

PERSONNEL POLICY

June, 2014

This policy manual is designed to be the complete reference source for the department heads and personnel officer. A simpler and more abbreviated employee handbook will be prepared from the material in this manual after it is finalized. Please do not let the length and detail of this manual discourage you. Experience has shown that employee policy problems arise when rules are undocumented, and the department head is left to apply inconsistent decisions.

Resources for this manual include:

- Jacksonville State University
- The Bureau of National Affairs
- Thompson Publishing Group, Fair Labor Standards Handbook for States, Local Governments, and Schools
- The Local Government Institute, Model Personnel Policies and Procedures
- KnowledgePoint Software, Personnel Policy Expert
- KnowledgePoint Software, Descriptions Write Now!
- Alabama League of Municipalities and various pattern policies from other jurisdictions
- Applicable Federal and State Statutes and Regulations

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SECTION I – GENERAL INFORMATION

Introduction

This manual has been established to define the official personnel policy for all employees of the City of Fort Payne. The aim in issuing this policy manual is to assist each department head, manager, and supervisor in making certain that management practices further the objectives of the personnel program.

The manual is being made available to all department heads and supervisors to accomplish the following goals:

- Provide a definitive statement of the City’s official position relating to personnel matters.
- Establish procedures to be followed in the implementation and administration of personnel policies.
- Assign responsibility for carrying out the procedures and practices of the personnel program.
- Facilitate decisions and promote consistency of interpretation and application across departmental lines and over time.
- Minimize the possibility of violation of Federal and State laws and limit the possibility unauthorized personnel actions.
- Provide a record to guide future policy and provide a framework for any revisions that appear to be desirable as the result of changing legislation or experience.

The personnel policies and procedures in this policy manual will remain in effect until changes are considered necessary as the result of growth, changing legislation, or general economic conditions which threaten the ability of the City to provide the quantity and quality of service the citizens of Fort Payne seek and deserve.

From time to time, you may receive additions or changes. You will want to study the revised policy carefully prior to placing the revisions in your policy manual. Please be sure to remove older policy statements and procedures when advised to do so in the memorandum attached to the revised statements. Should you have any questions concerning the intent of a policy or procedure, please contact the Personnel Officer.

The provisions and procedures of this policy manual are statements of intent and ***do not*** constitute a contract between the City of Fort Payne and any employee thereof.

Definitions

Where used with the personnel manual, the following words and terms shall have the meaning as indicated below:

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| Allocation: | The assignment of an individual position to a department or administrative unit based upon the kind, difficulty, required skill, and responsibility of the worked required. |
| Anniversary Date: | One year from the date of appointment to an authorized full-time position and annually thereafter. |
| Appointing Authority: | The appointing authority shall be the official or body having authority under the City’s ordinances. |
| Class: | A group of individual positions that are essentially equal in terms of duties and responsibilities, and therefore justify the use of the same class title and pay range. |

Classification:	The process of assigning an individual position to a class and classes to pay grades.
Demotion:	The change of an employee from a position in one class or step to a position in another class or step which has a lower pay grade.
Employee, Exempt:	Employees excluded from specific provisions of Federal and State wage and hour laws.
Employee, Non-Exempt:	Employees not excluded from specific provisions of Federal and State wage and hour laws.
Exempt Position:	A position not subject to payment of overtime wages as determined by provisions of the Fair Labor Standards Act.
Grade or Pay Grade:	The numerical designation of a class of positions having essentially equal duties and responsibilities and having a fixed pay range.
Merit Increase:	An increase in pay of an employee as a reward for outstanding performance in his/her present position, or specialized training in relevant job skills.
Merit System:	Evaluation based on the policies and procedures which have been adopted and implemented by the City of Fort Payne to employ, promote, motivate, and retain the best qualified personnel available.
Non-Exempt Position:	A position subject to payment of overtime wages as determined by the provisions of the Fair Labor Standards Act.
Personnel Officer:	The administrative officer employed by the City to administer the personnel program in accordance with this policy manual. The Mayor shall be considered the Personnel Officer in the absence of any other officer designated as such. The Personnel Officer designate additional staff to act as his designee in certain administrative matters as he/she shall deem necessary to carry out the provisions of this policy.
Policy:	A statement of management intent which serves as a guide to management decision making.
Position Description:	A detailed written description of the duties and responsibilities assigned to and to be performed by an employee.
Probationary Period:	A trial period of at least twelve (12) months in which an employee is required to demonstrate, by actual job performance, suitability for the position to which he/she has been appointed. An affirmative action by the Appointing Authority is required to move the probationary employee to regular status at the end of the probationary period.
Probationary Employee:	A person employed in a full-time position who has not completed the probationary period.
Procedures:	A system of sequential steps that describes in detail how policy is to be implemented, identifies the personnel involved, and assigns responsibilities for the implantation of the policy.
Promotion:	The change of an employee from a position in one class or step to a position in another class or step that has a higher pay grade.
Reclassification:	The reallocation of a position to a different class of positions with a different fixed pay grade based upon a change in the duties and responsibilities of the position.
Re-grading:	The assignment of a new pay grade to an entire class of positions.
Retirement:	The willful termination of employment by the employee after reaching age 60 with 10 years' creditable service (Tier I), or after age 62 with 10 years' creditable service (Tier II), or at any age after attaining a minimum of twenty-five (25) years of creditable total service under covered agencies participating in the Alabama State Employees Retirement System.
Step or Pay Steps:	The fixed rates of pay within the pay range authorized for a class of positions through which an employee may advance based upon continued satisfactory performance in the position.
Supervisor:	As used in the context of this policy, refers to the immediate supervisor moving up the flow of the department chain of command to the department head.

Transfer: The re-assignment of an employee to another position, usually in the same pay grade without an increase or decrease in rate of pay.

Equal Employment Opportunity

Policy:

The City of Fort is committed to a strict policy of Equal Employment Opportunity. The City will not discriminate on the basis of sex, race, color, religion, national origin, age, or handicap in recruiting, hiring, compensation, placement, promotion, or any other terms or conditions arising out of the employment relationship.

No employee of the City of Fort Payne shall by his/her actions or words coerce, harass, intimidate, or in any manner create a hostile working environment that would interfere or tend to interfere with the successful job performance of another employee because of sex, race, color, national origin, religion, age, or handicap.

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the City will be based on merit, qualifications, and abilities.

The City will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor, department head, or the Personnel Officer. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

Procedures:

1. Department heads, managers, and supervisors will at all times be responsible for the compliance of administrative units with this policy. They have the responsibility to investigate promptly and thoroughly any complaint alleging violation of this policy.
2. Any employee found to be in violation of this policy will be subject to disciplinary action up to and including termination.
3. The Personnel Officer must at all times be reasonably informed on all Federal and State legislation pertaining to Equal Employment Opportunity. If changes in the personnel policies are necessary, the Personnel Officer will recommend such changes as deemed necessary and present them to the City Council for approval. Upon approval, the policy changes will be disseminated to all administrative personnel.

Immigration Law Compliance

Policy:

The City is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

Procedures:

1. In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are re-hired must also complete the form if they have not completed an I-9 with the City within the past three (3) years, or if their previous I-9 is no longer retained or valid.
2. Employees with questions or seeking more information on immigration law issues are encouraged to contact the Personnel Officer. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

Fair Labor Standards

Policy:

It is the policy of the City of Fort Payne to comply with all of the requirements of the Federal Fair Labor Standards Act, its amendments, and similar laws of the State of Alabama. If an employee has questions about unfair treatment in the areas of wages or hours worked, he/she should contact the Personnel Officer.

Workers Compensation

Policy:

The City provides a comprehensive workers compensation insurance program. The program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

Employees who sustain work-related injuries or illnesses should inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

Neither the City nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the City.

Procedure:

1. Upon injury while on the job, the employee shall immediately notify his supervisor of the nature and severity of his injury, the time of the injury, the nature of the job task that he/she was involved in at the time of the injury, any equipment being used, and the names of any and all witnesses to his/her injury. If the degree of injury prevents the employee from notifying his/her supervisor, then a co-worker shall assume responsibility for notifying the supervisor. If the supervisor is absent, then it is urgent that the employee or his/her co-worker notify the Personnel Officer immediately.
2. As soon as possible after the injury, the employee shall have an examination by a licensed medical physician who shall evaluate the employee's injury. A copy of the physician's report shall be made available to the Personnel Officer so that it may be forwarded to the City's workers compensation insurance carrier.
3. The worker must immediately be tested (or as soon as medically possible) as required under provisions of the Drug and Alcohol Abuse Testing Policy. Directions will be provided by the drug testing officer.
4. An "Accidental Injury Report-First Notice" form shall be completed by the supervisor and it shall be provided to the workers compensation administrator within twenty-four (24) hours of the time of the injury or within seventy-two (72) hours if the accident occurs on the weekend. This form must be completed if the employee has any degree of suspicion that he/she has been injured, regardless of whether the injury requires any immediate medical attention.
5. An "Employee's Statement" form must be completed by the injured employee as soon as possible after the accident and submitted to the workers compensation administrator.
6. A "Witness Statement" form must be completed by the supervisor and each witness to the employee injury within twenty-four (24) hours of the incident or within seventy-two (72) hours if the accident occurs on the weekend.
7. The City will file all related forms in the employee's office file and maintain a progress record.
8. If the injury prevents the employee from attending his/her job for an excess of three (3) work days and if the insurance carrier so approves, the worker may be granted workers compensation pay and placed on workers compensation leave until certified by the attending physician that he/she is able to return to work. Also, at this point, normal wage compensation from the City will be suspended until the employee returns to work.
9. If the injury causes the employee to be absent from his/her job more than three (3) days, and upon certification by the City's workers compensation insurance carrier, the employee's health insurance and other normal benefits including leave will continue to accrue. Payments to the Alabama State Employees Retirement System on the employee's behalf will be suspended until his/her return to work status with regular compensation.

Americans with Disabilities Act (ADA)

Policy:

The personnel policies of the City of Fort Payne are designed to be in compliance with the requirements of the Americans with Disabilities Act (ADA) which became effective July 26, 1992. As a matter of practice, compliance with all Equal Employment Opportunity (EEO) rules and regulations are intended. For specific information or answers to questions, the employee should contact the Personnel Officer.

General Employment Policy

Background:

The City of Fort Payne recognizes that its most valuable resource is a workforce that is composed of qualified, well trained, satisfied individuals who work together to achieve the level of service the citizens of Fort Payne expect and to which they are entitled. Also, it is recognized that employees are entitled to good leadership which is essential to providing an atmosphere conducive to instilling in each employee a sense of dignity, a willingness to strive for self-improvement, and quality job performance.

Employment with the City is voluntarily entered into, and the employee is free to resign at will any time, with or without cause. Similarly the City may terminate the employment relationship at any time with cause for regular employees, or without cause for probationary, temporary, part-time, or seasonal employees.

Policies set forth in this manual are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the City and any of its employees. The provisions of the handbook have been developed at the discretion of management and may be amended or canceled at any time, at the City's sole discretion.

These provisions supersede all existing policies and practices and may not be amended or added to without the express approval of the Fort Payne City Council.

The City believes that the working conditions, wages, and benefits it offers to its employees are competitive with those offered by other employers in this area and in this service industry. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice those concerns openly and directly to their supervisors.

Experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. The City will demonstrate its commitment to employees by responding effectively to employee concerns.

Policy:

It is the policy of the City of Fort Payne to provide employees with a workplace that:

- Is free from discrimination or harassment
- Recognizes and rewards employees for commitment and performance
- Is equitable with respect to pay; and
- Is fair and just in its dealings with employees in all matters arising out of the employment relationship

Supervisors will be expected to carry out this policy.

Procedures:

All department heads, managers, and supervisors share equally in the responsibility for the implementation of this policy. Therefore, all personnel who are responsible for exercising authority over other employees have the following responsibilities:

1. Know each subordinate's abilities and each job within the area of responsibility to the extent that employees will be assigned job duties and responsibilities for which they are adequately qualified.
2. Provide each employee with the best possible on-the-job training.
3. Be sure each employee is encouraged to perform the job as efficiently and effectively as possible. To accomplish this goal, each employee is to be provided with suitable tools, equipment, and materials at all times.
4. Take the necessary steps to insure that each employee understands job duties and responsibilities and the level of job performance expected. The employee must know his/her job, how to perform the job, and have the incentive to constantly strive to improve performance.
5. Explain to all employees the personnel policies and rules that affect them. The managers must know the policies well enough to interpret them clearly and simply so employees can understand them.
6. Provide performance feedback to the employee so that each worker knows the status of his/her performance.
7. Recognize employee performance and give praise where due.
8. Correct employee's work performance and personal conduct without giving personal offense to the employee.
9. Provide the fullest possible protection for the employee's personal safety and welfare.
10. Communicate effectively the feelings and grievances of employees to the City Council, and keep employees informed of the plans, intentions, and actions of the City Council.

Employees Covered Under This Policy

Policy:

Only regular full-time employees are entitled to the benefits under this policy, as well as specific applications for their employment classification.

Certain official positions are not covered by the employment protection provisions of this policy. The following are elected or appointed, and their tenure is governed by specific guidelines set by State law or City ordinance, or they serve in their position at the pleasure of the City Council.

In some instances, employees may be appointed or elected to one of the following while serving in an employment function that does provide employment protection. In that instance, should they be removed from their elected or appointed positions under governing legal provisions, they shall be provided all other job protection provisions relating to their regular employment functions.

- City Clerk
- City Treasurer
- City Engineer
- City Court Clerk/Magistrate
- Fire Chief
- Police Chief

The following department heads or supervisors serve in their capacity at the pleasure of the Mayor. This in no way limits the right of the City Council to hire and fire individuals holding these positions. Should they be replaced or their services in that capacity no longer be required, they will be offered employment at a reduced level within their department or in another department within the City, if possible.

- 911 Director
- Buildings Maintenance Supervisor
- Fire Marshall
- Chief Building Inspector
- Parks and Recreation Director
- Personnel Officer
- Public Works Director
- Solid Waste Coordinator
- Sports Complex Director
- Wastewater Treatment Plant Chief Operator

SECTION II - HIRING

Employment Classifications and Categories

Policy:

It is the intent of the City to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility.

Classifications:

Each employee is designated as either non-exempt or exempt from Federal and State wage and hour laws.

- Non-Exempt employees are entitled to overtime pay under the specific provisions of Federal and State laws.
- Exempt employees are excluded from specific provisions such as overtime pay, but must meet certain criteria of responsibility under Federal and State wage and hour laws to qualify. These are defined as management categories, and a legally required portion of time must be spent in the supervision of others, and being unsupervised to a great degree in his/her own activities. Specific Federal requirements are available from the Personnel Officer.

Categories:

In addition to the above classifications, each employee will belong to one of the following employment categories:

1. **Regular Full-Time** employees are those who are not in a temporary or probationary status and who are regularly scheduled to work the City's full-time schedule. Generally, they are eligible for the City's benefit program.
 - A. **Standard:** All employees other than legally certified police and fire employees (who work peculiar hours allowed under Federal wage and hour laws). Fire and police department employees may be classified as Standard employees if their particular job functions allow them to fall under the normal forty (40) hour workweek schedule.
 - B. **Fire:** Professional fire fighters who have been properly certified according to State law by recognized legal certification procedures or are awaiting such certification, and are classified as such by definition under Section 207(k) of the Federal Fair Labor Standards Act pertaining to overtime standards.
 - C. **Police:** Professional law enforcement officers who have properly certified according to State law by recognized legal certification procedures or are awaiting such certification, and are classified as such by definition under Section 207(k) of the Federal Fair Labor Standards Act pertaining to overtime standards.
2. **Part-Time** employees are those who are not assigned to a temporary or probationary status, and who are scheduled to work less than an average of thirty (30) hours per week during any twelve (12) month period. While they do receive all legally mandated benefits such as Social Security and workers compensation insurance, they

are ineligible for the City's entire benefit program such as health insurance, retirement program, etc.

3. **Probationary** employees are those whose performance is being evaluated to determine whether further employment in a specific position or with the City is appropriate. When the normal probationary period (12 months) is about to expire, the department head will assess the worker's progress and, if applicable, recommend regular status. An affirmative action by the City Council is necessary to move the employee to regular status. During this probationary period, an employee in this class is entitled to receive full benefits, subject to certain leave restrictions.
4. **Temporary** employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change. While temporary employees receive all legally mandated benefits such as workers compensation insurance and Social Security, they are ineligible for all of the City's other benefit programs such as health insurance, retirement program, etc.

Recruitment of Employees

Policy:

In order to achieve the goal of hiring the best qualified persons available, the City of Fort Payne will use all reasonable means to publicize position vacancies which have been authorized for outside recruitment.

In keeping with the policy of providing opportunities for advancement for present employees, all position vacancies, other than entry level positions, will be posted and qualified employees are encouraged to apply.

Recruitment activities will only be undertaken where a new position has been authorized, a position vacancy has occurred, or a position vacancy will occur as a result of retirement or employee resignation.

Procedures:

New Position:

1. The department head of the department in need of an additional and new staff position will notify the Personnel Officer of such need by submitting a personnel requisition.
2. The department head will provide the Personnel Officer with a position description identifying the duties and responsibilities of the proposed new position.
3. The Personnel Officer, in consultation with the department head, will verify the need for the position and establish the necessary skills, knowledge, and abilities required for successful performance of the proposed new position.
4. The Personnel Officer, in consultation with the department head, will be responsible for determining the appropriate pay grade for the position.

5. The department head will then present to the City Council the request for the new position with recommendations.
6. If the City Council authorizes the new position, the department head, with assistance from the Personnel Officer, will initiate the recruitment process.
7. The Personnel Officer will take steps to assure that any and all advertisements for position vacancies contain the statement that the City of Fort Payne is an Equal Employment Opportunity (EEO) Employer.

Existing Position Vacancy:

1. The department head will notify the City Council and identify the position to be filled and the reason for the vacancy.
2. The department head will verify that the existing position description for the position is correct and that the necessary knowledge, skills, and abilities required are correct, given the position duties and responsibilities.
3. If other than an entry level position, the department head will post a notice of position vacancy on the appropriate bulletin boards. Such notices will contain the position title, description of duties and responsibilities, necessary knowledge skills, abilities required for the position, and the closing date for submitting an application for consideration.
4. Each notice of vacancy will include the statement that the City is an Equal Employment Opportunity (EEO) employer.

Selection of Employees

Policy:

Only qualified applicants who possess the necessary knowledge, skills, and abilities, or who can be expected to acquire the necessary knowledge, skills, and abilities in a reasonable time will be eligible for appointment to regular, full-time employee status.

In cases where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by re-assignment or terminated from employment.

Nepotism: It is recognized that if the employment of two (2) or more members of an immediate family results in a situation where one (1) employee directly supervises a member of his/her immediate family on a regular basis, opportunities for discrimination or favoritism may exist. As a general rule, this should be avoided. However, if charges of unfair treatment relating to a nepotism relationship are presented by an employee, then the matter shall be treated as a grievance matter, with all rights for the initiation and appeal of a grievance procedure protected and preserved for the grieving employee. As the result of a justified grievance action, it may be necessary for the employee or employees involved in the nepotism relationship to be transferred to remove the supervisory or conflicting situation.

“Immediate family” is defined as wife, husband, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparents, grandchildren, step-mother, step-father, step-child, step-brother, step-sister, brother-in-law, sister-in-law, aunt, or uncle.

Procedures:

1. The Personnel Officer, with the cooperation of the department heads, will develop an application form for the purpose of determining the qualifications of applicants seeking employment with the City of Fort Payne.
2. Applicants for regular employment must be at least eighteen (18) years of age, unless stricter legal standards require them to be older (i.e., 19 for firefighters, 21 for police officers).
3. The department head will screen all applications submitted to determine which applicants meet the qualifications of the position for which they are applying. Those applicants who appear to meet the minimum requirements will be placed in the applicant pool for further consideration.
4. Performance examinations may be used to establish the qualifications of candidates and must, by content, be job related.
5. Interviews will be conducted by the department head to whom the occupant of the position reports.
6. The department head will make a determination as to which candidate will receive an offer of employment.
7. The department head will notify the successful candidate, extend an offer of employment contingent upon the approval by the City Council, and confirm acceptance by the candidate.
8. The applicants name will be submitted to the City Council for hire.
9. All positions require the successful completion of a drug screening test according to the Drug and Alcohol Abuse Testing Policy.
10. If the drug screening test results are favorable, the candidate will be instructed by the department head when to report for work.

Employment Applications

Policy:

The City relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentation, falsifications, or material omissions in any of this information or data may result in the City's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

Probationary Period

Policy:

The probationary period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new

position meets their expectations. The City uses this period to evaluate employee capabilities, work habits, and overall performance.

All new, promoted, or rehired employees work on a probationary basis for a minimum of one year (12 months) after their date of hire or promotion. Employees who are promoted or transferred within the City must complete a secondary probationary of the same length with each reassignment to a new position. Any significant absence will automatically extend a probationary period by the length of the absence. A probationary employee may be terminated, or returned to the position from which he/she was promoted or transferred, at any point during the probationary period if his/her job performance is not acceptable, and due course has been followed in training opportunity and evaluation counseling. A probationary period may be extended by the department head for good cause.

In cases of promotions or transfers within the City, an employee who, in the sole judgment of management, is not successful in the new position can be removed from that position at any time during the secondary probationary period. If this occurs, the employee may be allowed to return to his or her former job or to a comparable job for which the employee is qualified, depending on the availability of such positions and the City's needs.

Upon satisfactory completion of the initial probationary period, or one that is extended if necessary, employees enter the "regular full-time" employment classification.

Probationary employees will begin eligibility for all City benefits at the outset of their probationary employment. Benefits eligibility and employment status are not changed during the secondary probationary period that results from a promotion or transfer within the City.

An employee can be moved from the probationary status to regular full-time status only by an affirmative act of the City Council.

Procedures:

New Employee:

1. The department head and/or supervisor will explain to the new employee the purpose of the job, all duties to be performed, and the level of performance expected. The new employee will be notified of his/her probationary status and informed that performance will be evaluated periodically to determine if employment is to be continued,
2. A new employee must be formally evaluated at least twice during the probationary period. (1) at six (6) months into employment, and (2) at 12 months into employment just prior to the normal conclusion of his/her probationary period.
3. The department head and/or supervisor must discuss the results of the evaluation with the employee. If there are deficiencies in performance, the employee must be informed as to the nature of the deficiencies and what must be done to correct the deficiencies. The performance evaluation records will be forwarded to the Personnel Officer and placed in the employee's personnel folder.
4. If at any time during the probationary period an employee's performance has not reached an acceptable level and the employee has been informed of that fact but failed to improve performance, the department head and/or supervisor may

request that the employee be terminated. This request must be in writing and establish the reasons for requesting termination, and include copies of the employee's most recent probationary job performance evaluation reports.

5. Upon approval of the City Council, the Personnel Officer will issue a letter of termination to the employee.
6. An employee terminated from a position while in the probationary period will not be eligible for re-hire in the same position for a period of at least one year.
7. No employee in a probationary status is eligible to bid on another position vacancy.
8. Prior to the expiration of the probationary period, the department head and/or supervisor must conduct a final performance evaluation of the employee. The results of the evaluation will be forwarded to the Personnel Officer for a recommendation to the City Council to retain or to terminate the employee.
9. The Personnel Officer will review the report and forward to the City Council the recommendation of the department head and his/her recommendation.
10. The City Council will review the recommendations and authorize the department head either terminate the employee or to confer regular employee status.
11. The department head will initiate an "Employee Action" form moving the employee to the status of a regular full-time employee or a termination notice and submit same to the Personnel Officer. It is generally in the interest of both the employee and the City of Fort Payne to terminate an employee who has not met the necessary standards of performance as quickly as possible.

Promoted Employee:

1. An employee promoted to a new position other than department head must serve a probationary period of at least twelve (12) months.
2. The employee must have a formal, written performance appraisal at least twice during the probationary period. The immediate department head is responsible for conducting the appraisal.
3. To become a full-time regular employee in the position to which the employee has been promoted, after serving the probationary period, requires an affirmative act of the City Council.
4. The department head will recommend to the City Council that the employee should either be retained or not retained in that position.
5. After approval by the City Council, the department head will prepare a change in status form or a reduction in rank notice to be sent to the Personnel Officer.
6. An employee may elect at any time during the probationary period to return to the former position provided the position is still vacant.

Performance Evaluation

Policy:

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis.

This period, known as the “Probationary Period”, allows the supervisor and the employee to discuss the job responsibilities, standards, and performance requirements of the new position.

Additional formal performance reviews may be conducted under individual departmental policy to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

SECTION III - LEAVE

Leave: Administrative Without Pay

Policy:

Administrative leave may be granted for a period of up to six (6) months every five (5) years. With the supervisor's approval, an employee may take any available sick leave or vacation leave as part of the approved period of leave.

Requests for administrative leave will be evaluated based on a number of factors, including anticipated work load requirements and staffing considerations during the proposed period of absence.

When an administrative leave ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified. However, the City cannot guarantee reinstatement in all cases.

If an employee fails to report to work promptly at the expiration of the approved leave period, the City will assume the employee has resigned.

Administrative leave is an unpaid leave that may be granted to preserve the employment status where:

- An employee has exhausted sick and vacation time, but is unable to return to work because of illness or temporary disability.
- An employee's vacation, or sick leave is exhausted, but temporary medical disability arising from complications related to pregnancy and childbirth prevents the employee from returning to work
- An employee, who due to serious illness of a child or other member of immediate family, must provide personal care, and all accrued vacation and sick leave is exhausted.
- Temporary discontinuance of employment may relieve a hardship to the employee or immediate family.
- An employee wishes to return to school to complete a degree from an accredited institution of higher education or vocational training.

In general, administrative leave is a privilege and in no instance will such leave be granted automatically, but must be requested by the employee. Absence due to illness or temporary disability arising out of a job related injury covered under Alabama Workers Compensation Law is not eligible for consideration under this policy.

It is assumed that the employee will return to work when the conditions necessitating the leave permit. Since the employee retains reinstatement rights to his previous position, careful consideration must be given to such requests before granting them. No administrative leave shall be granted for a period exceeding six (6) months.

Health Insurance benefits may be extended to the employee and family at the prevailing current level at the discretion of the City Council if the reason for granting administrative leave is based upon extended illness and no other.

Vacation leave, sick leave, and holiday benefits will not accrue during the approved administrative leave period.

Procedures:

1. The employee must request administrative leave from the department head in writing at least fifteen (15) days in advance when possible. The request must provide sufficient details to explain the circumstances necessitating the leave.
2. The department head and the Personnel Officer will review the request.
3. Any request for administrative leave will be reviewed by the Personnel Officer and forwarded to the City Council with a recommendation. The City Council will make the final decision, and inform the Personnel Officer.
4. In considering a request of administrative leave for medical reasons, the employee shall be required to provide a medical statement as to the nature of the illness and when, in the physician's opinion, the employee will be able to return to work. Such information, when provided, will be held in the strictest confidence, and only those who have a need to know will have access to such information.
5. An employee on administrative leave for medical reasons may be required periodically to provide a doctor's statement concerning his/her fitness to return to work.
6. If the employee is unable to return to work for medical reasons upon the expiration of the administrative leave, the leave may be extended provided it would not exceed the maximum of six (6) months as stipulated by this policy. An extension is not automatic, and it must be submitted in writing through the Personnel Officer to the City Council for approval.
7. In the event an employee fails to report for work upon expiration of the administrative leave, the employee shall be deemed to have voluntarily resigned, and will forfeit his right to reinstatement.

Leave: Application Form

Procedures:

1. All requests for must be made on a leave request form specifying the type of leave, the period of time requested, signed by the employee.
2. Vacation Leave: At beginning of the calendar year, departmental employees shall begin making their requests for selection of dates to take their required consecutive shifts off. Other subsequent leave requests must be based on a two (2) hour minimum time off. All requests will be reviewed by the department head, and approved based on priority given to (1) coordination of work and supervisory loads, (2) date of receipt, and (3) seniority, if received on the same date.
3. After full consideration for the leave request and type of leave, the Department Head shall indicate his decision by signature, unless aspects of the leave request are governed by other leave policy sections.
4. Completed forms are then submitted to the Personnel Officer, and included in the employee's personnel file.

Leave: Compensatory Time

Policy:

The **Fair Labor Standards Act (29 U.S.C. § 207 (o))** provides an element of flexibility for state and local employers and choice for their employees regarding compensation for statutory overtime hours. The law authorizes a public agency to provide compensatory time off in lieu of monetary overtime compensation, at a rate of not less than one and one-half (1½) hours of compensatory time for each hour of overtime worked. The calculation used is the same as that generally used for calculating monetary overtime (**29 C.F.R. § 553.20**). Only state and local governments may use compensatory time; private employers are not eligible and must pay overtime.

Procedure:

On April 23, 2013 the City passed a resolution stating that it no longer provides compensatory time. Any compensatory time acquired before that date remains available to that employee under the same rules that were in place at the time of accrual of the compensatory time. Any employee wishing to use his/her compensatory time must follow the same requests for approval as set forth above under the section "Leave: Application Form".

Leave: Education and Training

Policy:

The City of Fort Payne recognizes the need for regular full-time employees to continuously upgrade existing skills, meet education and training required to maintain certification where certification is necessary to retain a position, or in the case of new employees, or newly promoted employees, to meet the minimum requirements of the job. In recognition of this need, a regular full-time employee may be granted leave with pay for these purposes:

- Improving existing skills directly related to the performance of his/her current job.
- Maintain existing certification if certification is a requirement for the job the employee presently performs.
- Training necessary to new employees or newly promoted employees to meet minimum performance requirements of the job.

Subject to the terms, conditions, and limitations of the applicable plans, the City will continue to provide health insurance benefits for the full period of the approved educational leave.

Vacation, sick leave, and holiday benefits will continue to accrue during the approved educational leave.

Procedures:

1. Employees may request education/training leave in writing if such leave is consistent with the intent of this policy. The request must include reasons for training.
2. Department Heads will review all requests for educational leave and, if appropriate, will recommend to the Personnel Officer the granting of such leave.

3. The Personnel Officer has the authority to approve leaves for education/training consistent with this policy for periods up to 240 regular standard work hours (six weeks), or the equivalent thereof.
4. If leave time will exceed 240 regular work hours, or the equivalent thereof, the Mayor must approve such application. If the Mayor is serving as the Personnel Officer, the Mayor retains the authority to approve applications for leave time exceeding 240 regular work hours, or the equivalent thereof.
5. In instances where education/training is a condition of retaining certification, the department head may schedule the employee for attendance at required courses. Refusal of the employee to attend scheduled training constitutes insubordination and will result in disciplinary action up to and including termination.
6. When training is necessary to meet minimum performance requirements, the department head will determine training needed and schedule such training. Failure of the employee to attend scheduled training will constitute insubordination and will result in disciplinary action up to and including termination.
7. Failure to complete or pass any required training program may result in immediate termination. Failure to complete and pass a non-required course may result in reimbursement by the employee to the City of any expenses paid in his/her behalf, or in disciplinary action.
8. Department heads will be responsible for assessing the performance of all employees on education/training leave and for keeping the Mayor informed as to progress if determined to be unsatisfactory.
9. If disciplinary action becomes necessary, the department head will initiate such action as may be required in conformance with the employee discipline policy.

Leave: Family and Medical Leave Act

Policy:

In compliance with the *Family and Medical Leave Act (FMLA)*, which became effective August 5, 1993, the City of Fort Payne provides family and leaves of absence without pay to eligible employees who wish to take time off from work duties to fulfill family obligations relating directly to childbirth, adoption, or placement of a foster child; to care for a child, spouse, or parent with a serious health condition; for a serious health condition that makes the employee unable to perform the essential functions of his/her job; for any qualifying exigency arising out of the fact that a spouse, child, or parent is a military member on covered active duty or notified of an impending call or order to covered active duty; or to care for a covered service member with a serious injury or illness if the employee is the spouse, child, parent, or next of kin of the service member. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.

Employees who have worked for the City for at least twelve (12) months and have at least 1,250 work hours during the twelve (12) month period immediately preceding the leave are eligible for leave under the FMLA.

Eligible employees should make requests for family leave to their supervisors at least thirty (30) days in advance of foreseeable events and as soon as possible and practical for unforeseeable events.

Employees requesting family leave related to the serious health condition of a child, spouse, or parent may be required to submit a health care provider's certification verifying the need for a family leave to provide care, and its expected beginning and ending dates, and the estimated time required. The employee is responsible for the cost of the certification and the certification must be provided within fifteen (15) calendar days of request by the City of Fort Payne.

If medical leave is due the employee's own serious health condition, the employee must submit a health care provider's certification verifying the need for medical care and its expected beginning and ending dates. The employee may be required to submit second or third medical opinions (at the City of Fort Payne's expense) and periodic re-certification of the serious health condition.

Employees returning from medical leave must submit a health care provider's verification of their fitness to return to work.

Eligible employees may request up to ***a maximum of twelve (12) work weeks of family leave within any twelve (12) month period.*** Any combination of family leave and medical leave may not exceed this maximum limit. If this initial period of absence proves insufficient, consideration will be given to a written request for a single extension of no more than thirty (30) calendar days. Employees will be required to first use any accrued paid leave time before taking unpaid family leave.

Typically, an eligible employee is entitled to twelve (12) weeks of leave under the Family and Medical Leave Act (FMLA) for a qualifying reason. However, when a husband and wife are employed by the same employer (the City), FMLA is limited to a combined total of twelve (12) weeks in a twelve (12) month period when the leave is taken for the following reasons:

- The birth, adoption, or foster care placement of a child
- To care for the employee's parent with a serious health condition

If leave is taken for other reasons, such as the employee's own serious health condition or to care for a child with a serious health condition, the husband and wife can each use up to twelve (12) weeks of leave individually. When the husband and wife both use a portion of the total twelve (12) week FMLA leave entitlement for the birth of a child, placement for adoption or foster care, or to take care for a parent, the husband and wife would each be entitled to the difference between the amount he or she has taken individually and twelve (12) weeks of FMLA leave for other purposes. For example, if each spouse took six (6) weeks of leave to care for a parent, each could use an additional six (6) weeks due to his or her own serious health condition or to care for a child with a serious health condition (FMLA Regulation 825.201).

Eligible employees may request up to a maximum of twenty-six (26) workweeks of leave within a single twelve (12) month period to care for a covered service member with a serious injury or illness, when the employee is the spouse, child, parent, or next of kin of the service member.

Employees who sustain work related injuries are eligible for a medical leave of absence for the period of disability in accordance with all applicable laws covering occupational disabilities.

Subject to the terms, conditions, and limitations of the applicable plans, the City of Fort Payne will continue to provide health insurance benefits for the full period of the approved FMLA leave.

Benefit accruals, such as vacation, sick leave, and holiday benefits, will be suspended during the leave and will resume upon return to active employment. All benefits accrued prior to the period of FMLA leave will be restored upon return from leave.

An employee must first use any accrued paid vacation, sick leave, and compensatory time before using unpaid FMLA leave.

So that an employee's return to work can be properly scheduled, an employee on family leave is requested to provide the department head with at least two (2) weeks advance notice of the date the employee intends to return to work. When FMLA leave ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified.

If an employee does not intend to return to work at the end of his or her leave, he or she should inform the department head of his or her decision in writing.

If an employee fails to report to work promptly at the end of the approved leave period, the City of Fort Payne will assume that the employee has resigned.

Leave: Jury Duty

Policy:

The City of Fort Payne recognizes the significance of this important civic responsibility and encourages all employees summoned to jury duty to serve. The City feels strongly that no employee should suffer economic hardship as a result of discharging his/her civic duty. Therefore, any employee summoned for jury duty will be granted leave with pay while serving on a jury.

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Of course, employees are expected to report for work whenever the court schedule permits.

The employee must inform the department head when released from jury duty and report to work as directed by the department head. Failure of the employee to report availability for work or to report as directed will result in disciplinary action up to and including termination.

The employee shall be allowed to keep any court pay for jury service, in addition to full pay as an employee of the City.

Either the City or the Employee may request an excuse from jury duty from court authorities if, in the City's judgment, the employee's absence would create serious operational difficulties.

The City will continue to provide health insurance benefits for the full term of the jury duty absence.

Vacation, sick leave, and holiday benefits will continue to accrue during jury duty leave.

Procedures:

1. An employee summoned for jury duty should advise the department head upon notification to appear.
2. The department head shall determine the impact of absence on the department and make necessary plans to provide for the continued operation of the department. Should overtime be required of other employees during the absence of the summoned employee, the employees that may be affected should be advised.
3. Upon return to work, the employee must furnish proof of time served. Such proof shall provide the time and date of the start and completion of jury duty.
4. The department head shall determine the appropriate amount of time to be charged to jury duty leave and notify the Personnel Officer.

Leave: Military

Policy:

It is the policy of the City of Fort Payne to grant leaves of absence without pay to regular full-time employees who enlist, are drafted, or are recalled to active duty in the Armed Forces of the United States. Employees who are active members of the Alabama National Guard, Naval Militia, the Alabama State Guard organized in lieu of the National Guard, the civilian auxiliary of the United States Air Force known as the Civil Air Patrol, the National Disaster Medical System, or of any other reserve component of the uniformed services of the United States are entitled to a military leave of absence pursuant to ***Section 31-2-13(a) Code of Alabama, 1975.***

Also, the Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. § 4311 et. Seq.) governs aspects of military leave for those persons who are called into active duty.

Under state law, employees are entitled to a leave of absence on all days that they are engaged in field or coast defense or other training or on other service ordered under the National Defense Act, the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, or of the federal laws governing the United States without loss of pay, time, efficiency rating, annual vacation, or sick leave. However, no person granted a leave of absence shall be paid more than 168 working hours per calendar year or at any one time when called by the Governor to duty in the active service of the state, unless otherwise required by law.

Employees on leave for active duty, active training assignments, or inactive duty training drills for a period of less than thirty-one (31) days are required to return to work for the first regularly scheduled shift after the end of training, allowing reasonable travel time. Employees on longer military leave must apply for re-employment in accordance with all applicable state and federal laws.

Employees entering the military service or serving as reservists or national guardsmen will be permitted to return to employment with all seniority, status, and pay as they would have enjoyed if they had not been absent, pursuant to the following conditions:

- The leave of absence must have been for service in the uniformed services.

- Advanced notice of the leave must have been provided, unless such notice was impossible or unreasonable.
- The cumulative leave of absence and all previous military leaves of absence is not greater than five (5) years, subject to certain exceptions.
- Employee must satisfactorily complete the period of active duty, be honorably discharged from duty, or other not disqualifying discharge, and furnish proof to that effect.
- Application for return to active status must be made within ninety (90) days after release from active duty.

Employees entering active military service will not accrue sick leave, vacation time, or retirement credits. The employee may elect to remain on the City of Fort Payne's health insurance plan for up to twenty-four (24) months while in the military, but may be required to pay the cost of this coverage. The employee will be immediately reinstated to the City of Fort Payne's health insurance plan upon re-employment, subject to any waiting period required for service related illness or injury. This provision does not apply to National Guard or reserve personnel when attending summer camps or annual training periods.

Procedures:

1. Employees enlisting in military service shall notify their department head of intentions and date of departure.
2. National Guard and reserve personnel should inform their department head four (4) weeks in advance of the date ordered to report for summer encampment or training, if they have knowledge.
3. Department heads will review staffing requirements to cover needs for the duration of military leave. Requests for temporary personnel or replacement will be forwarded to the Personnel Officer immediately upon determining need. The Personnel Officer shall review the request and, in cooperation with the department head, will initiate recruitment activities as needed.

Leave: Religious Observance

Policy:

The City of Fort Payne recognizes the needs of employees to participate in special religious events. The City will make reasonable accommodation to meet these needs, and will grant unpaid leave to the employee when possible. The employee may substitute a paid holiday, subject to the provisions of the policy on holidays, for religious observance leave.

Procedure:

1. The employee must request leave for religious observance from the department head at least five (5) days in advance in writing.
2. The department head will determine if the request can be granted based on maintaining continuity of operations in a safe and efficient manner.
3. The department head will forward a recommendation for approval or denial to the Personnel Officer, including reasons for the recommendation.

4. The Personnel Officer shall determine if is to be approved or denied, and inform the department head of the decision.
5. The department head will inform the employee of the decision. If the request is approved, the department head will take steps to assure necessary staffing requirements.

Leave: Sick

Policy:

The City provides paid sick leave benefits to all regular full-time employees for periods of temporary absence due to personal illnesses or injuries, or injury or death of family members or other significant persons as defined. Such leave cannot be taken at the discretion of the employee, but must be approved by the supervisor.

Eligible employees will accrue sick benefits at the rate specified by category in the accompanying schedule attached hereto as Exhibit A, in its present form and as hereinafter amended. ***Sick leave benefits shall not be accrued while the employee is out on sick leave.***

Paid sick leave can be used in minimum increments of two (2) hours.

Procedures:

1. Employees who are unable to report to work due to illness or injury should notify their direct supervisor before the start of the workday, if possible. The direct supervisor must also be contacted on each additional day of absence.
2. If an employee is absent for three (3) or more consecutive workdays due to illness or injury, a physician's statement must be provided verifying the nature of the illness or injury and its beginning and expected ending dates. Such verification may be requested for other sick leave absences as well, and may be required as a condition to receiving sick leave benefits.
3. When serious illness or death occurs within the employee's immediate family, or that of his/her spouse, upon verification of authenticity, a supervisor may recommend that he/she be allowed to use his/her sick leave for the related absence. "Immediate family" is defined as: spouse, child, parent, brother, sister, grandparent, grandchild, aunt, uncle, and step-relationships of the same degree.
4. Sick leave may also be granted to an employee, upon petition to his supervisor, for the serious illness or death of a person outside the relationships listed in paragraph 3 above if it is deemed to be one of unique closeness and causing abnormal emotional duress upon the worker. This relationship must bear a stronger relativity than simple friendship.
5. Sick leave benefits will be calculated based on the employee's base pay rate at the time of the absence.
6. Once the employee's sick leave time is used up, the absences will be charged against vacation time.
7. Once the employee's vacation time has been used up, the worker may, upon approval by his supervisor and the Personnel Officer, be placed on leave without pay, keeping all normal benefits until it is determined that he will not return to the job for which he was hired.

8. Under no circumstances will leave without pay, but carrying benefits, be extended for longer than sixty (60) calendar days from the expiration of the employee's accrued sick and vacation leave.
9. As an additional condition of eligibility for sick leave benefits, an employee on an extended absence must apply for any other available compensation and benefits, such as workers compensation, if applicable.
10. When an accident occurs on the job causing injury to the employee and requiring his absence, the first three (3) consecutive days of absence are borne by the employee. After that initial period the employee. After that initial period the employee may do one of the following:
 - a) Take workers compensation leave granted him administratively and not charged against his accrued vacation or sick leave. Under this option he will be placed on leave without regular pay and will only receive compensation from the workers compensation fund at its normal weekly rate, but he will maintain all other normal benefits;
 - or
 - b) Take accrued sick and/or vacation during leave during the absence. Under this option the employee will receive their normal pay from the City, but must return and surrender any workers compensation pay to the City Treasurer as an offset against his pay. Once all accrued sick and/or vacation leave is used, the employee will no longer receive pay from the City and the employee's only compensation will be from the workers compensation fund.
11. Each new employee shall receive six (6) total sick leave shifts upon employment as a probationary full-time employee. The employee shall not accrue any more sick leave until the employee has been employed for six (6) months at which time the employee shall begin accruing sick leave in accordance with the policy set forth in Exhibit A attached hereto, in its present form and as hereinafter amended. Such leave shall not be granted to temporary, part-time, or contractual employees.
12. The accrual rate for sick leave shall be $\frac{1}{2}$ shift per pay period. The employee must work the majority of the pay period in order to accrue the $\frac{1}{2}$ shift of leave.
13. No sick leave shall be accrued through overtime hours.
14. An employee cannot be paid for accrued sick leave.
15. If an employee transfers from one employment classification to another, the employee's accumulated leave hours will be converted to his new classification rate.
16. A sick "day" is equal to one shift.
17. Any donation of sick time from one employee to another is to be considered a shift for a shift. For example, if a fireman donates one of his/her twenty-four (24) shifts to a public works employee who works an eight (8) hour shift, the fireman's sick time will be reduced by twenty-four (24) hours and the public works employee's sick time will be credited with eight (8) hours. If the scenario is reversed, the same holds true and the public works employee's sick time would be reduced by eight (8) hours and the fireman's sick time would be credited with twenty-four (24) hours.

Leave: Vacation

Policy:

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Probationary regular and regular full-time employees are eligible to earn and use vacation time.

Procedures:

1. Vacation will be awarded on January 1st of each year in the increments listed in Exhibit A and be called "current vacation time". The amount of vacation that will be awarded annually on January 1st for time to take off is in the column labeled "Value Awarded". Vacation time cannot be used and has no cash value during an employee's probationary period.
2. Unused current vacation time cannot be carried forward to the next calendar year. Any unused current vacation time will be paid on the last paycheck of the calendar year at the employee's rate of pay at the time the vacation was awarded. Hourly total to be paid is in the column labeled "Cashed in Value".
3. Any vacation time an employee had accumulated prior to August 20, 2013 is hereinafter referred to as "banked time". The "banked time" will be maintained in a separate account and its value capped at the employee's rate of pay as of the date of August 20, 2013, the date the Council passed Resolution No. 2013-08 pertaining to overtime pay, holiday pay, vacation accrual and pay out, leave request, and sick time.
4. The maximum amount of "banked time" an employee can request to cash in at any one time in the calendar year is two (2) weeks, based on that particular employee's defined work week hours. This will be allowed only two (2) times per calendar year and the vacation cashed in will be deducted from the employee's "banked time" totals.
5. Paid vacation time can be used in minimum increments of two (2) hours.
6. To take vacation time, employees must request advance approval from their supervisors. Requests will be reviewed and granted based on a number of factors, including the City needs and staffing requirements.

Leave: Voting

Policy:

The City encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their non-working hours, the City will grant up to one (1) hour of paid time off to vote.

Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule.

Act No. 2006-545 of the Alabama Legislature provides as follows:

Each employee in the state shall, upon reasonable notice to his/her employer, be permitted by his/her employer to take necessary time off from his/her employment to vote in any

municipal, county, state, or federal political party primary or election for which the employee is qualified and registered to vote on the day on which the primary or election is held.

The necessary time off shall not exceed one (1) hour and if the hours of work of the employee commence at least two (2) hours after the opening of the polls or end at least one (1) hour prior to the closing of the polls, then the time off for voting as provided in this section shall not be available.

The employer may specify the hours during which the employee may be absent as provided in this section.

Leave: Witness Duty

Policy:

The City encourages employees to appear in court for witness duty when subpoenaed to do so.

If employees have been subpoenaed as witnesses by the City in a legal action against the City, they will receive paid time off for the entire period of witness duty.

Employees will be granted a maximum of eight (8) hours of paid time off to appear in court as a witness at the request of a party other than the City. Employees will be paid at their base rate and are free, subject to workload scheduling by the supervisor, to use any remaining vacation leave benefits to receive compensation for any period of witness duty absence that would otherwise be unpaid.

The subpoena should be shown to the employee's supervisor immediately after it is received so that operating requirements can be adjusted, where necessary, to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

SECTION IV-EMPLOYEE CONDUCT

Employee Conduct Policy

Policy:

It is the duty of all employees to comply with all rules and regulations established by the City of Fort Payne and to conduct themselves at all times in a professional manner. Failure of any employee to meet this obligation will result in disciplinary action. No employee will be subject to discipline except for violations of established rules and regulations. Should disciplinary action necessary, such action will be in accordance with established procedures to insure fair and equitable treatment. The expressed purpose of disciplinary action will be to encourage the correction of misconduct and to discourage any future misconduct.

It is the duty of every supervisor to monitor employee performance and job related behavior. Reasonable attempts should be made to correct any problems before they become serious enough to necessitate formal disciplinary action.

Supervisors Ability to Relieve Employee: If, in the opinion of the supervisor, the employee's conduct violation is of a serious nature and jeopardizes the safety of that employee or others about him/her, or constitutes insubordination to the degree that a supervisor's ability to direct the safe and consistent work program of other employees is detrimentally impaired, the supervisor may direct the violating employee to leave the work place until the matter can be addressed through grievance or disciplinary procedures. The violating employee shall be placed on leave with pay and benefits until a fair and equitable resolution of the controversy can be accomplished (See the sections on employee discipline and grievance).

Grounds for Disciplinary Action: It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment.

The following are grounds for disciplinary action for all employees. Additional grounds may be specified by departments and may apply only to that department and its employees. The additional rules and regulations, where necessary to promote an efficient and harmonious working relationship, must be reviewed by the Personnel Officer for compliance with applicable Federal and State laws.

Attendance Problems:

1. Unexcused or excessive tardiness
2. Excessive absenteeism
3. Unexcused absenteeism
4. Leaving work without permission
5. Failure to notify supervisor when not reporting to work as scheduled

Performance and Production:

1. Failure to attain quality and quantity standards
2. Failure to maintain quality and quantity standards
3. Refusal to work overtime
4. Failure to follow safety procedures

5. Discourtesy to the public or to co-workers
6. Refusal to obey an order or accept an assignment
7. Failure to report accidents and/or injuries
8. Outside work/moonlighting which interferes with job performance or represents a conflict of interest
9. Failure to maintain required licenses or certifications

Honesty:

1. Using City time and/or resources for personal gain
2. Conviction of a felony or other crime involving moral turpitude
3. Employee falsifying his/her time card or another employee's time card
4. Computer fraud
5. Unauthorized release of confidential information
6. Falsification and/or omission of information required by the City
7. Theft of another employee's property
8. Misappropriation, destruction, theft, or conversion of public property
9. Improper or excessive use of telephones to conduct personal business
10. Misrepresentation of facts

Behavior Problems:

1. Violation of established departmental policies and procedures
2. Horseplay on the job
3. Fighting on the job
4. Willful or negligent act resulting in damage to City property
5. Smoking where/when prohibited
6. Unauthorized absence from the assigned work area
7. Sleeping on the job
8. Gambling on the job
9. Harassment of another person because of sex, race, age, or handicap
10. Using threatening and/or abusive language to a supervisor, another employee, or a member of the public
11. Reporting to work under the influence of alcohol or illegal non-prescription drugs
12. Possession or use of illegal non-prescription drugs while on the job
13. Possession of an unauthorized weapon
14. Verbal or physical harassment of another employee
15. Repeated convictions of misdemeanor and/or traffic violations which affect the employee's ability to perform his/her job
16. Insubordination (Not submissive to authority)

Dress Code:

1. Employees are expected at all times to present a professional, business-like image. All employees are expected to dress appropriately for work. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted. Since it is impossible to describe all standards for personal appearance and hygiene, the personal appearance and hygiene standards below are not intended to be exhaustive, but to include some of the more clear-cut examples.
2. Office workers and any employees who have regular contact with the public must comply with the following personal appearance standards:

- a. Employees are expected to dress in a manner that is normally acceptable in similar business establishments. Employees should not wear suggestive or revealing attire, athletic clothing, shorts, T-shirts, novelty buttons, and similar items of casual attire that do not present a business like appearance.
 - b. Hair should be clean, combed, neatly trimmed and arranged
 - c. Sideburn, moustaches, and beards should be neatly trimmed.
 - d. Employees shall not add visible tattoos or body piercings after initial employment.
3. Certain employees may be required to meet special dress, grooming, and hygiene standards, such as wearing uniforms, depending on the nature of their job
 4. Any employee who does not meet the standards of the City's dress code will be required to take corrective action, including but not limited to, being required to leave work to change clothes.

Discipline: Warning, Suspension, and Termination

Policy:

The purpose of disciplinary action is to correct unacceptable employee behavior. The administration of discipline should be fair, just, and consistent throughout all departments. Progressive discipline procedures should be followed, unless special conditions warrant.

Procedures:

Whenever an employee violates an established rule or regulation, the supervisor may begin disciplinary action at any of the steps listed below. The starting point is determined by the seriousness of the infraction.

1. ***Verbal Consultation:*** For minor offenses the employee should be given a verbal warning or consultation using the following guidelines:
 - a. The supervisor will talk with the employee in private, but with a witness present, identifying the behavior that is unacceptable and explaining the need for change. Warning may be given stating that future misconduct will result in additional disciplinary action, up to and including discharge.
 - b. The supervisor will prepare a memorandum for the record about the meeting including pertinent information such as date, time, place and the nature of the violation discussed. The employee will review the written summary and acknowledge its accuracy by attesting with his or her signature. The employee will receive a copy of the meeting report, and a copy will be placed in the employee's personnel file.
 - c. If the employee refuses to sign the meeting report, he/she will be afforded an opportunity to write a statement on the report indicating what his disagreement is with the report. Refusal to either sign the report or to write any disagreement with the report will constitute a separate disciplinary action.
2. ***Written Warning:*** Given the nature of the violation and the employee's past record, a written warning may be given.

- a. If there is reason to believe there has been a serious violation of established rules or regulations, the supervisor will investigate, determine the facts related to the misconduct, and inform the employee of the intent to administer disciplinary action. The supervisor will set a specific time for discussion of the incident, and the employee will be given the opportunity to have a third party present.
 - b. The supervisor will have prepared a written statement at the time of the discussion setting out the charges of misconduct, including what occurred, when it occurred, and specific rules or regulations violated. A copy of the charges will be given to the employee. At this time the employee has the right to present his/her version of what happened. If the supervisor is satisfied that the alleged misconduct did not occur, the proceedings will stop and no record will be made of the meeting.
 - c. If the supervisor believes the alleged violation did occur, the employee will be informed and be asked to sign the written statement of charges to verify that it has been discussed. Failure of the employee to sign the statement does not invalidate the statement. The supervisor will note the employee's refusal to sign on the form and provide the employee with a copy. Copies will be forwarded to the department head and the Personnel Officer to be placed in the employee's personnel file. If the written warning is related to a violation for which a verbal warning has been previously issued, a reference to the verbal warning should be included in the written charges giving the date, time, and place of the verbal warning.
- 3. *Suspension:*** If the misconduct is serious, or if a second offense occurs for which a written warning has been issued during the past twelve (12) months, the employee may be suspended from work without pay, but with continuation of benefits, for a period of up to thirty (30) calendar days, depending on the seriousness of the offense.
- a. The supervisor and department head will investigate the alleged violation and review the employee's past records. If a suspension is warranted, the supervisor and department head will notify the Personnel Officer, who in turn will issue a notice to the employee containing the charges, and the time and date for a hearing. The employee will have a right to have a third party of his/her choosing present at the hearing, including an attorney. However, this will be considered an administrative hearing and strict rules of evidence will not apply. This hearing should take place as soon as reasonably possible, and should not be more than thirty (30) calendar days from the date of the alleged violation.
 - b. The employee may refuse to exercise his/her right to a hearing. Such refusal must be in writing and must acknowledge having been advised of the alleged violation, the length of the suspension proposed, and the beginning and ending date of the suspension. Failure of the employee to appear at the scheduled hearing will be deemed as having waived the right to a hearing.
 - c. The Personnel Officer will be present, and will conduct the hearing and preside. The Personnel Officer will preserve order and determine the appropriate sequence of testimony and evidentiary presentations. Charges will be read and investigation results will be presented by the supervisor and department head, and the employee will be allowed to speak and present any materials relevant to the charges. At the conclusion of the hearing, the Personnel Officer will review the statements and materials presented and address all issues raised by the employee. The Personnel

Officer will review the supervisor and department head's original recommendation and decide to approve the original recommended suspension time, or increase or decrease the recommended suspension time, or reduce the suspension to a written reprimand. If suspension is determined to be appropriate, the department head and the Personnel officer will recommend to the City Council the length of the proposed suspension, the starting and ending dates. If there is a difference of opinion between the final recommendations of the supervisor and department head and the Personnel Officer, this will be noted on the report to the City Council.

- d. Documents pertinent to the case will be included in the written report to the City Council. The Personnel Officer will, at all times, have the responsibility to assure that consistent disciplinary procedures are followed and the employee's right to a fair and impartial hearing is preserved.
 - e. Upon reviewing the report from the Personnel Officer, the City Council may approve or disapprove the recommended action, or may conduct their own hearing into the matter. The City Council will notify the Personnel Officer of its decision, and he will notify the employee in writing. A record of the disciplinary action will become a permanent part of the personnel file of the employee. If, at any stage of disciplinary action, it is determined that the action is unwarranted, the complaint may be dismissed and no mention of the alleged violation will appear in the employee's personnel file. If suspended, unjustified failure of the employee to return to work at the time and date designated by the disciplinary action will be cause for automatic termination.
4. **Termination:** If a third offense occurs within a year of the first written offense, or if the offense is similar in nature to one resulting in a suspension, or the offense is so grievous as to warrant discharge, the employee will be suspended, with pay, pending a hearing.
- a. The supervisor and department head will initiate action recommending termination of the employee by reporting to the Personnel Officer the alleged violation of rules and regulations. Such charges will be in writing, specifying the rule or regulation violated, the time, date, and place of the alleged violation, and the names of any witnesses to the alleged violation.
 - b. The Personnel Officer will notify the employee of the charges, the nature of the alleged violation, and that termination may be the result of the hearing. A written notification will be presented to the employee for signature acknowledging notification of the charge(s); or if the employee is unavailable, such notice shall be mailed by registered mail, return receipt requested, to the last known address of the employee. Included with the notification of charges will be a notification of the hearing date, time, and place, before the City Council and a statement advising the employee of the right to have a third party present at the hearing. Such hearing must be within thirty (30) calendar days of the alleged violation. In the case of notification by registered mail, the date of notification will be deemed to be the date the notice was mailed.
 - c. At the hearing conducted by the City Council, the employee will have the right to challenge and cross-examine any witness and to examine all documents introduced in the hearing. The City Council will render a decision at the conclusion of the hearing. The decision may be to terminate, or reduce the disciplinary action to some lesser

penalty, or not to discipline at all. The employee will receive a written copy of the decision.

- d. If the City Council renders a decision to terminate, the action is immediate and final. A record will be placed in the employee's personnel file by the Personnel Officer. The payroll department will be notified immediately to insure that all city property in the employee's possession is returned or accounted for, and make deductions for any items not returned or accounted for, and see that final payment is made to the employee. The department head will make sure all personal belongings are returned to the employee. If the City Council decides not to terminate, but to reduce the penalty to suspension or a lesser disciplinary action, a record of the proceedings and decision will be entered into the employee's personnel file. If the City Council dismisses the charges, no record of the proceedings will be placed in the employee's personnel file and the employee, if on suspension, will be returned to his/her position without penalty.

Grievances by Employees

Policy:

A grievance is an employee's statement that his/her supervisor, department head or superior is improperly or periodically applying, or failing to apply, the personnel rules, regulations and/or procedures. Any employee who feels that he/she has not received fair and equitable treatment with respect to any condition arising out of the employment relationship not previously heard by the City Council is entitled and encouraged to bring such action to the attention of management. All employee grievances will be given prompt and serious consideration. No employee will be disciplined or discriminated against in any way because of the exercise of his/her right to use the grievance procedure. The grievance policy of the City of Fort Payne shall not exclude the employee's rights to due process under the law. The grievance procedure shall not be used to resolve differences between or among employees of equal rank.

Procedure:

1. ***Immediate Supervisor:*** An employee must submit his/her grievance to the immediate supervisor in writing. The supervisor will attempt to resolve the grievance. A written summary of the employee's grievance and the supervisor's response will be prepared by the supervisor and reviewed with the employee within fourteen (14) calendar days. The supervisor and the employee will both attest to the accuracy and/or intent of their statements on the report by signing upon its review. They may note on the form any differences of interpretation each may have. If upon review the employee's grievance has not been satisfactorily resolved, the employee may file a written appeal with the department head within fourteen (14) calendar days.
2. ***Department Head:*** Upon appeal to this level, the department head must thoroughly investigate the grievance, and provide a written statement of the findings and action taken within fourteen (14) calendar days of the employee's notice of appeal to the department head. The department head and the employee shall jointly review the findings, and attest to the accuracy and/or intent of their statements on the report by signing in the appropriate location on the form. They may note on the form any differences of interpretations each may

have. If the grievance is still not resolved, the employee may file a written appeal with the Personnel Officer within fourteen (14) calendar days.

3. **Personnel Officer:** Upon appeal to this level, the Personnel Officer will review the records of the previous steps, and within fourteen (14) calendar days render a decision in writing. It is the Personnel Officer's responsibility to verify that correct procedure has been followed and that the response is consistent with established policy and past practice. If the employee is not satisfied with the Personnel Officer's response he/she may request an appeal to the City Council for a final reconsideration of the facts before that body. The appeal must be in writing and be submitted to the Council within fourteen (14) days.
4. **City Council:** Upon receipt and acknowledgement of the appeal, a hearing must be conducted within twenty-One (21) calendar days of the receipt of the request for appeal. After the appeal hearing, the City Council will make a final decision. This decision the City Council renders will be final.
5. Nothing in this policy shall be construed to exclude the right of the employee to seek recourse from wrongful action through civil process in a court of law.

Harassment & Discrimination

Policy:

The City is committed to providing a work environment that is free of discrimination and unlawful harassment. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion towards an individual because of his/her race, color, religion, sex, sexual orientation, national origin, age, disability, marital status, citizenship, or any other characteristic protected by law and that:

- a) Has the purpose or effect of creating an intimidating, hostile, or offensive work environment
- b) Has the purpose or effect of unreasonably interfering with an individual's work performance
- c) Otherwise adversely affects an individual's employment opportunities

Harassing conduct includes, but is not limited to the following: epithets; slurs or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the City's premises or circulated in the workplace.

These policies apply to all applicants and employees, whether related to conduct engaged by fellow employees or someone not directly connected to the City. Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace.

The City encourages reporting of all perceived incidents of discrimination, harassment, or retaliation, regardless of the offender's identity or position. Employees can raise concerns and make reports without fear of reprisal.

Procedure:

1. Any employee who wants to report an incident of harassment should promptly report the matter to his/her supervisor. If the supervisor is unavailable or the employee believes it

would be inappropriate to contact that person, the employee should immediately contact the Personnel Officer.

2. Any supervisor or manager who becomes aware of possible harassment should promptly advise the Personnel Officer, who will handle the matter in a prompt and confidential manner.
3. The Personnel Officer may discuss the allegations with the offending individual, other witnesses to the alleged conduct, or other individual who may have knowledge of the situation.
4. At the conclusion of the Personnel Officer's investigation, if it is determined that the alleged harassment has occurred, the responsive action may include: training, referral to counseling, and/or disciplinary action up to and including termination of employment.
5. All incidents of harassment and discrimination will be thoroughly investigated.
6. There shall be no retaliation against any individual for reporting harassment or discrimination or for participating in a claim of harassment or discrimination. Any retaliation is also considered a violation of this policy and will subject to disciplinary action up to and including termination.

Sexual Harassment

Policy:

Sexual harassment constitutes discrimination and is illegal under Federal, State, and local laws. Sexual harassment is a form of sex discrimination under Title VII of the Civil Rights Act of 1964 as amended. Sexual harassment de-motivates and demoralizes victims, lowers productivity, creates a legal liability for the City, and will not be tolerated. Sexual harassment is a violation of work rules and persons who engage in harassing behaviors will be subject to disciplinary action up to and including termination.

For the purpose of this policy, and under the Equal Employment Opportunity Commission Guidelines, sexual harassment is defined as unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when for example:

- a) Submission to such conduct is made either explicitly or implicitly the term or condition of an individual's employment
- b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual
- c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or request for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body sexual prowess or sexual deficiencies; leering, whistling, or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages; and other physical, verbal, or visual conduct of a sexual nature.

Procedures:

The procedures discussed directly above for Harassment & Discrimination shall also apply to instances of sexual harassment.

Suspension during Legal Procedures

Policy:

During the investigation, hearing, or trial of an employee on any criminal charge, or during the course of any civil court action involving an employee, the City Council may suspend the employee without pay for the duration of the proceedings if the suspension would be in the best interest of The City. The suspension is an administrative action and not a disciplinary action, and back pay will not ordinarily be recoverable. When the suspension is terminated by full reinstatement of the employee, the City Council may authorize full recovery of pay and benefits for the entire period or for any lesser period, should they determine it is warranted.

Procedures:

Any employee subject to criminal investigation or criminal or civil proceedings must notify the Personnel Officer within twenty-four (24) hours. The Personnel officer will investigate the matter and provide a report to the City Council. The City Council will determine, based on the facts, whether to suspend the employee, and whether said suspension shall be with or without pay. If the decision is to suspend, the Personnel officer will be so advised and will immediately notify the employee, noting the conditions that must be met by the employee for reinstatement. The department head and payroll department will also be notified of the action taken.

Petition for the employee's reinstatement must be submitted by the employee to the Personnel Officer and forwarded to the City Council. If reinstatement is granted, the Personnel Officer will be notified of the action and any conditions that may apply. In consultation with the department head, the Personnel Officer will determine when the employee is to return to work and notify the employee of the date.

Failure of the employee to report for work at the stipulated time will result in immediate termination.

SECTION V – WORK SCHEDULES, HOLIDAYS, and PAY

Work Schedules

Policy:

Normal operation of all City offices other than those which provide continuous essential services will be Monday through Friday with hours beginning at 8:00 a.m. and closing at 4:00 p.m. Each department head will establish a policy for shift times and employee reporting times for their individual departments subject to the approval of the Mayor. Lunch time and break time will be scheduled to provide continuous service to the citizens of Fort Payne where deemed appropriate.

In the interest of better serving the public with extended hours, department heads may offer flexible scheduling of work hours to accommodate the needs of the citizens of Fort Payne, departments, and special needs of employees.

An employee may request work schedules that entail reporting to work either earlier or later than normal reporting times. The department head may authorize such changes if the following conditions are met:

- There is work for the employee to perform.
- Granting such a request will not interfere with the normal operations of the department or other departments.
- There will be supervision of the employee.

For those departments providing continuous service, twenty-four (24) hours per day, department heads will determine shift duration and reporting time. In making work schedules, department heads and/or supervisors will not violate these policies, or the Federal Fair Labor Standards Act.

Overtime:

The City of Fort Payne must maintain continuity of operations at all times. In order to maintain continuity and handle emergencies, it may be necessary for employees to work overtime. Reasonable attempts will be made to schedule overtime in advance but, in cases of emergencies, employees may be directed to return to work, work past normal quitting time, or report early. A reasonable attempt will be made to share this burden with all employees within a department. Failure of an off-duty employee to comply with a reasonable directive to report to work will constitute insubordination, and will be grounds for disciplinary action, up to and including termination.

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the supervisor's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Time off on sick leave, vacation leave, or any leave of absence will not be considered hours worked for the purposes of performing overtime calculations.

Failure to work scheduled overtime or overtime worked without prior authorization from the supervisor may result in disciplinary action, up to and including possible termination of employment.

Procedures:

1. Department heads and employees must follow the Defined Work Week Hours and Defined Work Periods as set out in Resolution No. 2013-08, attached hereto as Exhibit C.
2. Time worked for all employees must be recorded on the time sheet distributed by City Hall and must be submitted to City Hall by 9:30 a.m. on the Monday immediately following the end of the pay period.
3. Time records will be maintained in City Hall, as required by Federal and State laws.
4. Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.
5. Overtime will be calculated by the City Treasurer, or a designee thereof, in accordance with State and Federal law and based on the actual hours worked. Overtime will be paid in accordance with Resolution No. 2013-08, attached hereto as Exhibit C.
6. Department heads should plan staffing requirements in advance. When overtime will be required to provide coverage for employees on vacation leave, sick leave, or other approved leave, the employees designated to work overtime should be informed of the requirement as far in advance as practical.
7. It shall be the policy of the City to promote a fair rotation of overtime hours required. To this end, it may be necessary for the department head to keep a cumulative total of all employee overtime work hours so that new demands for overtime may be assigned fairly to the workers having the least cumulative total.
8. The department head or supervisor will document, in writing, cases of failure to report for overtime as directed, and prepare recommendations for disciplinary action to be forwarded to the Personnel Officer for review.
9. The Personnel Officer will inform the employee of the charges and establish a date for a formal hearing, subject to the provisions of the employee discipline policy and procedures.
10. Deviation from established work hours, including overtime, must be recommended by the department head and approved by the Mayor.
11. Employees requesting a deviation from established work hours will submit a written request to the department head. The department head will review and forward to the Mayor with a recommendation. The Mayor will authorize or deny the request.
12. The department head will be advised of the decision and will inform the employee.

Attendance and Punctuality

Policy:

To maintain a safe and productive work environment, the City expects employees to be reliable and be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the City. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence.

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

Holidays

Policy:

The City of Fort Payne recognizes certain days of religious and historical importance as holidays and pays employees for time off on these days in accordance with the City's eligibility rules.

Paid time off for holidays will not be counted as hours worked for the purposes of determining overtime.

Holidays Observed:

The following days will be observed as paid holidays for City employees (as adopted by the City Council on August 20, 2013):

- New Year's Day
- Martin Luther King, Jr. Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving and the following Friday
- Christmas

Eligibility Requirements:

1. The City of Fort Payne Has eighty (80) hours for holidays. Holiday pay will be paid out in increments of eight (8) hours straight time as each holiday passes. All full-time permanent employees will receive this amount annually for holiday time.
2. For employees whose work schedule does not include Saturday and Sunday:
 - a. If the holiday falls on Saturday, it will be observed on Friday.
 - b. If the holiday falls on Sunday, it will be observed on Monday

For employees whose work schedule includes Saturday and Sunday, the holiday will be observed on the actual day of the holiday.

3. Employees that work on a holiday will be paid at the rate of time and one-half for the hours that are actually worked on the holiday. The time period to be used for holiday pay calculation is from 12:00 a.m. of the day of the holiday until 12:00 a.m. of the following day.
4. In order to accommodate the special religious needs of some employees, special holidays may be granted in lieu of a scheduled holiday. A leave for religious observance may be granted as leave without pay or the employee may take vacation leave. With the approval of the department head, an employee may trade work shifts with an employee who is scheduled to work on a holiday.

Procedures:

1. A request for special leave for religious observance will be submitted through the department head to the Personnel Officer. A reasonable attempt will be made to accommodate the religious needs of the employee. The decision of the Personnel Officer on how to handle the request under this policy will be final.
2. The department head of each unit will be responsible for maintaining essential services on holidays. This may entail calling in employees who would not otherwise be scheduled to work, although this is not preferable due to the extra expense.

Emergency Weather Policy

Policy:

The City of Fort Payne recognizes that there are times when the weather conditions hinder normal work schedules and that traveling to work could put an employee or their property in a hazardous circumstance. The City also recognizes that there are certain City services that must be provided regardless of circumstances. Each supervisor is aware of their department's functions and should use due diligence in providing critical services at times of need.

Procedure:

1. Each department should have an inclement weather plan in place outlining basic expectations of employees during inclement weather.
2. Employees may be placed on standby when inclement weather is forecast.
3. Supervisors are responsible for notifying employees if they are expected to work during off-duty hours.
4. Employees are expected to work all normal work days regardless of weather conditions unless the supervisor has determined otherwise. Each supervisor must determine whether their employees should report to work, whether at a later time than usual, or not at all.
5. If a supervisor has determined that their department will be closed or will have a late opening, an employee will not have time taken off their personnel leave if they report at the designated time.
6. If an employee has been notified that they are expected to work but feels the driving conditions are too hazardous to attempt the drive to work, they may request someone pick them up. If there is no transportation available, or the employee chooses not to come to work, leave time will be taken off of their current or banked vacation time. If no leave time is available to that employee, the employee will not receive compensation for the hours missed.

Pay Policies

Policy:

The pay of all employees, other than those whose pay is fixed by the City Council, is established by the pay plan for the position in which they are employed, as provided by Exhibit D attached hereto, in its present form and as hereinafter amended by the City Council.

Classes and Procedures:

- 1. *Starting Pay:*** The pay rate upon initial employment is normally at the minimum of the range established for the position in which the applicant is hired. If an applicant has exceptional qualifications, a higher rate of pay may be granted if approved by the City Council.
- 2. *Probationary Increase:*** Employees successfully completing the probationary period and approved for regular status are eligible for a one-step wage increase.
- 3. *Merit or Special Training Increases:*** An employee may be recommended for a merit increase at any time, other than during the employee's probationary period, in recognition of superior performance. Recommendations for a merit increase must be initiated in writing, and must be approved by the department head and the City Council. An employee may be recommended and similarly approved for an increase because of special training he has completed for desired and approved job skills. The amount of special training increases is usually specified within the particular department's pay-for-skills policy. See Section IX – Training and Education Policy.
- 4. *Overtime: Non-Exempt Employees:*** In compliance with provisions of the Fair Labor Standards Act, any non-exempt employee will be paid overtime for all hours worked in excess of the maximum allowable hours at a rate of one and one-half (1½) times the employee's normal rate.
- 5. *Overtime: Exempt Employees:*** Exempt employees are hired to meet the requirements of the position regardless of the time it takes. Overtime pay for exempt employees is not allowed.

Note: An employee shall not be paid until he/she has completed all required payroll forms with the payroll clerk.

Pay Deductions and Corrections

Policy:

Deductions: The law requires that the City make certain deductions from every employee's compensation. Among these are applicable Federal, State, and local income taxes. The City also must deduct Social security taxes on each employee's earnings up to a specified limit that is called the Social security "wage base". The City matches the amount of Social Security taxes paid by each employee.

The City offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their pay checks to cover the costs of participation in these programs.

Pay setoffs are pay deductions taken by the City, usually to help pay off a debt or obligation to the City or others.

If there are questions concerning why deductions were made from the employee's pay check or how they were calculated, the supervisor can assist in having any questions answered.

Corrections: The City takes all reasonable steps to assure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the City so that corrections can be made as quickly as possible.

Once underpayments are identified, they will be corrected in the next regular paycheck. Overpayments will also be corrected in the next regular paycheck.

Paydays

Policy:

All employees are paid bi-weekly on every other Friday. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

Payroll periods end the Sunday prior to the payday on the following Friday.

In the event that a regularly scheduled payday falls on a holiday, employees will receive pay on the last day of work before the regularly scheduled payday.

SECTION VI - BENEFITS

Employee Benefits

Policy:

Eligible employees at the City are provided a wide range of benefits. A number of the programs, such as Social Security, workers compensation, and unemployment insurance, cover all employees in the manner prescribed by law.

Benefits eligibility is dependent upon a variety of factors, including employee categories, and your supervisor can identify the programs for which you are eligible. Details of many of these programs are found elsewhere in the employee manual.

The following benefit programs are available to eligible employees:

- Sick Leave
- Educational Leave
- Employee Assistance Program
- Family and Medical Leave Benefits
- Holidays
- Jury Duty Leave
- Life Insurance
- Meal Allowances While on Approved Travel Outside the City
- Membership in Approved Professional Organizations
- Mileage Pay for Approved City Travel in a Personal Vehicle
- Military Leave
- Pay for Current and Unused Vacation Leave at the End of the Calendar Year
- Retirement Plan
- Travel Allowances
- Uniform and Uniform Maintenance for Certain Departments
- Vacation Benefits
- Voting Time Off
- Witness Duty Leave

Some benefit programs require contributions from the employee, but most are fully paid by the City.

Insurance: Health and Life

Policy:

The City of Fort Payne will provide reasonable and reputable employee health insurance, including hospital and major medical benefits at no cost to all Regular Full-Time employees. A \$15,000 term life insurance policy will be provided to all Regular Full-Time employees during their employment with the City.

If the employee desires health insurance coverage for his/her family, the City will pay an amount to be determined by the City Council towards the combined employee and family coverage.

Exact policy details are subject to change each contract year, but negotiated changes are made only after consultation with employee representatives weighing coverage against cost.

Coverage eligibility is subject to the health insurance carrier's contract stipulations

Extended Coverage:

1. Upon retirement from the City with Twenty-Five (25) or more years of service with the City, an employee will be provided one (1) month's health insurance benefits for each complete year of service to the City upon retirement. This coverage will be for the employee only. If the employee is eligible for Medicare at the time of retirement or becomes eligible during this benefit period, the City will provide supplemental coverage to Medicare (commonly referred to as "C+") for the remainder of the benefit period as allowed under the policies of the insurance carrier.
2. Any Employee with at least 10 years' continuous service to the City, and who is deemed disabled by the Social Security Administration, is eligible to receive one month's single coverage health insurance for each complete year of service.

The City will continue to pay health insurance in the same manner as set forth above for those who did not have twenty-five (25) or more years of service at the time of their retirement and who retired prior to the passage of this Personnel Policy in reliance upon the prior policy that the City would pay for one (1) month's health insurance for each year of service *or* those who have submitted their retirement paperwork in reliance on said representation prior to the date of the passage of this Personnel Policy. Said policy and payments are hereby ratified.

3. The Federal Consolidate Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City's health insurance plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, death of an employee, a reduction in the employee's hours or a leave of absence, an employee's divorce or legal separation, and a dependent child no longer meeting eligibility requirements.

Under **COBRA**, the employee or beneficiary pays the full cost of coverage at the City's group rate plus an administration fee.

The City or its health insurance carrier provides each eligible employee with a written notice describing rights granted under **COBRA** when the employee becomes eligible for coverage under the City's health insurance plan. The notice contains important information about the employee's rights and obligations.

Retirement Program

Policy:

The City participates in the ***Alabama State Employees Retirement System***.

It is mandatory that all regular full-time employees participate from the beginning of employment, and participate in accordance with the rules of the ***Alabama State Employees Retirement System***.

More particular details are available from the Personnel Office upon request.

Section VII – MISCELLANEOUS

Conflicts of Interest

Policy:

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which the City wishes to operate. The purpose of these guidelines is to provide a general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation.

Transactions with persons or businesses with possible conflict of interest must be conducted within a framework established and controlled by the City. Dealings with outside persons or businesses should not result in unusual gains for those persons or businesses or City employees. Unusual gain refers to bribes, product bonuses, special fringe benefits, and other windfalls designed to ultimately benefit either the person or the business, the City employee, or both. Promotional plans that could be interpreted to involve unusual gain require specific executive-level approval.

An actual or potential conflict of interest occurs when a City employee is in a position to influence a decision that may result in a personal gain for that employee, or for a relative, or an associate as a result of the City's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside persons or businesses. However, if a City employee has any influence on transactions involving purchases, contracts, or leases, it is imperative that he or she disclose to an officer of the City as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

Personal gain may result not only in cases where a City employee or relative has a significant ownership in a firm with which the City does business, but also when a City employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the City.

The materials, products, designs, plans, ideas, and the data of the City are the property of the City and should never be given to an outside firm or individual except through normal channels and with appropriate authorization. Any improper transfer of material or disclosure of information, even though it is not apparent that a City employee has personally gained by such action, constitutes unacceptable conduct. Any City employee who participated in such a practice will be subject to disciplinary action, up to and including possible termination of employment and legal action.

Employment References

Policy:

To ensure that individuals who join the City are well qualified and have a strong potential to be productive and successful, it is the policy of the City to check the employment references of all applicants.

For inquiries from outside sources regarding City employees, the Personnel Officer will respond in writing only to those reference check inquiries that are submitted in writing. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held.

No employment data will be released without a ***written authorization and release*** signed by the individual who is the subject of the inquiry.

Life -Threatening Illnesses

Policy:

Employees with life-threatening illnesses, such as cancer, heart disease, and AIDS, often wish to continue their normal pursuits, including work, to the extent allowed by their condition. The City supports these endeavors as long as employees are able to meet acceptable performance standards. As in the case of other disabilities, the City will make reasonable accommodations in accordance with all legal requirements, to allow qualified employees with life-threatening illnesses to perform the essential functions of their jobs.

Confidentiality:

Medical information on individual employees is treated confidentially. The City will take reasonable precautions to protect such information from inappropriate disclosure. Managers and other employees have a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information is subject to disciplinary action, up to and including termination of employment.

Employees with questions or concerns about life-threatening illnesses are encouraged to contact the Personnel Officer for information and referral to appropriate services and resources.

Outside Employment

Policy:

An employee may hold a job with another organization as long as he or she satisfactorily performs his or her job responsibilities with the City. Employees should consider the impact that outside employment may have on their health and physical endurance. All employees will be judged by the same performance standards and will be subject to the City's scheduling demands, regardless of any existing outside work requirements.

If the City determines that an employee's outside work interferes with performance or the ability to meet the requirements of the City as they are modified from time to time, the employee may be asked to terminate or modify the outside employment if he or she wishes to remain employed with the City.

All outside employment shall be at efforts in a lawful activity. If an employee is determined to have outside employment in an unlawful environment, that employment shall be ceased immediately, and if the employee has knowledgeable involvement, he/she may suffer criminal prosecution. (See section "Suspension during legal procedures against employee.")

Outside employment will present a conflict of interest if it has an actual or potential adverse impact on the city.

Procedures:

No full-time employee may accept outside employment, either part-time, temporary, or permanent without prior written approval from the department head. Each change in outside employment will require separate approval. Approval will not be granted when outside employment conflicts with, or is likely to conflict with, the employee's public service. Employees may not engage in any private business or activity while on duty. No employee may engage in or accept private employment or render any service for private interest when such employment or service is incompatible or creates a conflict of interest with official duties.

1. Employees seeking approval of outside employment will file a request with the department head.
2. The department head will contact the potential employer to verify the nature of employment, duties and responsibilities related to employment, and projected hours of work.
3. The department head will notify the employee of his decision in writing.

If the outside employment is to be self-employment, the employee shall file a written statement with his request for approval stating the nature of the business or duties, and the projected hours of work.

NOTE: It is understood by the employee and outside employers that the employee's job with the City is to be given priority, and in no event shall outside employment prevent the employee from reporting to his/her City job in an emergency call-in.

Access to Personnel Files

Policy:

The City maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals, records of any disciplinary actions, salary changes, and other employment records.

Personnel files are the property of the City, and access to the information they contain is restricted. Generally, only supervisors and management personnel of the City who have a legitimate reason to review the information in a file are allowed to do so.

Employee Inspection:

Employees who wish to review their own file should contact the Personnel Officer. With reasonable advance notice, employees may review their own personnel files in the City's offices and in the presence of the individual appointed by the City to maintain the files.

Political Activity

Policy:

All employees are encouraged to join and take an active role in a political party of their own choosing. Employees will restrict political activities to non-working hours. No officer, agent, or employee of the City will solicit funds, distribute campaign literature, or otherwise promote a candidate for public office while on duty.

Pursuant to the *Code of Alabama § 17-1-4*, no person in the employment of the City, whether classified or unclassified, shall be denied the right to participate in any county, state, or political activities to the same extent as any other citizen of the State of Alabama, including endorsing candidates and contributing to campaigns of his/her choosing.

All persons in the employment of the City shall have the right to join local political clubs and organizations, and State and National parties. Also, employees shall the right to publicly support issues of public welfare, circulate petitions calling for and in support of referendums, and contribute freely to those of his/her choosing on his/her own time.

No person shall attempt to use his/her official authority or position for the purpose of influencing a vote or political action of any person. Any person who violates this section shall be guilty of a Class C felony pursuant to the *Code of Alabama § 17-17-4*.

Procedures:

1. It is the responsibility of all employees to comply with this policy. Department heads and supervisors will notify employees of any behavior inconsistent with this policy and warn them that a continuation will result in a disciplinary action. If the activity persists, the department head or supervisor will initiate the appropriate disciplinary action.
2. Any employee of the City who qualifies to seek a political office within the City shall be required to take an unpaid leave of absence, or use accrued leave or vacation time from the date he qualifies to run until the date on which the election results are certified, or the employee is no longer a candidate, or there are no other candidates on the ballot. Any employee who violates this provision shall forfeit his/her employment position with the City.

Reduction in Force

Policy:

Should it become necessary to reduce staffing levels of one or more departments because of reorganization, contracting out of services, implementation of new technology, reductions in budgets due to adverse economic conditions, or other conditions as determined by the City Council, such actions will be taken in a non-discriminatory manner with emphasis placed upon retaining those employees judged to be best qualified to maintain the highest level of service possible.

If positions are to be abolished, affected employees will be issued termination notices as far in advance as possible. Employees terminated as a result of reduction in force may be considered for rehire for any position they are qualified to perform.

If reductions are anticipated to be temporary, affected employees will be placed in layoff status, and will retain re-call rights for a period of three (3) months. Employees in layoff status may be recalled for any position for which they are qualified. Any employee offered a position while in layoff status that refuses the position offered will forfeit all recall rights to any future position.

Reductions in force will be accomplished in the following order:

- A. Volunteers
- B. Temporary personnel
- C. Part-Time personnel
- D. Probationary personnel
- E. Regular, Full-Time employees

Procedures:

1. The Mayor will determine where employment levels are to be reduced and will inform the Personnel Officer.
2. The Personnel Officer will meet with department heads and inform them of the actions to be taken with the effective date of the reduction in force.
3. Each department head will determine which employees will be subject to layoff or termination. The names of employees subject to reduction in force will be forwarded to the Personnel Officer for review and approval.
4. The Personnel Officer will notify the employee in writing of the proposed action and the effective date. Notification of employees will be made at the earliest possible date.
5. The Personnel Officer will schedule and conduct a meeting with employees to explain layoff and re-employment rights under this policy.

Safety

Policy:

To provide a safe and healthful work environment for employees, customers, and visitors, the City has established a workplace safety program. This program is a top priority for the City. The City has designated a Safety Officer whose responsibility shall be inspection and employee safety training. The Safety Officer has responsibility for implementing, administering, monitoring, and evaluating the safety program. Its success depends on the alertness and personal commitment of all.

Guidelines:

The City provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications.

Employees and supervisors receive periodic workplace safety training. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards.

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor, or with another supervisor or manager, or bring them to the attention of the Safety officer. Reports and concerns about workplace safety issues may be made anonymously if the employee wishes. All reports can be made without the fear of reprisal.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe conditions to the appropriate supervisor. Employees who violate safety standards, cause hazardous or dangerous situations, or fail to report or remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

Accidents:

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify the appropriate supervisor or the Personnel Officer. Such reports are necessary to comply with laws, drug testing, and to initiate insurance and workers compensation benefits procedures.

Seniority

Policy:

No employee who leaves City employment and later returns to City employment shall be given any departmental seniority or longevity credit for prior time employed.

No employee who transfers from one City department to another shall be given any departmental seniority credit in the department to which he/she transfers for prior time in other departments, and shall begin, for seniority purposes, as if he/she were a new employee. Total continuous employment time with the City shall continue to be considered for longevity purposes. Accrued sick leave and vacation time shall be unaffected, except that seniority for the purposes of choosing vacation time shall be determined as heretofore set out in this policy statement.

This policy does not apply to administrative transfers, either of a temporary or permanent nature ordered by the City Council.

Solicitation

Policy:

In an effort to assure a productive and harmonious work environment, persons not employed by the City may not solicit or distribute literature in the workplace at any time for any purpose.

The City recognizes that employees may have interests in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities during working time.

Examples of impermissible forms of solicitation include:

- The collection of money, goods, or gifts for political groups
- The sale of goods, services, or subscriptions outside the scope of official organization business
- The circulation of petitions
- The distribution of literature not approved by the employer
- The solicitation of memberships, fees, or dues

In addition, the posting of written solicitations on company bulletin boards is restricted. These bulletin boards display important information, and employees should consult them frequently for job openings and administrative announcements.

If employees have a message of interest to the workplace, they may submit it to the Personnel Officer for approval. All approved messages will be posted by the Personnel Officer.

Telephone and Mail: Personal Use

Policy:

Employees may be required to reimburse the City for any charges resulting from their personal use of the telephone (Cell service and landline), and the use of City paid postage for personal correspondence.

To assure effective telephone communications, employees should always identify themselves, and speak in a courteous and professional manner and confirm information received from the caller, and hang up only after the caller has done so.

Termination

Policy:

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

- Resignation – employment termination initiated by an employee who chooses to leave the City voluntarily
- Discharge – employment termination initiated by the City
- Layoff – involuntary employment termination initiated by the City for non-disciplinary reasons and/or a reduction in force
- Medical Termination – employment termination initiated by the employee or by the City when an employee is unable, for health reasons, to continue to work
- Retirement – voluntary retirement from active employment status initiated by the employee

Employee benefits will be affected by employment termination in the following manner:

- All accrued, vested benefits that are due and payable at termination will be paid
- Health insurance benefits may be continued at the employee's expense under Cobra if the employee so chooses
- The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

Travel in Service

Policy:

The City will reimburse employees for reasonable business travel expenses incurred while on approved assignments away from the normal work location. All non-routine, special business travel must be approved in advance by the Mayor.

Employees whose travel plans have been approved are responsible for making their own travel arrangements.

Reimbursement:

When approved, the actual costs of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives will be reimbursed by the City. Employees are expected to limit expenses to reasonable amounts.

Expenses that generally will be reimbursed include the following:

- Airfare or train fare for travel in coach or economy class or the lowest available fare
- Car rental fees, only for compact or mid-sized cars
- Fares for shuttle or airport bus service, where available, and cost of public transportation for other ground travel
- Taxi fares, only when there is no less expensive alternative
- Mileage cost for use of personal cars at the standard IRS expense claim rate, only when less expensive transportation is not available
- Cost of standard accommodations in low to mid-priced hotels, motels, or similar lodgings
- Cost of meals, no more lavish than would be eaten at the employee's own expense
- Tips not exceeding 15% of the total cost of a meal or 10% of a taxi fare
- Charges for telephone calls, fax, and similar services required for business purposes.

Any employee who is involved in an accident while traveling on City business must promptly report the incident to the immediate supervisor. Vehicles owned, leased, or rented by the City may not be used for personal use without prior approval.

Employees on business travel may be accompanied by a family member or friend when the presence of a companion will not interfere with the successful completion of business objectives. Generally, employees are also permitted to combine personal travel with business travel as long as no personal expenses or non-business time is charged to the City. Additional expenses arising from such companion and non-business travel are the responsibility of the employee.

When travel is completed, employees should submit completed travel expense reports within fourteen (14) days. Reports should be accompanied by receipts for all individual expenses.

Employees should contact their supervisor for guidance and assistance on procedures related to travel arrangements, expense reports, reimbursement for specific expenses, or any other business travel issues.

Abuse of this business travel expense policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action, up to and including termination of employment.

Use of Equipment and Vehicles

Policy:

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Please notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment and/or vehicles used on the job.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations can result in disciplinary action, up to and including termination of employment.

Section VIII – Drug and Alcohol Abuse Testing Policy

Drug and Alcohol Abuse Testing Policy

Alabama Drug-Free Workplace Policy

It is the City's desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

The City's Drug-Free Workplace Policy Statement is attached hereto as Exhibit E.

Section IX – Training and Education Policy

The purpose of this policy is to enhance the professional level and effectiveness of the individual in assigned duties and to broaden the individual's knowledge and skills for future job assignments by encouraging each employee to learn and progress to the extent that individual ability permits and rewarding employees for educational and training achievements. This policy pertains to all regular, full-time City employees below Department Head level.

A. Background:

Career development and job skills are the joint responsibility of the employee and the employing department of the City. Career development is a personal and continuous activity that can only be achieved by the commitment of the individual and the City.

B. Summary:

1. The City will offer an automatic salary adjustment for certain training and education (defined by department in part F of this policy).
2. For all other training, the City will adjust salary one step for every 160 hours of successful completion of a training or educational program approved by the department supervisor and the Fort Payne City Council (see part D – restrictions to training).
3. An employee must complete basic minimum training required by each department before additional training hours may count. Required training is defined by each department individually. Required training hours do not count towards training hours for future salary adjustments. These hours are required to keep employment with the City in that department.

C. Training Hours – Definition:

Training hours are defined as the amount of time accredited by the program. For example, even if a course may take an employee 40 actual hours of class time, it may only be a 20 hour accredited course. The employee will be given credit for 20 hours. Travel time does not count. However, travel may be reimbursable. All this should be discussed with your supervisor and settled in advanced of attendance of any program to avoid misunderstanding or miscommunication.

D. Restrictions to Training:

1. As defined in the City's policy for longevity raises, an employee can only advance to Step 15 of any grade. Additional raises would have to come from promotion or reclassification to another grade.
2. A probationary employee may not receive training raises other than automatic raises (defined in part F of this policy) prior to achievement of regular full-time employment with the City and after completion of all required minimum basic training for the employing department.

3. All training must be approved in advance by the department head in order to receive credit, even if it is not sponsored by the City and is being paid for by the employee. The department head must make the determination if the program will enhance and benefit the employee in performing his/her job.
 4. An employee attending an accredited junior or graduate institution will not be given credit for hours of study until an associates or higher degree is obtained in a field of study that is related and relevant to the employing department's functions.
 5. Re-certification hours do not count as additional training hours. However, the employee is required to maintain any required certifications. Failure to do so will result in loss of the pay adjustment for the training.
 6. Employees who receive credit for non-certified training will be asked by the supervisor from time to time to demonstrate that they have maintained proficiency of skill obtained through training. Failure to maintain skill will result in loss of the pay adjustment for the training.
 7. Training hours are only counted during employment by the City. Training received prior to employment should be considered when establishing wages upon hiring.
 8. The City's and departments' ability to furnish training will depend largely on the fiscal budget for the year. Supervisors should make every effort to be fair and keep adequate documentation when determining which employees are receiving City sponsored training. Decisions should be based on the employee's ability and willingness to participate in a program as well as past performance by the employee in training and on the job.
 9. Pay adjustments will only be made after the successful completion of a program. Training hours during non-successful attempts will not be counted.
- E. Basic Minimum Required Training to Maintain Employment (by department):
 Departmental requirements are subject to change by state or federal law or by individual departments or City Council action. Employees will be notified of changes by department supervisors.
1. Police Department – approximately 500 hours
 - a. Police Academy
 - b. Firearms Certification
 - c. Recruit Training Policies, Procedures, and report writing (on-the-job training)
 - d. Chemical Weapons Certification
 - e. Radar Certification
 2. Fire Department – approximately 590 hours
 - a. Certification School – FFI / II – 360 hours
 - b. EMT/First Response – Basic EMT – 190 hours
 - c. Driver Operator – 40 hours

3. Emergency Communications (E-911) (approximately 186 hours):
 - a. APCO 54 hour Basic Tele-communicator Course
 - b. Priority Dispatch Law Enforcement Dispatch Course – 24 hours w/2 year re-certification
 - c. Priority Dispatch Emergency Medical Dispatch Course – 24 hours w/2 year re-certification
 - d. Priority Dispatch Fire Dispatch Course - 24 hours w/2 year re-certification
 - e. CPR Certification – 4 hours w/2 year re-certification
 - f. NCIC Certification – 16 hours w/year re-certification
 - g. Dispatch required NIMS training – 40- hours

Priority Dispatch Certifications require 12 hours of CEU per course per year – 36 hours per year

4. Public Works, Court, Inspections, Administration, Sewer, Airport, and Recreation employees work on a one year probation. Determination of continued employment with the City is made by supervisors based on the employee's job performance and record during the first year of employment. An employee, at this time, will be considered for regular full-time employment or have their probationary period extended. After achievement of regular full-time employment, the employee can be given credit for training hours.

F. Automatic Training Raises (by department):

1. The City will adjust any eligible employee's pay for training acquired during employment. The employees will have thirty (30) days from adoption of this policy to provide proof of past training hours. All of the following must apply before training credit will be allowed:
 - a. The employee must provide documentation of classes attended
 - b. The employee must have maintained certification, where applicable
 - c. The employee must prove proficiency has been maintained for non-certified training
 - d. The employee must not have already been compensated for the training whether through promotion or pay adjustment
 - e. The training must have been obtained during employment with the City
 - f. The supervisor must determine that the training was to obtain skills and knowledge relevant and beneficial to the employee performing his/her functions
2. Department heads are not eligible for training adjustments unless individually approved by the City Council.
3. One-time pay adjustments will be made on the payroll date after submission of the proof of successful completion qualified coursework.
4. Following are automatic training raises by department:

- a. Any Department: Related Field Degrees from an accredited junior or graduate institution obtained during employment with the City
 1. Associates Degree – 2 steps
 2. Bachelors Degree – additional 1 step, or 3 steps if no step raise previously given for Associates Degree
 3. Masters Degree – additional 2 steps
- b. Police Department:
 1. Firearms Instructor – 1 step
 2. Narcotics Task Force – 1 step
 3. “Too Good for Drugs” Certification – 1 step
 4. IPTM Advanced Traffic Accident Investigation – 1 step
 5. FBI National Academy – 1 step
- c. Fire Department:
 1. EMT Advanced –2 steps
 2. Paramedic – 2 steps
 3. Instructor I (Must have attained EMT Advanced Certification prior to this training and Fire Chief’s approval) – 1 step
 4. Instructor II – 1 step
 5. Fire Officer IV – 1 step
- d. Emergency Communications (E-911):
 1. EMT I – 1 step (additional EMT training would not be considered because additional skills learned could not be utilized over the phone)
- e. Court Magistrate:
 1. Municipal Court Clerk and Magistrate Certification – 1 step
- f. Public Works Department and Sanitation:
 1. CDL License – 1 step
 2. Certified Welding School – 1step
 3. Certified Profession Engineer – 2 steps
 4. Maintenance and Adjustments Procedures with front loader, rear loader, and side loader garbage trucks (sponsored by Heil Corp) – 1 step
 5. Master Gardner Training (sponsored by Auburn Extension Service) – 1 step
 6. Wastewater Collection Line Certification – 1 step
- g. Administration:
 1. Certified Municipal Clerk – 1 Step
 2. Certified Public Accountant – 2 Steps
- h. Sewer
 1. Grade 1 Operators License – 1 step
 2. Grade 1 Collection Line License – 1 step
 3. Grade 2 Operators License – 1 step
 4. Grade 3 Operators License – 1 step
 5. Grade 4 Operators License – 1 step
- i. Parks and Recreation:

1. Master Gardner Training (sponsored by Auburn Extension Service) – 1 step

G. Approved Training Programs by Department:

1. Any program not listed in this section or on the automatic training raises defined in Part F of this policy must be approved by the department head and the City Council before credit will be given for hours of training.
2. Approval must be obtained prior to the beginning of the course.
3. After Council approval, the programs or sponsoring agencies will be added to this section and will not have to be approved again by the Council. However, the Council reserves the right to review the course list at any time and may add or delete any agency or program if they determine that the training is not related to the department and after discussion with the department head.
4. Approved training programs are as follows:
 - a. All departments: any accredited or certified related course sponsored or given by the following agencies:
 - 1) Institutions of higher learning (college or university)
 - 2) League of Municipalities
 - 3) State of Alabama
 - b. Police Department: any accredited or certified related course sponsored or given by the following agencies:
 - 1) Police Academies
 - 2) Any law enforcement agency (local, state, or federal level)
 - 3) Police equipment manufacturers
 - c. Fire Department: any accredited or certified related course sponsored or given by the following agencies:
 - 1) Alabama State Fire College
 - 2) Alabama Association of Arson Investigators (AAAI)
 - 3) Fire Academies
 - d. Emergency Communications (E-911): any accredited or certified related course sponsored or given by the following agencies:
 - 1) Powerphone, Inc.
 - 2) Association of Police Communication Officers (APCO)
 - 3) Priority Dispatch
 - 4) Emergency Management Association (EMA)
 - 5) Federal Emergency Management Association (FEMA)
 - 6) National Emergency Number Association (NENA)
 - e. Administration: any accredited or certified related course sponsored or given by the following agencies:
 - 1) Alabama Society of CPA's (ASCPA) or American Institute of CPA's (AICPA)
 - 2) Alabama Department of Economic and Community Affairs (ADECA)

- 3) Government Finance Officers Association (GFOA)
- 4) International institute of Municipal Clerks (IIMC)
- f. Sanitation: any accredited or certified related course sponsored or given by the following agencies:
 - 1) Solid Waste Association of North Alabama (SWANA)
 - 2) Alabama Department of Environmental Management (ADEM)
- g. Sewer: any accredited or certified related course sponsored or given by the following agencies:
 - 1) Alabama Department of Environmental Management (ADEM)
- h. Inspections: any accredited or certified related course sponsored or given by the following agencies:
 - 1) International Association of Electrical Inspectors (IAEI)
 - 2) Southern Building Code Congress
- i. Court Magistrate: any accredited or certified related course sponsored or given by the following agencies:
 - 1) Office of Municipal Courts

Section X – Catastrophic Illness Policy

Catastrophic Illness Policy

The Catastrophic Relief Committee recognizes that there may be circumstances where an employee may need assistance above and beyond what the basic leave policy allows. Therefore, the following guidelines are adopted to allow employees to donate personal sick leave to a fellow employee in need.

The committee also recognizes that a long-term illness can cripple a department's ability to replace a much needed position and has therefore set forth limitations on what an employee is eligible to receive.

1. Eligibility:
 - a. An employee must have exhausted all personal time available to him/her including vacation, sick, and comp time.
 - b. An employee must expect that he/she will miss a minimum of four (4) weeks of shifts in a row and must have a valid doctor's report indicating the same.
 - c. Every employee will be limited to catastrophic relief of no more than 52 weeks of shifts in a five (5) year period
2. Procedure and Limitations:
 - a. Petitions for catastrophic relief must be made by the employee's department head and turned in to the City Treasurer who will in turn present the petition to the Catastrophic Relief Committee for approval.
 - b. Petitions must be made for each incident of continuous break in service.
 - c. The petition must be approved by 5 of the 6 members of the Catastrophic Relief Committee before an employee will be allowed to receive donated time from other employees.
 - d. Petitions must be re-submitted every 30 days before the Catastrophic Relief Committee with updated reports on the employee's prognosis.
 - e. At no time shall a recipient of donated sick time be allowed to draw more than their regular bi-weekly pay.
3. Guidelines for Donating Sick Leave to a Specific Employee
 - a. Any employee of the City may donate personal sick leave to an employee who has been approved by the Catastrophic Relief Committee to receive catastrophic relief providing the donating employee has a minimum of ten (10) days of personal sick leave available. An employee who has less than ten (10) days of personal may not donate any time. An employee will be allowed to donate up to a maximum 20 % of their available personal sick leave. For example, an employee with 90 days of sick leave will be allowed to donate up to 18 days.
 - b. Any donation of sick time will be considered a shift for a shift as provided in Resolution 2013-08, attached hereto as Exhibit B.
 - c. An employee who donates personal sick days must sign the appropriate form indicating the number of days they have available, the number of days they wish to donate, and the employee to whom the days are being designated to.

- d. Any days donated will be deducted from the donating employee's personal sick leave and will be designated to the employee specified to be used by that employee until they return to work.
- e. Any unused days are lost both to the donating employee and the recipient of those days. The committee will allow an unused balance to be reserved for up to 30 days to allow for "relapse" time.
- f. At no time shall the committee allow more than time equal to 52 weeks of shifts to be deposited in the name of one employee.
- g. Donating time shall at all times be voluntary on the part of an employee

Section XI – Completeness & Severability

The foregoing Personnel Policy represents the entire and complete Personnel Policy of the City of Fort Payne and any and all prior policies, in whatever form, are hereby repealed.

In the event that any covenant, condition, or provision contained in this Personnel Policy is determined to be invalid, void, or illegal, such covenant, condition, or provision shall be deemed deleted from this Personnel Policy and shall not affect the validity of the remaining provisions of this Personnel Policy.