

TOWN OF HARPERSVILLE

PERSONNEL POLICIES



RECEIPT OF PERSONNEL POLICIES (Amended and updated as of March 29, 2019)

All employees should read the following; then sign, date and return this form to the Clerk-Treasurer within three days of when they receive the personnel policies. The form will be placed in the employee's personnel file.

Enclosed is the Town of Harpersville's personnel policy. It is your responsibility to read these policies, as they will acquaint you with your employee benefits, our personnel practices and some organizational philosophy.

It is important to understand that these policies do not create an employment contract or a guarantee of employment for any specific duration between the Town of Harpersville and its employees. Although we hope that your employment relationship with us will be long-term, employment with the Town of Harpersville is at-will; we recognize that things do not always work out as hoped, and either of us may decide to terminate the employment relationship.

As the Town continues to grow and change, we may need to change some of these personnel policies. The Town, therefore, reserves the right to revise, supplement, clarify or rescind any policy or portion of a policy when deemed appropriate by the Council. You will be notified of any such changes.

Please also understand that no supervisor or representative of the Town other than the Mayor has the authority to make any written or verbal statements or representations that are inconsistent with at-will employment.

If you have any questions about these policies or any other policies of the Town, please feel free to ask your supervisor, the Clerk-Treasurer, or the Mayor.

I have read and understand the statement above.

Employee Signature

Employee Printed Name

Date

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CHAPTER 1

GENERAL

1.1 PURPOSE/SCOPE

(a) This manual is a general informational guide to the Town's current employment policies and shall not be construed as a contract. The Town reserves the right to amend, delete, supplement, or rescind any of the provisions of this manual, as the Town deems necessary and appropriate, without advance notice. These policies shall not be construed to create contractual rights or any type of promise or guarantee of specific treatment upon which any employee may rely. The Town also reserves the right to deviate from these policies in individual situations, particularly in an emergency, in order to achieve its primary mission of providing orderly and cost efficient services to its citizens.

(b) These personnel policies shall apply to all Town employees. They shall not apply to elected officials and independent contractors. In the event of conflict between any provision of this manual and applicable Civil Service rules and regulations, the provisions of the Civil Service rules shall govern. In the event of conflict between any provisions of this manual and the Manual of Standards (for police department), the Manual of Standards shall govern. In all other cases, these policies shall govern.

(c) These policies are not intended to be a contract, express or implied, or as a guarantee of employment for any specific duration. No supervisor or representative of the Town other than the Mayor has the authority to enter into any agreement for employment for any specified period or to make any written or verbal commitments contrary to the foregoing.

1.2 EQUAL EMPLOYMENT OPPORTUNITY

(a) The Town is an equal employment opportunity employer. The Town employs, retains, promotes, terminates and otherwise treats all employees and job applicants on the basis of merit, qualifications, and competence. This policy shall be applied without regard to any individual's sex, race, color, religion, national origin, pregnancy, age, marital status, or disability.

(b) The Town will provide reasonable accommodation to qualified applicants and employees as required by law.

(c) Employees with life threatening illness, such as cancer, heart disease, or AIDS/HIV conditions, or communicable diseases such as tuberculosis or influenza, are treated the same as all other employees. They are permitted to continue working so long as they are able to maintain an acceptable level of performance and medical evidence shows they are not a threat to themselves or their co-workers. The Town will work to preserve the safety of all of its employees and reserves the right to reassign employees or take other job actions when a significant safety risk to fellow Town employees or the public exists.

1.3 ANTI - HARASSMENT

(a) The Town recognizes its responsibility and is committed to providing a working environment for its employees which is free from discrimination and/or harassment. Any employee who engages in such discrimination and/or harassment, or who permits employees under their supervision to engage in such harassment, or who retaliates or permits retaliation against an employee who reports such harassment is guilty of misconduct and shall be subject to remedial action that may include the imposition of discipline up to and including discharge.

(b) Harassment of an applicant or employee by a supervisor, management employee, co-worker, contractor or member of the public on the basis of race, religion, color, national origin, disability, marital status, sexual orientation, gender or age is explicitly in violation of the State and/or Federal law and will not be tolerated by the Town of Harpersville.

(c) Harassment can take many forms and can include slurs, comments, jokes, innuendos, unwelcome compliments, pictures, cartoons, pranks or other verbal or physical conduct which:

(1) Has the purpose or effect of creating an intimidating, hostile, or offensive working environment; or

(2) Has the purpose or effect of unreasonably interfering with an individual's work performance; or

(3) Otherwise unreasonably affects an individual's employment opportunities.

Harassment includes: unwelcome verbal behavior such as comments, suggestions, jokes or derogatory remarks based on race, sex or other protected status; physical behavior such as pats, squeezes, repeatedly brushing against someone's body, or impeding or blocking normal work or movement; visual harassment such as posting of suggestive or derogatory pictures, cartoons or drawings, even at one's work station; unwanted sexual advances, pressure for sexual favors and/or basing employment decisions (such as an employee's performance evaluations, work assignments, or advancement) upon the employee's acquiescence to harassing behavior in the workplace.

(d) Any employee who believes he or she is being harassed should immediately notify his/her supervisor. In the event that the harassment involves the supervisor, he/she should notify the Mayor. The Town will not tolerate retaliation in any form against an employee who complains of harassment. Proven harassment shall be treated as a disciplinary offense up to and including termination.

1.4 DEFINITIONS

- (a) Supervisor: An employee who has responsibility for directing one or more employees.
- (b) Immediate Family: An employee's immediate family includes the employee's spouse, domestic partner, child, parent, brother or sister, mother or father-in-law, son or daughter-in-law.
- (c) Regular full-time Employee: An employee who has completed his/her trial period and who regularly works a minimum of 40 hours a week on a continuing basis.
- (d) Regular part-time Employee: An employee who has completed his/her trial period and works less than 40 but at least 20 hours a week on a continuing basis and is eligible for pro-rated City benefits. Pro-rated benefits for employees who regularly work less than 20 hours a week may be approved by the Mayor on a case-by-case basis.
- (e) Temporary Employees: Temporary employees are defined as those employees who hold jobs of limited duration arising out of special projects, abnormal work loads or emergencies. Temporary employees are not eligible for Town benefits.

1.5 EMPLOYEE PERSONNEL RECORDS

- (a) A personnel file for each employee is kept in the Clerk-Treasurers office, and access is limited to the employee's supervisor, the Clerk-Treasurer and the Mayor. An employee's personnel file contains the employee's name, title and/or position held, job description, department to which the employee is assigned, salary, changes in employment status, training received, performance evaluations, personnel actions affecting the employee, including discipline, and other pertinent information.
- (b) An employee has the right to review his/her file. An employee may request removal of irrelevant or erroneous information in his/her personnel file. If the Town denies the employee's request to remove the information, the employee may file a written rebuttal statement to be placed in his/her file.
- (c) Personnel files are kept confidential to the maximum extent permitted by law. Except for routine verifications of employment, no information from an employee's personnel file will be released to the public, including the press, without a written request for specific information.

1.6 REFERENCES

- (a) The Town does not give references, other than to confirm the dates of employment and last salary, without the express written consent of the employee.

CHAPTER 2 HOURS AND ATTENDANCE

2.1 WORKING HOURS

- (a) The Town's standard work week is Monday through Friday. Town Hall is open to the public from 8:00 a.m. to 4:30 p.m., Monday through Thursday. Supervisors will designate work schedules for individual employees to be approved by the Mayor.
- (b) A normal working schedule for regular, full-time employees consists of 40 hours each work week. Different work schedules, such as in the case of police employees, may be established by the Town to meet job assignments and provide necessary Town services. Each employee's supervisor will advise the employee regarding his/her specific working hours.
- (c) Part-time and temporary employees will work hours as specified by their supervisors.

2.2 HOURS OF WORK AND OVERTIME

- (a) All Town positions are designated as either "exempt" or "non-exempt" according to the Fair Labor Standards Act ("FLSA") regulations. Unless deemed otherwise by the appropriate state or federal agency, the following positions shall be considered as exempt:

Chief of Police, Fire Chief, Clerk-Treasurer, Court Clerk-Magistrate

- (b) For all Town employees except law enforcement and fire department personnel, the established work period is 40 hours within a seven-day work week starting on Monday and ending on Sunday.
- (c) For law enforcement and Fire Department employees the established work period is the longest U.S. Department of Labor 7(k) work period which is evenly divisible by the number of days in the established work cycle [see chart in Section 4.9(b) and 4.10 (b).
- (d) Non-exempt employees are entitled to additional compensation, either in cash or compensatory time off, when they work more than the maximum numbers of hours during a work period.
- (e) All overtime must be authorized in advance by the employee's supervisor and the Mayor except in an emergency situation.
- (f) Overtime pay is calculated at one-and-one-half times the employee's regular rate of pay for all time worked beyond the established work period and beyond 40 hours in the work period.
- (g) When computing overtime, sick leave and vacation time is not counted as hours worked.
- (h) Exempt employees are not covered by the FLSA overtime provisions and do not receive either overtime pay or compensatory time in lieu of overtime pay.

2.3 COMPENSATORY TIME

(a) Non-exempt employees entitled to overtime pay may elect to receive compensatory time off instead of cash payment. This is approved on a case-by-case basis by the employee's supervisor. If the compensatory time option is exercised, the employee is credited with one and one-half times the hours worked as overtime. Maximum accruals of compensatory time shall be limited to 40 hours for regular employees and 80 hours for uniformed police personnel. After maximum accrual, overtime compensation shall be paid.

(b) Employees should schedule the use of compensatory time within a reasonable time period by making a written request to their supervisor. Compensatory time should be used for short term absences from work during times mutually agreed to by the employee and his/her supervisor. Accumulation of compensatory time to be used as a substitute for extended vacation time off is not normally permitted.

(c) If an employee is unable to use accrued compensatory time within 30 days of the accrual, the employee will be paid his/her original overtime wage.

2.4 ATTENDANCE

(a) Punctual and consistent attendance is a condition of employment.

(b) Employees unable to work or unable to report to work on time should notify their supervisor as soon as possible, ordinarily before the work day begins or within 30 minutes of the employee's usual starting time. If an absence continues beyond one day, the employee is responsible for reporting in each day. If the supervisor is unavailable, the employee may leave a message with the Clerk-Treasurer stating the reason for being late or unable to report for work and a phone number where s/he can be reached.

(c) Employees are expected to be at work during inclement weather. Supervisors may allow employees to be late or leave early during severe weather conditions; however, non-attendance will be counted as absence from work and will be charged to accrued vacation or comp time.

(d) An employee who is absent excessively, or without authorization or notification is subject to disciplinary action, including possible termination.

2.5 BREAKS AND MEAL PERIODS

Employees may take one fifteen-minute break for every four hours worked. All breaks shall be arranged so that they do not interfere with Town business or service to the public. Meal periods shall be scheduled by the employee's supervisor for any shift longer than five hours. The scheduling of meal periods may vary depending on department workload. Meal periods are unpaid and usually one-half hour in length.

2.6 CALL BACK

All employees are subject to call back in emergencies or as needed by the Town to provide necessary services to the public. A refusal to respond to a call back is grounds for immediate disciplinary action, including possible termination. Employees called back to duty will be paid their appropriate rate of pay for hours worked.

2.7 PAYROLL RECORDS

The official payroll records are kept by the Town Clerk-Treasurer. Each supervisor shall turn in on a bi-weekly basis a work time sheet for each employee within their department that has been signed by the employee and the supervisor, noting hours worked, leave taken and overtime/compensatory worked. The Mayor shall sign work records for supervisors. (Amended to read "Work Time Sheet" and add Compensatory time) February 18, 2018

CHAPTER 3

RECRUITING AND HIRING

3.1 RECRUITING

- (a) Recruiting practices are conducted solely on the basis of ability, merit, qualifications and competence, without regard to race, color, religion, national origin, sex, marital status, pregnancy, disability or age.
- (b) Each applicant shall complete and sign an application form prior to being considered for any position. Resumes may supplement, but not replace, the Town's official application.
- (c) Any applicant who is hired and found to have supplied false or misleading information is subject to immediate termination.

3-2 ANNOUNCEMENTS *(Added- Approved by council December 18, 2017)*

The Town Clerk shall prepare recruiting notices to publicize all vacancies. Announcements shall be advertised in the local paper for a period of 15 days and also on the town's website. Announcements will specify job description, opening and closing date for qualified individuals to make applications and other information that may be required. If there is a standing eligibility list open with eligible candidates, announcements of the vacancy may not be required.

3.3 HIRING

- (a) When a position becomes vacant the supervisor/department head shall review the position, its job description and the need for such a position. The Town Council must approve the need for this position before it is announced. Upon recommendation from the supervisor/department head and Safety Committee and all requirements have been met, the Town Council will approve/disapprove the applicant to be hired. *(Revised December 18, 2017)*

Note: Water Board members will select individuals for employment within the water board

- (b) Residency within the Town shall not be a condition of initial appointment or continued employment for non-uniformed employees; provided, however, that an employee's selection of residence shall not interfere with the daily performance of his/her duties and responsibilities.

Uniformed employees of the Police Department must have a residence in such a location that if the officer is contacted and called back to duty in an emergency, the officer can safely report to the station ready for duty within twenty (20) minutes of being contacted. New officers shall meet this requirement within six months of appointment.

(c) Applicants for positions in which the applicant is expected to operate a motor vehicle must be at least 18 years old and will be required to present a valid Alabama driver's license with any necessary endorsements. Driving records of applicants may be checked. Applicants with poor driving records, as determined by the Town, may be disqualified for employment with the Town in positions requiring driving.

(d) The Town may administer pre-employment examinations to test the qualifications and ability of applicants, as determined necessary by the Town. The Town may contract with any competent agency or individual to prepare and/or administer examinations.

(e) After an offer of employment has been made and prior to commencement of employment, the Town shall require persons selected for employment to successfully pass a medical examination, which may include testing for alcohol and controlled substances. The purpose of the examination is to determine if the individual is physically able to perform the job and to ensure his/her physical condition will not endanger the health, safety or well-being of other employees or the public. The offer of employment may be conditioned on the results of the examination. *(Revised to change "may" to "shall" December 18, 2017)*

3.4 DISQUALIFICATIONS *(Added December 18, 2017)*

The supervisor/department head may remove from further considerations at any time the application of an applicant who:

- (a) Does not possess the minimum qualifications.
- (b) Has established an unsatisfactory employment or personnel record as evidenced by reference check of such nature as to determine unsuitability for employment.
- (c) Had made false statement of any material fact of practice deception or fraud in this application, examination, or medical history.
- (d) Is afflicted with any mental, physical, or mentally disqualifying diseases or defect that would prevent satisfactory performance of his/her duties.
- (e) Is believed to be addicted to or is a habitual user of drugs or intoxicants.
- (f) Had been convicted of crimes other than minor traffic violations.
- (g) Has been guilty of infamous or disgraceful conduct.
- (h) Has an unsatisfactory driving record as evidenced by a pattern, frequency or severity of traffic violations.
- (i) Has failed to report for duty at the time and place designated after appointment.

- (j) For any other good cause not consistent with the policies and procedures of the town.

3.5 TEMPORARY EMPLOYEES

- (a) With approval of the Mayor, temporary employees may be used during emergencies or other peak workload periods, to temporarily replace regular employees absent due to disability, illness, vacation or other approved leave, or to temporarily fill a vacancy until a regular employee is hired.
- (b) Temporary employees may be hired without competitive recruitment or examination.
- (c) Temporary employees may not work more than 160 hours a month for more than five consecutive months in a twelve month period.
- (d) Temporary employees are eligible for overtime pay as required by law. Temporary employees are not eligible and do not receive retirement, vacation, sick leave, health insurance, holiday or any other benefits during their employment, except as required by law.

3.6 TRIAL PERIOD

- (a) All newly hired employees or former employees who have been rehired or employees promoted to a new classification enter a trial period, which is considered an integral part of the selection and evaluation process. During the trial period an employee is required to demonstrate suitability for the position through actual work performance.
- (b) The normal trial period is six months from the employee's date of hire, rehire or promotion; however, longer periods may be established for positions requiring technical, professional, specialized, unusual or unique skills or qualifications. Police trial periods are outlined in the Civil Service Rules.
- (c) An employee's trial period may be extended for up to an additional six months when needed due to circumstances such as extended illness or a need to continue to evaluate marginal performance, to properly evaluate the employee's performance. The trial period will not be shortened for any reason.
- (d) Trial employees accrue vacation and sick leave, but are not eligible to use vacation until after their trial period is completed.
- (e) During the trial period, the employee may be terminated at any time without a pre-termination hearing.
- (f) When a supervisor determines an employee has satisfactorily completed the trial period, the supervisor shall prepare a written performance evaluation, which will be reviewed by the Mayor. If the trial period is satisfactorily completed, the employee may be certified to regular employment status.

3.7 EMPLOYMENT OF RELATIVES (NEPOTISM)

(a) An employee's relatives will not be employed by the Town of Harpersville under any of the following circumstances:

- (1) Where one of the parties would have authority (or practical power) to supervise, appoint, remove, or discipline the other;
- (2) Where one party would be responsible for auditing the work of the other;
- (3) Where both parties would report to the same immediate supervisor (except in the case of temporary employees, in which case the employment may be allowed by the Mayor); or
- (4) Where other circumstances might lead to potential conflict among the parties or conflict between the interest of one or both parties and the best interests of the Town.

(b) "Relatives" include an employee's parent, child, spouse, brother, sister, in-laws and step relationships, as well as those sharing living quarters.

(c) If two employees marry, become related or begin sharing living quarters with one another, and in the Town's judgment one or more of the potential problems noted above exist or reasonably could exist, only one of the employees will be permitted to stay with the Town, unless reasonable accommodations, as determined by the Mayor, can be made to eliminate the potential problem. The decision as to which relative will remain with the Town must be made by the two employees within thirty (30) calendar days of the date they marry, become related, or begin sharing living quarters with each other. If no decision has been made during this time, the Town reserves the right to terminate either employee.

3.8 PROMOTIONS AND TRANSFERS

(a) The Town encourages current Town employees to apply for vacant Town positions for which they are qualified. Promotions and transfers are based on the supervisor's recommendation, work force requirements, performance evaluations, job descriptions and related Town requirements.

(b) Regular employees are eligible for promotion, transfer or voluntary demotion. To be considered for another position, an employee must have satisfactorily completed his/her trial period and possess the qualifications for the vacant position, unless such requirements are waived by the Mayor in the best interests of the Town.

CHAPTER 4

COMPENSATION

4.1 SALARY CLASSIFICATION AND GRADES

Each job title within the Town is classified into one of the Town's classifications for salary purposes, based on job qualifications, level of responsibility, difficulty, working conditions, skill, hazard, and amount of supervision required for the specific job title. Each classification is designated a particular salary or salary range shown on the Town's salary and wage schedule, which is approved annually by the Town Council.

4.2 EMPLOYEE PAY RATES

- (a) Employees shall be paid within the limits of the wage range to which their positions are assigned.
- (b) Usually, new employees will start their employment at the minimum wage rate for their classification. However, a new employee may be employed at a higher rate than the minimum when the employee's experience, training or proven capability warrant, or when prevailing market conditions require a starting rate greater than the minimum.
- (c) Pay increases of one step may be given annually at the employee's anniversary date, contingent on satisfactory performance as reported on their annual evaluation report. If an employee's performance is consistently unsatisfactory, the Mayor may defer a scheduled pay increase for a stipulated period of time or until the employee's job performance is satisfactory.
- (d) The Mayor may propose and the Town Council may grant selective, merit, or across the board pay adjustments from time to time, raising the salaries of positions by a specified amount. Such adjustments, if any, will not change an employee's pay anniversary date.

4.3 PAYDAYS

Town employees are paid on Friday, every 2 weeks. If a regularly scheduled payday falls on a holiday, pay checks will be distributed on the last business day prior to the scheduled payday.

4.4 DEDUCTIONS

Some regular deductions from the employee's earnings are required by law; other deductions are specifically authorized by the employee. The Town will withhold from the employee's paycheck those deductions required by law and any voluntary deductions authorized by the employee.

4.5 TRAVEL AWAY FROM THE TOWN

All reimbursable travel away from the Town must be approved in advance by the Supervisor or Mayor. Employees should make use of Town vehicles if a vehicle is available. Whenever possible, two or more employees should share rides. If private automobiles are used, employees will be reimbursed at the current IRS rate.

4.6 TRAVEL EXPENSE REIMBURSEMENT

(a) Town employees will be reimbursed for reasonable and customary expenses actually incurred in connection with the business of the Town, including food, lodging and travel expenses while away, but excluding any expenses for alcoholic beverages. Lodging will only be reimbursed outside of the Birmingham Metro Area, unless specifically pre-approved by the Mayor. Tips, not to exceed 15%, for meals, taxis, or baggage handling are reimbursable.

(b) Requests for reimbursement, including receipts, shall be submitted on an expense report form signed by the employee and the supervisor, within 60 days of incurring the expense.

4.7 PROFESSIONAL, CIVIC AND SERVICE ORGANIZATION MEMBERSHIPS

Administrative staff is encouraged to be members of and participate in professional, civic, and service organizations. Membership fees, travel and meal costs attributable to an employee's participation in such organizations may be reimbursed, if pre-approved by the Mayor.

4.8 COMPENSATION UPON TERMINATION

When an employee's employment with the Town is terminated, the employee will receive the following compensation:

- (a) Regular wages for all hours worked up to the time of termination that have not already been paid.
- (b) Any overtime or holidays pay due.
- (c) A lump sum payment of any accrued but unused vacation and compensatory time.
- (d) A lump sum payment of 25% of any accrued but unused sick leave upon retirement or death only)

4.9 COMPENSATION FOR LAW ENFORCEMENT PERSONNEL

(a) Law enforcement personnel are typically on patrol or on stand-by. The policies here apply only to law enforcement employees performing "shift" work. Unless specifically noted here, all of the policies of this resolution apply to the law enforcement personnel.

(b) Compensation for Hours Worked -- Law Enforcement personnel shall be paid a monthly salary based on a set rate per hour multiplied by 2,080 hours, divided by 12 months. Work periods in the Police Department for time keeping purposes shall be the longest U.S. Department of Labor 7(k) work period which is evenly divisible by the number of days in the designated work cycle. Non-exempt officers will receive additional compensation for hours worked in excess of the 7(k) statutory maximum (per the chart below) during a work period, paid at one and one-half times the employee's set rate per hour.

U.S. Department of Labor 7(k) Exemption Chart

Number of Days in work period Maximum Allowable hours	

7	43
8	49
9	55
10	61
11	67
12	73
13	79
14	86
15	92
16	98
17	104
18	110
19	116
20	122
21	128
22	134
23	141
24	147
25	153
26	159
27	165
28	171

(c) Stand-by Time -- Law enforcement employees will not be compensated while on stand-by.

(d) Call-back from Stand-by -- Law enforcement personnel called out from stand-by will be compensated as specified in section 4.8 (b).

4-10 COMPENSATION FOR FIREFIGHTERS

(a) As a general rule, employees who perform firefighters work will be considered non-exempt under the Fair Labor Standards Act (FLSA) and receive overtime or compensatory time off if they are in a full-time position. The Fair Labor Standards Act (FLSA) sets basic minimum overtime standards that municipalities must comply with when paying employees. FLSA allows for longer work periods than the traditional “40 hour” work week for fire fighters, often referred to as the “7(k) exemption.

(b) Tour of Duty – The FLSA authorizes the establishment of work periods of not less than seven nor more than 28 days for fire fighters. The regulations establish the maximum allowable non-overtime hours as 212 hours per 28-day period. For tours less than 28 days, the same ratio applies for allowable non-overtime hours. The chart below indicates the maximum hours worked before overtime is earned.

<u>Number of days in workweek</u>	<u>Hours worked before overtime is earned</u>
7	53
8	61
9	68
10	76
11	83
12	91
13	98
14	106
15	114
16	121
17	129
18	136
19	144
20	151
21	159
22	167
23	174
24	182
25	189
26	197
27	204
28	212

Added to personnel policies February 23, 2018

CHAPTER 5

PERFORMANCE EVALUATIONS AND TRAINING

5.1 PERFORMANCE EVALUATIONS

- (a) To achieve the Town's goal to train, promote and retain the best qualified employee for every job, the Town conducts periodic written performance evaluations for all positions.
- (b) The Clerk-Treasurer is responsible for developing and maintaining the Town's performance evaluation program.
- (c) Employees are to be evaluated by their supervisor, in writing on the prescribed forms, prior to completion of their trial period and at least once every 12 months thereafter.
- (d) The evaluation is part of an employee's personnel record and may be a factor in determining the employee's conversion to regular status, whether the employee receives a wage increase, or is to be promoted, transferred, demoted, laid off, or terminated.

5.2 TRAINING AND CAREER DEVELOPMENT POLICY (Amended by Town Council May 21, 2018)

The Town of Harpersville is committed to providing and supporting employee's training and career development and recognizes the attendance and participation to seminars, conferences, workshops, and conventions is a valuable method for updating job knowledge, skills, and abilities. Since the town has a very limited work force and limited training budget, the following guidelines will be followed in requesting and/or attending training courses.

- (a) Training should enhance the employee's skills, knowledge and abilities directly related to employment, or to maintain required licenses and certifications.
- (b) Training opportunities may include, but are not limited to; workshops, seminars, conference/conventions, in-house workshops, AMIC courses, and other approved sources of training sponsored by other agencies or organizations.
- (c) All training related expenses must be within the limits of the annual budget.
- (d) Request for employees to attend outside training programs should be submitted through their supervisors for review and approval at least 15 days in advance of the commitment, if possible. If the time frame is not within the 15 days, request will be considered on a case-by-case basis. Mayor and council has the final approval for attending any and all outside training programs. (Water Board will approve their employees). Each application/request for training shall include; date(s) of training, proposes agenda for training(if available) and training is within the budget limitations.

- (e) After training is completed employee must return a certificate of training, certificate of attendance along with an official agenda of the training (if available), Certificates will be filed in each employee's personnel file.
- (f) If the required training program(s) are more than eight (8) hours in duration or the employee will be away from normal work station, they may use administrative leave, if prior approval is authorized. Training must be enhancing the skills, knowledge, and be directed related to employment to be eligible for administrative leave. Otherwise, leave will be charge as to the choice of the employee.

CHAPTER 6

BENEFITS

6.1 RETIREMENT BENEFITS

- (a) The Town makes contributions on behalf of all eligible employees to the Social Security System in addition to those contributions made by the employee through FICA payroll deductions.
- (b) All regular uniformed employees in the police department are covered by the Law Enforcement Officer's and Fire-fighters Retirement System (LEOFF). Benefit levels and contribution rates are set by the State of Alabama.
- (c) All regular full-time and eligible part-time non-uniformed employees are covered under the Public Employees Retirement System (PERS). Benefit levels and contribution rates are set by the State of Alabama.
- (d) Employees intending to retire should notify the Mayor of their intent to retire at least three months prior to the date of retirement.

6.2 DISABILITY BENEFITS

- (a) All employees, except those covered by LEOFF I, are covered by the State Industrial Insurance program (worker's compensation). This type of insurance covers employees in case of on-the-job injuries or job-related illness. For qualifying cases, State Industrial Insurance will pay the employee for work days lost for any disability resulting from job-related injuries or illness. All job-related accidents should be reported immediately to the supervisor.
- (b) When an employee is absent for one or more days due to an on-the-job accident, he/she is required to file a claim for Worker's Compensation. If the employee files a claim, the Town will continue to pay by use of the employee's unused sick leave the employee's regular salary pending receipt of Worker's compensation benefits.
- (c) When the employee receives Worker's Compensation benefits, he/she is required to repay to the Town the amount covered by Worker's Compensation and previously advanced by the Town. This policy is to ensure that employees will receive prompt and regular payment during periods of injury or disability so long as accrued sick leave is available, while ensuring that no employee receives more than he/she would have received had the injury not occurred. Upon the repayment of funds advanced, the appropriate amount of sick leave shall be restored to the employee's account.
- (d) The Town may require an examination at its expense, performed by a physician of its choice, to determine when the employee can return to work (in a regular or light-duty capacity) and if he/she will be capable of performing the duties and responsibilities of the position. This paragraph applies to both work-related and non-work related illnesses and injuries.

6.3 INSURANCE BENEFITS

- (a) Regular employees are eligible to participate in the Town's insurance programs. The programs and criteria for eligibility will be explained at the time the employee becomes eligible to join. The Town reserves the right to make changes in the carriers and provisions of these programs when deemed necessary or advisable.
- (b) Upon mutual agreement between the employee and the Town, and in accordance with the terms and conditions of the insurance policy, the Town will continue health insurance coverage at the employee's expense during an approved unpaid leave of absence.
- (c) While an employee is receiving Worker's Compensation benefits, the Town may continue to pay the employee's health insurance premiums for up to six months, after which the employee may choose to self pay insurance premiums.

6.4 TAX DEFERRAL PROGRAMS

- (a) Retirement contributions by employees into the State Retirement System will be taken and paid to the state on a tax deferral basis.
- (b) Employees are eligible to participate in optional deferred compensation plans.
- (c) Employees are eligible to participate in an optional I.R.S. Code Section 125 Cafeteria Plan.

6.5 UNEMPLOYMENT COMPENSATION

Town employees may qualify for Alabama Unemployment Compensation after termination from Town employment depending on the reason for termination and if certain qualifications are met.

CHAPTER 7

LEAVES OF ABSENCE AND TIME OFF

7.1 LEAVES

The Town has eight (8) different types of leave:

- (a) Vacation leave
- (b) Sick leave
- (c) Leave without pay
- (d) Jury and Witness leave
- (e) Military leave
- (f) Administrative leave
- (g) Bereavement Leave (*Added -Approved by council Dec 18, 2017*)
- (h) Personal Day Leave (*Added – Approved by council Dec 18, 2017*)

7.2 VACATION

(a) Each regular full-time employee is entitled to vacation leave which accrues monthly at the following rate (regular part-time employees will be prorated):

<u>YEARS OF SERVICE</u>	<u>WORKING HRS PER YEAR</u>	<u>25 HOURS PT</u>	<u>30 HOURS PT</u>
1 through 3 years	96 hours	60 hours	72 hours
4 through 8 years	120 hours	75 hours	90 hours
9 through 13 years	132 hours	83 hours	99 hours
14 through 19 years	156 hours	98 hours	117 hours
20 years or more	168 hours	105 hours	126 hours

(b) All new employees must satisfactorily complete their trial period to be entitled to the use of vacation leave. Regular part-time employees will receive vacation on a pro-rata basis. Temporary employees are not eligible for any vacation benefits. Vacation will not accrue during a leave without pay. If a holiday falls during a vacation week, it will not count against vacation accrual.

(c) Each department is responsible for scheduling its employees' vacations without undue disruption of department operations. Leave requests shall be submitted in writing at least two weeks prior to taking vacation leave. If the nature of the work makes it necessary to limit the number of employees on vacation, the employees with the greatest seniority shall be given their choice.

(d) The maximum number of vacation hours which may be carried over from December 31 of one year to January 1 of the next year is two years' worth, or a maximum of 240 hours. In cases where Town operations have made it impractical for an employee to use vacation time, the Mayor may authorize additional accruals. Employees will be paid for unused vacation time upon termination of employment.

(e) Leave must be taken in minimum increments of four (4) hours.

7.3 SICK LEAVE

- (a) All full-time regular employees accrue sick leave benefits at the rate of eight hours for each calendar month of continuous employment. Regular part-time employees may accrue sick leave benefits on a pro-rata basis according to hours worked. The total accumulation of sick leave shall not exceed 480 hours at the normal rate of pay. Sick leave must be taken in minimum increments of one (1) hour.
- (b) If any holidays fall within the days of illness, it shall not be charged against the sick leave of the employee.
- (c) Employees accrue and may use sick leave during their trial periods. Temporary employees do not earn sick leave benefits. Employees do not accrue sick leave benefits during a leave without pay.
- (d) Sick leave covers those situations in which an employee is absent from work due to:
 - (1) Physical injury or illness to the employee;
 - (2) The need to care for the employee's dependent children under the age of 18 who are ill;
 - (3) The need to care for the employee's spouse, domestic partner, parent, parent-in-law or grandparent who has a serious or emergency illness.
 - (4) Medical or dental appointments for the employee or dependent child provided that the employee must make a reasonable effort to schedule such appointments at times which have the least interference with the work day;
 - (5) Exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others;
 - (6) Use of a prescription drug which impairs job performance or safety;
 - (7) Actual periods of temporary disability associated with pregnancy or childbirth. Employees may request additional time off beyond the actual period of disability; vacation leave, compensatory time, or leave without pay may be used;
 - (8) Male employees are eligible for up to three days paternity leave, chargeable to sick leave to assist at home; or
 - (9) The death of an immediate family member, not to exceed three days when the death was within the State of Alabama, or five days when the death was out of state.
- (e) A doctor's certificate may be required when an employee is absent for a period in excess of two days. The Town may also request the opinion of a second doctor at the Town's expense to determine whether the employee suffers from a condition which impairs his/her ability to perform the job, or poses a threat to him/her or others.
- (f) Employees who use all their accumulated sick leave and require more time off work due to illness or injury may, with the Mayor's prior approval, take leave without pay.
- (g) Employees are not eligible for leave under the Federal Family and Medical Leave Act (FMLA), until the Town employs at least 50 employees.

- (h) Individuals who are separated in good standing and reemployed within ninety (90) days of separation as classified employees will have their previously accrued sick leave, not to exceed (one-half), of accrued leave added to their sick leave balance upon completion of any probation any period.

(Added to Personnel Policy by Council minutes dated March 18, 2019)

7.4 LEAVE WITHOUT PAY

- (a) The Mayor may grant leaves of absence without pay for absence from work not covered by any other type of leave or if other leave balances are exhausted. Examples of situations for which leave without pay may be granted include time off work for personal reasons, such as prolonged illness, parenting, caring for an ill relative, pursuing an education, or fulfilling a military obligation in excess of fifteen (15) days per year.

- (b) Only regular full-time and regular part-time employees who have satisfactorily completed their trial period are eligible for leave without pay. The following requirements apply:

- (1) Leave may be granted to an employee for a period of up to 90 days upon the approval of the Mayor, including any period of paid leave used for the same purpose. Further extensions are at the discretion of the Mayor.
- (2) Accrued compensatory time, if any, and vacation leave must be exhausted prior to taking any leave without pay.
- (3) An employee's benefits are suspended during the period of unpaid leave until the employee returns to work. Vacation, sick leave and/or any other benefits do not accrue while an employee is on leave without pay.
- (4) In certain circumstances, self-payment of benefits may apply. See Section 6.3 on Insurance Benefits.
- (5) An employee who fails to report promptly at the end of the unpaid leave is presumed to have resigned. An employee returning from a temporary disability may, at the Town's option, return to the same position or similar position at a comparable rate of pay.
- (6) If the leave without pay is due to an illness, the Town may require a doctor's certificate stating that the employee is capable of returning to work and performing the work, duties and responsibilities of the employee's position.

7.5 JURY AND WITNESS LEAVE

- (a) Employees may be granted time off with pay to serve on a jury or as a court witness. If an employee is summoned during a critical work period, the Town may ask the employee to request a waiver from duty.

- (b) An employee granted such leave shall reimburse the Town for any pay received while serving as a juror or witness, exclusive of reimbursed expenses.

7.6 ADMINISTRATIVE LEAVE

All full-time employees are eligible for excused paid absences when attending required educational training programs or conferences and when weather conditions cause for the delayed opening or closure of offices. The delayed opening or closures of offices are for the safety of town employees and the public. The Mayor shall determine the application of administrative leave for weather conditions. The usage of administrative leave for educational training shall be approved by Mayor and Council. Request for educational administrative leave should be presented to Mayor/Council at least thirty (30) days prior to training session, if at all possible. On a case-by-case basis, the Town may place an employee on administrative leave with pay for an indefinite period of time, as determined by the Mayor to be in the best interests of the Town during the pendency of an investigation or other administrative proceeding. *(Para 7-6 amended by council Feb 5, 2018)*

7.7 MILITARY LEAVE

Employees who are members of the Armed Forces Reserves may be absent from their duties, with pay, for a period of up to fifteen days per calendar year when they are performing military duty and while going to and from that duty. Employees called or volunteering for active duty will be reinstated in accordance with State and Federal law for up to five years at the employment they would have attained had they not been absent. Health plan coverage will be continued for up to 30 days of military leave and permitted continuation of the health plan coverage at the employee's expense for up to 18 months.

7.8 HOLIDAYS

(a) The following holidays are recognized by the Town:

<u>Holiday</u>	<u>Day Observed</u>
New Years Day	January 1
Martin Luther King's Birthday	3rd Monday in January
President's Day	3 rd Monday in February (See Below)
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Columbus Day	2 nd Monday in October (See Below)
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	Day after Thanksgiving
Christmas Eve	December 24
Christmas Day	December 25
Personal Day	

New (02-04-2008) – restoring Columbus Day & President's Day

(b) All full-time employees shall be granted one (1) personal day each calendar year. The personal leave day shall be used for any personal reasons. The personal leave day can not be carried forward to the next calendar year. *(Note: The term "floating holiday is changed to read "Personal Day"). Amended by town council February 5, 2018.*

(c) Any holiday falling on Saturday will be celebrated on the preceding Friday. Any holiday falling on Sunday will be celebrated on the following Monday.

(d) Full-time employees shall receive up to 8 hour's pay for each of the holidays listed above on which they perform no work, provided the employee is not on leave of absence without pay. Regular part-time employees who work on a regular schedule will be compensated in their usual manner, but only for those holidays which occur on their scheduled days of work. ***(Change 2-4-2008) Full time employees whose regular scheduled day off falls on one of the above holidays shall take another day in its place within 30 days, provided that the employee is not on leave of absence without pay. Regular part-time employees who work on a regular schedule will be compensated in their usual manner, but only for those holidays which occur on their scheduled days of work.***

(e) Non-exempt regular full-time or part-time employees will be paid for the holiday plus one and one-half times their regular rate of pay for any time worked on the holiday. Such time must be pre-authorized by the Mayor. ***(Change 2-4-2008) Non-exempt regular full-time employees will be paid for the holiday time plus ½ total.***

(f) Temporary employees will be paid at their regular straight-time rate for hours worked on a holiday.

(g) In recognition of the work schedule for law enforcement employees, regular full time law enforcement employees will be paid "holiday pay" at the rate of one eight hour (8) day per month in addition to the basic monthly salary. ***(Change 2-4-2008) section g will be deleted.***

7-9 PERSONAL LEAVE (DAY) *(Added/Approved by council December 17, 2017)*****

All-full-time exempt and non-exempt employees shall be granted one (1) personal day each calendar year. Personal leave day may be use for any personal reasons. The personal leave pay day can not be carried forward to the next calendar year.

7-10 RELIGIOUS HOLIDAYS

If an employee's religious beliefs require observance of a holiday not included in the basic holiday schedule, the employee may, with the Mayor's approval, take the day off using vacation, compensatory time, personal leave day, or leave without pay.

7.11 BEREAVEMENT LEAVE *(Added to Personnel Manual February 5, 2018)*****

All full-time employees shall be granted Bereavement Leave for a period of three (3) working days when death occurs to an immediate family member in State or five (5) days out of State. Immediate family is defined below.

Immediate Family		
(1) Spouse	(6) Grandparents	(11) Son-in-law
(2) Children (Natural/Step-child	(7) Grandchildren	(12) Daughter-in-law
(3) Parents	(8) Parents-in-law	(13) Uncles/Aunts
(4) Step-Parents	(9) Brother-in-law	
(5) Brother/Sister	(10) Sister-in-law	

The employee may use the authorized Bereavement Leave days off within ten (10) calendar days from the date of death.

CHAPTER 8

EMPLOYEE RESPONSIBILITIES AND CONDUCT

8.1 GENERAL POLICY

(a) All Town employees are expected to represent the Town to the public in a professional manner which is courteous, efficient and helpful. Employees must maintain a clean and neat appearance appropriate to their work assignment, as determined by their position and their supervisor.

(b) Since the proper working relationship between employees and the Town depends on each employee's on-going job performance, professional conduct and behavior, the Town has established certain minimum standards of personal conduct. Among the Town's expectations are: Basic tact and courtesy towards the public and fellow employees; adherence to Town policies, procedures, safety rules and safe work practices; compliance with directions from supervisors; preserving and protecting the Town's equipment, grounds, facilities and resources; and providing orderly and cost efficient services to its citizens.

8.2 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST

(a) Employees shall not, directly or indirectly, engage in any outside employment or financial interest which may conflict, in the Town's opinion, with the best interests of the Town or interfere with the employee's ability to perform his/her assigned Town job. Examples include, but are not limited to, outside employment which:

- (1) Prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job;
- (2) Is conducted during the employee's work hours;
- (3) Utilizes Town telephones, computers, supplies, or any other resources, facilities or equipment;
- (4) Is employment with a firm which has contracts with or does business with the Town;
- (5) May reasonably be perceived by members of the public as a conflict of interest or otherwise discredits public service.

(b) An employee who chooses to have an additional job, contractual commitment or self-employment, may do so provided he/she obtains prior approval from his/her immediate supervisor.

8.3 POLITICAL ACTIVITIES

(a) Town employees may participate in political or partisan activities of their choosing provided that Town resources and property are not utilized, and the activity does not adversely affect the

responsibilities of the employees in their positions. Employees may not campaign on Town time or in a Town uniform or while representing the Town in any way. Employees may not allow others to use Town facilities or funds for political activities.

(b) Any Town employee who meets with or may be observed by the public or otherwise represents the Town to the public, while performing his/her regular duties may not wear or display any button, badge or sticker relevant to any candidate or ballot issue during working hours. Employees shall not solicit, on Town property or Town time, for a contribution for a partisan political cause.

(c) Except as noted in this policy, Town employees are otherwise free to fully exercise their constitutional First Amendment Rights.

8.4 NO SMOKING POLICY

For health and safety considerations, the Town prohibits smoking by employees in all Town facilities, including Town-owned buildings, vehicles, and offices or other facilities rented or leased by the Town, including individual employee offices.

8.5 USE OF TOWN COMMUNICATION SERVICES

All Town communications services and equipment, including the messages transmitted or stored by them, is the sole property of the Town of Harpersville. Department Managers may access and monitor employee communications and files, as it considers appropriate. Communication services and equipment include: mail, electronic mail (e-mail), facsimiles, telephone systems, personal computers, Internet connections, Intranet connections and computer files.

(a) Telephone - Use of Town phones for local personal phone calls should be kept to a minimum; long distance personal use is prohibited.

(b) Cellular Telephones - The Town will provide cellular telephones and service for the Police and Public Works Departments for Town business. If an employee wishes to have an upgraded plan for their personal use and agree to use the phone for work related business, the Town will reimburse the employee the amount of the plan provided by the Town. This will be paid through the voucher system on a monthly basis.

(c) Computer Usage - As a Town employee, you may use computers extensively in your job. A few rules are necessary so that everyone can get the maximum benefit from the Town's investment in technology.

Software - In order to protect Harpersville's computer system from viruses and ensure that the software used is compatible with Town's computers, only software purchased or approved by the Town may be installed on Town computers. Before installing any software not purchased by the Town, you must check with the Clerk-Treasurer for permission. Games and other non-business

related software may not be installed on Town's computers or used on Town time. Software purchased by the Town is for legitimate Town business use only.

Copyright Compliance - Software is protected from unauthorized duplication by law. Harpersville respects the legal rights of software developers and expects employees to do the same. No employee may duplicate software, or otherwise use software other than in accordance with the terms of its license. Software that has been duplicated without authorization may not be installed on Town computers. Copyrighted material should not be sent via Town e-mail or on the Internet.

Electronic Media - Only employees specifically authorized by the Town of Harpersville may access on-line services (email) and the Internet. All electronic media communications should be professional and business-like in tone. You should not use electronic media for jokes, gambling, games, derogatory or discriminatory remarks, or commercial messages. Employee's personal on-line use is allowed during breaks, lunch and before and after normal work hours. Remember, Town management has access to all e-mail, and you should not consider e-mail or voice mail communications private. Confidential or sensitive communications via e-mail are not advised. As a matter of courtesy to other system users, please try to keep E-mail messages brief, limit general broadcasts, and delete unneeded messages. E-mails may be subject to disclosure under the Public Records Act. Employees must disclose all passwords to the Clerk-Treasurer but should not share the passwords with other employees.

Internet Access - The Internet is an important source of information, but it is also subject to being abused. Internet access should be limited to legitimate Town business purposes. Limited personal use may occur during breaks and lunch, and before and after normal work hours. Signing up for list-serves, bulletin boards or chat groups is not allowed. The Town's Internet access may never be used for accessing pornographic or other inappropriate web sites. Before accessing a site, ask yourself how a member of the public might react to the knowledge that you were using Town resources for this activity. With regard to Internet e-mail, the same rules apply as to inter-office e-mail.

The Town has the capacity to check what web addresses are being accessed by a particular employee and monitor how much time each day an employee is spending on the Internet. Please keep this in mind when you access the Internet.

8.6 BULLETIN BOARDS

Information of special interest to all employees is posted regularly on the Town bulletin boards. Employees may not post any information on these bulletin boards without the authorization of the Clerk-Treasurer.

8.7 CONTACTS WITH NEWS MEDIA

The Mayor, Clerk-Treasurer or designated supervisors shall be responsible for all official contacts with the news media during working hours, including answering of questions from the media. The

Mayor, Clerk-Treasurer or supervisor may designate specific employees to give out procedural, factual or historical information on particular subjects. It is the policy of the Town to maintain good press relations with the media.

8.8 SEAT BELT POLICY

Per Alabama law, anyone operating or riding in Town vehicles must wear seat belts at all times.

8.9 DRIVER'S LICENSE REQUIREMENTS

- (a) As part of the requirements for certain specific Town positions, an employee may be required to hold a valid Alabama Driver's license.
- (b) If an employee's license is revoked, suspended or lost, or is in any other way not current, valid and in the employee's possession, the employee shall promptly notify his/her supervisor and will be immediately suspended from driving duties. The employee may not resume driving until proof of a valid, current license is provided to his/her supervisor.
- (c) Depending on the duration of license suspension, revocation or other inability to drive, an employee may be subject to disciplinary action, including termination.
- (d) Special requirements for employees who hold commercial driver's licenses (CDLs) can be found in Section 8.11 (b).

8.10 SAFETY

- (a) Every employee is responsible for maintaining a safe work environment and following the Town's safety rules. Each employee shall promptly report all unsafe or potentially hazardous conditions to his/her supervisor. The Town will make every effort to remedy problems as quickly as possible.
- (b) In case of an accident involving a personal injury, regardless of how serious, employees shall immediately notify their supervisor or the Mayor.

8.11 SUBSTANCE ABUSE

- (a) The Town may discipline or terminate an employee possessing, consuming, controlling, selling or using alcohol, drugs or other controlled substances during work hours. The Town may also discipline or terminate an employee who exhibits an on-going dependence on alcohol, drugs or other controlled substances which, in the Town's opinion, impairs the employee's work performance, poses a threat to the public confidence, or is a safety risk to the Town or others.
The Town is committed to supporting employees who undergo treatment and rehabilitation for alcohol or other chemical dependency. Employees using prescription or non-prescription drugs that may impact their ability to safely perform their jobs must inform their Supervisors.

(b) Substance Abuse Policy for Operators of Commercial Motor Vehicles -- Town employees who hold commercial driver's licenses (CDL) and who operate commercial motor vehicles while employed by the Town are subject to additional rules and regulations imposed by the federal government. These regulations require urine drug testing and alcohol breath testing in the following circumstances:

- (1) pre-employment;
- (2) reasonable suspicion;
- (3) post-accident;
- (4) return to duty testing;
- (5) random testing.

CDL holders who test positive must be removed from service and are subject to discipline, up to and including termination. CDL holders should consult the *Drug and Alcohol Testing Policy for Employees who Operate Commercial Vehicles* for the additional details concerning these rules.

8.12 DRUG-FREE WORKPLACE

(a) The manufacturing, distribution, dispensation, possession and use of unlawful drugs or alcohol on Town premises or during work hours by Town employees is strictly prohibited.

(b) Employees must notify the Town within five days of any conviction for a drug violation.

(c) Violation of this policy can result in disciplinary action, including termination. Continued poor performance or failure to successfully complete an assigned rehabilitation program is grounds for termination.

8.13 COMPLAINT PROCEDURES

The Town recognizes that sometimes situations arise in which an employee feels that he/she has not been treated fairly or in accordance with Town rules and procedures. For this reason the Town provides its employees with procedures for resolving complaints.

(a) Step 1: An employee should first try to resolve any problem or complaint with his/her supervisor, within 5 business days of the problem's occurrence.

(b) Step 2: If the employee is not satisfied with the response from the supervisor, the employee may submit the problem, in writing, to the Mayor.

(c) The written complaint must contain, at a minimum:

- (1) A description of the problem;
- (2) A specific policy or procedure which the employee believes has been violated or misapplied;

- (3) The date of the circumstances leading to the complaint or the date when the employee first became aware of those circumstances;
- (4) The remedy sought by the employee to resolve the complaint.

The written complaint should be filed within ten working days of the response from the supervisor, or ten working days after the employee becomes aware of the circumstances.

(d) The Mayor may meet with the parties, either individually or together, and will respond in writing to the aggrieved employee within ten days of the meeting. The Mayor's response and decision shall be final and binding.

(e) Certain employees may have more than one source of dispute resolution rights, i.e., the Town's Civil Service rules and this complaint process. Employees who are covered under civil service rules should follow grievance procedures set out in their civil service rules, where applicable. In all other cases, the procedures described in this section shall be used. Under no circumstances shall an employee have the right to utilize both this process and any other complaint or appeal procedure that may be available to an employee. There will be no retaliation for utilizing this procedure in good faith.

8.14 REPORTING IMPROPER GOVERNMENTAL ACTION (WHISTLEBLOWER)

It is the policy of the Town to encourage reporting by its employees of improper governmental action taken by the Town of Harpersville officers or employees and to protect the Town of Harpersville employees who have reported improper governmental actions in accordance with Resolution 93-01 of the Town of Harpersville. Procedures for reporting improper governmental actions and protection against retaliatory actions are outlined in Resolution 93-01 and posted at Town Hall above the copier.

8.15 SOLICITATION

We want you be able to do your job without undue distractions. Therefore, the following guidelines apply to soliciting in the workplace. Except for authorized Town programs and with prior approval, individuals not employed by the Town are not permitted to enter Town premises at any time to solicit, survey, petition, or distribute literature. This restriction includes charity solicitors, salespersons, questionnaire surveys, union organizers or any form of solicitation or distribution. Employees may only approach each other regarding reasonable forms of solicitation during non-work time (including before and after the start of all involved employees' work periods, and during breaks and meal periods) and in non-work areas. Any other solicitation requires approval of the Clerk-Treasurer.

CHAPTER 9

DISCIPLINE AND TERMINATIONS

9.1 DISCIPLINE

- (a) All employees are expected to exercise good judgment, loyalty, common sense, dedication, and courtesy in the performance of their duties. The primary mission of every employee is to provide courteous, orderly, efficient, and economic delivery of services to the citizens of the Town.
- (b) Acts, errors, or omissions which discredit the public service or impair the provision of orderly services to the citizens of the Town may result in discipline, including termination.
- (c) The Mayor or supervisor, as appropriate, has full discretion and authority to impose disciplinary action in accordance with Town policy and the circumstances of the particular case.
- (d) The following are examples of the types of behavior which may result in discipline:
 - (1) Drinking alcohol or the abuse of non-prescription or prescription drugs or other controlled substances on the job, or arriving on the job under the influence of or while in possession of alcohol, drugs, or other controlled substances.
 - (2) Violation of a lawful duty.
 - (3) Insubordination.
 - (4) Absence from work without first notifying and securing permission from the supervisor
 - (5) Habitual absence or tardiness for any reason.
 - (6) Unsatisfactory job performance, as determined by the Town.
 - (7) Conviction of a felony or a misdemeanor involving moral turpitude.
 - (8) Acceptance of fees, gratuities or other valuable items in the performance of the of the employee's official duties for the town.
 - (9) Inability, refusal or failure to perform the duties of the assigned job.
 - (10) Violation of duties or rules imposed by this manual, or by any other Town rule, regulation or administrative order.
- (e) This list is not all-inclusive, but only serves as a general guide. The Town may discipline or terminate employees for other reasons not stated above. The existence and use of this policy in any given situation does not change the at-will nature of the employment relationship.
- (f) In the event that discipline is necessary, some or all of the following types of disciplinary actions may be used, depending on the particular situation:
 - (1) Oral Warning. An oral warning is a counseling session between the employee's supervisor and the employee on the subject of the employee's conduct and performance, or

his/her failure to observe a rule, regulation, or administrative instruction. It is intended to increase an employee's efficiency and value to the Town by changing the employee's conduct, attitude, habits, or work methods. Following the counseling session the supervisor should document the oral warning.

(2) Reprimand. A reprimand is a formal written disciplinary action for misconduct, inadequate performance, or repeated lesser infractions. Written reprimands are reviewed with and signed by the employee and placed in the employee's personnel file.

(3) Suspension. A suspension is a temporary, unpaid absence from duty which may be imposed as a penalty for significant misconduct or repeated lesser infractions. A suspension is a severe disciplinary action which is made part of the employee's permanent record.

(g) Suspensions with pay, where the employee is placed on administrative leave, may be utilized by the Mayor pending the results of an investigation or disciplinary action where the Mayor determines those factors such as public confidence, the safety of the employee or the efficient functioning of the Town call for such a suspension.

9.2 TERMINATION

In the case of termination of an employee other than trial employees, the Town will conduct a pre-termination hearing. The pre-termination hearing serves as a check against mistaken decisions and to determine whether there is a reasonable presumption that the charges against the employee are valid and support termination.

(a) In the event a supervisor desires to terminate an employee, the employee (other than trial employees) shall be provided with a notice of the recommendation for termination. The notice shall include an explanation of the facts on which the recommendation is based, and the time and date for a pre-termination hearing. If the employee fails or refuses to appear, the termination may proceed.

(b) Pre-termination hearings will be presided over by the Mayor or a designated representative.

(c) At the hearing, the employee may show just cause why he/she should not be terminated. The employee may bring one person to the hearing as an observer who is not allowed to participate in the hearing or interfere with its orderly process.

(d) Within two working days after the pre-termination hearing, the Mayor will usually issue a decision on whether there are reasonable grounds to believe the charges against the employee are true and support termination. A longer review period may be required in more complex situations. If the decision finds the charges credible, the termination may proceed. If the decision finds the charges questionable or insufficient for termination, the matter returns to the supervisor for further investigation or other disciplinary action short of termination.

9.3 LAYOFF

- (a) The Mayor may lay off employees for lack of work, budgetary restrictions or other changes that have taken place.
- (b) Temporary employees or employees who have not completed their trial period will be laid off before regular employees are affected.
- (c) In determining who is to be laid off, consideration will be given to individual performance and the qualifications required for remaining jobs. Seniority will be considered when performance and qualifications are equal.
- (d) Employees who are laid off may be eligible to be re-employed, if a vacancy occurs in a position for which they are qualified.

9.4 RESIGNATION (Amended by Town Council Minutes February 19, 2019)

- (a) An employee may voluntarily resign by submitting in writing to the Mayor or immediate supervisor the effective date of resignation. Notification will be given as far in advance as possible; but no less than fourteen (14) calendar days prior to the effective date of the resignation. If the employee does not give at least fourteen (14) calendar days' notice, then the employee resignation will be denoted as being "without notice". Under certain circumstance the Mayor may waiver the fourteen (14) (calendar day time limit.
- (b) Unauthorized and unjustifiable absence from work for a period of three (3) consecutive working days will be considered as a voluntary resignation on the part of the employee.
- (c) All notices of voluntary resignation will be forwarded to the Mayor immediately upon receipt by immediate supervisor.
- (d) Upon receiving written notice of resignation from the employee, an exit interview will be conducted by the mayor.

9.5 DEATH

Upon the death of an employee, all compensation due shall be paid to the surviving spouse or the estate of the employee.