below.

3.7.2. Contingency of Offer. All offers will be contingent upon the individual meeting the following requirements before he starts work, or within a reasonable time after starting to work, as established by the appointing authority in coordination with the personnel department. When agreed to by the personnel director and the department head, the appointing authority may make such investigations and checks that are better accomplished by the department.

- (a) report of successful completion of a medical examination; and drug testing
- (b) the individual successfully undergoing a criminal background investigation, when required;

- (c) the individual successfully demonstrating through a driving record check that the individual will be accepted by the city's insurance carrier under preferred rates, when driving is required because of job duties;
- (d) the individual successfully being issued a bond, when required because of job duties;
- (e) the individual successfully meeting any standards or certifications as required by law; and
- (f) the individual successfully meeting any other Job-related requirements established at the time of the offer.

3.7.3. Starting Work. The department head may, in coordination with the personnel director, approve the individual's starting to work with the city prior to the individual's meeting the requirements listed in Section 3.7.2. However, the individual will be informed in writing by the department head that continuation of employment will be contingent upon the individual's meeting the requirements in a reasonable time period. A copy of such notification will be provided to the personnel department. If the individual does not satisfy the established requirements within a reasonable time period, the individual may be separated.

3.7.4. Medical Examination. When required, the personnel department will schedule, at the city's expense, a medical examination with the city's designated physician. to ensure that the individual is capable of performing the work required.

3.7.5. In-Processing. After a determination by the appointing authority that the individual is eligible to start to work, the authority will coordinate the necessary in-processing with the personnel department.

3.7.6. Starting Pay. The starting pay for all new employees will be established in accordance with SECTION X. COMPENSATION of these policies and procedures.

3.8 PROBATIONARY PERIOD.

To acquire regular status in the classified or part-time service a new employee must satisfactorily complete the city probationary period. The probationary period is considered an integral part of the training and evaluation process for each new employee and will be utilized for closely observing the employee's work, for obtaining the most effective adjustment of the employee, and for separating any new employee whose performance does not meet required standards.

3.8.1. Duration. The probationary period for all classified and part-time service employees, except those individuals who are employed in public safety positions will be one (1) year. The probationary period for public safety employees may be extended up to an additional six (6) months.

3.8.2. Extension of Probationary Period. A department head may extend the normal probationary period up to six (6) additional months, if necessary for the employee to meet the standards required in the job. All extensions will be coordinated with the personnel department. Problems related to scheduling (schools, classes, etc necessary to meet minimum standards may extend a probationary period beyond one year.)

3.8.3. Evaluation. A probationary status employee's performance will be evaluated every six (6) months during the employee's probationary period. The first evaluation will come during the sixth month.

Subsequent evaluations will occur at the end of each additional six (6) months of the probationary period. All evaluations will be conducted in accordance with SECTION V, EMPLOYEE PERFORMANCE APPRAISAL. The evaluation will note necessary or desired improvements. The employee shall sign the evaluation form.

3.8.4. Absences. Absences during the probationary period are discouraged and will be approved only in justifiable situations.

3.8.5. Separation. During the probationary period an appointing authority may at any time separate, at his discretion, a probationary employee. The appointing authority will coordinate with the personnel department his intent to separate the probationary status employee. The personnel department will ensure all separations actions are accomplished in accordance with these policies and procedures and that all personnel records are completed as required. The individual will be notified in writing of his separation by the appointing authority. A copy will be provided to the personnel department.

3.8.6. Designation as a Regular Status Employee. During the last month of an employee's probationary period, the department head will prepare and forward a written evaluation of the employee's work. If the individual is to be designated as a regular status employee, the evaluation will include a statement by the department head that the employee's service has been satisfactory and that he recommends that the probationary status employee be retained as a regular status employee. The evaluation and the department head's recommendation will be forwarded to the personnel department. The personnel department will forward the department head's recommendation to the mayor for approval. If the department head does not recommend regular status for the individual, the probationary employee will be separated in accordance with paragraph 3.8.5 above.

3.8.7. Notification to Employee. Upon approval by the mayor of the employee's designation as a regular status employee, the personnel department will notify the department head. The department head will notify the employee of his designation as regular status.

3.8.8. Appeals. A probationary status employee will not be eligible to appeal a separation, or any disciplinary action taken against him, or to file a grievance as provided by the city grievance procedure unless such grievance is based upon his claim that he has been discriminated against because of race, color, religion, sex, age, disability, or national origin.

SECTION IV

EMPLOYEE TRANSFER, PROMOTION, DEMOTION AND TEMPORARY ASSIGNMENT

4.1 GENERAL PROVISIONS.

Vacant classified and part-time service positions will be filled, so far as practical, by either the transfer, promotion, or demotion of qualified regular status classified or part-time service employees who are interested in such positions. Vacant classified and part-time service positions that are not filled by the transfer, promotion, or demotion of an eligible employee from the employee eligibility list will be filled when possible from the re-employment eligibility list. Vacancies that are not filled from the re-employment eligibility list will be filled in accordance with the guidelines contained in SECTION III, STAFFING of these policies and procedures.

4.1.1 Preference to Classified Service Employees. Preference will be given to eligible qualified classified service employees in filling both classified and part-time service vacancies before eligible qualified part-time service employees are considered. A regular status part-time service employee will not be transferred, promoted, or demoted unless a qualified regular status classified service employee has not applied for the vacancy. No probationary status classified or part-time service reassignment employee will be considered for any reassignment, except as allowed by paragraph 4.1.4 below.

4.1.2. No Preference to Type of Assignment. There will be no preference given to whether the assignment would result in a transfer, promotion, or demotion of the employee. All selections will be based upon the job-related qualifications of the employee and the needs of the city.

4.1.3. Shift Preferences. Shift preferences are not considered vacancies and are not covered by these provisions.

4.1.4. Exceptions to this Policy. In those situations where a classified or part-time service employee is being transferred or demoted because:

- (a) his position is being abolished and he would otherwise be laid off, or
- (b) his performance, as demonstrated through employment evaluation and/or reports, indicates he is not qualified to render satisfactory service in his current position

the city may, at its discretion, assign the employee to any available position of lower or equal pay status that exists, when such assignment is considered to be in the best interest of the city. Employee assignments made under this provision will be recommended by the individual's department head and approved by the mayor.

4.1.5 Police, Fire, and Other Minimum Standards Employees. In certain positions such as those positions in the police and fire departments that are part of the department's rank structure, only those employees in the department who are assigned to jobs that are part of the rank hierarchy will be

eligible to be considered for assignment to such jobs. These positions will be filled in accordance with these guidelines as supplemented by department rules and regulations established by the department head. Such department rules and regulations will be submitted through the personnel director to the mayor for approval.

4.2 SELECTION CRITERIA.

Selection criteria to be used in the evaluation and selection of qualified applicants for a vacancy will include:

- (a) performance
- (b) job-related qualifications
- (c) length of service
- (d) needs of the city

4.2.1. Performance. In determining performance, an employee's entire work record will be considered, including performance evaluation, tardiness and attendance records, disciplinary record, training, and awards and commendations.

4.2.2. Job Related Qualifications. In determining qualification, consideration will be given to the employee's possession of all job-related qualifications required in the position, including knowledge, skills and abilities (KSA's) and legal or licensing requirements.

4.2.3. Length of Service. Length of service will be determined by the employee's length and status of employment with the city since his most recent hire date.

4.3 PROCEDURES.

All classified and part-time service vacancies, except as provided for in paragraph 4.1.4 above, will be filled according to the following procedures.

4.3.1. Posting. Upon receipt of a valid requisition from the appointing authority, the personnel department will prepare and post a vacancy notice on department bulletin boards and in other areas in the city that are readily accessible to eligible employees. All vacancy notices will be posted for at least five (5) working days from the date of the posting. All vacancy notices will contain those instructions necessary for an eligible employee to apply for the vacancy.

4.3.2. Applications. Interested eligible regular status classified and part-time service employees may apply for any posted vacancy for which they are eligible. Such application will be in accordance with the instructions specified in the job vacancy. All applications must be made prior to the closing date and time listed in the vacancy notice.

4.3.3. Review of Applications. After the closing date for receipt of applications, the personnel director will ensure that each employee who applies is eligible to be considered for re-assignment. The names of all eligible applicants along with such other materials as needed by the appointing authority in the selection process will be forwarded to the appointing authority by the personnel director.

4.3.4. Selection. The appointing authority will ensure that each eligible applicant whose name is provided by the personnel director is considered for the announced vacancy. Such consideration will be based upon the criteria contained in paragraph 4.2 above. A department head may, at his discretion, establish an internal selection procedure for his department that includes the use of a screening committee to assist in the selection process. Such procedures, as established, will be forwarded through the personnel department to the mayor for his approval and included in the department's rules and regulations. All eligible employees who apply for the vacancy will be interviewed by the appointing authority. After completion of the selection process, the department head will notify the personnel department in writing of the individual selected and return all personnel forms, records and other materials furnished by the personnel department. The department head will notify in writing those employees who were considered but not selected of their non-selection. A copy of all written notifications will be provided the personnel department.

4.3.5. Effective Date. The department head will coordinate the effective date of the employee's assignment with the personnel department and other departments as required, and ensure that all records are updated as necessary. The selected employee will be notified in writing by the department head of his selection, the effective date, pay level, probationary period requirement, and other conditions, if any, that apply to the assignment. The department head will also insure that a copy of the notification letter is sent to the personnel department.

Also, any job classification, job assignment, advancement, promotion or demotion shall be conditional during the seven (7) days allowed for the filing of a grievance. If a grievance is filed within the seven-day period, then the job shall be conditional during the pendency of the grievance plus a reasonable time thereafter (not to exceed seven (7) days) for proper administrative action to be taken in accordance with the grievance outcome.

4.4 PROBATIONARY PERIOD.

An employee who is assigned to a new job in accordance with the provisions of this section will serve a probationary period in his new position. All employees, except those in positions that require that the incumbent meet minimum standards as established by the city and/or law, will serve a one (1) year probationary period in their new job. Any probationary period may be extended by the department head for an additional six (6) months for inadequate job performance, extended absences from work, any misconduct and/or any violation of rules and policies as outlined within this policy and procedure manual or within the department.

4.4.1. Police, Fire, and Other Minimum Standards Employees. Police, fire and other employees

who must meet minimum standards requirements as required by the city and/or law, will serve up to one (1) year probationary periods in their new job. Problems related to scheduling (schools, classes, etc.) necessary to meet minimum standards may extend a probationary period beyond one year.

4.4.2. Performance Review. During the probationary period the employee's performance will be evaluated by his supervisor in accordance with the guidelines contained in SECTION V, EMPLOYEE PERFORMANCE APPRAISAL of these policies and procedures. If a transferred or promoted employee's performance is documented to be inadequate, he may be removed from his new position and, if practical, returned to his prior position or to an equivalent position. However, the city reserves the right to separate such employee, if considered by the city to be necessary. The department head will evaluate each situation, in coordination with the personnel director. If the employee is to be separated, the department head will notify the employee in writing of his separation. A copy of the notification will be furnished to the personnel department. An employee who has been demoted to a lower level job because his performance was not acceptable in his previous job and whose performance is considered inadequate in his new job will not be considered for reassignment but will be separated.

4.5 TEMPORARY ASSIGNMENTS.

Any employee in the city service may be placed at the discretion of his department head on temporary assignment in another position within the department or city for such purposes as training, accomplishing special projects, and/or filling temporary vacancies. Such temporary assignments may be made on an as needed basis and will not normally exceed ninety (90) continuous calendar days (forty-three (43) days for fire protection employees who are regularly scheduled to work twenty-four (24) hour shifts). However, upon request of the department head and approval of the mayor, a temporary assignment may be extended for a period not to exceed one (1) year (one hundred twenty-five (125) calendar days for fire protection employees who are regularly scheduled to work twenty-four (24) hour shifts).

4.6 LIMITED DUTY ASSIGNMENTS - TEMPORARY DISABILITY.

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



productive work to be performed by the disabled employee that would benefit the department/city and if a light duty assignment may be authorized for the department.

4.7 COMPENSATION.

The pay of an employee who is assigned to a new position in the city in accordance with the guidelines of this section will be determined in accordance with SECTION X, COMPENSATION of these policies and procedures.



SECTION V

EMPLOYEE PERFORMANCE APPRAISAL

5.1 GENERAL PROVISIONS.

The job performance of all city employees, except temporary service employees, will be evaluated periodically in accordance with guidelines developed by the personnel department and approved by the mayor. Such procedures as necessary to implement the intent of this section will be reduced to writing and referred to as the employee performance appraisal system. The performance criteria to be used in employee evaluations will be job-related and will be structured to provide supervisors and employees sufficient information to objectively measure an employee's performance level in his job and to provide information necessary for improving employee performance.

5.1.1. **Purposes.** Performance appraisal results will be used by the city for the following purposes:

- (a) to provide information that will assist in an employee's improving his performance when necessary;
- (b) to determine an employee's qualifications for promotion;
- (c) to determine layoffs, when Reductions in Force (RIFs) are required;
- (d) to determine employee training and assistance needs;
- (e) to determine if an employee's performance meets job standards established for his job and whether he should continue to serve in his job; and
- (f) to determine pay increases, or pay reductions.

5.2 PROCEDURES.

Performance appraisals will be performed by an employee's appointing authority, department head, or other individual so designated by the department head. Performance appraisals will be conducted in accordance with the city's employee performance appraisal system.

5.2.1. **Regular Status Classified and Part-Time Service Employees.** Normally, regular status classified and part-time service employees will be evaluated at least annually. Such evaluations will be conducted in the month in which the employee's anniversary date occurs. However, the department head, with the mayor's approval, has the authority to postpone the performance appraisal of an employee up to one year from the date the employee returns to work when the employee has been on leave (including worker's compensation) for six (6) months or more since his last performance appraisal. In situations of this kind a new anniversary date will be established for the employee reflecting the effective date of the extended performance appraisal.

5.2.2. **Additional Evaluations.** Additional evaluations will be conducted as needed when an employee's performance indicates unacceptable, or less than satisfactory, performance.

5.2.3. **Unacceptable Performance.** Should an employee receive an overall rating of less than "Satisfactory" the employee shall be denied any authorized step progression in salary, and shall not be eligible for a step progression in salary until a rating of "Satisfactory" is rendered. A "Satisfactory" rating

is a minimum rating of three (3), fully meets job requirements, or higher for all rated major responsibilities. An employee receiving an overall rating of less than "Satisfactory" shall be reevaluated again within six (6) months. If on the second review and evaluation, the employee again receives less than a "Satisfactory" evaluation, such employee shall be subject to termination.

5.2.4. Probationary Employees. Probationary status classified and part-time service employees will be evaluated every six (6) months during their probationary period. Regardless of the number of evaluations that are conducted during the probationary period, a final evaluation will be prepared in the employee's last scheduled month of the probationary period.

5.2.5. Reports. Appraisal reports will be completed in accordance with the guidelines contained in the city's employee performance appraisal system. Each appraisal will be discussed with the employee involved. The employee and the supervisor performing the appraisal will sign the appraisal form. The completed appraisal will be forwarded to the department head for his review and approval if he is not the evaluating supervisor. The completed appraisal will be forwarded to the personnel department for filing. Appraisal results are considered confidential employee information and will be safeguarded in accordance with the guidelines of these policies and procedures.

SECTION VI
SEPARATIONS

6.1 GENERAL PROVISIONS.

All separations of employees from positions in the city service will be designated as one of the following types:

- (a) resignation,
- (b) reduction-in-force (RIF),
- (c) disability,
- (d) death,
- (e) retirement, or
- (f) dismissal.

6.1.1. Return of City Records and Property. At the time of separation, or prior to payment of any final compensation, all records, assets, and other items of city property in the employee's custody will be returned to city control. Certification to this effect will be made by the individual and his department head before final separation is completed. A copy of such certification will be provided by the department head to the personnel department.

6.1.2. Exit Interview. Normally, a separated individual will be scheduled for an exit interview with the personnel department prior to his final day of work. However, if an individual refuses to participate in a exit interview, or if such interview is not practical, the personnel director may waive this requirement. The personnel department is responsible for coordinating the date, time and place of such interview with the individual. The exit interview will be used to:

- (a) inform the individual of his rights and benefits at the time of separation;
- (b) give the individual an opportunity to review his employee file and to challenge any information in the file;
- (c) provide the individual and the city an opportunity to discuss the city as an employer with the goal of improving employment with the city and obtaining greater productivity from city employees; and
- (d) obtain current personal information needed to complete the separation action. Such information will include a forwarding address and completion of necessary forms.

6.1.3. Final Compensation. A separated individual will receive payment for all compensation that he is due. Final payment will be made at the end of the pay period in which he is separated or within a reasonable period, if additional time is needed to process the individual's final entitlement. Any indebtedness due the city will be withheld from his final compensation unless waived by the city council.

6.1.4. Retirement Withdrawal. An Individual who has been covered under the city's retirement plan during his employment and is separated prior to being eligible to receive retirement benefits may make application through the personnel department for return of his contributions to the retirement system.

6.1.5. Unauthorized and Unjustified Absences. Any unauthorized and unjustified absence from

work for a period of three (3) or more consecutive working days may be considered by the city as a voluntary resignation.

6.1.6. **Processing Separations.** The personnel department in coordination with the individual's department head, is responsible for ensuring that all separation actions are completed in accordance with these guidelines.

6.2 **SEPARATION GUIDELINES.**

All separations will be processed in accordance with these guidelines.

6.2.1. **Resignations.** A classified, unclassified or part-time service employee may voluntarily resign his position by submitting his letter of resignation to his appointing authority. The letter will state the reason(s) and the effective date for the resignation.

6.2.1.1 **Notification.** Classified and part-time service employees will submit their notifications as far in advance as possible but no later than fourteen (14) calendar days prior to the effective date of the resignation. However, department heads are required to submit their notifications at least thirty (30) calendar days prior to the effective date of the resignation. Failure to comply with this requirement may be cause for denying an individual future employment with the city. Department heads will forward a copy of all voluntary resignations to the personnel department immediately upon receipt.

6.2.1.2 **Request for Withdrawal of Resignation.** An individual may request that his resignation be withdrawn up to the effective date of his resignation. Such request will be submitted in writing to the individual's appointing authority. If the appointing authority approves the request, the appointing authority will notify the individual in writing and furnish a copy of the approval to the personnel department. When the withdrawal of a resignation is approved, the individual will suffer no loss of benefits, entitlements, or pay. If the appointing authority denies the request, he will notify the individual of his denial in writing and the individual will be separated on the effective date of the resignation. A copy of the denial will also be furnished to the personnel department. The individual may, however, apply for the vacancy along with other outside applicants in accordance with the vacancy notice and the guidelines of SECTION III, if the job is advertised outside the city service.

6.2.2. **Reduction in Force (RIF).** Any employee in the city service may be separated by being laid off through a RIF action. RIF actions will be approved by the city council as part of a general city-wide cost reduction program or when a particular position is no longer needed in the city service.

6.2.2.1 **General Guidelines.** In a general city-wide RIF, the mayor will establish, in coordination with the city council, guidelines to be used in identifying those employees to be laid off. The guidelines will include the following criteria:

- (a) The critical nature of each position in the city service and the relationship of each

- position to the overall providing of city services;
- (b) Positions which are to be included in the RIF;
 - (c) Which categories of service and/or employee status to be included in the RIF. Normally, separations will be made in the following order:

- (1) temporary service employees;
- (2) probationary status employees in the part-time service;
- (3) probationary status employees in the classified service;
- (4) regular status employees in the part-time service; and
- (5) regular status employees in the classified service.

- (d) Individuals in each category and status to be included. Normally such individuals will be selected based upon:

- (1) the level of performance of each employee in the RIF positions; and
- (2) the length of service of each employee in such positions.

6.2.2.2. Reassignments. When a regular status employee in the classified service is scheduled to be laid off, he will be considered for reassignment to any vacant position of equal or lower grade that exists in the classified or part-time service for which he is qualified.

6.2.2.3. Notification. Employees in the classified and part-time services will be notified in writing of their layoff by the mayor at least thirty (30) calendar days prior to the effective date of their layoff. Temporary employees will be given as much written notice as possible. A copy of the RIF notice will be placed in the employees' personnel files maintained in the personnel department.

6.2.2.4. Re-employment Eligibility List. The names of regular status classified service employees who are laid off will be placed on the re-employment eligibility list by the personnel department in the order of their length of service in the classified service. Such individuals will be considered for subsequent vacancies of the same or lower grade in the classified or part-time service for which they qualify for one (1) year from the effective date of their layoff.

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

6.2.3. Medical Disqualification. Employees who, after determination by a competent medical authority, are rendered physically or mentally unfit to perform the essential duties as required in the employees job description, or when a significant risk of substantial harm to himself or others exists may, when in the best interest of the city, be assigned to another job, (transferred or demoted), medically retired (if eligible), or terminated as a nondisciplinary action.

When a current employee with an ADA qualified disability becomes unable to perform the essential functions of his job, the city will attempt to make reasonable accommodations and/or reassign such employee to a vacant position for which the employee is qualified. Reassignment will be attempted only after reasonable efforts to accommodate the employee in his current position have been unsuccessful.



Nevertheless, if the city cannot reasonably accommodate the employee's impairment and a vacant position does not exist for which the employee is qualified, the city may elect to medically retire (if eligible) or terminate the employee. Each determination will be made according to the specific circumstances of the deficiency, availability of other suitable employment and any other factors as deemed necessary. Personnel actions as discussed above will be at the recommendation of the employee's appointing authority and with the approval of the mayor.

6.2.3.1. Worker's Compensation Disability. If the impairment is the result of a job related condition and the employee is receiving worker's compensation benefits, the employee may be placed in a non pay status for up to one (1) year before being separated if the medical prognosis indicates there is a possibility that the employee may recover sufficiently to return to work. However, if the medical prognosis indicates that the employee will not be able to perform the duties of the employee's job within a year of the employee's impairment, the employee may be separated immediately.

6.2.3.2. Initiation of Separation Action. Separation action may be initiated by either the employee or the employee's appointing authority. In all cases the separation will be supported by medical evidence provided by a physician. The city may require a second opinion by a physician of its choice, if deemed necessary.

6.2.3.3. Retirement Option. An employee who is eligible for retirement will be entitled to apply for retirement benefits in accordance with the city's retirement program.

6.2.4 Death. Separation is effective as of the date of death. Any compensation due the employee as of that date will be paid to the estate of the employee, except for such sums that must be paid by law. Any indebtedness owed to the city will be withheld from the individual's final compensation, unless waived by the city council.

6.2.5. Retirement. Whenever an employee meets the eligibility requirements set forth in the city's retirement plan, the employee may elect to retire and receive benefits as provided under the provisions of the retirement plan. An employee who wishes to retire should notify the personnel department through the employee's appointing authority no later than sixty (60) days prior to the planned, retirement date.

6.2.6. Dismissal. Any employee may be dismissed from the city service for

- (a) unacceptable job performance;
- (b) violation(s) of city rules and standards;
- (c) failure to qualify for job-related licensure(s), certification(s) or insurance required for continued employment; and/or
- (d) the good of the city.

6.2.6.1. Unacceptable Job Performance. When the job performance of a regular status classified or part-time service employee is considered to be unacceptable, the following guidelines will apply:



- (a) **Counseling.** The employee will be counseled concerning his unacceptable performance. The counseling session(s) will be conducted by the appointing authority, or his designated representative and will include the action(s) that the employee must take to improve his performance and the length of time the employee has to improve. The employee will also be warned that if his performance does not improve he may be dismissed. A written record of the counseling session will be prepared and will be signed by both the counseling individual and the employee. A copy will be provided to the employee and a copy will be provided to the personnel department so that it may be placed in the employee's personnel file.
- (b) **Monitoring.** The employee's performance will be monitored during the established period to determine if the employee is improving as required. Written feedback will be provided to the employee as necessary. If the employee's performance continues to be unacceptable, the appointing authority, or his designated representative, will provide to the employee a final written warning that unless his performance improves he will be dismissed.
- (c) **Continued Unacceptable Performance.** If the employee's performance continues to be unacceptable after the period established for the employee to demonstrate acceptable performance, and it is determined that the employee should be separated, the appointing authority (if other than the mayor) will notify the employee in writing of his recommendation to the mayor to separate him. A copy of such notification will be provided to the personnel department. The employee's notification will also inform him that upon his written request a due process hearing will be held concerning the separation. Such hearing shall be requested within five (5) working days of the employee's notification. The hearing will be held by the mayor within three (3) working days of receipt of the employee's request.
- (d) **Notification of Dismissal.** If upon completion of the hearing, the mayor decides to proceed with the separation, he will notify the employee in writing of his dismissal, the effective date and his right to appeal the dismissal to the city council. A copy of the notification and other supporting documents will be furnished to the personnel department.

6.2.6.2. **Failure to Qualify for Licensure, Insurance, or Certification Required for Continued Employment.** When the dismissal is for failure to qualify for licensure, insurance or certification required for continued employment the following guidelines will apply:

- (a) **Reasons for Dismissal.** An appointing authority (other than the mayor) may recommend for dismissal a regular status classified or part-time service employee in the following situations:
 - (1) When the appointing authority has received and verified information that the driving privileges of an employee who is required to drive in his job have been suspended or revoked, or restricted in such a manner that the employee is rendered incapable of performing his job without violating such restrictions; or
 - (2) When the appointing authority has received and verified information that an employee who is required to drive is considered by the city's insurance carrier to be an unacceptable or high risk for insurance and if allowed to operate a vehicle on the city's behalf, either would not be covered with liability coverage, would cause a cancellation of the city's policy, would cause an increase in the city's insurance premium, or would

prevent the city from receiving a preferred rate for which it would otherwise qualify; or

- (3) When the appointing authority has received and verified information that the employee is uninsurable for employee honesty or fidelity bonds as required by the city for the position occupied by the employee; or
 - (4) When the appointing authority has received and verified information that the employee has lost, is unable to acquire, or has failed to maintain certifications required by the city for the position occupied by the employee.
- (b) **Notification to Employees.** Upon determining that the employee should be separated due to one or more of the reasons listed above, the appointing authority will notify the employee in writing of his intent to recommend him for separation. A copy of such notification will be provided to the personnel department. The notification will also inform the employee that, upon his written request, a due process hearing will be held by the mayor concerning the separation. Such hearing shall be requested within (5) working days of the employee's notification. The hearing shall be held within three (3) working days of receipt of the employee's request.

- (c) **Notification of Dismissal.** If upon completion of the hearing, the mayor decides to proceed with the separation, he will notify the employee in writing of his dismissal, the effective date and his right to appeal the dismissal to the city council. A copy of the notification and other supporting documents will be furnished to the personnel department.

6.2.6.3. Disciplinary/Good of the City Dismissals. When a regular status classified or part-time service employee is dismissed from the city service for violation(s) of city rules and regulations or for the good of the city, the guidelines established in SECTION VII, DISCIPLINARY ACTIONS will be followed.

6.2.6.4. Appeal. Upon dismissal pursuant to these guidelines a regular status classified or part-time service employee shall be informed in writing by his appointing authority of his right to file a written notice of appeal in accordance with the guidelines of SECTION VIII, GRIEVANCE PROCEDURES of these policies and procedures.

6.2.7. Separation of Temporary Service Employees. Temporary service employees may be separated from city service at any time at the pleasure of the mayor. When it is necessary to separate a temporary service employee, the mayor will notify the employee in writing. A copy of the notification with effective date will be provided to the personnel department.

SECTION VII

DISCIPLINARY ACTIONS

7.1 GENERAL PROVISIONS.

7.1.1. **General Policy.** Employees of the city are expected to maintain high standards of cooperation, efficiency, economy and effectiveness in their work. Each employee is expected to display conduct both on and off the job in such a manner as to reflect credit on both the employee and the city. The maintenance of high standards of honesty, integrity and conduct by city employees is essential to assure the proper performance of city business and maintenance of confidence by its citizens. City employees will be disciplined only for violations of established city rules and regulations and/or for the good of the city. Disciplinary action will be fairly, promptly, and consistently applied to the extent possible. Disciplinary action is not intended to be governed by a rigid set of rules, but administered through flexible guidelines to be used as a supervisory tool in carrying out required functions within each department.

7.1.2. **Department Rules.** Department heads may supplement the rules listed below with written department rules and regulations. Such rules and regulations will be submitted through the personnel department for approval by the mayor.

7.1.3. **By Whom Taken.** Normally, disciplinary actions will be administered by an employee's disciplining individual, as defined in paragraph 1.14.8. If an individual who is designated to take disciplinary action fails to take action for an obvious violation of city rules, the department head or mayor, as the case may be, may take action so long as the action is consistent with the intent of these policies and procedures.

7.1.4. **Counseling Sessions.** When practical, the disciplining individual will use counseling sessions to correct an employee's conduct or job performance before disciplinary action is required. A written report will not be required for a routine counseling session, but, if one is prepared the employee will be provided a copy and a copy will be forwarded to the personnel department for filing in the employee's personnel file.

7.2 TYPES OF DISCIPLINE.

All employees covered by the city personnel system are subject to disciplinary action for unacceptable conduct or job performance that falls under the intent of this section. When mistakes or rule infractions become chronic or deliberate, or are of major seriousness, disciplinary action will be taken. Such disciplinary action will not be fixed but based upon good judgement, fair treatment, and the circumstances involved in each incident. Normally, disciplinary action will be taken in the order shown; however, disciplining individuals are allowed, and expected, to be flexible in the action that is taken based upon the circumstance involved. All employees are subject to the following types of disciplinary actions.

7.2.1. **Verbal Warning.** Verbal warnings are reminders to employees that an infraction has

occurred or might occur should the employee persist in whatever course of action he is taking. The warning also serves to advise the employee that his supervisor is aware of his course of action and that more severe disciplinary action may be taken if corrective action is not taken.

7.2.2. Written Warning. A written warning report will normally be used for unacceptable conduct by an employee that is deemed to require more than a verbal warning or informal counseling session but does not warrant more serious disciplinary action. However, a written warning will also be provided to an employee when he is suspended without pay. A written warning will identify the specific problem, previous action taken (if any), corrective action to be taken by the employee, and what further action may be taken by the supervisor should the unacceptable action continue. A written warning will be signed by both the employee and the disciplining individual. The employee will be provided a copy of the warning and a copy will be forwarded to the personnel department for inclusion in the employee's personnel file. An employee who is given a written warning but who receives no additional warnings of any nature for up to twenty-four (24) consecutive months will not be penalized further by the fact of a reference to the past warnings. The first written warning may also be notated as the final written warning. Three (3) written warnings within any twenty-four (24) month period shall constitute justification for dismissal.

7.2.2.1 Final Written Warning. The last written warning prior to discharge from employment is the FINAL WRITTEN WARNING. This final warning must indicate along with the problem and corrective actions previously taken that the employee is marginal and any further rule violation will result in immediate discharge.

7.2.3. Suspension Without Pay. A suspension without pay may be administered when an employee's conduct continues to be unacceptable after written warning(s). However, nothing should be interpreted herein to prevent the suspension of an employee at the first occurrence of unacceptable conduct, when circumstances warrant. No suspension without pay will exceed twenty (20) scheduled working days (nine (9) scheduled working days for extended shift personnel who work twenty-four (24) hour shifts). If the disciplining individual determines that further unacceptable conduct by the employee may result in a dismissal action, he will ensure that a final written warning is provided the employee. A recommendation to suspend without pay will be forwarded to the mayor. Suspension without pay actions will be administered in accordance with the guidelines of paragraph 7.7 below.

7.2.4. Dismissal from Service. Dismissal from service may be administered when an employee's conduct continues to be unacceptable after previous disciplinary action(s). However, nothing should be interpreted herein to prevent the dismissal of an individual at the first occurrence of unacceptable conduct in accordance with these guidelines where circumstances warrant. Dismissal actions will be taken by the mayor. Dismissal actions will be administered in accordance with the guidelines of paragraph 7.8 below.



7.3 CLASSIFICATION OF OFFENSES.

The classification of offenses, as grouped below, are considered general guidelines to assist a disciplining Individual in the determination of appropriate disciplinary action required for a specific Infraction. Examples of employee conduct that are considered to be unacceptable are grouped below as either group one or group two offenses. A summary of the disciplinary actions that are normally recommended for each group is also shown. However, the offenses and recommended disciplinary actions, as described, are neither all Inclusive nor automatic. Disciplining individuals are permitted, and expected, to treat individual situations according to the circumstances and facts involved.

7.3.1. Group One Offenses. Group one offenses are defined as instances of unacceptable conduct by an employee which are very serious and normally constitute grounds for dismissal upon the first occurrence of such conduct unless mitigating and/or, extenuating circumstances render lesser discipline more appropriate. Examples of group one offenses Include, but are not limited to the following types of situations:

- (a) **Unauthorized Use of Property** - unauthorized use, misappropriation, destruction, theft, or conversion of public property;
- (b) **Insubordination** - acts of insubordination, including refusal to obey legitimate orders, or delay or failure to carry out assigned work, or disrespect, insolence or like behavior;
- (c) **Theft or Abuse of Property** - theft, destruction, careless or negligent use, or willful damage of city property or property of employees;
- (d) **Driving City Vehicle Under the Influence** - operation of a city vehicle or motorized equipment while under the influence of intoxicants such as alcohol, unprescribed drugs, and for prescribed drugs which induce an unsafe mental and/or physical state;
- (e) **Drugs and Alcohol** - possession and/or use of alcohol, unprescribed drugs, or similar intoxicants while on city property or on the job (other than such possession as may be required of law enforcement personnel In the line of duty); or reporting to work while under the influence of alcohol, unprescribed drugs, or similar intoxicants;
- (f) **Fighting** - fighting, except when the employee is a victim of an unwarranted assault;
- (g) **Serious Leave Offenses** - excessive tardiness, three (3) or more unauthorized absences in a six (6) month period, or fraudulent or abusive use of sick leave;
- (h) **Conviction** - conviction of a felony or other crime or misdemeanor involving moral turpitude, or conviction of a misdemeanor which affects the employee's character and/or his effectiveness on the job;
- (i) **Firearm/Weapon Possession** - unauthorized possession and/or use of firearms, or other weapons including explosives or other dangerous materials on/in city property (other than such possession and/or use as may be required of law enforcement personnel in the line of duty);



- (j) **Horseplay** - dangerous horseplay on the job;
- (k) **Flagrant Safety Violations** - flagrant violation of safety practices that might endanger the life or health of the employee or others;
- (l) **Serious Rule Violation** - serious violation of city administrative regulations, department rules, lawful orders or directions made or given by a supervisor;
- (m) **Proponent of Violent Overthrow of Government** - memberships in any organization which advocates the overthrow of the government of the United States by force or violence;
- (n) **Bribes or Rewards** - acceptance of any consideration of value or gratuity which was given to improperly influence the employee in the performance of his duties;
- (o) **Refusal of Medical Exam** - refusal to be examined by a city authorized, fully licensed physician when so directed by the department head or mayor;
- (p) **Gross Violation of Hatch Act** - political activities that are gross violations of federal and/or state laws and these policies and procedures;
- (q) **Harassment** - any type of harassment related to sex, race, national origin, religion, disability, or age.
- (r) **Sleeping** - sleeping on the job, except when authorized by department or city rules;
- (s) **Abusive Conduct** - abusive personal conduct or language toward the public or fellow employees, or abusive public criticism of a superior or other city official;
- (t) **Willful Violation of Rule(s) or Law** - willful violation of any duly adopted city policy or state/federal law or regulation in the performance of one's duties, except when such is considered minor and comes under the intent of violation of paragraph 7.3.2. below;
- (u) **Conduct Unbecoming an Employee** - conduct unbecoming an employee, while on or off duty, which tends to bring discredit upon the city and its employees, or which otherwise threatens order, safety, or health;
- (v) **Falsification** - deliberate falsification of records and/or personal misrepresentation of statements given to a supervisor, an official, the public, or any duly authorized city board or committee;
- (w) **Dishonesty** - dishonesty as related to an individual's job duties and/or profession, or use of one's official position for personal advantages;
- (x) **Refusal to Cooperate** - refusal to fully and truthfully answer questions of a supervisor or other designated individual during any inquiry, interrogation, hearing, or court proceeding;
- (y) **Unauthorized Release of Information** - unauthorized release of privileged or confidential information;
- (z) **Conflicts of Interest** - conduct or actions determined to be a conflict of interest or ethics

violation as defined by state law and/or city ordinance, rules, regulations, or procedures;

- (aa) **Fraud in Personnel Matters** - fraudulent misrepresentation or omission in securing an appointment or promotion in the city service, falsification of employee reports, records, or time and attendance;
- (bb) **Repeated Violations of Group Two Offenses** - repeated violation of Group Two type offenses; or
- (cc) **Restriction of Work Output and/or Defective Work** - deliberate restrictions of production, output and/or concealment of defective work;
- (dd) **Strike or Work Slowdown** - engaging in a strike and/or work slowdown while on duty or on city property.
- (ee) **Other Conduct** - similar conduct not listed herein that meets the intent of the definition of a group one offense.

7.3.1.1. **Disciplinary Action for Group One Offenses.** Normally, the disciplinary action for the first occurrence of a group one offense will be dismissal from the city service. However, a lesser disciplinary action may be taken when mitigating and/or extenuating circumstances so warrant.

7.3.2. **Group Two Offenses.** Group two offenses are defined as instances of unacceptable conduct by a city employee, which, while serious, do not normally merit suspension without pay or dismissal upon the first occurrence of such conduct; and which normally may be addressed by lesser degrees of discipline as outlined below in this section. Examples of group two offenses include, but are not limited to, the following types of situations:

- (a) **Improper Notification of Absence** - failure to give proper notice of an absence;
- (b) **Absenteeism or Tardiness** - irregular attendance, unauthorized absenteeism, and/or tardiness (not at his assigned work station at the beginning of the first hour of the employee's work day);
- (c) **Inadequate or Ineffective Performance of Assigned Work** - failure to adequately and/or effectively perform assigned duties and/or tasks; see Section 6.2.6.1 for guidelines of unacceptable job performance.
- (d) **Work Interference** - interfering with the work of others to include offensive personal habits which interfere with efficient operations;
- (e) **Inefficiency** - excessive inefficiency to include waste, loafing, leaving the work area without permission, and defective workmanship;
- (f) **Safety Violations** - violation of normal safety practices to include failure to report a work related accident or injury and accident proneness or failure to attend safety classes when directed;
- (g) **Abuse of Property** - improper use and/or care of city property;

- (h) **Political Activities** - political activities during working time;
- (i) **Refusal to Work Overtime** - failure to respond to any requirement to work outside the normal scheduled work day when directed by the supervisor;
- (j) **Court Judgements** - willful and/or repeated failure to honor court judgments;
- (k) **Promiscuity** - promiscuous behavior on city property; and
- (l) **Gambling** - Gambling while on duty or city property;
- (m) **Unauthorized Solicitation** - unauthorized solicitation(s) (memberships, subscriptions, contributions, petitions, etc) while on duty;
- (n) **Unauthorized Outside Activities** - engaging in unauthorized outside activities while on duty.
- (o) **Other Conduct** - similar conduct that meets the intent of this definition of a Group Two Offense.
- (q) **Sleeping** - Sleeping on the job, except when authorized by department or city rules;
- (r) **City Vehicles** - No employee shall use any city vehicle for other than authorized purposes.

7.3.2.1. **Disciplinary Action for Group Two Offenses.** Normally, disciplinary actions for group two offenses will be administered in the following order. However, nothing should be interpreted as preventing more severe action (written warning, suspension without pay or dismissal) being taken when circumstances warrant.

- (a) **First Offense** - verbal warning.
- (b) **Second Offense** - written warning or final written warning.
- (c) **Third Offense** - final written warning.
- (d) **Fourth Offense** - any subsequent violation after the receipt of a final written warning within a twenty-four (24) months period may constitute justification for immediate dismissal.

7.4 **GENERAL GUIDELINES FOR DISCIPLINARY ACTIONS.**

7.4.1. **Rights Protected.** Disciplining individuals will insure that an employee's rights are protected during any disciplinary action.

7.4.2. **Facts and Circumstances Considered.** Normally, disciplinary actions will be administered uniformly and according to the order listed for each group of offenses. However, a disciplining individual may, and is expected to, take action according to the facts and circumstances of each situation.

7.4.3. **Written Record.** All disciplinary actions, except verbal warnings, shall be recorded in writing. The disciplining individual and the employee will sign the record and the employee will be provided a copy. If the employee refuses to sign the record, his refusal will be noted on the record by the disciplining individual and witnessed in writing thereon by another employee. Such refusal may be grounds for a separate disciplinary action. The employee will be provided a copy of the record and a

copy will be forwarded to the personnel department for inclusion in the employee's file. If a written record is prepared for a verbal warning, the requirements above will be followed. Under no circumstances will a written record be made and/or placed in an employee's file without the employee's written acknowledgment or declination thereof.

7.4.4. Due Process Requirements. When an anticipated disciplinary action will result in a deprivation of an employee's right, such as suspension without pay or dismissal from service, the disciplining individual will ensure that the employee is notified in writing of his right to a due process determination hearing before the effective date of the disciplinary action, if he requests it in writing. A representative of the personnel department will be present at all hearings.

7.5 GUIDELINES FOR VERBAL WARNINGS.

The following guidelines will be used by a disciplining individual in administering verbal warnings.

7.5.1. When Given. An employee may be given a verbal warning when he fails to maintain desirable standards or commits a group two offense and the disciplining individual determines more severe action is not necessary.

7.5.2. Procedures. The disciplining individual will meet with the employee and inform him of the reason(s) that he is considering issuing him a verbal warning. The disciplining individual will discuss the circumstances with the employee and give him an opportunity to respond. If the disciplining individual determines after such response that the facts do not support a warning, he will notify the employee orally of such decision and advise him that the matter is closed. If the disciplining individual determines that the facts do support a warning, he will verbally warn the employee that corrective action must be taken or more severe discipline could be taken. If the disciplining individual determines, after discussing the matter with the employee, that more severe disciplinary action is required, he will notify the employee of his intent and proceed with the guidelines required for that action.

7.6 GUIDELINES FOR WRITTEN WARNINGS.

The following guidelines will be used by a disciplining individual in administering written warnings.

7.6.1. When Given. An employee may be given a written warning when he fails to maintain desirable standards or commits an offense as described in paragraph 7.3 above and the disciplining individual determines more severe action is not necessary.

7.6.2. Procedures. Before any action is taken against the employee, the disciplining individual will advise the employee orally of the reason(s) that he is considering disciplinary action and allow the employee an opportunity to respond. If the disciplining individual determines that the facts of the case do not support a written warning, the employee will be notified orally of such decision and advised that the matter is closed.

If the disciplinary individual determines that the facts of the case do support disciplinary action and a written warning is sufficient to correct the situation, he/she will prepare and deliver a written warning to the employee. Both the employee and the disciplining individual will sign the warning. A copy will be provided to the employee and a copy will be provided to the personnel department for inclusion in the employee's personnel file. If the disciplining individual determines that the facts of the case do support disciplinary action but more severe action is warranted, he/she will notify the employee orally and proceed with the guidelines required for the anticipated disciplinary action. If an employee receives no additional written warnings of any nature during the following twelve (12) months after receiving a written warning, the employee will not be penalized further by the fact of reference to the past warning(s).

7.6.3. Content of Written Warnings. A written warning will contain the following information:

- (a) references to any discussion(s) held, including the date(s), time(s) and place(s);
- (b) specific reason(s) for the warning, the employee's explanation as given during any discussion(s), other relevant information discovered during the disciplining individual's inquiry, and the disciplinary individual's conclusions;
- (c) warning that future infractions could result in more severe disciplinary action;
- (d) where appropriate, recommendations for corrective action; and
- (e) when, the warning is considered to be a final written warning prior to discharge, a statement that this is the final written warning and any further rule violation will result in immediate discharge.

7.6.4. No Effect on Benefits or Privileges. A written warning will not affect the rights, privileges, or benefits to which an employee may have been entitled before the warning.

7.7 GUIDELINES FOR SUSPENSION WITHOUT PAY.

The following guidelines will be used by the mayor in administering suspensions without pay.

7.7.1. When Given. An employee may be suspended from duty and pay for a period of time not to exceed twenty (20) scheduled working days (nine (9) scheduled working days for personnel who work extended shifts) when determined by the mayor to be justified.

7.7.2. Notice of Proposed Action. Before any action is taken against the employee, the mayor will notify the employee in writing that he/she is considering a suspension without pay action and the employee has the right to request in writing within seven (7) work days a due process determination hearing concerning the allegation(s). A copy of the notice will be provided to the personnel department for review and inclusion in the employee's personnel file. The written notice to the employee will inform the employee of the following:

- (a) the allegation(s) against the employee;
- (b) the proposed disciplinary action to be taken;

- (c) the employee's right to a due process hearing, if the employee wishes it;
- (d) the employee's right to representation of the employee's own choice at the employee's expense;
- (e) the employee's right to respond to the allegations orally or in writing and to question any witnesses;
- (f) the employee's right to present evidence in the employee's defense; and
- (g) the employee has seven (7) work days from the employee's receipt of the notice in which to request in writing the hearing.

7.7.3. Informal Hearing. If a hearing is requested by the employee, it will be conducted informally by the mayor within seven (7) work days of the mayor's receipt of the individual's written request at a time and place designated by the mayor. The hearing will be conducted in accordance with guidelines to be furnished by the personnel department. A representative of the personnel department will be present at all hearings. The mayor will render his/her decision concerning the proposed disciplinary action in writing within seven (7) work days of the hearing.

7.7.4. Reduction of Proposed Discipline. If the mayor determines after the hearing that the facts of the case do not support the proposed discipline, the mayor may impose a lesser disciplinary action or advise the employee that the matter is closed. Such action will be in writing and both the mayor and the employee will sign the record. A copy will be provided to the employee and a copy will be provided to the personnel department for review and inclusion in the employee's personnel file.

7.7.5. Discipline Made Effective. If the employee fails to request a due process hearing, or the mayor determines, after holding the hearing, that the facts of the case support the suspension without pay, it will become effective on the date and time as specified by the mayor.

7.7.6. More Severe Discipline. If the mayor determines after the hearing that the facts of the case support a dismissal action, the mayor may proceed with such action so long as the guidelines required for a dismissal action are met.

7.7.7. Notice of Suspension. The employee's notice of suspension under this procedure will be in writing, dated, and signed by the mayor. The employee will also sign the notice. The notice will include:

- (a) the nature of the action being taken and the effective date;
- (b) the specific grounds for the suspension without pay; and
- (c) a description of the employee's appeal rights.

7.7.8. Record of Action. A copy of the completed disciplinary suspension without pay action, to include a written summary of the hearing results, will be provided to the personnel department within three (3) work days of the effective date of the disciplinary action.

7.7.9. Time and Attendance Report. The appointing authority will ensure that an employee's suspension without pay is recorded on the department's time and attendance report.

7.7.10. Return to Work. When the employee returns to work the employee will be considered to be in good

standing with the city and will be restored to all rights, privileges, and benefits the employee had prior to said suspension. However, such disciplinary action will be considered by the city during any subsequent personnel action(s), such as promotion, RIF, additional disciplinary actions, etc.

7.8 GUIDELINES FOR DISMISSALS.

The following guidelines will be used by the mayor in the dismissal of employees for disciplinary reasons.

7.8.1. When Given. An employee may be dismissed when such action is determined by the mayor to be justified. Normally, dismissal will be taken only after prior disciplinary action(s) have failed to bring about an improvement in the employee's conduct on the job and a final written warning has been given, or for a violation of a group one offense. However, a dismissal action may be taken at any time when the mayor feels the facts and circumstances warrant such action.

7.8.2. Notice of Proposed Action. Before any action is taken against the employee, the mayor will notify the employee in writing that the mayor is considering a dismissal action and the employee has the right to request in writing within seven (7) work days a due process determination hearing concerning the allegation(s). However, in cases where the employee is a police officer, the police officer has the right to request in writing within ten (10) work days, a due process determination hearing concerning the allegation(s) pursuant to Ala. Code §11-43-231. A copy of the notice will be provided to the personnel department for review and inclusion in the employee's file. The notice will include the following information:

- (a) the allegation(s) against the employee
- (b) the proposed disciplinary action to be taken;
- (c) the employee's right to a due process hearing, if the employee wishes it;
- (d) the employee's right to representation of his own choice at the employee's expense;
- (e) the employee's right to respond to the allegations orally or in writing and to question any witnesses;
- (f) the employee's right to present evidence in the employee's defense; and
- (g) the employee has seven (7) work days from his/her receipt of the notice in which to request the hearing.

7.8.3. Informal Hearing. If a hearing is requested by the employee, it will be conducted informally by the mayor within seven (7) work days of the mayor's receipt of the employee's written request at a time and place designated by the mayor. The hearing will be conducted in accordance with guidelines to be furnished by the personnel department. The mayor will render his/her decision concerning the proposed disciplinary action in writing within seven (7) work days of the hearing. A representative of the personnel department will be present at all hearings.

7.8.4. Reduction of Proposed Discipline. If the mayor determines after the hearing that the facts of the case do not support dismissal, he/she may impose a lesser disciplinary action or advise the employee that the matter is closed. Such action will be in writing. Both the mayor and the employee will sign the record. A copy will be provided to the employee and a copy will be provided to the personnel department for review and inclusion in the employee's personnel file.

7.8.5. Discipline Made Effective. If the employee fails to request a due process hearing, or the

mayor determines after holding the hearing that the facts of the case support the dismissal, it will become effective on the date and time specified by the mayor.

7.8.6. Notice of Dismissal. The employee's notice of dismissal under this procedure will be in writing, dated, and signed by the mayor. The employee will also sign the notice. The notice will include:

- (a) the nature of action being taken and the effective date;
- (b) the specific grounds for the dismissal; and
- (c) a description of the employee's appeal rights.

7.8.7. Record of Action. A copy of the completed disciplinary action, to include a summary of the hearing results, will be provided to the personnel department within three (3) work days of the effective date of the disciplinary action.

7.9 SUSPENSION FOR VIOLENT OR INTOLERABLE OFFENSES.

In the event of a violent action, or an intolerable offense on the part of an employee, (e.g. fighting, destruction of city property, gross insubordination, etc.), or other similar type reason, the employee may be suspended without pay for up to twenty (20) scheduled working days, ten (10) scheduled working days for fire protection employees who are regularly scheduled to work twenty (24) hours shifts) pending completion of the due process determination hearing. Such suspension will be ordered by the mayor and will be reported to the personnel department. If required, the mayor may add an additional ten (10) scheduled working days extension of this period (five (5) scheduled working days for fire protection employees who are regularly scheduled to work twenty-four (24) hour shifts). The employee will be notified in writing of his/her suspension without pay and the reasons for the suspension. The appointing authority will insure that an employee's suspension without pay is recorded on the department's time and attendance report. If after the due process determination the mayor determines that the suspension without pay was not warranted and the employee will not be separated, the employee shall be paid for any related time off. Such pay shall be charged as administrative leave.

7.10 CRIMINAL CHARGES.

If an employee is charged with a felony, the mayor will conduct a due process hearing of the alleged violation in accordance with the guidelines of section 7.9. If the mayor determines there is sufficient information available to indicate that the city's rules or standards of employment were violated the mayor may take appropriate disciplinary action to include suspension without pay or dismissal as the case may warrant.

7.11 REPORTING ILLEGAL OR SUSPECTED ACTIVITY INVOLVING CITY EMPLOYEES.

Any city employee becoming aware of or having any information regarding illegal activity in any city department shall immediately notify his/her respective department head.



The department head receiving such information shall:

- (a) If the activity is of a criminal nature, the mayor and the ranking officer on duty in the police department shall be notified. The police department shall conduct an investigation to determine the validity of the information. If the information is valid, normal investigative procedures shall be followed. The chief of police or officer in charge shall keep the mayor apprised as the investigation progresses.**
- (b) The office of the police chief shall complete a report of the investigation and submit a copy to the mayor and personnel director.**
- (c) If the information is of a non-criminal nature, the department head shall notify the mayor and the personnel director, who shall investigate the information and order or conduct an investigation if deemed necessary. The mayor shall have the prerogative of utilizing the police department to assist with or conduct the investigation. In any event, a report shall be compiled by the investigating department and submitted to the mayor and personnel director.**



SECTION VIII

GRIEVANCE PROCEDURES

8.1 GENERAL PROVISIONS.

8.1.1. General Purpose. Recognition is given that grievances can sometimes be very helpful to an organization when attention is called to matters where action might be needed. When a grievance procedure is used properly, it can assist in establishing a harmonious, cooperative working relationship between the city's employees, supervisors, managers, and elected officials.

8.1.2. Definition of Grievance. Within the City of Alexander City a grievance is defined as either:

- (a) an allegation by an eligible employee that a city official, officer, or supervisor has improperly applied, or failed to apply, the policies, procedures, and/or rules of the City of Alexander City; or
- (b) an appeal by an eligible employee that a disciplinary action taken against him was improper.

8.1.3. Intent of Grievance Procedures. The intent of the city grievance procedure is to provide a standard process for speedy investigation and resolution of employee grievances and/or appeal of disciplinary actions.

8.1.4. Employees Eligible to File Grievances. Within the city grievance procedures, employees are eligible to file grievances as follows:

8.1.4.1. Grievances Concerning Personnel Policies, Procedures, and/or Rules. All regular status classified and part-time service employees and unclassified service employees are eligible to file grievances pertaining to the improper application of, or failure to apply, any personnel system policy, procedure, and/or rule.

8.1.4.2. Disciplinary Action. All regular status classified and part-time service employees may file a grievance to appeal a disciplinary action. If the grievance is an appeal of an administrative disciplinary action (verbal or written warning) taken by the department head the employee shall proceed directly to step 4 of the grievance process. If the grievance is an appeal of a disciplinary action taken by the mayor (demotion, suspension without pay or dismissal) the employee will submit his appeal directly to the city council. The council shall hear the appeal according to the time limits and other conditions set forth in step 4 of the grievance process.

8.1.4.3. Probationary Status Classified and Part-Time Service Employees. Normally probationary status employees in the classified and part-time services may not file a grievance, except as noted in paragraph 8.5 below. However, employees who are in a probationary status as a result of a reassignment made under the guidelines of SECTION IV may also file a grievance under this section.

8.1.5. Right to Discuss Grievance. An eligible employee who feels that he has been adversely affected by the administrative action or inaction of his supervisor(s) or who has been given a verbal or

written warning is encouraged to discuss such situation informally with his immediate supervisor, department head, or appointing authority. However, nothing should be interpreted herein to prevent any eligible employee from presenting his grievance formally free from fear, interference, restraint, discrimination, coercion, or reprisal in accordance with the procedures established in paragraph 8.2 below.

8.1.6. Uses Excluded. The city grievance procedure is not intended for and will not be used for the following purposes:

- (a) to resolve personal differences between/among employees,
- (b) to appeal city-wide pay reductions which are part of a general plan to reduce salaries and wages, when such reductions are pro-rated to all employees,
- (c) to appeal non-selection for a position when properly established staffing procedures have been followed, or
- (d) to appeal the content of approved and published city ordinances or other legal actions.

8.1.7. Good Faith Timely Presentation. An employee's grievance must be submitted in good faith and within the time period established in paragraph 8.2.1. below. Grievances that do not meet these requirements will not be considered. If an employee willfully files a false grievance action, he may be subject to disciplinary action, to include dismissal when appropriate.

8.1.8. Representation. An employee will have the right to be represented by a person of his own choosing at any step in the grievance process. Any expenses associated with such representation will be paid by the employee.

8.1.9. Withdrawal. An employee may withdraw his grievance at any step in the process.

8.2. GRIEVANCE PROCEDURES.

It is the policy of the city to address and resolve grievances informally when possible between the employee and his supervisors, to include his department head. However, it is recognized that there are some situations in which an employee's grievance can be resolved only after a review by the mayor or city council.

8.2.1. Grievance Steps. To ensure that an employee's grievance is addressed completely and fairly, the following steps will be followed:

- (a) **Step 1:** The employee should discuss the problem with his supervisor within seven (7) work days of the incident that caused the grievance to be filed. If the grievance alleges a chain or series of events resulting in a grievance, then such grievance must be submitted to the employee's immediate supervisor within seven (7) work days of the last act made a part of the grievance. If the employee is not satisfied with the outcome of this discussion, he may advance his grievance to step 2.
- (b) **Step 2:** The employee shall submit a formal grievance in writing to his supervisor. The written grievance must be submitted no later than seven (7) work days following the discussion with the supervisor in step 1. The employee's written grievance must state all of the pertinent facts on which it is based, when and where they occurred, and the policy, rules, or regulation involved, when possible. This written grievance will be the basis for all future discussions and

appeals. The supervisor will notify his/her department head (unless the supervisor is the department head and the personnel director of his/her receipt of a written grievance. The supervisor will give his/her written answer to the employee within seven (7) work days of his/her receipt of the written grievance. A copy of his/her answer will also be provided to the head and the personnel department.

(c) Step 3: If the employee considers the grievance still unresolved, the employee may appeal the grievance to his/her department head within seven (7) work days of the employee's receipt of his/her supervisor's written answer. The department head will arrange a meeting within seven (7) work days with the employee, his/her supervisor, and other such persons who, because of their knowledge of the facts, can contribute to an appropriate resolution of the grievance. The department head will provide his/her findings to the employee in writing within seven (7) work days after the meeting. A copy of the department head's findings will be provided to the personnel department. If the department head is the immediate supervisor the individual will proceed to step 4 and omit step 3.

(d) Step 4: If the employee considers the grievance still unresolved, the employee may submit it in writing within seven (7) work days after the department head's response to the grievance personnel department who will refer it to the mayor. The mayor shall schedule a hearing within thirty (30) work days of the date of the appeal. The mayor shall have the employee notified of the time, date, and place of the appeal hearing. The hearing on the employee's grievance shall be conducted in an informal manner and the mayor shall make every effort to avoid the appearance of conducting a trial in a court of law. The employee shall have the right to appear at said hearing and be heard in person or by his/her representative or attorney. The hearing before the mayor may be adjourned from time to time to accommodate the reasonable needs of the parties. It shall be the policy of the mayor to expedite all hearings to as early a conclusion as practicable without infringement on the rights of any party to a full and meaningful hearing.

The mayor shall deliver to the personnel director his/her written decision on the employee's grievance appeal within ten (10) work days of the conclusion of the grievance hearing. The personnel director shall immediately cause a copy of the same to be delivered to the employee, the president of the city council and the department head. The decision of the mayor will be final and binding on all parties, and the personnel director shall institute the corrective action through the appropriate department head consistent with the mayor's findings and decision.

If the mayor's decision involves a deprivation of rights (suspension without pay, demotion or dismissal), the employee shall address his final appeal to the city council through the personnel director. The city council will follow the procedures and time requirements outlined in Step 4.

8.2.2. Enforcement Review. After the mayor's decision has been rendered, such decision will be placed into action as soon as possible by the personnel director. If, after a reasonable period of time, there has been no resolution to the grievance as determined by the mayor, the employee will notify the personnel director and request enforcement review of the mayor's decision. Failure to comply with the mayor's decision will be considered a violation of the city's rules and regulations.

8.3 RETALIATION FOR GRIEVANCE PROHIBITED.

Employees should feel free to use the city grievance procedure. Therefore, no employee or official of the



city will discriminate against, coerce, interfere, or take reprisal against any employee, witness, representative, or appellant in the presentation or adjudication of any grievance action brought in good faith. Allegations of any violation of these protective rights may be processed as a separate grievance under the city grievance procedure or submitted in writing directly to the mayor. Individuals found to have violated an employee's protected rights will be subject to disciplinary action to include dismissal where appropriate.

8.4 ADA/SECTION 504 GRIEVANCE PROCEDURE.

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

1. The City of Alexander City will appoint a grievance hearing officer to conduct a grievance hearing pertaining to written request and/or complaints involving the Americans with Disabilities Act or Section 504 of the Rehabilitation Act of 1973.
2. The City's ADA/504 Coordinator will handle the coordination of any ADA/504 grievance hearings with the appointed grievance hearing officer and all other parties involved.
3. An individual who wishes to file an ADA or Section 504 grievance must submit their comments in writing to the attention of the city's ADA/504 Coordinator who may be contacted at P.O. Box 552, Alexander City, Alabama 35010 or by phone at 256-329-6721.
4. The ADA/504 Coordinator will investigate and document the facts surrounding the written request. The ADA/504 Coordinator will forward this information to the mayor for consideration. Should it be deemed necessary, the mayor may arrange for a grievance hearing to be held as soon as possible.
5. In coordination with the hearing officer, the ADA/504 Coordinator will send a notice of the grievance hearing, containing date, time, place, issue(s) alleged and a witness list to all parties involved and the hearing officer.
6. The hearing officer will then conduct the grievance hearing allowing each party involved time to state their comments. Each party involved in the grievance hearing is allowed to bring a representative of their choice.
7. The hearing officer will give an explanation in writing within seven (7) work days of the grievance hearing. The hearing officer's decision will be final.

8.5 SEXUAL, RACIAL, ETHNIC, AGE, RELIGIOUS, DISABILITY, HARASSMENT COMPLAINT PROCEDURES. Each city supervisor is responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise. Further, employees are responsible for respecting the rights of their co-workers.

If an employee experiences any job related harassment based on their sex, race, national origin, disability, or another factor, or believe that they have been treated in an unlawful, discriminatory manner the city encourages employees to promptly report the incident to either their department head or the personnel director, who will undertake an investigation. The complaint will be kept confidential to the maximum extent possible.



If the city determines that an employee is guilty of harassing another individual, appropriate disciplinary action will be taken against the offending employee, up to and including termination of employment. The city shall publish the name of an alternate individual who will receive complaints of harassment if the complaining employee feels the personnel director would be inappropriate.

The City of Alexander City prohibits any form of retaliation against any employee for filing a bona fide complaint under this policy or for assisting in a complaint investigation. However, if after investigating any complaint of harassment or unlawful discrimination, the city determines that the complaint is not bona fide or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who files the complaint or who gave the false information.

8.5.1. Investigation. The personnel officer shall thoroughly investigate the complaint and submit a report to the mayor. If the complaint involves the mayor, or a city council member, the complaint will be forwarded to the city council for investigation. The council will appoint a council member or member(s) to investigate the complaint.

8.5.2. Personnel Director's Response. The personnel director will provide a written response to the employee within thirty (30) calendar days of receipt of the complaint. The written response will document the city's findings and planned action to correct the situation. A copy of the complaint and report will be filed in the employee's personnel file.

8.5.3. Appeal of Findings. The complainant or the accused employee may appeal the findings to the mayor in accordance with Step 4 of the grievance process, if the complaint has not been satisfactorily resolved.

SECTION IX
ATTENDANCE AND LEAVE

9.1 HOURS OF OPERATION.

The mayor will, in coordination with the city council, establish the hours that city offices and departments will be open for business and/or manned. Normally, such hours of operations will be between 8:00 am and 5:00 pm, Monday through Friday. However, some activities, such as public safety departments are required to operate on a twenty-four (24) hour around the clock basis and other activities, such as water, gas, and light and power, may be required to work expanded hours of operation to provide needed services for the citizens of the City of Alexander City. The scheduling of employees as needed to efficiently and effectively perform needed activities during the hours of operation as established for each department will be the responsibility of the department head. Scheduling of employees and their attendance at work will be in accordance with the guidelines of this section.

9.1.1. **Workweek.** A workweek will be established for every non-exempt classified, part-time and temporary service employee, except as provided for in paragraph 9.1.2 below, in accordance with the provisions of the FLSA. Normally, the regular workweek for these employees will begin on Friday night at 12:01 and end the following Friday night at 12:00 midnight. However, a department head may, with concurrence of the mayor, establish a different work period for some (or all) of his employees so long as it is consistent with the requirements of the FLSA and these guidelines.

9.1.2. **Work Period.** In accordance with the provisions of the FLSA a twenty-one (21) day work period is established for non-exempt public safety classified, part-time, and temporary service employees who are engaged in fire fighting and an eight (8) day work period for law enforcement activities. The actual date(s) and time(s) that the work period will commence for an employee will be determined by the department head. Those non-exempt public safety employees who do not meet the FLSA requirements to have a work period established or who do not have a work period established by the department head will have a workweek established in accordance with paragraph 9.1.1 above.

9.1.3. **Work Schedules.** Department heads will assign employees in their departments to work schedules as necessary to meet the operational needs of their departments. This will include the scheduling of those employees necessary to perform approved stand-by duty when needed. All work schedules will be posted in the respective departments where they are accessible to the employees.

9.1.3.1. **General Schedules.** Normally, non-exempt classified service employees will be scheduled to work forty (40) hours during their workweeks. In so far as is practical, such work will be scheduled during the regular office hours of the city hall which are 8:00 am to 5:00 pm, Monday through Friday. However, a department head may schedule his employees to work different schedules, when needed for the effective operation of his department.

9.1.3.2. Public Safety Schedules. Public safety employees will be assigned to either a general schedule as specified in paragraph 9.1.3.1 above or to an extended schedule shift as needed for the effective operation of the department. Normally, fire protection personnel who are required to work extended shifts will be scheduled to work twenty-four (24) hour tours of duty. Such extended shifts will involve twenty-four (24) hours on and forty-eight (48) hours off with three (3) shifts (1, 2, and 3) being established to ensure adequate coverage. Police department personnel normally work twelve (12) hour shifts with two rotating teams as established by the department head or his designee. The days on and off duty will be as established by the department head/designee.

9.1.3.3 Part-Time Service Schedules. The hours that part-time service employees work in their regularly scheduled workweek period will be established by their department head based upon the hours approved by the mayor. Normally, part-time service employees will be scheduled to work less than forty (40) hours in their workweek, (except for public safety departments). However, when circumstances warrant, a part-time service employee may be scheduled to work more than the normal number of hours, if required to meet temporary needs in the department. All part-time service employees will be paid by the hour for those hours they actually work each pay period.

9.1.3.4 Temporary Service Schedules. The hours to be worked during the workweek by a temporary service employee will be established by his department head based upon the hours funded by the city council and approved by the mayor. A temporary service employee will be paid by the hour for those hours he actually works each pay period.

9.1.4. Trading Time. A common practice of agreement among employees engaged in fire protection and law enforcement activities is for such employees to substitute for one another on regularly scheduled shifts to permit an employee to absent himself from work for a reasonable period of time to attend to purely personal pursuits. Such practice of "trading time" is allowed by the FLSA and will have no effect on hours of work as long as the following criteria are met:

- (a) the trading of time is done voluntarily by the employees and not at the behest of the city;
- (b) the reason for trading time is due not to the city's business operations, but, to the employees' desire or need;
- (c) the employee is trading time with another employee; and
- (d) the practice must have the approval of the department head.

9.2 OVERTIME.

All jobs in the city service will be designated as either non-exempt or exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) based upon the criteria contained in the FLSA.

9.2.1. Non-Exempt Employees. All employees who are assigned to jobs that are designated as non-exempt from the overtime provisions of the FLSA will be entitled to overtime pay or compensatory time off for all hours they work in their workweek/work period that qualify as overtime work in accordance

with the provisions of the FLSA. However, compensatory time off will not be used unless the employee has agreed in writing to compensatory time in lieu of overtime pay prior to the work being accomplished in accordance with the FLSA.

9.2.1.1. Overtime Entitlement. Overtime entitlement, except as noted below, will be earned when a non-exempt employee's total hours worked in his workweek/work period exceed the allowable hours for regular time as specified in the FLSA. The provisions of the FLSA will be used in determining what time qualifies as hours worked in establishing a non-exempt employee's entitlement to overtime. Only actual hours worked will count toward the required hours for determining overtime computation.

9.2.1.2. Distribution of Overtime. Overtime shall be distributed by classification in accordance with present job duties so as to maintain a fairly equal distribution on a three (3) month basis, unless it is an emergency. Supervisors shall maintain a general overtime list so as to accomplish an equal distribution among employees. If during a three (3) month period there is not a substantial equal distribution, then those employees not having received a fairly equal share of overtime shall be given a preference in the following three (3) month period insofar as is practical.

9.2.1.3. Overtime Pay for Off Duty Court Appearance. Court appearances of non-exempt employees of the police department who are required to appear as witnesses in connection with their law enforcement duties during times other than their normally scheduled work time will be paid at the overtime rate of one and one-half (1 1/2) of their regular rate of pay for all hours spent in court.

9.2.1.4. Overtime - Police and Fire Personnel. Law enforcement personnel (sworn officers normally scheduled to work a 8 day work period) shall be paid at one and one-half (1 1/2) of their regular rate for hours worked in excess of forty-nine (49) hours in any applicable eight (8) day work period. Fire protection employees who are normally scheduled to work twenty-four (24) hour shifts shall be paid at one and one-half (1 1/2) of their regular rate for hours worked in excess of one hundred fifty-nine (159) hours in any applicable twenty-one (21) day work period.

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

- (a) The program to grant compensatory time off in lieu of overtime pay has prior approval of the mayor.
- (b) A written agreement has been achieved between the city and the employee that the employee voluntarily agrees to receive compensatory time off in lieu of overtime pay. For the agreement to be effective, the employee must knowingly and voluntarily agree to the arrangement prior to the performance of any work which might qualify as overtime.

- (c) The time will not cause the employee's accrued compensatory time to exceed forty (40) hours or eighty (80) hours for public safety employees, emergency response, or seasonal activities personnel. Once a non-exempt employee reaches the maximum accrued compensatory time (40/80 hours) he will not accrue additional hours but will be paid at the overtime rate. Compensatory time will be earned at a rate of one and one-half (1 1/2) hours for each hour of work that qualifies as overtime.
- (d) The employee will be permitted to use his accrued compensatory time within a reasonable period upon making a request, if such use will not unduly disrupt the department's operations.
- (e) An employee who has accrued compensatory time will upon his separation from the city be paid for such leave at a rate of compensation not less than his average regular rate received during the last three years of his employment or at the final rate he received, whichever is higher.
- (f) If an employee who has accrued compensatory time is assigned to an exempt job, he will be allowed to keep his accrued time and will not receive any payment. The employee will be allowed to use the accrued time as leave with pay to meet sickness, vacation or personal need. Upon separation, he will be paid for his remaining accrued time.

9.2.1.6. **Approval For Overtime.** Any work that exceeds a non-exempt employee's normal scheduled workday will be approved by the employee's supervisor prior to the work being accomplished in accordance with procedures established by the employee's department head. No employee may order himself into work outside his normal work schedule. However, a situation such as emergency work that is covered by department rules and regulations, is considered to have prior approval so long as the department's rules and regulations are followed.

9.2.1.7. **Time Records.** All time that non-exempt employees work during their workweek/work period will be accounted for on the department's time and attendance reports in accordance with procedures established by the personnel department. Those records required by the FLSA, to include hours worked, wages earned and paid and compensatory time off earned and taken, will be maintained by the personnel department.

9.2.2. **Exempt Employees.** Exempt employees are excluded from the overtime provisions of the FLSA. Exempt employees perform work that is directly related to establishing and/or carrying out policy, and/or supervising city employees. Such employees are salaried and are paid to accomplish a supervisory and/or managerial function in the city. The determination of whether an employee is exempt from the overtime provisions of the FLSA will be determined by the personnel department, in coordination with the department heads, in accordance with the provisions of the FLSA and approved by the mayor and city council.

9.2.2.1. **Work Schedule.** Exempt employees are not scheduled to work a specific number

of hours in a particular workweek/work period since they are not paid by the hour. However, they are expected to work the typical work day as established in their department. When they work outside the normal workday or attend meetings, such as council meetings, etc., or perform other work, it is considered part of their job.

9.2.2.2 Overtime or Compensatory Time. Exempt employees will not be paid overtime pay or provided compensatory time regardless of the number of hours they work during a workweek/work period. However, they may be allowed to take a reasonable amount of time off when their duties permit and the time off is approved by their department heads, without having their pay reduced or the time charged against their accrued leaves. Routine absences for sickness, annual leave, etc., will be charged as leave in accordance with the leave guidelines of these policies and procedures so long as such action is in accordance with the provisions of the FLSA.

9.3 OFFICIAL HOLIDAYS.

9.3.1. Eligibility. All classified and unclassified service employees are eligible for holiday pay for city authorized paid holidays. Part-time service employees whose normal work day falls on a holiday are eligible to receive holiday pay.

9.3.2. Approval of Holidays. The city council, in coordination with the mayor, shall approve all holidays to be observed by the city as authorized paid holidays.

9.3.3. Regular Holiday Schedule. The following days, and such others as the City Council may proclaim are approved paid holidays for all eligible employees.

- (a) New Years Day - January 1
- (b) Robert E. Lee/Martin Luther King Day - Third Monday in January
- (c) Memorial Day - Last Monday in May
- (d) Independence Day - July 4
- (e) Labor Day - First Monday in September
- (f) Veterans Day - November 11
- (g) Thanksgiving Day - Fourth Thursday and Friday in November
- (h) Christmas Day - December 24 and 25

When a holiday falls on a Saturday, the holiday shall be observed on the preceding Friday. When a holiday falls on a Sunday, the following Monday shall be observed as a holiday, unless otherwise designated by the City Council. When the 25th of December falls on a Saturday, the 23rd and 24th (Thursday and Friday) will be the declared holidays, or when the 25th falls on a Sunday, then the 23rd and 26th (Friday and Monday) will be declared holidays. When the 25th falls on a Monday, then the 25th and 26th (Monday and Tuesday) will be the declared holidays. When a holiday falls on an employees scheduled off-day, he may be provided comparable time off at discretion of the department head.

9.3.4 Entitlement to Holiday Pay. To receive pay for an observed holiday, an eligible employee must be present at work or on approved leave the work day before and after the holiday, unless excused by his supervisor, or on a scheduled day off. However, employees not at work because of a worker's

compensation on-the-job injury, being on suspension or off the payroll on the day before and/or after will not be eligible for holiday pay.

9.3.5. Holiday Pay in Lieu of Annual or Sick Leave Pay. If an authorized paid holiday occurs while an eligible employee is on annual or sick leave, such time off will be charged as holiday time and not against the employee's annual or sick leave.

9.4 TYPES OF LEAVE.

The City of Alexander City provides the following types of leave for its eligible employees:

- (a) annual leave
- (b) sick leave
- (c) administrative leave
- (d) military leave
- (e) leave without pay

9.4.1. **Annual Leave.** All classified and unclassified and part-time service employees are eligible to earn annual leave with pay in accordance with these guidelines. The following guidelines will be used in the administration of the city's annual leave policy for all eligible employees.

9.4.1.1. **Leave Year.** Each employee's leave year will run from January 1 thru December 31.

9.4.1.2. **General Annual Leave Schedule.** All eligible employees will earn annual leave according to the following schedule. For purpose of determining the number of days of leave earned, the years of employment must be consecutive.

YEARS WORKED	HOURS OF LEAVE EARNED PER YEAR	ANNUAL LEAVE DAYS EARNED PER YEAR
0 to 3 years . . . . .	.56 Hours	7 Days
3 to 10 years . . . . .	.104 Hours	13 Days
10 to 15 years . . . . .	.120 Hours	15 Days
15 to 20 years . . . . .	.144 Hours	18 Days
20+ years . . . . .	.160 Hours	20 Days

Regular part-time employees earn annual leave at one-half (50%) of the basic (0 to 3 years) schedule for full-time employees.

9.4.1.3. **Accumulation of Annual Leave.** Annual leave is accrued by eligible employees on a weekly basis. Employees are encouraged to take their annual leave within the calendar year it is earned. Any unused annual leave credits may be carried forward as a beginning balance provided the amount carried forward does not exceed one hundred sixty (160) hours. Any accumulated leave that exceeds the maximum carry over amount should be used before the end of the calendar year, otherwise it shall be forfeited. However, employees who have completed more than ten (10) years but less than twenty (20) consecutive years may be compensated for up to forty

(40) hours of annual leave which was earned during the current calendar year but not used and would otherwise be forfeited. Employees who have completed more than twenty (20) consecutive years of employment may be compensated for up to eighty (80) hours of annual leave which was earned during the current calendar year. It is the employee's responsibility to ensure that he does not lose leave. If the employee feels that his supervisor is not showing good faith in scheduling his leave days, he will immediately bring it to the attention of the personnel department.

9.4.1.4. **Probationary Employees.** Probationary status employees are not eligible to use annual leave. However, if the employee meets the requirements for conversion to regular status, annual leave will be credited to their leave account for the probationary period. If the employee does not satisfy requirements for conversion to regular status and is separated, no annual leave will be credited or paid.

9.4.1.5. **Use of Annual Leave.** The use of annual leave will be approved at the discretion of the employee's supervisor in accordance with guidelines to be developed by the employee's department head. Annual leave will be approved in advance of each absence, except in unusual circumstances. Failure to comply with this requirement may result in an absence being treated as unauthorized leave and disciplinary action being taken. Annual leave will not be authorized in less than thirty (30) minute increments of time.

9.4.1.6. **Requests for Annual Leave.** Normally, the employees in each department will schedule their projected leave before the start of a new leave year. The order of selection will be based upon the employees' continuous years of eligible service with the city. Leave requests submitted after this period will be made by each employee in advance of the time desired in accordance with guidelines established by the department head. However, a department head may, with the approval of the mayor, require employees in his department to take their leave at the same time, or a specific time, when it is necessary for effective operation of his department.

9.4.1.7. **Holiday During Annual Leave.** When a city authorized paid holiday occurs during an employee's annual leave, the day will be credited as a paid holiday and not as an annual leave day.

9.4.1.8. **No Advance of Annual Leave.** Annual leave will not be advanced (must be earned before it is taken) to any employee.

9.4.1.9. **Pay Upon Separation From Service.** Upon separation from city service, an eligible individual will be paid for any annual leave that has been credited to his leave account that he has not taken.

9.4.2. **Sick Leave.** Sick leave is a benefit provided unclassified and classified service employees.

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

9.4.2.1. Use of Sick Leave. Sick leave will not be authorized in less than one half hour increments of time. Sick leave with pay will be granted to an eligible employee for the following reasons.

(a) when the employee is unable to work due to personal illness, injury incurred off-duty, or the employee's presence may endanger the health of fellow workers; or

(b) keeping an appointment with a doctor, dentist, chiropractor, optometrist or other recognized medical practitioner; or

(c) emergency illness, or incapacitation, of a member of the employee's immediate family (for the purpose of this paragraph immediate family means spouse, children, parents, parents-in-law, brother, sister or other individuals with whom a like relationship exists), if such illness requires the employee's immediate personal care and attention; or

(d) any impairment related to pregnancy, miscarriage, therapeutic abortion and/or actual confinement. A female employee who requests time away from work for maternity and childbirth will be treated equally to other employees with other types of disability or sickness who request sick leave; or

(e) up to three (3) days of sick leave may be approved as funeral leave for the death of one of the following relatives: spouse, child, mother, father, sibling, mother-in-law, father-in-law, or grandparents of the employee or the employee's spouse.

9.4.2.2. General Sick Leave Accrual. Unclassified, classified, and part-time service employees will earn and accumulate sick leave credit as follows:

(a) Full-time employees – earn sick leave credits at the rate of eight (8) hours per month, Regular status part-time employees earn sick leave credits at the rate of 50% of the rate for full-time employees.

(b) Sick leave accrues to an employee's account monthly.

(c) Sick leave accrued to an employee's account at the end of the calendar year and not used shall be carried forward as a beginning balance for the employee in the succeeding year. There is no limit to the amount of sick leave that may accumulate to all employee's accounts. However, unlike annual leave, when an employee retires the employee receives compensation for only twenty-five (25%) percent of the accumulated amount of sick leave.

Upon the death of an employee, the employee's beneficiary or the employee's estate, may be paid for twenty-five (25%) percent of sick leave balance.

In the event an employee is retiring due to physical disability, the employee may elect to use all accumulated sick leave prior to separation in lieu of payment for sick leave credits.)

9.4.2.3. Employee Request for Sick Leave. To be granted sick leave, an employee must notify his supervisor of his inability to report to work in accordance with guidelines established by his department head. However, such notification must be within two (2) hours of his usual reporting time, or as soon as possible thereafter. Failure to do so may be cause for denial of sick leave for the period of absence. Denial of sick leave will result in the employee's being charged with annual leave, or placed in some non-pay status, at the discretion of the employee's department head.

9.4.2.4. Medical Report. For a period of absence in excess of three (3) or more consecutive working days, or anytime at the request of the employee's department head, the personnel department, or the mayor, the employee may be required to submit a medical report at his expense that has been signed by a licensed physician certifying that he or an immediate family member has been incapacitated for the period of absence and when it is anticipated that he will be able to return to work. An employee who is returning to work after a sickness or injury may also be required to undergo a medical examination to determine whether or not he is able to perform his job duties. Such examination, when required, will be conducted by a physician or physicians as designated by the personnel department and paid by the city. The cost of the medical exam will be charged to the department in which the employee works.

9.4.2.5. Misuse of Sick Leave. Any abusive, unjustified, or fraudulent use of sick leave may result in loss of pay, charged as annual leave, and/or punished by disciplinary action (to include dismissal when appropriate). Paid sick leave will not be used for annual leave or other similar purposes.

9.4.2.6. Holiday During Sick Leave. When a city authorized paid holiday occurs during the period an employee is on approved sick leave, the employee will receive his regular holiday pay and that day will not be charged against his sick leave.

9.4.2.7. Coordination with Workers' Compensation. When an employee is absent due to a job related injury or illness, his absence will be coordinated with his accrued sick leave in accordance with paragraph 11.3.4 below.

9.4.2.8. Sick Leave Use Not Allowed Prior to Retirement. No payment for sick leave will be made immediately prior to retirement to allow early retirement by the number of accumulated sick days.

9.4.2.9. Re-employment. When an individual is rehired from the re-employment eligibility list to a position that is eligible to earn sick leave, he will have any previous leave balance that was forfeited at separation credited to his leave account upon completion of his probationary period.

9.4.3. See Resolution 96 - 171



9.4.4. Administrative Leave. An unclassified or classified service employee will be granted administrative leave with pay in accordance with the following guidelines provided the absence is on a normally scheduled workday for the employee. Administrative leave will not be charged against the annual or sick leave of an employee who earns annual or sick leave. The number of hours of leave granted for each day will not exceed the number of hours the employee is scheduled to work for that day. The following types of leave are recognized by the city as administrative leave.

9.4.4.1. Civil/Legal Leave. Leave will be granted to eligible employees for jury duty, for court attendance as witnesses in cases not involving personal litigation, or for voting. The length of time granted for voting will be the reasonable time necessary to vote and normally will be granted at the start or end of a workday. Attendance in court by law enforcement personnel and/or other employees who are acting in an official capacity will not be considered as administrative leave but as regular work time. The provisions of any law or department rule that require any fees provided employees who are attending court in an official capacity to be turned into the city will be observed. In other situations, any fees paid employees may be retained by the employees in addition to their administrative leave pay.

9.4.4.2. Hazardous Weather. When considered necessary for the safety of city employees, the mayor may authorize closure of city offices and activities and/or a late arrival time or early departure time for hazardous weather conditions. Such time will be reported on department attendance reports as administrative leave (hazardous weather). When a hazardous weather situation occurs, employees who are needed to perform essential city operations may be required to work. Such employees will be notified by their supervisors when their attendance for work is required. In addition to their regular pay, employees who are required to report during hazardous weather situations will be eligible to receive an hour of special leave for each hour they are called in to work. This special leave must be used within two weeks of the date(s) worked. Part-time and temporary service employees will not be entitled to any pay for hazardous weather. Time off for these individuals will be charged as leave without pay.

9.4.4.3. Discretionary leave. If, under all circumstances, the Department Head and Mayor determines that it is in the best interest of the City and/or employee to provide administrative leave with or without pay to the employee, the Department Head and Mayor may authorize such discretionary leave with or without pay for a period of time that is reasonable under the circumstances. If the decision is leave without pay, the employee has such rights of appeal as set out in Section 7 herein.





9.4.4.4. Inclement Weather. When inclement weather prevents an employee who normally works out of doors from performing work outside, he will be given other duties that can be performed indoors. If the employee does not wish to work at the alternate work, the employee may request annual leave or compensatory time off, if accrued. If the employee requests time off and the employee does not have any accrued leaves with pay, the employee may be given time off without pay. However, if the employee's presence is needed, even to work at other types of work, the employee will be required to work.

9.4.5. Military Leave. Military leave will be authorized in accordance with The Uniform Service Employment Rights Acts (USERA) 38 U.S. C. § 4301, et. seq. and Code of Alabama 1975, Title 31-2-13, as summarized below. If a conflict exists, the USERA takes precedence.

9.4.5.1. Entitlement. Classified and unclassified service employees who are active members of the Alabama National Guard, Naval Militia, or the Alabama State Guard organized in lieu of the national guard or of any other reserve component of the Armed Forces of the United States, will be entitled to military leave of absence from their respective duties on all days that they are engaged in field or coast defense or other training, or on other service ordered under the provisions of the National Defense Act, or of the federal laws governing the United States Reserves without loss of pay, time, efficiency rating, annual or sick leave, or any other city provided benefit.

9.4.5.2. Limitation. No persons granted such leave of absence will be paid for more than 168 hours per calendar year. Employees on military leave will be charged per day according to the number of hours charged for a day of vacation or annual leave (12 hours for police officers and 17 hours for fire fighters)

9.4.5.3. Extended Limitation. Eligible employees will be entitled in addition to the above, to be paid for no more than one hundred sixty-eight (168) hours while called to duty by the governor in the active service of the state.

9.4.5.4. Procedure. An eligible employee who wishes to be granted military leave will submit, through the employee's department head, a copy of the employee's military orders or other documentation necessary to support the employee's request and a leave request to the personnel department. Such request will be submitted as soon as the employee becomes aware of the employee's projected dates of service.



9.4.6. Leave Without Pay. Unclassified, classified, and part-time service employees may be granted leave without pay in accordance with the following guidelines.

9.4.6.1. Family Leave - FMLA (Childbirth, Adoption, Sickness, and Disability). The Family and Medical Leave Act (FMLA) of 1993 requires the City to provide up to twelve (12) weeks of unpaid leave to "eligible" employees for certain family and medical reasons.

Employees are eligible if they have (1) worked for the city for at least twelve (12) months and (2) have worked at least 1250 hours for the city during the prior twelve (12) months.

Unpaid leave will be granted for the following reasons:

- (a) To care for the employee's child after birth, adoption or placement of a foster child with the employee.
- (b) To care for the employee's spouse, child, or parent with a serious health condition.
- (c) For a serious health condition that makes the employee unable to perform the employee's job duties.

At the city's and/or employee's option, certain kinds of paid leave may be substituted for unpaid leave.

In the case of unpaid leave for a birth/adoption only, the leave must be taken continuously and cannot be taken as a reduced work schedule. Other types of leave may be taken intermittently or on a reduced work schedule when medically necessary, but in those situations the city reserves the right to transfer the employee to a temporary alternative job (of equivalent pay and benefits) that better accommodates the employee's leave.

The employee ordinarily must provide thirty (30) days advance notice when the leave is "foreseeable". The department head may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the city's expense) and a fitness for duty report to return to work. The leave request may be denied if these requirements are not met.

If two of the city's employees are married to each other, their aggregate amount of FMLA leave (except for their own serious health condition) shall not exceed the twelve (12) week limitation.

For leave granted under FMLA, the employee will continue to be eligible for city benefits on the same basis as before the leave, and the city will continue to pay its portion of the cost of employee benefits for an employee during the term of the leave of absence. However, the employee shall not earn sick and annual leave credit. The employee shall be responsible for arranging for the payment of his/her portion of the cost of benefits.

Under FMLA, the employee will be eligible to return to his/her former position or to an equivalent position of equal pay and benefits at the expiration of the leave.

An employee who fails or is unable to return to work at the end of an authorized leave of absence

will be deemed to have resigned as of the end of the leave unless the employee has been granted extended leave without pay. A city employee using FMLA and coming back to employment should not retaliate.

9.4.6.2. EXTENDED SICKNESS OR DISABILITY. Unclassified and classified employees may be granted leave without pay for a period not to exceed one (1) year for personal temporary sickness or disability that prevents them from safely performing their job. Each request will be supported by a statement from the employee's physician and will be submitted in writing through the employees department head to the mayor for approval. Leave without pay for sickness or disability will not be granted until all accrued leaves with pay and compensatory time have been expended. Requests for extended leave without pay for pregnancy related conditions will be treated the same as other sickness or temporary disability. No annual leave or sick leave credits will accrue while an employee is on extended leave without pay. The city shall continue to pay its portion of the cost of employee benefits during this time period, however, the employee shall be responsible for arranging for the payment of his the employee's portion of the cost of benefits. The employee will be eligible to return to his/her former position or an equivalent position of equal pay and benefits at the expiration of the leave. An employee who fails or is unable to return to work at the end of the authorized leave of absence will be deemed to have resigned as of the end of the leave.

9.4.6.3. MILITARY DUTY. If an unclassified or classified employee is called to active duty in the armed forces of the United States, his job may be held for the employee during employee's tour of duty in accordance with the following guidelines. As required by law, the city may keep the individual's job open and reemploy the employee in the employee's old position or a position of like seniority, status, and pay upon the employee's discharge from duty, subject to the following:

- a) For service of less than thirty-one (31) days, the individual must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight (8) hour rest period.
- b) For service of more than thirty (30) days but less than one hundred eighty one (181) days the individual must submit an application for reemployment within fourteen (14) days of release from service.
- c) For service of more than one hundred eighty (180) days, an individual must submit an application for reemployment within ninety (90) days of release from service.

Returning individuals will be entitled to all benefits they would have earned (seniority, raises, etc.), had they been continuously employed. Reservists are entitled, during their military service, to insurance and other benefits that other employees in leaves without pay status are entitled receive. Retirement credit for military service will be in accordance with the city's retirement plan. Unused vacation leave may be taken (but not required) by the employee during the employee's tour of duty. Accrual of vacation leave will be treated as it is with other employees who are in a leave without

pay status. Unused sick leave that the employee had accumulated at the time of his departure will be credited to his account when he returns to work. Accrual of additional sick leave while the individual is on military leave will be treated as it is with other employees who are in a leave without pay status. Returning individuals will be able to participate in the city's insurance program and receive benefits according to the policies governing other individuals who are returning to work from approved leaves without pay. Individuals on military leave may also be entitled to health care continuation under COBRA (or other federal program) requirements, the same as other individuals who are separated from employment. Upon receipt of active duty orders, an employee shall verbally, or in writing, notify his appointing authority in advance and request in writing a leave without pay for military duty. A copy of his activation orders will be provided with the request.

9.4.6.4. General Leave of Absence. Unclassified and classified service employees may be granted a leave of absence without pay for a period not to exceed one (1) year. The following guidelines apply to approval of any such leave of absence.

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

A request for a general leave of absence will be submitted through the employee's department head and the personnel department to the mayor for approval. When the leave of absence expires, the employee will be reinstated to the position he held at the time the leave was granted, if the position still exists and such reinstatement is feasible. Otherwise, the employee will be reinstated to any other vacant position of an equal or lower grade for which he is qualified.

9.4.6.5. City Provided Benefits. Employees who are placed in a leave without pay status will not earn annual or sick leave credits for any pay period in which they are not listed on the city payroll. Accrued sick leave days an employee is entitled to before he is placed on general leave without pay status will be frozen and made available to him upon his return to work. An employee who is placed on military duty leave of absence in accordance with paragraph 9.4.5 above may elect to freeze his annual leave or be paid for it. If the employee does not return to work upon completion of his leave without pay absence, he will forfeit any frozen annual and/or sick leave days. The city will not provide insurance coverage to employees on general leave without pay status unless required by law, the provisions of such coverage, and SECTION XI of these policies and procedures.

9.4.6.6. Temporary Replacements. When approved by the mayor, a department head may

initiate action to hire an individual to perform the duties of an employee granted leave without pay. Normally, such individual will be hired as a temporary service employee. However, if it is anticipated that an employee who is on military duty leave without pay status will be absent more than one (1) year, the mayor may approve that the individual be hired as a classified service employee.

9.4.6.7. Longevity Status. Approved leave without pay shall not constitute a break in service. Employees who are on leave without pay status will continue to accrue credit toward longevity for purposes of pay increases, and other benefits that are based upon years of service.

9.5 ATTENDANCE AND LEAVE RECORDS.

Attendance and leave records will be maintained by the city for all employees covered by the city personnel system. The purpose of such records is to ensure that each employee's attendance and/or absence from scheduled work is properly documented.

9.5.1. Record Contents. Each employee's attendance and leave record will include:

- (a) his approved workweek /work period;
- (b) his scheduled hours of duty and hours worked for each duty day during the workweek/work period;
- (c) his authorized and/or unauthorized absences, including authorized holidays, sick leave, annual leave, administrative leave, military leave, leaves without pay, and worker's compensation status;
- (d) his earned overtime pay and/or compensatory time; and
- (e) his overtime paid and/or compensatory time taken.

9.5.2. Access to Attendance and Leave Records. An employee's attendance and leave record will be made available to the employee for inspection upon his request.

9.5.3. Responsibility for Records. Department heads are responsible for insuring that their employees work all hours that they are scheduled to work and for accurately completing and maintaining attendance and leave reports for employees within their department. A departmental attendance report will be submitted by each department to the personnel department for each pay period in accordance with established procedures. Absence reports will also be submitted by each department directly to the personnel department.

9.6 POLICY FOR ABSENCES.

The city realizes that instances will arise in which an employee may find it necessary to be away from his job during his scheduled work hours. The following guidelines are developed to ensure fairness, consistency, and accuracy in approving and documenting such absences.

9.6.1. Department Head Responsibility for Attendance and Absences. Department heads are responsible for ensuring the employees in their departments work their scheduled work hours and any absences are approved and/or documented. Department heads will establish written departmental rules and regulations by which an employee's attendance and/or absences are approved and documented

within his department. Such rules and regulations will cover:

- (a) the granting or denying permission for employee requested absences;
- (b) verifying and/or excusing absences; and
- (c) advising employees of unsatisfactory attendance and administering disciplinary action, when required.

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

- (a) report punctually for all regular and/or special work assignments; and
- (b) notify their supervisor, in accordance with department rules and regulations prior to an expected absence.

Normally, an employee who expects to be absent for any reason will be required to notify his supervisor at least one (1) day prior to such absence. If a full day's notice is not possible, the employee will call the supervisor on duty in his department and give notification to him. Notice to other departments or employees will not be considered as notification of an expected absence.

9.6.3. Unexcused and Excessive Absences. An employee may be disciplined, to include dismissal, in accordance with the guidelines of SECTION VII for un-notified, unexcused, and/or excessive absences.

9.6.4. Absence Guidelines. The following guidelines will be used in administering the city's absence policy.

9.6.4.1. Notification of Absences. The employee will request permission from his supervisor when it is known in advance that he will be unable to report for work as scheduled. If the supervisor is not informed in advance of the absence, the employee will provide the supervisor with an explanation for the absence and why he was not notified in advance.

9.6.4.2. Supervisory Actions. Department supervisors will administer the city's absence policy in accordance with the following guidelines and such departmental rules and regulations as established by the department head. Supervisors will:

- (a) Keep records of impending absences for which they have granted permission. Supervisors will not grant permission for absences of employees who do not report directly to them or for which they have no authority to do so as established in departmental rules and regulations.
- (b) Seek reasons from employees for any absence for which they were not informed in advance.
- (c) Complete daily absence reports on employees absent from work on a regular day for any reason as follows:

- (1) Write in the name of the supervisor reporting and the department and division in

which the absence occurred;

- (2) Write in the name of the absent employee and department, last day worked, when absent employee will return, the person reporting the absence and telephone number;
 - (3) Mark the reason for the absence on the absence report;
 - (4) Write in the name of the hospital and doctor if known and required; and
 - (5) Write in the date of the absence at the bottom of the absence report and send it to the personnel department no later than the end of the pay period.
- (d) Maintain adequate attendance records and counsel employees when their rate of absenteeism is approaching disciplinary action stage.
- (e) Initiate disciplinary action, in accordance with the city's absence policy and the guidelines of SECTION VII.

9.6.4.3. Job Abandonment. Three (3) or more consecutive work days absence without proper notice to an employee's supervisor and/or department head will constitute job abandonment and thus, termination of city employment unless verifiable and mitigating circumstances warrant continued employment.

SECTION X

COMPENSATION

10.1 COMPENSATION.

Compensation of city employees will be based upon providing, in so far as practical, equitable pay and benefits that are consistent with the city's financial ability to provide such compensation. The City of Alexander City will establish a city-wide compensation program that will include a classification plan and a pay plan. The approved classification and corresponding pay plan, along with the administrative guidelines contained herein, will be used to ensure that the pay of each employee is established and maintained fairly and equitably.

10.2 RESPONSIBILITY.

The mayor is responsible for ensuring that the pay of each employee is administered in accordance with these guidelines. The personnel director and city department heads are responsible for the day-to-day administration of the city-wide compensation program. The personnel director will, in coordination with city department heads, periodically evaluate the effectiveness of the compensation program and recommend needed changes to the mayor for review and submission to the city council for approval.

10.3 JOB DESCRIPTIONS.

The personnel department will, in coordination with city department heads, prepare a job description for each unclassified, classified, and part-time service job in the city service. The job description will identify those representative tasks and duties, along with the knowledge/skills/abilities, that are required for proper performance of the job. The job description and other supporting job analysis information will be used to assign each job a class title and to evaluate and assign each job to a pay grade in the city classification plan.

10.3.1. New/Revised Jobs. When a new job is created, or a substantial change is made to an existing job, the personnel department will, in coordination with the department head, prepare a new/revised job description. As required, the job title and/or pay grade assignment will also be made or revised.

10.4 CLASSIFICATION PLAN.

A classification plan will be established within the city. The plan will contain a separate pay grade schedule for each job category established in paragraph 10.3 above. The classification plan will be approved by the city council. A copy of the approved classification plan will be maintained by the personnel department and will be made available to employees, supervisors, department heads, and the public upon request.

10.4.1. Classification Plan Schedules. Each classification plan will provide for sufficient pay grades to adequately and fairly distinguish between the compensable value of jobs assigned to the job

category. Each classified, unclassified and part-time service job in the city will be evaluated using criteria and procedures recommended by the mayor and approved by the city council. Based upon the results of such evaluations, comparable jobs in the same job category will be assigned to comparable pay grade levels established within the classification plan. The resulting plan will reflect the relationship between all city jobs.

10.4.2. Deviations Not Authorized. Deviations will not be made from the pay grade assigned to a job in the approved classification plan. If warranted, a particular job, or the entire classification plan may be reevaluated and changed as warranted in accordance with paragraph 10.4.3 or 10.4.4 below.

10.4.3. Additions/Re-evaluations. When a new/revised job description is prepared in accordance with paragraph 10.3.1 above, the personnel director will ensure the job is evaluated/re-evaluated and a recommended pay grade assignment is submitted through the mayor to the city council for approval. Upon approval by the city council, the classification plan will be updated by the personnel department.

10.4.4. Periodic Reviews. The personnel department will on a periodic basis review, in coordination with city department heads, the approved classification plan to ensure it is current. When required, individual jobs, or the entire plan will be re-evaluated and updated. Such update(s) will be submitted through the mayor to the city council for approval.

10.5 PAY PLANS.

Pay plans will be established for the approved classification plan and will reflect the job title, pay grade and pay rates/ranges for each job and shift length. The pay plans will be used in conjunction with the classification plan to determine the pay range to be used in setting the pay for each classified, unclassified, and part-time job in the city. The pay plans will be approved by the city council.

10.5.1. Establishment. The mayor is responsible for the development and submission of the pay plans to the city council for approval. The pay plans will provide ranges of pay that establish a minimum and maximum pay level for each pay grade established in the approved classification plan. Such pay ranges will be established with due regard to ranges of pay for other job categories, availability of individuals in a particular job category, rates of pay for similar employment in private establishments in the Alexander City area, rates of pay in other jurisdictions, cost of living factors, financial policies and resources of the city, and other similar considerations. A copy of the approved pay plans will be maintained by the personnel department and will be made available to the employees, supervisors, department heads and the public upon request.

10.5.2. Periodic Review. The mayor is responsible for the periodic review of the city's approved pay plans and the recommendation of "across the board" adjustments as needed to meet inflationary and/or labor market changes. Prior to the preparation of each annual budget, and at other times as needed, the mayor will cause the personnel department to make such comparative studies as are deemed

necessary of those factors that affect the levels of pay of city jobs. On the basis of such studies, the mayor will recommend to the city council changes as necessary to ensure fairness and adequacy in the city's pay structure. Upon approval by the city council of an "across the board" increase, the personnel department will update the city pay plans.

10.6 EMPLOYEE ANNIVERSARY DATE.

Each classified, unclassified, and part-time service employee will have an anniversary date established. Initially, an employee's anniversary date shall be established as the date that he is originally employed by the city in the classified, unclassified, or part-time service. However, a new anniversary date shall be established for each employee upon reemployment.

10.7 EMPLOYEE PAY.

The pay of all employees will be determined in accordance with the guidelines established herein.

10.7.1. Salaried Employees. All exempt employees, and such non-exempt employees as are designated salaried employees by the mayor, will be paid a salary each pay period. Normally, such salary will be based upon an average of eighty (80) hours of work per pay period, except that fire protection employees who are regularly scheduled to work extended twenty-four (24) hour shifts will have their salary based upon an average of one hundred sixty-eight (168) hours of work per pay period. The actual salary will be determined by the hourly rate as established by the pay plan, the classification plan, and the hours that are normally worked during the pay period. If the employees are regularly assigned to extended shifts, their pay will be determined in accordance with these guidelines, however, the extended shifts pay plan will be used to determine their rate of pay.

10.7.1.1. Overtime Entitlement. Exempt salaried employees will not receive overtime entitlement for any hours that they work. Non-exempt salaried employees will receive overtime entitlement when the hours they work in their established workweek/work period qualify as overtime, in accordance with the FLSA and these policies and procedures. Such overtime entitlement will be computed at one and one-half (1 1/2) of the employee's hourly rate of pay, or overtime hours worked if compensatory time is provided, in accordance with the provisions of the FLSA and these policies and procedures.

10.7.2. Hourly Employees. All employees who are not designated as salaried employees in accordance with paragraph 10.7.1 above will be designated as hourly employees. Hourly employees will be paid only for those hours they work per pay period. Such pay will be based on the hourly rate of pay

for their job, as established by the pay plans and classification plan.

10.7.2.1. Overtime Entitlement. Hourly employees are non-exempt employees and will receive overtime entitlement for any hours they work during their established workweek/work period that qualify as overtime in accordance with the FLSA and these policies and procedures. Such overtime entitlement will be computed at one and one-half (1 1/2) of the employee's hourly rate of pay, or overtime hours worked if compensatory time is provided, in accordance with the FLSA and these policies and procedures.

10.7.3. Entry Level Pay. Normally, the pay of newly employed classified, unclassified, and part-time service employees, will be established at the minimum rate of pay for their jobs as authorized by the city's approved classification and pay plans. However, if a department head determines that an individual's documented job related qualifications justify a higher level of pay, he may recommend that the individual's pay be raised up to ten (10) percent above the authorized minimum rate of pay for the job. The department head's request will be submitted through the personnel department to the mayor for approval. If a department head determines that an individual's documented job related qualifications do not meet the minimum qualifications for the job and he is to be placed into a trainee status until he meets such qualifications, the individual's pay will be established at up to ten (10) percent below the authorized minimum rate of pay for his job. The individual and department head will agree upon the length of time an individual has to meet the minimum qualifications and at the end of that time period the pay of the individual will be raised to the minimum, if qualifications have been met. The agreement will be in writing and signed by the department head and employee.

10.7.3.1. Entry Level Pay for Former Employees. Former employees who are rehired by the city after a separation of service may have their entry level pay established the same as any other newly hired employee or with the recommendation of the department head and the personnel director and the approval of the Mayor, the rehired employee may be paid at any rate within the pay range for the new position, so long as the pay rate is equal to or below the rate which was earned by the employee at the time of separation.

10.7.3.2. Pay Level for Employees Returning to Work After a Leave of Absence. An employee who is returning to work after a leave of absence without pay will have his pay established at the same relative position in the pay range for his job that it was in prior to his leave of absence. However, any general across the board adjustments made in other employees pay during his absence will also be made to the employee's pay.

10.7.3.3. Temporary Service Employees. The personnel department will, in coordination with city department heads, establish recommended rates of pay for temporary service employees. Normally, such rate will be based upon the classification and pay plans, if the employee is hired for

a job that is assigned to the classification plan. If the job is not assigned to the classification plan, the employee’s rate of pay will be based upon the content of the job he the employee will perform. All rates of pay established for temporary service employees will be submitted to the mayor for approval.

10.7.4. Pay Increases. Pay increases will be awarded to unclassified, classified and part-time service employees only when funds have been set aside by the city council during budget preparation for such purposes. Normally, pay increases will be awarded to eligible employees in accordance with the following guidelines. However, the city council will, based upon recommendations from the mayor, approve the actual criteria to be used in awarding a pay increase.

10.7.4.1. Pay Progression. The pay plan is designed to provide for progressive step increases to employees as a reward for continual growth and development in their career, thereby increasing their value to the city.

Upon request by the Department Head, eligible employees shall be authorized the progressive increase of one step, effective with the beginning of the next pay period after the employee’s anniversary date or other date established by resolution. However, progression within an established range shall not be automatic, but shall require certification by the Department Head that the employee is performing at a satisfactory level of competence. Step increases shall be determined by the City Council by resolution.

Employees who fail to perform at a satisfactory level of competence, as indicated by the supervisor and Department Head during performance evaluations, shall not receive progressive increases nor be eligible for such until required performance evaluations of satisfactory or better are rendered.

Step	Consecutive Years Employed
1 Probation	Employed
2	1 Year
3	4 Years
4	7 Years
5	10 Years
6	13 Years
7	16 Years
8	19 Years
9	22 Years
10	25 Years
11	28 Years
12	31 Years
13	34 Years
14	37 Years
15	40 Years

10.7.4.2. Cost of Living Adjustments. Cost of living adjustments shall be made to the pay plan and an employee's rate of pay adjusted according to the new wage for the employee's grade and step.

At the beginning of each budget year the City Council will determine if funds are available for awarding cost of living adjustments. Normally the increases will be approximately 3%.

10.7.4.3. Cost of Living and Progression Increases in Same Budget Year. If the city council approves a cost of living increase and a progression increase is due in the same budget year, an eligible employee who has not reached the maximum rate of pay for his pay grade will receive both increases subject to the following restrictions.

- (a) An employee will receive only that amount of a progression increase that does not cause his pay to exceed his maximum rate of pay;
- (b) An employee whose pay exceeds the maximum rate of pay for his job will receive only the "cost of living" increase if it falls within established criteria.

10.7.5. Establishment of Pay Upon Reassignment. When an employee is reassigned to a new job in accordance with SECTION IV, EMPLOYEE TRANSFER, PROMOTION, DEMOTION AND TEMPORARY ASSIGNMENT, his pay level will be established in accordance with the following guidelines.

10.7.5.1. Transfers. When an employee is reassigned to a new job and such reassignment is considered a transfer (assignment to a job in the same grade), his pay level will remain the same as before he was reassigned.

10.7.5.2. Promotions. Normally, when an employee is reassigned to a new job and such reassignment is considered a promotion (assignment to a job in the higher grade), his pay level will be established at the minimum rate of pay for the pay grade of his new job. However, the employee will receive at least a five (5) percent increase in pay over his previous pay. The actual amount of increase will be approved by the mayor based upon a recommendation from the personnel director and the employee's department head. If the employee is subsequently returned to his old job, or a comparable job, prior to completing the required probationary period, his pay will be returned to the pay level that it was prior to the promotion. However, the employee's reestablished pay level will include any pay adjustments that the employee would have received, if he had not been promoted.

10.7.5.3. Demotions. Normally, when an employee is reassigned to a new job and such reassignment is considered a demotion (assignment to a job in a lower grade), his pay level will be established at the same step in the pay range of his new job that it was in his previous job's pay range. However, under no circumstances will a demoted employee's pay be less than the minimum nor more than the maximum level of pay for the pay grade of his new job.

10.7.6. Temporary Assignments. When an employee is temporarily assigned to a position in a higher pay grade than that of his regular job, his pay will remain the same if such assignment does not exceed twenty (20) continuously scheduled work days (ten (10) continuously scheduled work days for extended shift employees who are regularly scheduled to work twenty-four (24) hour work days). If the employee remains in the temporary assignment for more than twenty (20) work days (ten (10) for extended shift employees) his pay will be adjusted to at least the entry level pay of the pay grade of the temporary job for the remainder of such assignment. However, the employee's adjusted pay will be at least five (5) percent above his regular pay. Upon termination of the temporary assignment, the employee's pay will revert back to his regular pay. If an employee is temporarily assigned to a position in a lower pay grade than his regular pay grade, his pay will remain the same as before the temporary assignment.

10.7.7. Approval of Pay Adjustments. All pay adjustments made as a result of an employee's reassignment or temporary assignment will be approved by the mayor, based upon a recommendation from the personnel director and the employee's department head.

10.8 CALL-OUT PAY.

Every employee is expected to respond to any request from his supervisor, even without prearrangement, to work in the event of an emergency. Any non-exempt employee, who responds to a request from his supervisors to work at a time other than his scheduled working hours will be considered to be in a call-out status. Exempt employees who are called-out will not be paid for any such hours.

10.8.1. Pay Entitlement. An employee who is in a call-out status will be paid during the call-out in accordance with the following guidelines:

- (a) If the length of time the employee works is less than two (2) hours, he will be paid for two (2) hours;
- (b) If the length of time the employee works is more than two (2) hours, he will be paid for all hours worked;
- (c) If the employee is called-out prior to the starting time of his regularly scheduled work day and continues working through the starting time, he will be paid for all time worked and will not receive call-out pay;
- (d) If the employee continues working through his normally scheduled quitting time he will be paid for all time worked and will not receive call-out pay;
- (e) Travel time spent on reporting to a call will be considered as work time.

10.8.2. Regular Rate of Pay. Call-out pay will be paid an eligible employee at his regular rate of pay. Overtime pay will be paid only if the actual time he works causes his total time for the workweek/work period to qualify for overtime in accordance with the provisions of the FLSA and these

policies and procedures.

10.9 CREDIT FOR OVERTIME.

For overtime pay purposes a non-exempt employee will have only the time that qualifies for work time, as specified in the FLSA and paragraph 9.2.1.1. of these policies and procedures, counted toward determining the hours he works in his workweek/work period. Overtime pay, or compensatory time if the employee agrees to compensatory time in lieu of overtime pay, will be provided an employee based upon the time that he works in his workweek/work period that actually qualifies as overtime.

10.10 MILITARY LEAVE PAY.

Eligible employees who are placed on military leave will receive the standard pay they would have received if they had reported to work and were not on military leave. No employee will be paid for more than one hundred sixty-eight (168) hours during any calendar year, except that an employee may be paid for an additional one hundred sixty-eight (168) hours when such leave is authorized in accordance with paragraph 9.4.5.2 and/or paragraph 9.4.5.3 above.

10.11 SHIFT DIFFERENTIAL.

A shift differential is authorized any employee, regardless of service category, who is regularly assigned to work the second shift within the city.

10.11.1. Rules for Granting a Shift Differential. When an employee is assigned to a shift for which a shift differential is authorized, the following rules will apply:

- (a) The shift differential will be paid in addition to and separate from any other pay the employee is entitled to receive even if such amount increases the employee's pay above the maximum rate of pay for the pay grade for his job.
- (b) If the employee is reassigned during a pay period to a shift for which a differential is not authorized, the employee will no longer be paid the shift differential.

10.11.2. Payment. The shift differential will be paid in the amount of twenty-five (25) dollars per bi-weekly pay period.

10.12 OTHER PAY SUPPLEMENTS.

The city will provide pay supplements for eligible members of the police and fire departments in accordance with the following guidelines.

10.12.1. Entitlement. The mayor will establish eligibility criteria for an employee to be entitled to receive a particular pay supplement and the number of employees who may be awarded such supplement. Pay supplements will not affect an employee's maximum rate of pay (also, see paragraph 10.11.1 (a) above).

10.13 PAY DAYS.

Salaried employee compensation will be based upon a bi-weekly pay period. The city will calculate the salaried compensation an employee is due for each two (2) weeks (fourteen (14) calendar days) in the pay period. Hourly employee compensation will be based upon a weekly pay period. The city will issue each employee who is entitled to pay during the pay period a payroll check on the Friday of the week following the end of the pay period.

10.13.1 Pay Will Not Be Advanced. The city will not advance pay to any employee. Employees will be paid on each pay day the pay they have earned through the preceding pay period.

10.13.2 Withholdings. Withholding from an employee's pay will be made only for authorized withholdings as established by the personnel department and/or law.

10.13.3 Pay Checks. Only the employee, his department head, or the department head's designee may pick-up an employee's payroll check from City Hall.

10.13.4 Use of Personal Vehicle. In the event an employee is required to use a personal vehicle to conduct official city business, such employee shall be entitled to receive reimbursement at the per mile rate currently recognized by the United States Internal Revenue Service. All requests for mileage payments shall be made on a "City of Alexander City Travel Expense Schedule"

SECTION XI
EMPLOYEE BENEFITS

11.1 GENERAL INFORMATION.

In addition to the leaves with pay and pay authorized in Sections IX and X of these policies and procedures, the city provides for its employees other monetary benefits that are considered part of the city compensation package. Such benefits are described in the following paragraphs of this section. Where a benefit is provided in accordance with law and/or a group insurance policy, the provisions of such law and/or policy will govern, if a conflict should exist between the information provided herein and such law and/or policies. If specific information is needed concerning a city benefit, employees should contact the personnel department.

11.2 PERQUISITES.

Perquisites are defined as those things, or their use thereof, and/or services of a kind which confer upon employees who receive them some benefit that is in the nature of additional compensation, or which reduces to some extent the normal personal expenses of the employee. Perquisites include, but are not limited to, such things as uniforms, utilities, laundry service, medical service, use of city-owned vehicles for other than city purposes, and other similar things.

11.2.1. Establishment of Entitlement and Value. Department heads will forward to the mayor those perquisites, to include the kind and monetary value, that they recommend be provided to designated city employees. The mayor will consolidate such perquisites as he deems proper and necessary and submit them to the city council for approval with his annual budget request. The mayor's consolidated list will include the type of perquisite, the positions and/or employees who will receive the perquisite, if approved, and the anticipated cost of the perquisite to the city.

11.2.2. Control. Upon approval of a perquisite by the city council, department heads are responsible for ensuring that only those employees as authorized by the city council who are in their department receive the perquisites.

11.3 WORKER'S COMPENSATION.

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

11.3.2. Injury Report. Any employee who is injured in any manner or degree while on duty or serving in the line of duty shall immediately notify his supervisor of such injury. A report of all on-the-job injuries (Employer's First Report of Injury Form) must be completed by the injured employee's department and submitted to the safety officer and the personnel department within twenty-four (24) hours following

such injury (or as soon as possible).

11.3.3. Administrative Responsibilities. The personnel department is responsible for administration of the worker's compensation program in the city and for preparing and issuing to department heads guidelines for effective administration of the program in their department.

11.3.4. Employee Status. The first three (3) days that an employee is absent from work due to a work related injury or disease may be charged to his accrued sick leave provided the employee signs an agreement to reimburse the city in accordance with paragraph 11.3.5. below. If the absence exceeds three (3) days, the employee will be placed in a non-pay status for the remainder of his absence. The employee's department head will ensure that the employee's non-pay status is reported on the department's time and attendance reports.

11.3.5. Annual/Sick Leave Reimbursement Agreement. An employee who wishes to use his annual leave and/or sick leave to be paid for the first three days of being off work because of an on the job injury must agree in writing to reimburse the City of Alexander City, as provided in 11.3.6 below, for any worker's compensation benefits that the employee receives for which the employee had already received annual and/or sick leave pay.

11.3.6. Absences Exceeding Twenty-One Days. If the employee is absent for over twenty-one (21) days and receives worker's compensation benefits for that period of time (including the initial three (3) days of his injury or illness), the employee as agreed to in section 11.3.5 above, will reimburse the city or endorse the check(s) over to the City of Alexander City that was issued by the city's worker's compensation insurance carrier to the employee covering the first three (3) days.

11.3.7. Benefits While in Non-Pay Status. An employee in a non-pay status for job-related injury or illness will remain eligible for city provided benefits so long as such eligibility is consistent with the requirements specified in the benefit contract and where required, he pays the employee portion due for any such benefit each month.

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

11.3.9. Separation. If circumstances warrant, an employee may be separated in accordance with paragraph 6.2.3.2 above.

11.3.10 Additional Information. Additional information may be obtained from the personnel department.

11.4 EMPLOYEE GROUP INSURANCES.

The city provides eligible employees life and health coverage under its group insurance policies. Coverages and benefits for eligible employees shall be subject to the provisions and requirements of each plan as stated in the specific policy providing such coverages and benefits. Employees who need specific

information covering the employer group insurance should contact the personnel department.

11.4.1. Eligible Employees. In general all classified and unclassified service employees who work at least forty (40) hours in a work week (to include such employees who are on authorized leaves of absence) are eligible to be covered under the employee group insurances. However, specific eligibility for a particular insurance plan will be determined by the terms and conditions of the policy concerning that plan.

11.4.2. Insurance Plans. The following information is intended to be general guidance for eligible employees. Specific information concerning a particular insurance plan may be obtained from the personnel department.

11.4.2.1. Life and Accidental Death Plan. Generally, eligible employees are covered from date of hire. Each employee will be required to complete during his initial processing those necessary forms to designate his beneficiaries. Upon separation, an employee may convert such coverage to an individual policy in accordance with the terms and conditions of the group policy. Qualifying for a waiver of premium because of a disability or any benefits payable under the Accidental Death and Dismemberment benefit will be in accordance with the terms of the group policy. Review your employee insurance handbook and/or contact the personnel department for further details.

11.4.2.2. Health Plan. New eligible employees may be covered from date of hire. A written application for such coverage will be completed on date of hire. An eligible employee may select either single coverage for himself or family coverage to include his eligible dependents. The city will pay all costs associated with single coverage for the employee. The employee will be responsible for one-half (50%) of the costs associated with coverage for his family. Benefits paid under the employee health insurance plan will be coordinated with any other health insurance plan the employee may come under in accordance with the terms of the policy. Any employee covered by the employee health insurance plan may at separation (to include retirement) be eligible to purchase coverage for himself and/or his dependents in accordance with the terms of the policy and federal law. For further details review your employee handbook and/or contact the personnel department.

Except as otherwise provided, any qualified (eligible) employee, at the time of service retirement, may elect to purchase health insurance coverage for himself and dependents under the city's group health insurance plan. A qualified (eligible) employee as used herein shall mean:

- (a) Any retiree with at least ten (10) years of creditable service with a minimum of age

sixty (60) until eligible for Medicare.

- (b) Any qualified retiree covered under the federal COBRA plan.

Payment of premiums for individual or dependent coverage hereunder shall be the financial responsibility of the retired employee and such premium payment shall be made to the city on or before the first day of each month, payable one (1) month's premium in advance.

11.4.3 Continuation of Coverages(s) Upon Separation. Under certain circumstances an employee may be eligible to continue his and/or his dependents coverage(s) under the life and health plans, after separation from the city. An employee who is being separated from the city should contact the personnel department to determine if he will be eligible for continuation and the associated costs.

11.5 SUPPLEMENTARY TRAINING PROGRAM.

The city recognizes that improved skills and capabilities of its employees can be valuable from the viewpoint of both the city and the employee. Consequently, it is the city's policy to aid its employees in improving themselves through educational programs, seminars, workshops and conferences, subject to availability of funds.

11.5.1. Eligibility. All classified, unclassified, and part-time service employees are eligible to attend programs for professional improvement.

11.5.2. Approved Courses. A program may be eligible, if in the opinion of the department head and the personnel director it will either improve the employee's ability to perform his present job or help prepare the employee for a job within the city which will demand a higher level of responsibility and/or skills.

11.5.3. Financial Consideration. The city may pay part of the cost of tuition, registration fee, books, laboratory fees, travel and meals and lodging away from home, upon recommendation of the department head, personnel director, and approval of the mayor.

11.5.4 Training Forecast. Department heads will, in so far as possible, forecast training needs and costs on an annual basis. Such forecast will be furnished to the mayor prior to his budget preparation in accordance with guidelines to be provided by the mayor. Projected training needs and costs will be submitted by the mayor to the council for approval during the annual budget process.

11.6 CITY RETIREMENT SYSTEM.

The City of Alexander City provides to all eligible employees a retirement benefit. This is a dual contributory system where both the city and the employee make contributions to the employee's retirement account. Participation in this retirement system is mandatory for all eligible city employees. Should you have any questions or wish more information on the city's retirement benefits or other programs contact the personnel department.

11.7 FLEXIBLE BENEFIT (CAFETERIA) PLAN.

This benefit provided by the city may provide tax savings to the employees who choose to participate. The flexible benefit plan allows the employee to select certain tax deductible items such as group family medical expense, dependent care expense and/or medical expenses not reimbursed by insurance. The amount of expense for the premiums for these items is deducted from the employees gross taxable income before taxes are calculated on each pay check. Should you have questions or need additional information about this employee benefit please contact the personnel department.

11.8 USE OF CITY VEHICLES.

City vehicles may be operated only by employees of the city who are authorized to do so by their department head under the general supervision of the mayor.

City vehicles shall not be used to transport persons other than city employees, except in the line of duty and in connection with city business.

City vehicles regularly assigned to employees shall not be driven to any residence or home located outside the city limits unless the person to which the vehicle is assigned is on 24-hour call in connection with his/her duties with the city, and is also assigned said vehicle under the assignment policy established.

Employees who are authorized the use of a city vehicle in the performance of their duties and live outside the city's Police Jurisdiction will not be allowed to take that vehicle home for a lunch break.

No city vehicles shall be driven from the place of work to the home of an employee within the city limits unless said employee is a department head or is assigned a city vehicle under the 24-hour call provisions as established.

No city vehicle shall be used for travel outside the regular jurisdiction of the employee to which it is assigned except upon authorization of the department head or in accordance with established departmental policy approved by the mayor.

When an employee regularly uses a city owned vehicle for travel to and from his home because he is considered to be on 24-hours call as established, a log or memorandum shall be kept by the department involved showing the date, time, purpose, and number of miles traveled in connection with any actual use of said automobile at any time when not for official business.

Any employee found violating the city vehicle policy shall receive a written reprimand and such other disciplinary action as may be justified in accordance with established procedures. A second violation shall result in the employee being suspended without pay for at least working twenty (20) days. A subsequent violation will be grounds for permanent dismissal from city employment. There is no time limit in accruing these violations.

All city vehicles shall be identified by department name in designated places on the vehicle.

11.9 SUMMARY OF CITY PROVIDED BENEFITS.

The city of Alexander City provides generous benefits to all eligible employees as follows:

Benefit	Cost
Sick Leave	No cost to employee
Annual Leave	No cost to employee
Military Leave	No cost to employee
Bereavement Leave	May use up to 3 days of sick leave.
Dental Plan	Included in health insurance plan
Group Health, Life and Accident Insurance	City pays employee's share and one-half of the cost of the dependent's share.
Retirement and Disability Annuities	City and employee contribute.
Worker's Compensation	No cost to employee
Public Liability Coverage	No cost to employee
City Utilities	Reduced rates to employees
Uniform Allowances	Cost shared between City and employee.
Social Security and Medicare Coverage	The City pays 7.65% of your wages for Social Security and Medicare taxes. You also pay 7.65% as federally mandated:
Attendance at Public School Functions, etc	No cost to employee
Flexible Benefit (Cafeteria) Plan	No cost to employee (May provide tax savings to the employees who choose to participate.)
Sick Leave Bank	8 hours per year (normally)

SECTION XII

CONFLICTS OF INTEREST

12.1 PURPOSE.

To identify those activities which are not consistent with the standards required of city employees and, thus, contrary to the best interest of the City of Alexander City. All city employees are subject to these provisions.

12.2 POLICY.

The following actions by city employees will be considered as conflicts of interest:

- (a) investments in real property or business in the immediate vicinity of a city project site which might appear to be speculative;
- (b) ownership exceeding one (1) percent in a public company holding a contract with the city;
- (c) the use of one's position and influence in the city to promote business with any company in which he has financial interest;
- (d) involvement in a non-city business activity ("moonlighting") which: (1) conflicts with, or limits, the city's demands on the employee with respect to his availability for work or his performance on the job; or (2) reflects adversely on the city;
- (e) the use of one's city position to contract, or to influence contracting, with any business for personal gain or to benefit friends, relatives, or associates; or
- (f) political activities which interfere, or might be construed as interfering, with an employee's ability to perform his duties, or are in violation of city, state, and/or federal laws.

12.2.1. Guidance. When further guidance is needed, employees should consult with their department heads and/or the personnel department.

12.3 VIOLATIONS.

Violations of any part of this section will be grounds for disciplinary actions in accordance with the provisions of these rules, regulations, and procedures.

SECTION XIII

RECORDS AND REPORTS

13.1 PERSONNEL HISTORY RECORD.

The purpose of the City of Alexander City Personnel History Record (PHR) is to maintain information that is required to support employee personnel actions. Each PHR will be closely controlled as to its release. The PHR will be the official source of information for responding to authorized requests from inside and outside the city for official information about present and former employees.

13.1.1. Material to be Excluded. The material that is authorized to be included in the PHR is restricted to those items for which authenticity has been confirmed through established procedures, e.g., official city personnel forms, statements from the employee, city officials, appointing authorities, and supervisors, and/or statements provided by references named by the employee. The PHR will exclude material that is not appropriate for use in making judgements in personnel actions.

13.1.2. Information to be Included. Subject to the above restrictions, the PHR will include, but not be limited to, the following information:

- (a) **Qualification Information** - (1) evidence of the employee's knowledge, skills, abilities, experience, training, and character; (2) completed application form for city employment; (3) supplementary qualification information provided by the employee, his/her appointing authority, department head, or supervisor; (4) test results, if applicable; (5) interview reports; (6) reference reports; (7) performance appraisals; and (8) employee's job description.

Medical examinations will be maintained in a separate file.

- (b) **Personal History Information** - (1) personal information needed for processing required personnel actions, such as age, next of kin, address, etc.; (2) records of benefit enrollments.
- (c) **Other Information** - (1) personnel action forms and correspondence pertaining to appointment, status change, leaves of absence, separation, and reappointment; (2) letters of commendation and/or (3) records of disciplinary actions.

13.1.3. Maintenance of PHR. The personnel department will maintain the PHR for each employee other than confidential records of public safety personnel. Confidential records of law enforcement and fire department personnel will be maintained in accordance with procedures to be established by the Department Head, in coordination with the personnel department.

- (a) **Records of former employees** will be maintained in an inactive status for three (3) years after an employee leaves city service.
- (b) An employee shall bring to the immediate attention of his/her appointing authority, or personnel department any changes or errors in the personnel data maintained by the city.

13.1.4. Access to PHR Files. The personnel director is responsible for controlling the access to the confidential information maintained within the PHR for each employee. Access to PHR files will be

based on the following guidelines:

- (a) An employee may have access to his PHR upon written request to the personnel department. The employee should coordinate this request through his appropriate supervisor.
- (b) An employee may not review the PHR file of other employees unless he is the appointing authority over the employee and only after conferring with the personnel director.
- (c) An appointing authority will have access only to the PHR file of employees under his control.
- (d) The mayor and city council, when hearing an employee grievance, may have access to PHR files as is necessary to properly review all the facts as they pertain to the employee's grievance.

The personnel department will not allow any PHR files to be removed from the personnel office. Employees and appointing authorities must come to the personnel department to review PHR files. The personnel department will maintain a record of all individuals who have accessed an employee's PHR file.

13.2 CENTRAL RECORDS.

The personnel department will also maintain all personnel records that are necessary for the proper administration of the city personnel system.

13.3 FORMS AND SUPPLIES.

The personnel department will prepare and make available such forms, blanks, and other record-keeping materials necessary for the maintenance of required personnel records and reports.

13.4 PRIVILEGED INFORMATION.

Employees may deal with certain sensitive personnel records and other privileged information of importance to other employees or the general public. Employees must not use this privileged information for their own advantage or to provide friends and acquaintances with such. Each employee is charged with the responsibility of insuring that information released or made available to others is to promote orderly and efficient business operations. Violations of this paragraph shall be considered just cause for disciplinary action.

13.5 EMPLOYEE INFORMATION.

Each employee shall promptly notify the personnel department whenever there is a change in the employee's residence, telephone number, marital status, or number, name or residence of dependents and beneficiaries.

CHAPTER XIV

SAFETY, ACCIDENTS, INJURIES AND INSURANCE

14.1 GENERAL PROVISIONS.

The purpose of this section is to establish policies governing safety, the reporting of accidents and injuries, and procedures for submitting worker's compensation and insurance claims.

14.2 SAFETY AND LOSS PREVENTION.

14.2.1. **General.** The safety of city employees is considered one of the primary obligations of the city. The primary objectives of the safety and loss prevention program are the prevention of accidents and fatalities both on and off the job and the prevention of property damage and lost job time. The director of safety for the City of Alexander City has the responsibility for coordinating the city's safety programs and assisting the department heads in the development and enforcement of the city's safety manual.

14.2.2. **Appraisal and Performance Evaluation.** Safety, vehicle and equipment maintenance, and loss prevention are not separate and apart from the job but are an integral part of each assignment of all employees and shall be considered major elements in management appraisal and in employee job performance evaluation.

14.2.3. **Equipment.** Safety and loss prevention are paramount considerations in providing tools, materials, training, and equipment necessary to accomplish an assigned job.

14.3 EMPLOYEE RESPONSIBILITY.

All employees are to maintain an alert attitude toward all aspects of safety and shall be required to take every precaution in the prevention of accidents to themselves, fellow workers, and the general public. Every employee shall immediately notify their supervisor of any potentially dangerous work-site or procedure. Employees are expected and required to comply with all safety and health standards, rules and regulations. Violations of safety standards, rules and regulations, or accidents resulting due to negligence of the employee shall subject the employee to disciplinary measures.

14.3.1. **Safety Inspections.** Safety inspections shall be an integral part of the organized safety efforts in attempting to discover conditions which, when corrected, will result in a safer and healthier place in which to work. Inspections shall apply to all departments of the city government under the direction of the mayor of the City of Alexander City. Inspection shall be of the following types:

- (1) **Periodic Inspections:**
Periodic inspections of the departments and work sites shall be scheduled and made at regular intervals. Such inspections shall be comprehensive in nature, with recommendations being provided to correct any found deficiencies.
- (2) **Intermittent Inspections:**
Intermittent inspections of the departments and work sites shall be made as determined by

the director of safety. These inspections may be unannounced and unscheduled and shall be for the purpose of keeping the supervisory staff alert in maintaining safe working conditions.

(3) **Special Inspections:**

Special inspections shall be conducted when the need arises and during special safety promotional campaigns, such as Fire Prevention Week.

Inspection reports shall be submitted to the department head subsequent to the inspection. Findings will be provided with recommendations for corrective action. The department head shall initiate prompt resolution of any discrepancies noted.

14.3.2. Responsibility for City Vehicles. City owned vehicles are to be operated for official purposes only. The mayor will determine the extent of usage of city vehicles for department heads and other specified city officials. The only personal use allowed for all other employees is commuting which includes:

- (a) commuting between home and work;
- (b) commuting between work and lunch; and
- (c) responding to emergency calls from home.

A list of city vehicles and prescribed usage will be maintained by the director of safety.

14.4 SUPERVISOR RESPONSIBILITY.

14.4.1. General. Department heads and supervisors are expected to be personally responsible for enforcing the city's safety rules and regulations and for safeguarding the lives and health of the individuals under their supervision and the prevention of loss, damage and destruction of city property. Supervisors shall enforce all safety rules and regulations, ensure that all accidents are reported according to procedures and shall conduct periodic meetings with employees regarding safety.

14.4.2. Training. Supervisory employees are particularly responsible for the training, performance and behavior of employees under their supervision.

14.4.3. Discipline. Prompt disciplinary action shall be administered whenever a department head or supervisor determines that an employee has neglected required safety practices, deliberately disobeyed safety rules or, through unsafe acts, endangered his/her own safety and/or the health or safety of others.

14.5 ACCIDENT INVESTIGATIONS.

The director of safety shall be authorized to investigate accidents involving injury to an employee, loss of property, or other as deemed necessary. All supervisory personnel and employees are required to cooperate with the director of safety in providing access to any information requested for the investigation.

14.6 CONDEMNATION OF EQUIPMENT OR MATERIAL DUE TO UNSAFE CONDITIONS.

No employee shall be authorized to alter any equipment or material which diminishes the safety of such.

The director of safety shall be authorized to place equipment and material out of service due to unsafe condition(s) if determined that the condition imposes a serious or immediate danger to an employee or the general public.

When declared unsafe and any intended user is so notified by sign or otherwise, further use of the equipment or materials shall be prohibited until such conditions have been corrected and the notices removed or withdrawn. No equipment or material will be placed out of service without the prior knowledge of the department head and/or supervisor.

14.7 CITY VEHICLES ACCIDENT PROCEDURES.

14.7.1. Employee Actions. Whenever any city vehicle is involved in an accident the employee shall:

- (a) notify the police immediately;
- (b) notify his supervisor;
- (c) keep the scene and vehicle(s) intact if possible until the police arrive;
- (d) give his name, address and the registration license number of the city vehicle to any other party involved; and
- (e) volunteer no further information to anyone except his supervisor, the investigating officer and the city attorney.

14.7.2. Supervisor's Report. The employee's supervisor shall obtain all necessary information from the employee and/or other knowledgeable individuals and submit a supervisor's accident report to his department head. The department head shall review the report and forward it to the safety director and the personnel office within twenty-four (24) hours after the accident, and send for drug and testing when accident occurs.

14.8 WORKER'S COMPENSATION INJURY.

Any employee who is injured in any manner or degree while on duty or serving in the line of duty shall immediately notify his supervisor of such injury. The employee's supervisor, in coordination with the department head, will ensure that medical treatment, as required, is provided by city approved doctors and medical facilities.

14.8.1. First Injury Report. The employer's First Report of Injury will be prepared by the supervisor and submitted to the safety director and the personnel department within 24 hours after the accident.

14.8.2. Supervisor's Accident Report. A supervisor's accident report will be completed by the employee's supervisor and submitted to the director of safety and personnel department no later than twenty-four (24) hours following such injury.